

FLSP Submissions Received from Individuals

1. Dennis Snow
2. Ritika Narang
3. Lauren Hawn
4. Vinoth Kumar
5. Woody Brown
6. Catherine Pal
7. Sarah Salisbury
8. Jennifer Weeks
9. Cris Lam
10. Jonathan Miller
11. No One
12. Jose Bento Rodrigues
13. Jorge Steinmetz
14. Helen Poole
15. Khashayar Sattarzadeh
16. Reyhaneh L
17. Jenn Etheridge
18. Edward Choi
19. Ellen Walker
20. Katie Hunter
21. Ashley Kroll
22. Erin Kroll
23. Stephanie Kroll
24. Charly Cotton
25. Masi Lakzai
26. Adam deCosta
27. Robert Lucas
28. Jaclyn Rose
29. Chithika Withanage
30. Michael Orrett
31. Alistair Vigier
32. Angelo Koitsis
33. Chi Ude
34. Melissa James
35. Chris Young
36. Tabatha McNicol
37. James Bowie
38. John Q Taxpayer
39. Pamela Sero-Thompson
40. Jennifer Burnell Dieleman
41. Jade Fisher

42. Melissa Zaffino
43. Unhappy Lawyer
44. Clara Pal
45. Stefan Dreesen
46. Clapham Omnibus
47. Geoffrey Moore
48. Carla Balmakoon
49. Krystle Shannon
50. Tom Coons
51. Mary Jo Franchi-Rothecker
52. Alexandria Cordale
53. Danny Seto
54. KS
55. Chris Parik
56. Eric Goodwin
57. Melissa Mason
58. Betzabe Monterrosa
59. Charlene Lewin
60. Abdul Ahmed
61. Lauren Reid
62. Michele Croft
63. Amber-Marie Beaven
64. Natalie Feizi
65. Kalynn Davis
66. Karenia Castillo Viamontes
67. Megan Howard
68. Monisha Singh
69. Kevin Wiedekowsky
70. Ayaz Mehdi
71. Laurel Fortin
72. Aminah Donato
73. Evgeny Parmut
74. Shahrzad Sekhavati
75. Adriana Chimirel
76. Valerie Hawkes
77. Rick Howard
78. Cynthia Saunders
79. Kevin Chen
80. Karen Peuser
81. Lesley McKnight
82. Jennifer Haughton
83. Prakash Dave
84. Jacqueline Roberts
85. Jessica Mason

86. Anamika George
87. Jennifer Gravel Vanasse
88. Sarah Coons
89. Victoria Ourumis
90. Alan DeKok
91. Mardi Lichti
92. Allette Betton
93. Alexandar Pavlov
94. Pheroze Jeejeebhoy
95. David Gray
96. Tania McNab
97. Courage Boissoneau-Thunderchild
98. John Fagan
99. Sylvia Brin
100. Svetlana Macdonald
101. Nicholas Bala
102. Cheryll Harris
103. Sugunaraj (Raja) Kanagarayar
104. Leah Jones
105. Greta Francis
106. Sharon Couvier
107. Anonymous
108. Cameron Priske
109. Sandra Kudla
110. Rudolph Thompson
111. Peter Robertson
112. Zoe Clark
113. Ian Kirby
114. Veneise Lowe
115. Brad Comeau
116. Inga Ostojic
117. Salauddin Ahmed
118. Maria DiMauro
119. Sue Draper
120. Kimberly Belanger
121. Sharda Bickramsingh
122. Sheri Thompson
123. Shelby Schafranek
124. Nurul Zarai
125. Kelicia Letlow
126. Carla Graham
127. Stephanie Anderson
128. Angela Browne
129. Kerl S.

130. Hillary Linton
131. Michael Chiddenton
132. Naseem Hosein

#4

Please enter your first and last name	Dennis Snow
Email Address	dmslegal@rogers.com
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	Yes
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Sole practice
Practice area focus:	- Administrative Law - Ontario Court of Justice - Provincial Offences Act matters
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes! Allow other legal procedures to be accessed by the public to assist those who can not afford a lawyer, need only coaching or assistance with certain issues that do not require the full services of a lawyer that require a retainer fee. SRL's can choose a FLSP that they feel can service they're needs on a more compassionate level and trust that the FLSP has more of an understanding of the person, and not just the case and the person is just a client!

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes! They can target a demographic that would be better served by a coach or guide to help them through the legal process, rather than take total control and treat the client as they are being shoehorned through the legal system and not have the legal statutes explained that the court can only rule as per statute! Family matters drag on too long when they could be ended if all parties understood the outcome is mostly decided by the circumstances! Settlement outside of court will be a greater emphasis on matters that are less complex and not be dragged out waiting for complex matters to be resolved that do require the courts involvement!

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Yes! Lawyers had issues with paralegal licensing that have proved unfounded! It seems with technology the use of a full law degree has little use when all the information one needs to consider and resolve a matter is available to anyone on-line! The monopoly lawyers have on Family Law is not allowing people to feel they have any control of their case or any recourse if they are not being serviced properly or feel their emotional needs are being met; lawyers tend to be law focused and keep emotions out of the issues, be the voice of reason; when the reason the family matter is before the courts is because of emotions! A FLSP can act as a coach or confidant and offer a more personable approach on a layman's level, allowing the client feel more of a rapport with the FLSP.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Filling and filing of documents, gathering information needed to protect legal interest of client, educating client on process and possible outcomes, deciding if a lawyer would better suit their case or limited scope retainer/coaching. Assisting SRL's with certain aspects of the case that only require minimal assistance where case are uncomplicated and should be decided in settlement.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

Yes! Considering the recent development and advances on-line learning should be considered.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Licencee of the Law Society of Ontario.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

Field placement should be required for non licensees only (paralegals have completed placement).

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

As laws and procedure change, so should the knowledge of the FLSP keep on par.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Law Clerks should be considered and have a requirement to do field placement to ensure practical skills are competent; working outside of theory and classroom.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Personal experiences and the ability to be more of a coach on a personable level and not just a legal representative that is law focused and lacks empathy.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes! The time has come to open the process to providers that can offer more than just law focused representation.

12. Are any aspects of the proposed licensing framework unfeasible?

Only classroom settings; on-line learning is the future!

13. Is there additional information or are there other factors that should be considered?

Allowing FLSP's to target demographics i.e. Men helping men in the divorce process that need emotional support due to issues that may lead to a high conflict person frustrating the process as their only means to being heard. Woman helping woman in understanding the process when it comes to equality and the right both parties have are equal! Anyone who has been through the divorce process has an in-depth knowledge; this knowledge should be considered and given credit.

#8

Please enter your first and last name	Ritika Narang
Email Address	narangritika@ymail.com
Please make a selection below	I am a lawyer
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Sole practice
Practice area focus:	- Family /Matrimonial Law - Immigration Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central West, including Bruce (Walkerton), Grey (Owen Sound), Dufferin (Orangeville), Wellington (Guelph), Peel (Brampton), Halton (Milton)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

It will not as the level of expertise and knowledge that is needed to provide good service will be lacking.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

A lawyer undergoes five steps to be a legal counsel: minimum of two years of undergraduate education, Isat, law school, Articling and bar exams. By allowing someone to attend a one to two year program to provide services that a lawyer provides undermines the educational system and the path that lawyers have to take to provide good legal services. Furthermore the introduction of out of profession persons to provide services at a time when COVID 19 has greatly inhibited the work that a lawyer can do, will cause financial and other hardships on lawyers that will sway them away from the profession.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Nothing

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

No for reasons noted above.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

At least two years of university education, Articling and writing exams with the Iso to prove their competency.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

It should be the same length and system as the one that lawyers have to undergo.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

No

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

N/a

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Not at all!

12. Are any aspects of the proposed licensing framework unfeasible?

No

13. Is there additional information or are there other factors that should be considered?

N/a

#9

Please enter your first and last name	Lauren Hawn
Email Address	lhawn062@uottawa.ca
Please make a selection below	I am a lawyer
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Medium firm (6-199 licensees)
Practice area focus:	- Family /Matrimonial Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

I worry that allowing paralegals to represent litigants in Family Law, and to negotiate and prepare separation agreements would result in many parties receiving bad legal advice, increased costs to clients, and increase delays in family court.

There are many aspects of separation and divorce that are nuanced, and not clear cut. Indeed a majority of the work is not just a math equation, but a judgement about best interests, and what are and are not appropriate exclusions and inclusions for determining incomes. Paralegals currently receive no family law training and are not at all familiar with the process or court forms. The training paralegals currently receive, particularly as it relates to small claims and landlord tenant, focuses on concepts of fairness and equity; this can be at odds with family law concepts of contract, and children's best interests.

Throughout my career as a lawyer practicing in Family Law I have encountered paralegals that have been retained to draft separation agreements based on mediation reports. This is one of the simpler tasks that family law lawyers perform regularly, and I have yet to find an agreement drafted by a paralegal that I could allow a client to sign. I know that this is anecdotal only, but I simply would not trust a paralegal to draft an agreement that involved the transfer of property, an RRSP roll-over, or a pension division. I also have noted that the paralegals with whom I have spoken do not understand the importance of Net Disposable Income to the issue of child and spousal support. I have interacted with many lawyers that are not familiar with s. 9 of the Child Support Guidelines when there is not a clear off-set of support. This is another issue that I would not trust a paralegal to handle.

Unfortunately, there is often no way to know if these types of issues will arise on any separation until after a client interview has been conducted. A paralegal not trained in these areas could either 1) not identify a potential issue and thereby cause their client to waive a significant entitlement, or 2) could be motivated to ignore an issue that would prevent the paralegal from taking on a case. It is not as simple as simply stating that a paralegal should only do separation agreements, because all court issues aside from restraining Orders, can be dealt with in a separation agreement.

The only feasible way to involve a paralegal in a family law practice safely would be to require that the paralegal be mentored and supervised by an experienced family law lawyer.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

No. The overhead cost of running a law firm is too high to allow family lawyers to compete with the lower prices offered by paralegals.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

If paralegals were to practice in family law in any capacity, they should be required to train specifically in family law and/or to pass a test of general family law knowledge. There is no other way to ensure that families are not irreparably damaged by one or both spouses receiving bad (and polarizing) advice from an untrained paralegal.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

If a paralegal were to be directly supervised by an experienced family law lawyer that guarantees their work, a paralegal could effectively attend some court dates on behalf of counsel, and assist with collecting client information, and document drafting. However, I do not believe that licensed paralegals currently have the skills and training necessary to provide legal services in any area of family law to the standard of competent counsel.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

No. It takes at least a year of practice under the supervision of an experienced lawyer for most new lawyers to feel comfortable handling a relatively simple case. Many lawyers practicing family law continue to seek mentor-ship from the senior bar, and local bench throughout their careers. I do not think that it would be possible for a person trained for only a few months to provide competent family law advice and assistance.

Family law tends to overlap with many areas of law and financial planning. To appropriately advise a client in family law, you also need to have knowledge of tax law and income taxes, corporate income taxes, how to obtain and challenge valuations of businesses and investments, estate planning, criminal law, child protection, indigenous legal issues, drug issues, financial planning and investing, life insurance, pensions, travel regulations, vehicle transfers, real estate sales and transfers, etc. I don't see how it would be possible to effectively train an individual to identify these issues and accurately advise a client without at least 2 years of education and/or ongoing mentor-ship from an experienced counsel.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?
Mentorship from an experienced family law lawyer with direct supervision for a period of not less than one year.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

Mentorship from an experienced family law lawyer with direct supervision for a period of not less than one year.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?
Why would we have a different standard for non-lawyers than for lawyers? Lawyers must complete Continued Professional Development in their areas of practice and I see no reason that Paralegals would not be required to do the same.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Absolutely not.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

costs. Paralegals do not incur as many fees for obtaining their degrees and are able to bill their clients at a lower rate. Unfortunately, many clients with economic struggles will feel they have no choice but to go with the cheapest hourly rate, which may end up costing them much more in the long run.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

No. Literacy and technological literacy continue to prevent many clients from access justice.

12. Are any aspects of the proposed licensing framework unfeasible?

yes, please see answers above.

#12

Please enter your first and last name	Vinoth Kumar
Email Address	Vinothkumarishere@gmail.com
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
Practice area focus:	- Landlord and Tenant Law - Ontario Court of Justice - Provincial Offences Act matters - Small Claims Court matters
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes because we need paralegals in family law. Paralegals are cheaper and affordable. Immigrants can't afford expensive lawyer.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Well I think paralegals can combine practice and provide family law services. Vulnerable people come to paralegals. So they can combine the services like immigration, small claims court matters etc.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

I would say Bachelor degree the minimum. Family law is serious matter

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Simple divorces, simple legal advice for people requiring assistance in family law.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

Sufficient.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Bachelor degree

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

6 months

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Well paralegal already have this but I think cpd is good

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Paralegals. Some family law clerks too

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Cost structure

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes

12. Are any aspects of the proposed licensing framework unfeasible?

Nothing. It looks good.

13. Is there additional information or are there other factors that should be considered?

Na

#17

Please enter your first and last name	Woody Brown
Email Address	wbrownparalegal@icloud.com
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Crown's Office
Practice area focus:	<ul style="list-style-type: none">- Administrative Law- Civil Litigation – Defendant- Civil Litigation – Plaintiff- Small Claims Court matters- Worker's Compensation
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)
Upload a File	FLSP Comments and Concerns.pdf
Scope	
Competence	
Training Program	
Other Components of Licensure	
General	

I just reviewed the Law Society's Consultation Paper on the Family Legal Services Provider Licence and I have a few comments/concerns:

a) What exactly is going to count towards the "prerequisite of one to three years of full-time practice experience as a licenced paralegal"?

A large number of paralegals seeking this new licence will be working as legal assistants (including myself) and are taking this training to increase their skillset to gain better employment. Since I technically do not provide legal services in my current role as a legal assistant, I would like to know that my work experience would still count towards the prerequisite practice experience. Perhaps the requirement should simply be "one to three years of being licenced as a paralegal".

b) The majority of paralegals in the working world simply cannot take six or eight months off work to go back to school full-time. Many of us will also be unable to take an additional two or three months off work to complete yet another field placement. If I were to do that, I would almost certainly lose my job.

The educational component of the FLSP must *absolutely* be offered on a part-time and weekend basis. It is essential that the colleges deliver the training in such a way that those of us working Monday to Friday, 9-5 jobs have the opportunity to enhance our paralegal skills and also obtain this new licence. Also, the idea of a 2-3 month work placement must be re-visited. Otherwise, paralegals who already have jobs but want to obtain this new licence will be unable to do so.

c) Since it appears that being a licenced paralegal is a prerequisite of the FLSP, why don't we simply call these colleagues "Paralegal with Family Law Endorsement"? An endorsement would be more appropriate than creating an entirely new licence (which to me sounds very similar to that of the Immigration Consultant Licence). How is a paralegal supposed to attract new clients and effectively advertise when they have to list three separate licences on their advertisements? That would be extremely confusing for the public and unreasonably burdensome on paralegals who wish to offer a wide array of legal services.

I absolutely love the idea of expanding the paralegal scope of practise to include family law. However, I hope the Law Society takes the above points into consideration before finalizing the new processes for paralegals wishing to engage in such practice. Thank you for taking the time to read my comments and concerns.

Respectfully,

Woody Brown
Paralegal Licence No. P16421

#22

Please enter your first and last name	Catherine Pal
Email Address	catherinep123@gmail.com
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	Yes
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Other
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes, but the plan should be implemented quickly and interested lawyers should be subject to the same family law additional educational requirements as paralegals. Many families go through the legal system each day without access to affordable proficient legal services. For example, my own family suffered greatly already, with lawyer, Laura Oliver, leading the abuse of process. I became a paralegal to learn the laws, overcome my PTSD after related malicious prosecution and to reduce my legal costs. This program is way too late for my family; my kids are severely alienated since 2013 and are now aged 16 and 18. I'd like to be able to get the family law licensing to do good work, stop lawyers from bleeding clients based on unethical theories, and prevent other families from suffering as my family did.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Lawyers and paralegals alike should be required to undertake the family law training if they wish to practice in family law. Sadly, there are completely oblivious family law lawyers, like Laura Oliver in Oakville, who are unable to recognize the signs of severe parental alienation.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

All the activities in the proposal. Also, a paralegal should be able to provide a certificate of independent legal advice for parenting coordination, mediation, and arbitration agreements.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

Yes

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

A paralegal license or lawyer license should be required to qualify to take a more specialized Family Legal Services Provider license. Lawyers should not be given free reign to practice in family law without this specialized training.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

6 months to 1 year part-time is reasonable training. I'm not fond of placements because they are often free labour opportunities for lawyers for scanning, filing and shredding. If a placement is determined to be required, then it should be available through the Office of the Children's Lawyer, Family Law Information Centre, Legal Aid, Family Responsibility Office, a parenting coordinator office, mediation and/or arbitration office, social worker who does s.30 child custody assessments or an office that provides family law services.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Not necessarily. It is already likely that a FLSP would be interested to take CPD in this area. If I'm correct, lawyers are not currently required to take CPD that is focussed in each of their practice areas.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

No. I have taken the ILCO courses as well and I don't find there is anything currently in the 4 courses (real estate, estates, corporate, litigation) that sufficiently covers family law.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

cost, accessibility, regained trust in the legal profession

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes, a FLSP is very necessary and long overdue.

12. Are any aspects of the proposed licensing framework unfeasible?

No. This consultation is, in my opinion, long overdue, and possibly a stall tactic induced by family law associations who should also be revamped to allow in the FLSPs into their membership.

13. Is there additional information or are there other factors that should be considered?

Yes, delay hurts more families.

#27

Please enter your first and last name	Sarah Salisbury
Email Address	Sarahsalisbury29@yahoo.ca
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Sole practice
Practice area focus:	- Criminal/Quasi Criminal Law - Landlord and Tenant Law - Ontario Court of Justice - Summary Conviction Offences - Small Claims Court matters - Tribunals - Child protection / family under the supervision of Robert Ratusny (lawyer)
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes as a paralegal that works under the supervision of a lawyer in family law it will allow the client to save on fees plus offer more flexibility to lawyers so they can focus on more complex cases as well as work joint on files
It will save on the strain of legal aid and allow the public not to feel left out or abandon by the system they will have more choices

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

It is viable so long as it is truly accessible to the public and fees are responsible and not equal to the average lawyer fees
In Ontario

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Yes
Paralegal's that in 2007 graduated with the family law module I think their should be credit given to paralegals that have this Experience so long as they are also actively doing family law or child protection under the supervision of a lawyer as they will already have the experience and confidence along with working knowledge.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Child protection - why : most low income areas suffer with child protection issues and struggle to navigate through the process and working with the children Aid society
And the court system. Most lawyers are not educated much in this scope law school covers a very small portion of it as many know. Their are children lawyers that act for the child, the children Aid Lawyer, the applicant lawyer and the respondent lawyer their is social workers all of witch communicate and work for the common outcome the best interest for the child. Most low income family's can't afford to be properly represented and most times are self represented.

Joint Divorces- why - paralegals doing joint applications will allow for both sides to pay lower fees and still get equal service. This is a process that could be completed by the public as both sides must agree for the application to be accepted.

Case conferences - why because they are design for negotiations and to move matters forward and to settle or narrow the issues before seeing the judge
Paralegals can achieve this at reduced rates

Motions without notice - paralegals can assist with the motion and offer clients a lower fee but also help clients with filling and speaking to the motion if not passes behind chambers
To do a motion with out notice their must be solid evidence and grounds to do so.
This will also reduce the applications that are turned down from self rep clients that miss to articulate on paper the issues or condemns it will help limit the non emergency motions that are filed as with out notice that once the Justice reads the facts the motion is rejected.

Motions to change - why this will allow the public faster access to very existing court orders
For support and child access or custody
This portion of law changes day to day with high volume leading the public to struggle with fees. This will also lesson the financial stress on legal aid as some of the public do not qualify. Paralegals can offer smaller that are manageable

Division of property - why their are low income family's that live in apartments or have small assists that a paralegal can manage with the client and offer this with less Financial burden on the public. This will also give lawyers the ability to focus on the more complex division of properties example when there is houses worth over 200,000 with leans agents the property and so on
This should be a limited area for division of property up to a max amount of assists.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

I believe so

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Their Should be a grandfathering phase for certain paralegals that already have the credential within their transcripts so long as they have working knowledge and can prove that they are using that knowledge it is a play letter from a lawyer validating that they are under the supervision of Lawyer and Family Law added with her transcript should be a grandfathering phase for certain paralegals that already have the credential within their transcripts so long as they have working knowledge and can prove that they are using that knowledge it is a play letter from a lawyer validating that they are under the supervision of Lawyer and Family Law added with her transcript.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

Paralegal should be under the supervision of a lawyer for a minimum of one year and Family Law if they do not already have experience under the supervision of Lawyer Family Law is very complex a one-year minimum will ensure that the paralegal is well-versed for going on their own.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes CPDs just like lawyers

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

I don't believe law clerks should be allowed they would not have adequate education the way a paralegal or a lawyer would I think a law clerk would need to upgrade at some level

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

There are many factors that would make it appealing billing cost accessibility but it also will assist the lawyers and the workload that they are under as well for paralegals that work in firms for lawyers or contracted to help lawyers
It will speed up access to justice

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

It is but consideration should be given to Paralegal's that were grandfathered in as paralegals and have Family Law on their transcripts they have already taken the educational course and once regulated they were stripped of the right to practice family law.

12. Are any aspects of the proposed licensing framework unfeasible?

No

#28

Please enter your first and last name	Jennifer Weeks
Email Address	jennifer@kurjilaw.ca
Please make a selection below	I am a lawyer
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Small firm (2-5 licensees)
Practice area focus:	- Real Estate Law - Wills, Estates, Trusts Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes. There are so many self-represented litigants in family law that paralegals may be able to ease the burden on the courts. Although significant training is required with a longer placement than the typical paralegal license, paralegals will significantly ease the burden on people in regards to simple family matters including uncontested divorces, negotiating access schedules, and even drafting separation agreements (although it may be a requirement that ILA is given for separation agreements as many family law files have a lot of assets that need to be negotiated).

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

yes. Like other areas of law, there can be a monetary limit to the case. If assets total \$x or below, a paralegal can assist. There are many areas of family law that simply require the negotiation/expertise of a legal representative which are not high stakes (uncontested divorce, negotiating access schedules, etc.)

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

I agree with the competency requirements as set out in the framework.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

I believe the best option for family law service providers would be to limit the paralegal candidates who can choose this option to the ones who are enrolled or have completed the graduate certificate programs which require you to have an undergraduate degree. The social aspects you learn in the undergraduate degree (by required courses such as sociology, psychology etc.) will allow the paralegals to have a better understanding/knowledge of the program. I would be hesitant to allow a paralegal fresh out of highschool/2 year program to be providing advice on divorce proceedings/access issues who has no life experience.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

see above

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

6 months full time placement in a law firm.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

yes. at least multiple (2-3) hours per year.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

no

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

accessibility, costs, professionalism.

Many family law lawyers in the GTA and elsewhere cost anywhere between \$300-900/hr. A paralegal at \$150-\$200/hr would make family law representation affordable to those who cannot pay a lawyer

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

yes

12. Are any aspects of the proposed licensing framework unfeasible?

No. There would have to be a separate course that current licensees could take in order to be licensed with the FLSP license. I would not grandfather anyone in, including the practical placement requirement.

#29

Please enter your first and last name	Cris Lam
Email Address	cris@benmor.com
Please make a selection below	Senior Family Law Clerk
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	Yes
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)
Upload a File	LSO.Consultation.Paper.Comments.Cris.Lam.Jun.25.20.docx
Scope	
Competence	
Training Program	
Other Components of Licensure	
General	

1. Other Components of Licensure

- a. 2 to 3 months of field placement may not be enough hands-on experience. Candidate would benefit to operate a family law file under supervision with family lawyer from A to Z, including techniques on how to settle a case, negotiate and attend family court, meeting with clients, meeting with opposing counsel;
- b. It can take 2 to 3 months to wait for a family court date and therefore the candidate would lose out on experience of attending, arguing and negotiating in family court;
- c. I suggest that the field placement should be 8 months to 1 year if possible, with a mentorship component after field placement has completed.
- d. I suggest adding on top of the field placement with a family lawyer, consider having the FLSP shadow a mediator at the courthouse for experience too. That would give the FLSP hands on experience dealing with litigants who have chosen mediation but are also in court too. They will always be in court, they can get to know court staff, etiquette, court process and etc.
- e. For example, mediate393, mediate47, mediate311 (all mediation services provided in Toronto – government funded) they are located in all Toronto courthouses. Use that same formula to shadow a roster mediator in the other parts of Ontario that have mediation services already embedded in the courthouse.
- f. I suggest that there should be a mandatory mentorship program provided to FLSP candidates who have obtained the License to help them transition into family law, especially if they are attending Superior Court of Justice family law matters. The mentor can be the same person that completed the Field Placement as stated above, or there should be a roster of Mentors all across Ontario to volunteer their time to assist these FLSP candidates. These

mentors can include: lawyers, senior family law clerks, and if possible any legal professional i.e. court staff.

2. Other Legal Service Providers

- a. Family Law clerks are not licensed by LSO; they don't have their own insurance which may be problematic.
- b. If given the opportunity, Senior Family Law clerks with 10 + years of experience may consider opting into this FLSP License and tag-team with the Paralegal FLSP Candidate and work together. This would streamline process, the Family Law clerk can be a mentor to the FLSP candidate.
- c. The new wave/new movement may be 1 paralegal + 1 senior family law clerk to provide access to justice to those families who cannot afford a family lawyer.
- d. There are many competent Family Law clerks who have 10 + years of experience who already attend court with their lawyers, prepare court documents, meet with clients, attend settlement meetings, mediation and arbitration.
- e. If LSO is worried about 'advocacy training', then perhaps LSO should consider allowing Family Law Clerks who are certified as mediators to apply as a Candidate.
- f. Perhaps, to solve the 'advocacy training' for Family Law clerks, the experience must be 10 + years of working in a family law office or government related institution (i.e. courthouse) and must complete some type of advocacy training with LSO and they need to pay for their own insurance.
- g. There may be Senior Law clerks with 10 + plus years of experience who do not want to work full-time but want to remain in the family law field and want to provide part-time legal services to

- the community. They may decide to work on a contract and case by case basis “helping the FLSP paralegal”?
- h. Perhaps, LSO should be in contact with The Institute of Law Clerks of Ontario and see if they can provide insight of whether or not Law Clerks or specifically Family Law Clerks would be interested in branching out on their own with a paralegal to provide services or interested in this License.
 - i. Perhaps, LSO should be in contact with The Institute of Law Clerks of Ontario to see if they can provide advocacy training to these candidates. This may include the 12 hours per year of CPD requirements for the law clerks.

Thoughts:

1. FLSP (whether paralegals or ‘others) can be the pioneers of the new wave, the new movement and that is exciting for me.
2. FLSP can streamline the process, provide access to justice and help those can’t afford lawyers.
3. Family Law and Covid – we’re already seeing virtual court filings and court hearings, so we need to consider technology as part of the discussion too. How is the education component going to look like during Covid or post Covid? How is the field placement component going to look like too?
4. Increasing the field placement to more than 3 months MAY NOT be appetizing for the candidates, but in order to have a real and hands on experience of family law, 2 to 3 months will be a disservice to the FLSP candidate.
5. I’m happy to provide more insight from a Senior Family Law Clerk perspective if LSO requires it, but I’m also confident that with or without Law Clerks, Paralegals with proper training and experience can do the job “effectively”.

#30

Please enter your first and last name	Jonathan Miller
Email Address	jm@jmillerlawservices.ca
Please make a selection below	I am a lawyer
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Sole practice
Practice area focus:	- Family /Matrimonial Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

In my opinion, it will not. Affordable yes, but competent, no, for the reasons which I describe below.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

I have been practising family law for 44 years. The longer that I practise, the more I am amazed at how much I do NOT know.

Statutory law and case law are constantly evolving and expanding in both amount and complexity. The Family Law Rules are a byzantine labyrinth which become more complex and onerous with each amendment.

The competencies which are listed in the Consultation Paper are comprehensive, but even with this educational background, some practical experience should be required before such a practitioner should be licenced.

I do not see how such a programme could be properly delivered and completed in less than the equivalent of 2 years of full-time attendance.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

The amount of paper work and forms filling which is required under the Family Law Rules is extremely time consuming and, in many cases, greatly disproportionate to the issues.

Short of the Rules being changed to recognize that the some cases are in the nature of Small Claims Court cases and that the equivalent of applying the full gamut of Superior Court Rules is inappropriate, non-lawyer practitioners with knowledge of family law and expertise in understanding and completing forms would make a significant contribution to reducing costs.

As a sole practitioner, i cannot afford to pay a knowledgeable paralegal, but I would certainly seriously consider working with a licensed professional whom I could rely on to prepare forms as an independent contractor.

Additionally, I see a valuable role for an FLSP in acting as a liaison between the client and court and government agencies such as FRO, the Ministry of Children, Community and Social Services, FLIC, Legal Aid, and perhaps even the Office of the Children's Lawyer

If such a practitioner were to be licenced to appear in court, then the training would have to be expanded to include the law of evidence and court procedure.

I can see possibly a role for an FLSP at case conferences upon limited procedural issues.

I would strongly advise against the FLSP being licensed to provide legal advice or to draft or negotiate Agreements. There are so many elements to a family law matter, such as the amount of support, length of support, entitlement to spousal support, lump sum vs. periodic spousal support, tax implications, and trust implications to the ownership of property, to name a few of the issues, and which are intertwined, that it would not be in the best interest of the public to permit a non-lawyer to provide advice.

In the relatively small portion of my practice which consists of civil litigation, I am not too proud to admit that i do appear in Small Claims Court and I have had dealings with some very able paralegals. Many, however, are not so capable, but this might apply as well to many lawyers who appear in family court,

Training Program

Other Components of Licensure

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

There should be a requirement to work with a licenced lawyer ACTUALLY ENGAGED in a family law practice for a period of time, perhaps 6 months.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

It is not only appropriate, it should be a requirement of continuation of the licence.

(It would be a good idea for lawyers who practise in the family law area, as well.)

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Any on who completes the requisite education and experience components should be eligible.

Law clerks might be granted exemption to parts of the programme, depending on their experience and competencies.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Cost.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

yes, in the appropriate areas.

#38

Please enter your first and last name	NO ONE
Email Address	noone@gmail.com
Please make a selection below	I am a lawyer
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Other
Practice area focus:	- Other
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Southwest, including Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

LSO should publish the survey questions separately so we can decide whether to respond.

Competence

Training Program

Other Components of Licensure

General

#46

Please enter your first and last name	Jose Bento Rodrigues
Email Address	j.rodrigues@rplawyers.ca
Please make a selection below	I am a lawyer
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Small firm (2-5 licensees)
Practice area focus:	- Family /Matrimonial Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

It will not - clients will receive substandard advice because the provider and client will have a conflict of interests. Provider has a financial incentive not to explore legal options that are beyond the scope of the providers allowed scope.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

No opinion.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

No, it will not. The provider does not have the benefit of a law degree. They will not have developed the skill-set to interpret and apply case law.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Legal services should be provided by professionals with law degrees. There should be better funding for legal aid.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

No - it is short.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Law degree.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

Answered Above.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

N/A

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Only lawyers should be permitted to practice law.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Appearance of low cost.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

No.

12. Are any aspects of the proposed licensing framework unfeasible?

Quality control. The people that will be impacted are the most vulnerable and less likely to complain.

13. Is there additional information or are there other factors that should be considered?

N/A

#48

Please enter your first and last name	Jorge Steinmetz
Email Address	legalont@gmail.com
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
Practice area focus:	<ul style="list-style-type: none">- Administrative Law- Civil Litigation – Defendant- Civil Litigation – Plaintiff- Corporate Commercial Law- Employment/Labour Law- Landlord and Tenant Law- Ontario Court of Justice - Provincial Offences Act matters- Ontario Court of Justice - Summary Conviction Offences- Small Claims Court matters- Tribunals
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central West, including Bruce (Walkerton), Grey (Owen Sound), Dufferin (Orangeville), Wellington (Guelph), Peel (Brampton), Halton (Milton)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

The proposed scope of permissible activities will definitely increase access to affordable and competent Family Law Services. Allowing Paralegals to practice in the areas of Uncontested Divorce, Support Applications, Family Responsibility Office matters, Child Access and Custody and many other areas will provide the public with access to justice with lower professional fees than those charged by Lawyers.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Paralegals are extremely capable of providing a viable business model for the provision of Family Law Services. Most Paralegals have business structures that are client oriented and that have been created way before the time of regulation by the Law Society of Ontario. The schedule of fees for all services that are within the areas of practice of Paralegals but that are also permissible to Lawyers is much lower and more affordable for the public to be able to access much needed legal services. There is no reason to believe that Paralegals cannot develop or sustain a viable working business structure to its clients.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

The educational component outlined in the proposed scope seems to be adequate. It is important to note that Paralegals have been representing individuals before the Ontario Court of Justice in Family Law related matters for many years prior to Paralegal Regulation and that Paralegals were very active in the areas of Uncontested Divorce and the other areas mentioned in previous paragraphs of this submission.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Uncontested Divorce
Child Access
Child Custody
Spousal and Child Support Applications
Separation Agreements
Supervised visitation applications

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

The professional training program seems to be of appropriate duration; however it must take into account the fact that any Paralegal applying for the Family Law Practitioner License also has a wider practice and Court appearances so a weekend in-class model would be the appropriate venue for most. For those who are unable to attend on a full time basis or on weekends there could be an Online Study Model that would facilitate the pursuit of the competencies required.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider? A period of 5 years of active Court representation should be the prerequisite to qualify as a candidate for the License. The reason for the 5 years is that Family Law is 99% in-Court representation and experience is required in the Court process to provide competent representation to the public.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

Field placements may prove to be very difficult for practicing Paralegals because it would require attendance or supervision by a Lawyer or Law Office and no Paralegal can stop working for a living to accommodate the requirement to do Co-Op. If there is an adequate educational training provided then it should not be necessary to have experiential training required.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes, it would be.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Definitely not.

Law Clerks should not be eligible to receive a Family Legal Services Provider license because they lack the necessary Court experience and do not have the same educational level that Paralegals have.

The Family Legal Services license should be awarded to currently practicing Paralegals and not to any other group of professionals.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

The low cost of the services to be provided to the public.

Paralegals are prepared to offer a service for a very affordable fee to those who at this time have to appear on their own because of their financial constraints.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes, it is.

12. Are any aspects of the proposed licensing framework unfeasible?

No, they are not

13. Is there additional information or are there other factors that should be considered?

It should be considered that Paralegals are very hard working persons and that they are able to represent individuals for very reasonable fees as opposed to the fees Lawyers charge for the same type of services.

#50

Please enter your first and last name	Helen Poole
Email Address	hecpoole@gmail.com
Please make a selection below	Paralegal student
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Other
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Absolutely, in widening the scope of who can be retained as representation there will be a great number of people who can reach access that they could not before. I know first hand so many people who need to go unrepresented due to the costs associated with being represented in a family law matter. Not only at court, but in seeking advice and assistance navigating forms, rules, and the law more generally.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes, as a paralegal who will definitely obtain this credential it will be a huge boost to my business and many of those who will choose to do the same. I am aware that paralegals are still a relatively unknown provider, however I still can see how even in having a separate category of provider in this area of law will be of such importance. Family law is one of the biggest, if not the biggest, area of unrepresented parties, and I would assume with the right kind of marketing and promotion that the new proposed provider would be of great assistance to this. There is enough in the proposed scope of practice to have a very viable business.

Competence

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

For paralegals and FLSP's to provide family law legal advice, and assistance in parenting agreements and for support payments. The gap in access to justice is keen here.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

Yes, for those with pre-existing knowledge or experience in the legal field.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Holding a law clerk certificate or being a licensed paralegal. For those without, perhaps a longer training/ education period is needed.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

Ideally, a field placement would be required to provide a fulsome experience. The area is often one that needs great sensitivity, confidentiality, and ethical awareness, and so placement providers should reflect this.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes, absolutely. Family law has seen and will see dramatic changes in for example changes to the number of parents on birth certificates.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Yes, law clerks have studied family law and work in this area already and would provide a great benefit.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

My assumption would be that someone attracted to being a FLSP would have an understanding of the needs and challenges of parents, and would therefore likely offer more suitable billing practices, and charge lower fees. Also, the hours of accessibility in providing services in the evenings and at weekends. Being a streamlined professional would be appealing also.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes, whilst the steps taken have improved access there is still a far way to go to reach a more fulsome access to justice for many.

12. Are any aspects of the proposed licensing framework unfeasible?

There would need to be a lot of support from colleges and universities offering this licensing for it to be successfully feasible.

#51

Please enter your first and last name	Khashayar Sattarzadeh
Email Address	Kevinsattarzadeh18@gmail.com
Please make a selection below	Paralegal student
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Other
Practice area focus:	- Administrative Law - Wills, Estates, Trusts Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes, this will help individuals and the public have access to justice. Paralegals are affordable representative to access to justice and with this Family legal service provider license, they can help the public have the legal representation they deserve in family law. Yes, this help 100%.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

This will be viable for sure but I think after reading the permissible activities and scope that are paralegals are enabled to do in family law, this is so limited. I think paralegals can have the full scope without any limitations to develop a business model that can be viable for them in the family law scope. Family scope, in my opinion, can be so much useful for the public if paralegals can have access to them fully with enough education.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Yes, in my opinion, Paralegals can be competent to have the scope in family law. In my opinion, there should be more education for paralegals in family law scope to become more competent and have more access to the scope and practice in the family law.

4. In your view, what scope of activities would best support increased access to affordable, competent family law legal services?

In my opinion the FLSP will be best if paralegals licenses could have the scope to practice and NOT be limited to and be authorized to offer the following services as this will help access to justice for people who cannot have afford representation like lawyers.

- Legal advice
- Drafting legal documents
- Representation in court or before an adjudicative body
- Negotiating legal interests or rights
- Divorces
- Parenting orders and decision-making (custody and access)
- Child and spousal support
- Contempt/enforcement of orders
- Separation agreements, paternity agreements, and family arbitration agreements provided that the client agrees to obtain independent legal advice from a lawyer
- Change of name applications
- Division of property

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

In my opinion to have more scope to practice in family law and offer more to public, I think the training program should be more, so in the end we do not be so limited in family law scope. If we look at it right now the scope of FLSP is really limited. We need to have more training and be more competence to have more scope in family law.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

I do not think any should be required but I think a personality test (good character test) for paralegals entering family law should be required. As family law is a sensitive subject, I think this is a good prerequisite.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

In my opinion, to be more competent for paralegals to have MORE scope in family law and offer to more in the scope of family law, I think it should take at least one year. I do not think a field placement is required but training is required. If a lawyer studies 3 years in law school, for all studies, paralegals can focus on one topic (family law) for one year straight to be more competent and have full access or at least somewhat limited.

- Divorces
- Parenting orders and decision-making (custody and access)
- Child and spousal support
- Contempt/enforcement of orders
- Separation agreements, paternity agreements, and family arbitration agreements provided that the client agrees to obtain independent legal advice from a lawyer
- Change of name applications
- Division of property

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?
Yes, it is really important in my opinion.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

I do not think they should be eligible for the family legal service provider license as they are not really competent. P1 licenses (paralegals) are educated individuals who are regulated under LSO, I think they should be first to be eligible.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

I think Billing practices, and cost structure and accessibility.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes it is very appropriate if the scope of practice is not too limited.

12. Are any aspects of the proposed licensing framework unfeasible?

I do not think so.

13. Is there additional information or are there other factors that should be considered?

In my opinion, the FLSP license that are being purpose is too limited and I think this won't help the public much, so please don't limit the FLSP license too much.

#55

Please enter your first and last name	Reyhaneh L
Email Address	reyhanehlj@gmail.com
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
Practice area focus:	- Legal Assistant
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Scope

Competence

Training Program

Other Components of Licensure

General

#57

Please enter your first and last name	Jenn Etheridge
Email Address	Etheridgejenn6@gmail.com
Please make a selection below	I am a member of the public
Are you a self-represented litigant?	Yes
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes. After going through a family court battle self represented because I didnt qualify for legal aid and I couldn't afford a lawyer, this is desperately needed. After doing most of the paperwork myself, somewhere to turn to for advice would have been a great help for me.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

I believe so. There are many simple cases that could be taken on leaving more complex issues to lawyers.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

I don't feel I can answer this.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Document preperation, representation for mediation, case conferences and procedural dates, uncontested divorce.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

I dont think I can answer this.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Paralegal licence. This should be an add on to the paralegal who has been educated in other aspects of law.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes, in line with paralegals.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

No. Paralegals should be eligible.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Affordability, specialized knowledge

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes

12. Are any aspects of the proposed licensing framework unfeasible?

No

#58

Please enter your first and last name	Edward Choi
Email Address	echoi@unb.ca
Please make a selection below	I am a lawyer
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Medium firm (6-199 licensees)
Practice area focus:	<ul style="list-style-type: none">- ADR/Mediation- Civil Litigation – Defendant- Civil Litigation – Plaintiff- Employment/Labour Law- Landlord and Tenant Law- Real Estate Law- Small Claims Court matters- Tribunals- Wills, Estates, Trusts Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)
Upload a File	FLSP Consultation.pdf
Scope	
Competence	
Training Program	
Other Components of Licensure	
General	

EDWARD CHOI Barrister, Solicitor & Notary Public

echoi@unb.ca • 567 South Unionville Avenue, Markham, Ontario, L3R 5G8

August 3, 2020

Family Legal Services Provider Consultation
Law Society of Ontario
130 Queen Street West
Toronto ON M5H 2N6

To whom it may concern:

Re: Family Legal Services Provider Consultation

I am a lawyer licensee member of the Law Society of Ontario (“LSO”) practicing law in Ontario since January 2017. I am writing in response to your Call for Comments in relation to the Family Legal Services Provider Consultation. Thank you for the opportunity to allow me and others to submit comments to your consultation.

I have reviewed the Consultation Paper published by the Family Law Working Group of the Law Society of Ontario dated June 2020 (the “Consultation Paper”). With respect, in my opinion, a Family Legal Services Provider (“FLSP”) designation is not in the interest of the public in Ontario, will not provide fair access to justice, and will be harmful to the legal profession as a whole.

Family law interacts with other areas of law

According to the Consultation Paper, the proposed FLSP training program will be “six to eight months on a full-time basis” in duration. It will cover mainly family law topics. This structure is not too dissimilar to that of a paralegal program, and is grossly inadequate. One is unable to provide family law services competently with training less than what the current lawyer licensing program provides (i.e. undergraduate education, law school, articling, bar exams).

Family law, as with almost if not all areas of law, does not operate in a vacuum. Family law settlement, mediation, and adjudication often requires knowledge and skills in various areas of law such as real estate and property, trusts, wills and estates, contract, torts, criminal law, etc. Having a FLSP designation risk practitioners dealing with client issues but being unaware of how other areas of law may affect the matter.

The LSO currently licences paralegals. Far too often, one will find in our justice system that paralegals may not have a full grasp of the law. This causes disadvantages to clients because either part of their problem which they may litigate on may not be dealt with, or the whole matter is improperly or inefficiently framed. Sometimes, matters dealt with improperly cannot be remedied. At other times, remedying a matter dealt with improperly can cost a lot of time and money. Lawyers often take over cases from paralegals after damage has been done, and these cases often cost clients much more if the damage can be remedied at all. I foresee a similar, but more significant, problem with the FLSP designation. The effects are even more significant as family law significantly affects the lives of clients and often their dependants as well.

The LSO plans to provide a “scope of work” that is within a FLSP’s ability to do, and those that are outside of that scope. Legal cases do not always work that way like a test question. Issues are often complex. Clients and practitioners do not always know what the scope is at the initial consultation stage. Matters can become more or less complex over time. Knowledge and skills in a full spectrum of law is required in order to assess these cases. The reality is that clients will be pressured to resolve only those issues within the FLSP’s scope of work, which may not necessarily be in the best interests of the clients in the case. Clients will be disadvantaged if the LSO implements the FLSP designation.

Family law also interacts with other disciplines, such as psychology, negotiations, accounting, finance, sociology, etc. Lawyers have the advantage of an undergraduate education which the new proposed FLSP designation may not provide.

It should be noted no other jurisdiction in Canada presently have such a designation. Only a minute minority of other common law jurisdictions have a similar designation. The Consultation Paper was only able to name two such jurisdictions in the western United States of America, and another Canadian jurisdiction exploring this idea. There is a good reason why throughout most, if not all, of our history we and other common law jurisdictions do not have such a designation.

Allowing the FLSP designation, especially with insufficient training in the whole spectrum of the law and other discipline(s), will significantly and negatively affect the rights and livelihoods of clients and their families more than most other areas of law.

A Two-Tier System:

The purpose of the FLSP designation is for access to justice. While this may happen in theory, I suggest, the effect of creating this designation is to create a two-tier system causing injustice to clients.

Some clients may be represented by lawyers while others would be represented by a FLSP practitioner. If the FLSP designation is created, it will unlikely be the case that Legal Aid Ontario and lower income clients will hire lawyers. They will likely switch to a FLSP practitioner instead. This will create a two-tier system: one for the rich hiring lawyers practicing in family law and the other for the poor hiring a FLSP practitioner. This will cause access to injustice instead of access to justice.

This is unlike the situation where clients are self-represented. Self-represented clients would generally be encouraged to seek the services of the lawyer or will be provided one by Legal Aid Ontario. Even if they do not or are unable to heed that advice, they would at minimum be aware that they are not represented by a lawyer. A client represented by a FLSP practitioner may not be aware of the implications of hiring one and may have a false sense of assurance of quality of services and falsely assume they are represented by a lawyer.

Individuals may no longer, in the future, have a choice to be represented by a lawyer if s/he goes for legal aid.

The FLSP designation will bring disrepute to the profession:

The FLSP designation will create a false sense of quality as the public will be led to believe that the FLSP practitioner is as good as or even better than a lawyer in Ontario.

The current model with regulating paralegals already causes this problem. It is obvious that paralegals are often seen by the public as the same as lawyers. Many members of the public I have interacted with refer to paralegals as lawyers and few understand the difference. The public generally does not understand the difference and the limitations these other designations provide. Paralegals advertising themselves as “a member of the Law Society of Ontario”, which is true, creates a misleading representation to the public. Allowing FLSP practitioners to do the same will exacerbate this problem.

There is already an oversupply of lawyers and articling students, and this will only increase over time

Access to justice can easily and be better achieved by fully utilizing current lawyers, articling student, and law students. It is a well-known fact that there is currently an oversupply of lawyers, articling students, and law students in Ontario and across the country. That was the very reason why the LSO created the Law Practice Program to replace articling due to the shortage of articling positions. It also dispensed of both of these programs completely for those who graduate from law school at Lakehead University or Ryerson University. This problem is ever-increasing with more law schools opening up, such as Ryerson University’s Faculty of Law

next month, and the increasing acceptance of National Committee of Accreditation (“NCA”) applicants. In fact, the NCA recently announced that it will start accepting overseas online law schools graduates (at up to 50% online courses) as an equivalent to a law degree in Canada.

Instead of creating a new designation to attempt to achieve access to justice, the better question for the LSO to ask itself is how and if current lawyers, articling students, and law students can be utilized to achieve access to justice. This will ensure access to quality legal services for the public while increasing the employment rate of current licensees. It will also develop a quality articling and law students program.

The Solution:

The solution should be to scrap the idea of creating a new FLSP designation. The solution should provide access to quality legal services that protects the best interests of the public and the profession. That solution is to provide better training and access to LSO licensed lawyers, and eligible articling students and law students.

The question the LSO should ask is, *“how should we ensure the full employment of lawyers and articling students in Ontario?”*

Once this question is answered, I suggest, better access to quality justice can be achieved for all in Ontario.

When all lawyers and articling students are fully employed, legal fees will decrease (assuming the demand remains the same). It is a known fact that supply will continue to increase given more students are graduating from Canadian and overseas law schools each year.

Many lawyers are not practicing law because they are unable to find employment and do not feel comfortable practicing on their own. If the LSO find ways to help licensed lawyers find employment or feel more confident practicing on their own, such as through training and mentorship programs, that will be significantly better than regulating the FLSP designation both for the public and for the legal profession. The unemployment rate for lawyers will decrease, and both the quantity and quality of legal services for the public will increase, while legal fees will decrease.

Only lawyers, articling students, and law students are able to competently provide quality legal services to family law clients as they have knowledge of a full spectrum of the law. This ensures that clients’ problems are properly dealt with. Family law affects the lives and livelihoods of clients and their families in a significant way more so than most other areas of law.

Improving access to lawyers, as opposed to creating a new FLSP designation, is in the best interests of the public in Ontario and for the legal profession.

Thank you for your consideration.

Yours Respectfully,

Edward Choi

Edward Choi, Barrister & Solicitor, JD, LLM, LLB, BBA

#63

Please enter your first and last name	Ellen Walker
Email Address	Wlwalker@live.ca
Please make a selection below	I am a member of the public
Are you a self-represented litigant?	Yes
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes. I've spent over \$45,000 on a family law lawyer and now have to self represent due to finances.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes. It will allow access to lower income families.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

I would assume so

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Legal paperwork preparation
Processes
Advice
Representation

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

Unknown

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Paralegal training

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

Focus on family law - paralegal training minimum

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Absolutely yes

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Yes. Paralegals

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Cost structure

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

The current setup is very confusing for those who are self represented.

12. Are any aspects of the proposed licensing framework unfeasible?

Unknown

#64

Please enter your first and last name	Katie Hunter
Email Address	khunter@krol.ca
Please make a selection below	I am a lawyer
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	Yes
If indicated 'Yes', please tell us which organization or association you are representing:	Krol & Krol Barristers and Solicitors Professional Corporation
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Ontario
Upload a File	AK - Letter to LSO - August 17, 2020.pdf KH - Letter to LSO - August 17, 2020.pdf EK - Letter to LSO - August 17, 2020.pdf SK - Letter to LSO - August 17, 2020.pdf
Scope	
Competence	
Training Program	
Other Components of Licensure	
General	



Katie Hunter - ext. 25
Email: khunter@krol.ca

August 17, 2020

SENT VIA EMAIL TO: SUBMISSIONS@LSO.CA

LAW SOCIETY OF ONTARIO

Senior Counsel, FLSP Call for Comment
Professional Development and Competence
Osgoode Hall, 130 Queen Street West
Toronto, Ontario
M5H 2N6

ATTN: FAMILY LAW WORKING GROUP OF THE LAW SOCIETY OF ONTARIO

To Whom It May Concern:

RE: LSO – RFI – FLSP012020, FAMILY LEGAL SERVICES PROVIDER LICENSE

I am writing in response to your call for comments with respect to your proposed Family Legal Services Provider License. I am strongly against the proposal that paralegals be licensed in the area of family law to provide legal advice, draft legal documents, provide representation in court and to negotiate legal interests or rights. Family law is a complex and vitally important area of law. This area deals with the two most important things for families - their children and their assets. As a result, emotions are heightened and even those issues that seem objectively legally simple are made complex.

After reading the Law Society of Ontario's *Family Legal Services Provider License* consultation paper, I was concerned at the large scope of practice proposed to be available for these Family Legal Services Providers (FLSPs). For example, as detailed in Appendix B, Tab 5.2, these FLSPs may address claims involving:

- decision making and parenting time;
- child support;
- spousal support (including variations and reviews);
- property; and,
- drafting Separation Agreements, "which may include standard releases that address issues outside of scope where a precedent is used (e.g., Divorce Mate precedent), provided clients obtain ILA from a lawyer".

From my reading of this Appendix, the areas that are proposed to fall outside the scope of FLSPs are sufficiently rare that they are not a large part of any family lawyer's practice (e.g. property claims involving bankruptcy, mobility issues, *Hague Convention* matters). This means to me that, in essence, a FLSP can act as a family lawyer without the requisite level of training and experience. I also agree

with Pamela Cross that issues relating to decision-making and parenting time are not so simple as they appear, especially in cases involving domestic violence, and FLSPs are likely not equipped to deal with this level of complexity given the proposed level of training.

It does not increase access to justice to provide low-income parties with FLSPs, assuming even that FLSPs will offer services at significantly lower hourly rates than junior lawyers. There will still be a significant gulf in the abilities and training between a family lawyer and a FLSP. If FLSPs are insufficiently able to address the family law issues, they will likely increase costs both to their client and to the other party, if the other party is represented by counsel. Because of this, FLSPs may well decrease access to justice.

Low-income parties should have access to fully trained and educated family lawyers. This access to a family lawyer can be supported by increasing institutional support for unbundled legal services, limited scope retainers, duty counsel, and Family Law Information Centres. The FLSP program, however, puts the onus of funding efforts at increased access to justice on private citizens (namely FLSPs and the low-income parties theoretically retaining their services), rather than on the justice system and the Canadian government. It requires that prospective FLSP students fund their own training and then low-income parties pay the legal fees of these FLSPs.

I believe that access to justice is best served by ensuring that all family law litigants have the ability to retain family lawyers to assist them in addressing the unique and complex needs of their individual matter. There is no such thing as a “simple” family file, especially not to the parties involved.

Thank you for time and consideration.

Yours very truly,

KROL & KROL



KATIE HUNTER

#64

Please enter your first and last name	Katie Hunter
Email Address	khunter@krol.ca
Please make a selection below	I am a lawyer
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	Yes
If indicated 'Yes', please tell us which organization or association you are representing:	Krol & Krol Barristers and Solicitors Professional Corporation
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Ontario
Upload a File	AK - Letter to LSO - August 17, 2020.pdf KH - Letter to LSO - August 17, 2020.pdf EK - Letter to LSO - August 17, 2020.pdf SK - Letter to LSO - August 17, 2020.pdf
Scope	
Competence	
Training Program	
Other Components of Licensure	
General	



Ashley Krol - ext. 30
Email: akrol@krol.ca

August 17, 2020

SENT VIA EMAIL TO: SUBMISSIONS@LSO.CA

LAW SOCIETY OF ONTARIO

Osgoode Hall, 130 Queen Street West
Toronto, Ontario
M5H 2N6

ATTN: FAMILY LAW WORKING GROUP OF THE LAW SOCIETY OF ONTARIO

To Whom It May Concern:

RE: LSO – RFI – FLSP012020, FAMILY LEGAL SERVICES PROVIDER LICENSE

I am writing to provide input on the model licensing framework for a Family Legal Services Provider (“FLSP”) licence. As a lawyer who has been practicing family law for in excess of 8 years, I am deeply concerned that FLSPs will not deliver legal services in a competent manner, will deny the public the services of a qualified lawyer, and will create a two-tiered justice system. The creation of FLSPs will, in my opinion, thereby reduce access to justice for the litigants who the program was intended to assist and will have broader negative access to justice implications that should not be overlooked.

Family law is a particularly problematic area for non-supervised paralegals. The permissible practice areas of FLSPs are of critical importance to families and to society at large. Issues of parenting, support, and division of property cannot, in my view, safely fall within the scope of practice of an FLSP. Further problematically, the proposed scope of permissible services allows FLSPs to independently provide legal advice, draft legal documents, represent litigants in Court, and/or negotiate legal interests or rights on these issues.

In practice, these issues are often highly complex and become contested, even in ostensibly ‘simple’ cases. They require a nuanced and thoughtful application of legal services. The skills necessary to navigate these issues cannot be imparted to an FLSP in a 6 to 8 month full-time program, even with a practical work experience component. The lack of quality control of FLSPs poses significant risks to litigants, who themselves often do not comprehend the long-term consequences of these family law issues.

In the area of family law, it is my view that FLSPs are an inadequate replacement for a properly funded legal aid and duty counsel system.

In summation, I reiterate that I am deeply concerned that the FLSP program presents a real risk to family law litigants and will create a two-tiered system of justice.

Thank you for the opportunity to provide input on the model licensing framework for a Family Legal Services Provider (“FLSP”) licence. For further discussion or comment, I can be reached at akrol@krol.ca.

Yours very truly,

KROL & KROL

A handwritten signature in blue ink, appearing to read 'Ashley F. Krol', is positioned above the printed name.

ASHLEY F. KROL

#64

Please enter your first and last name	Katie Hunter
Email Address	khunter@krol.ca
Please make a selection below	I am a lawyer
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	Yes
If indicated 'Yes', please tell us which organization or association you are representing:	Krol & Krol Barristers and Solicitors Professional Corporation
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Ontario
Upload a File	AK - Letter to LSO - August 17, 2020.pdf KH - Letter to LSO - August 17, 2020.pdf EK - Letter to LSO - August 17, 2020.pdf SK - Letter to LSO - August 17, 2020.pdf
Scope	
Competence	
Training Program	
Other Components of Licensure	
General	



KROL & KROL
Barristers Solicitors
PROFESSIONAL CORPORATION

Erin Michelle Krol - ext. 26
Email: ekrol@krol.ca

August 17, 2020

SENT VIA EMAIL TO: SUBMISSIONS@LSO.CA

LAW SOCIETY OF ONTARIO

Senior Counsel, FLSP Call for Comment
Professional Development and Competence
Osgoode Hall, 130 Queen Street West
Toronto, Ontario
M5H 2N6

ATTN: FAMILY LAW WORKING GROUP OF THE LAW SOCIETY OF ONTARIO

To Whom It May Concern:

RE: LSO – RFI – FLSP012020, FAMILY LEGAL SERVICES PROVIDER LICENSE

First and foremost, I hope you and your families are staying safe during these difficult and unprecedented times. Your attention to this matter is greatly appreciated, and I thank you in advance for your time.

I am writing to you in response to the article by the Law Society of Ontario which includes a proposal for a Family Legal Services Provider License. According to the article, the Law Society of Ontario is essentially proposing that paralegals ought to be able to obtain a license to allow them to provide legal advice, draft documents, and litigate in court in the area of family law. These paralegals would practice as Family Legal Services Providers (FLSPs).

As a lawyer who recently graduated law school (in 2018), wrote the bar (in 2018), and articulated (2018 to 2019), I was left feeling uncomfortable after reading the large scope of practice proposed to be available for these FLSPs. I began reflecting on the potentially catastrophic effect such a license could have on the lives of individuals of the public, who the Law Society of Ontario is tasked with protecting. While I am not one who typically speaks to these issues, I felt that it was my obligation to the public that I write to you to voice my concerns.

Family law lawyers assist people in disentangling their complex lives. On an emotional level, we deal with the utmost important parts of a person's life: their entire life savings, how they will financially cope following a divorce (sometimes, this means whether or not they will have any food on the table), how often they will be able to see their children, and whether they will have the right to be involved in fundamental decisions related to how their children will be raised.

We also have the extremely important task of helping people navigate their divorce in a way to allow them to survive, emotionally, what can be a devastating event in one's life. We provide our clients with guidance to make thoughtful decisions that they can live with, taking into consideration the law, and

applying the law to the facts of their case. We help our clients distinguish a thoughtful decision from an emotional, humanistic response to a tragic event in their life. Our priority is to, within the boundaries of the law, to help clients redefine their lives so that they can move on from this chapter in their lives in a productive way, and their children can hopefully be insulated from the emotional and psychological effects of the divorce. Family law is an area of law the law that deals with relationships and human emotion, because of this, family law is as multifaceted as people's lives are complex. Moreover, a misstep at any juncture in a client's file, or oversight, can completely unravel a person, and can have catastrophic effects on their children's entire life and their ability to sustain themselves in the future, and survive the divorce.

In my experience, law school teaches lawyers how to think in a legal mindset and the importance of research, of understanding the law and how to apply the law, and gives you a basic understanding of different areas of law that intersect. This way of thinking is fundamental to anyone who is providing legal advice. Law school taught me the tools to think critically, to understand how to read cases, how to apply cases to the facts before me, and how to critique my research and understanding. The process of obtaining this understanding took three years, and a further year of articling. Paralegals do not have this same level of education and training.

When I think about the scope of practice areas suggested in this proposal, I think of my clients who are victims of domestic abuse and the children who saw the abuse. I imagine what could have happened to these clients if the person representing them who did not go to law school, had not spent hours learning how to think like a lawyer, how to properly do legal research and understand cases and apply them to the facts at hand, how to effectively negotiate, draft the comprehensive motion materials, factums, book of authorities, and argued the motion. This thought concerns me greatly.

I have further concerns related to the power imbalances inherent in matrimonial cases involving abuse, and how this proposal (if accepted) may reflect these imbalances and further disadvantage abuse victims. I am worried that the abuse victim may end up with a paralegal defending them on motion, while their abuser (who often has most if not all the family money) hires a family law lawyer to represent them. The reality is that the paralegal does not have the same depth of knowledge and experiential learning as a family lawyer. This can further exacerbate the already present harmful power dynamics, likely providing the abuser with a significant advantage in litigation.

I also want to emphasize that this proposal may result in a significant increase in legal fees for those individuals who hire FLSP's to represent them in their matter. In my experience, it is often significantly more expensive for a lawyer to come onto a file once it is in litigation, and to try to go back and fix, any mistakes made by previous counsel or self-represented parties. For example, I have seen self-represented parties significantly spend money amending court documents then it would have cost them to have the lawyer draft these documents from scratch. My concern is that, should a matter proceed to trial, the client would hire a lawyer and have to pay them more money to try to correct any missteps then they would have had to pay had they retained a lawyer initially.

I want to be clear that I am not stating that there are not exceptionally knowledgeable and capable paralegals in family law in Ontario who could and would be wonderful lawyers. I am only suggesting that these individuals be required to go to law school and to pass the Ontario bar before providing legal advice in such a complex area of law, and before arguing a matter in litigation.

Once again, I thank you for your time and for allowing me the opportunity to speak to this issue, and to articulate to you my thoughts and concerns, so that they could be considered prior to a decision being rendered.

Please do not hesitate to contact me if you wish to engage in discussions regarding my thoughts on this issue or wish to have me answer any questions or provide comments.

Yours very truly,

KROL & KROL


ERIN MICHELLE KROL

EK

#64

Please enter your first and last name	Katie Hunter
Email Address	khunter@krol.ca
Please make a selection below	I am a lawyer
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	Yes
If indicated 'Yes', please tell us which organization or association you are representing:	Krol & Krol Barristers and Solicitors Professional Corporation
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Ontario
Upload a File	AK - Letter to LSO - August 17, 2020.pdf KH - Letter to LSO - August 17, 2020.pdf EK - Letter to LSO - August 17, 2020.pdf SK - Letter to LSO - August 17, 2020.pdf
Scope	
Competence	
Training Program	
Other Components of Licensure	
General	



Stephanie Krol
Email: skrol@krol.ca

August 17, 2020

SENT VIA EMAIL TO: SUBMISSIONS@LSO.CA

LAW SOCIETY OF ONTARIO

Senior Counsel, FLSP Call for Comment
Professional Development and Competence
Osgoode Hall, 130 Queen Street West
Toronto, Ontario
M5H 2N6

ATTN: FAMILY LAW WORKING GROUP OF THE LAW SOCIETY OF ONTARIO

To Whom It May Concern:

RE: LSO – RFI – FLSP012020, FAMILY LEGAL SERVICES PROVIDER LICENSE

I am writing in response to your call for comments with respect to your proposed Family Legal Services Provider License. Specifically, I am writing to advise that I am strongly against the proposal that the proposed license provide paralegals with authority to offer legal advice, draft legal documentation, represent clients in court and negotiate legal interests/rights.

It is my strong opinion that the practice of family law is extremely specialized and complex. Each day, family lawyers are required to assist parties address the issues that are most important to them, being their children and their financial circumstances. I am strongly concerned with the level of guidance and legal advice that can be provided without the specialized training afforded to lawyers, and as such, I do not feel that this model is an effective approach to supporting improving access to justice in family law.

After reviewing the Law Society of Ontario's *Family Legal Services Provider License* consultation paper, I note the following additional comments:

- (i) In my opinion, the scope of the FLSP License is far too broad. Permitting an FLSP Licensee to offer services wherein they can negotiate parenting/decision-making, child and spousal support, separation agreements, division of property, and so on, is far too extensive. These issues are extremely complex and require special training and skills to assist clients productively.
- (ii) While paralegals *can* reduce the cost to the client, I am concerned that this could actually serve to *increase* costs at times both for parties that retain paralegals with the FLSP License, and for those that continue to wish to retain a lawyer to act on their behalf.

I have found in my practice over the last ten years that it is undoubtedly more difficult to negotiate an amicable resolution of a matter when counsel on the other side does not have specific training and knowledge in the nuances of family law.

Furthermore, fees billed to clients are a function of our time and hourly rate (based on level of experience). There is no way to know that a paralegal, even if their hourly rate were lower, would not charge the same or more than a lawyer for the same amount of work.

In my practice, I have a junior lawyer assist on many files, which provides the client with value, trains the junior lawyer so that they can improve their skills and client management (which is undoubtedly required even after completing a law degree), and ensures I am overseeing the matter so that the client is comfortable with their level of representation. I suggest that this approach is far superior for the client than it would be to retain a FLSP Licensee, who is not being monitored by more senior counsel and who has less education and training than a new call.

- (iii) It is my opinion that a large portion of the current self-represented litigants have chosen to represent themselves to save the entire cost of legal fees and to have full control over their matter. I suggest that many of these self-represented litigants would continue to be self-represented, even if the option of hiring a FLSP Licensee was available to them.

I suggest that a far better option for self-represented litigants would be to hire a solicitor to provide unbundled legal services and that the Law Society should be encouraging same. Low income parties could retain a lawyer to draft materials on their behalf or attend at Court. The more lawyers feel comfortable offering these services, the more common they will become. This would certainly both increase access to justice and assist Judges with the abundance of self-represented litigants that flow through their courtrooms each day.

While I certainly support the goal of improving access to justice in family law, for the reasons cited above, I am extremely skeptical that the proposed Family Legal Services Provider License will accomplish its intended purpose.

I thank you for your time and attention to this matter.

Yours very truly,

KROL & KROL



STEPHANIE KROL

#66

Please enter your first and last name	Charly Cotton
Email Address	charly.cotton@hotmail.com
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Other
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes, I believe the scope of activities would greatly improve affordable competent family law services. I believe this because client's find forms very difficult, and sometimes they are unable to answer the questions. Also, with some advise on what to expect in court, this would allow more hearings to take place, with individuals who are aware of the protocols, vs. going in with no prior knowledge or what to expect.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes, because it would allow lower socio-economic court parties get quality service. Please keep in mind there would need to be an max. of hours approved, to assist in better servicing the individual, and keeping in mind the professionals time.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Yes, I would suggest Paralegals for lower courts, as they tend to know more information on them.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Affordable, quick and concise advice on the basics of their case; advising what to expect in court, or out of their court hearing(s).

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

Yes, basic court hearings and types can be allowed under this, leaving the bigger fees and time allotment to go towards cases of larger scale.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Licensed by the LSO

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

A placement in family court at least once, would be helpful and beneficial.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes, but only specific updates and new regulations.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Law Clerks should not be eligible, as they are not licensed under the LSO.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Cost, accessibility, structure, expectation of service, advise scope.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes.

12. Are any aspects of the proposed licensing framework unfeasible?

No, just be wary of the time commitment each lower fee client will take up, to ensure adequate but not over-billing.

13. Is there additional information or are there other factors that should be considered?

See answer 12.

#67

Please enter your first and last name	Masi Lakzai
Email Address	kimonosatt@gmail.com
Please make a selection below	I am a member of the public
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

I do not think it will, as family lawyers are there to provide us with the services so I do not see access to being affordable.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

I dont know.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Paralegals are members of Law society of ontario and are regulated, the only thing is that they should be thought just like lawyers but they might be taking lawyers jobs away from them in regards to family law.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Divorce and filing documents, advocacy.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

Yes, as lawyers are being trained for so long, I do not think less than 8-month education is a lot.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Hours required for people to be in the family law services, and a good education.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

I would think for them to be competent they need higher education. Lawyers would be a good placement and provide a good placement for paralegals so they learn more.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes very important.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

I do not know what they know about family law.

General

#68

Please enter your first and last name	Adam deCosta
Email Address	adam.decosta@hotmail.com
Please make a selection below	student
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Other
Practice area focus:	- Manufacturing
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

This is mandatory, a few years back I got a divorce, thankfully it was amicable and there were no issues. There are many who cannot afford to pay a lawyer minimum of \$400 per hour. A paralegal charges between \$100-150, that 3 to 4 times the work for the same money.

For the most part Lawyers and paralegals have the same knowledge source. If the Law society is concerned paralegals need to be extensively tested, they should ensure the qualification exams are thorough. To ensure families are served in the best possible way LSO must not be a hinderance.

Lawyers also charge at a minimum 4 times more than a paralegal, therefore many cannot afford. If the LSO is truly committed to the principle of Access to justice, talk to recent divorcees and the money they have spent. Also ask those who did not hire a lawyer, what were their reasons.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

There must not be a restriction in scope, this will not support the access to low cost access to justice. LSO must extensively test these professionals, anything a lawyer can do a paralegal must be allowed to do.

This must be a wholesome solution, not a bandage solution, that increases the cost during the duration of the divorce. During a divorce spouses become vindictive, if they know they can move the case out of a paralegal's care, they can get their soon to be ex to spend more. This is most likely money they cannot afford. Lets also remember the leading reason for poverty is divorce.

Completely tested individuals who have complete access as a lawyer.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Absolutely, the LSO has a mechanism to ensure complaints are investigated. There is absolutely no reason to hinder access to justice to the many who need it. Even Lawyers, have not taken the courses being suggested for paralegals to become licensed.

Truthfully, if paralegals are currently trained and well versed, they should be able to write a qualification test, which if they fail they should have to wait a period of 60 days before re-writing their exam.

In the end Lawyers and paralegals will have the same competency. The ones that follow the ethics set out by the LSO.

LSO must guard against self serving individuals disrupting the access to justice for the 70% who are being denied. There are children who aren't receiving payments for their basic needs. Sitting in a place of authority also means the LSO must move this [licensing of paralegals] forward and not causing undue delay.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

When I went through my divorce, we drew up an agreement, divided our assets and asked the kids where they wanted to live. We couldn't afford a lawyer at \$400 or more per hour. If I could have had a paralegal look over the separation agreement for \$100- \$150 per hour, I would have done it.

Either LSO is serious about access to justice or not. Reducing the scope of paralegals, is asking the opposing counsel to improvise legal maneuvers to move the paralegal out of scope in that particular matter. I understand LSO will state it is against the Lawyer's code of conduct, but it will happen and there always exist a scenario for it to happen.

Therefore, either the LSO provides access to justice or not.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

The training program mentioned is sufficient, they can be delivered either at a University or College level. What is more important that training is consistent access to professional development.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Any Paralegal will provide the required expertise. They are already practicing in many areas, with proper knowledge they will definitely make a difference. Help many folks who need access to justice.

Anyone hoping to enter into family law must have at least a paralegal's licence.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

a paralegal can only get accredited to practice in Family law after practicing for two years as a graduated paralegal. No lawyer is going to offer placement opportunity.

As present, most paralegals will work under a principal paralegal and gain experience before opening their practice.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Always, laws change, family experiences differ, CPD allow professionals to stay on top of their game.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

No, at the present stage. They should upgrade to become a paralegal, and then transition into Family law. If the LSO is able to create a different tier of a paralegal with only family law that would be a better solution.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Billing Structure will allow families to pay a lot less to complete their divorces. There can be a block fee for less complicated matters. Self representing litigants delay the process, as most are unable to complete the correct forms, follow proper protocols etc. reducing this group will make the court system efficient.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Access to justice is a must. There are many who are struggling without access to legal professionals for their divorces. Usually parties are in a vulnerable position and thinking clearly is difficult.

Train the paralegals to be the best, but don't shackle them

12. Are any aspects of the proposed licensing framework unfeasible?

Absolutely unhinged access to Justice for the public and for paralegals to have the ability to freely practice

#69

Please enter your first and last name	Robert Lucas
Email Address	blucas13137@gmail.com
Please make a selection below	I am a member of the public
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

There are three major components in family situations: Husband, Wife and Children (if any)
It is important that all three components receive access to affordable COMPETENT family law legal services. If and when there is agreement to separation and when no-one is in any danger from a health and safety perspective, then I would agree to have competent paralegal(s) representing each party. If there is a combative situation and one or more of the three parties is in jeopardy regarding health and safety (mental and physical) then it is important that any party in jeopardy should have a competent lawyer representing them..

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

There is no reason, in my opinion, why a satisfactory business model could/should not be able to be developed.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Other services such as Children's Aid, Senior's assistance and when extreme, the Police, should be readily made available as required.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Emphasis communicated through open communication and education of the importance to all parties involved in taking an assertive approach instead of either an aggressive or passive approach. (i.e - Win/Win vs. Win/Lose. I'm OK/You're OK vs. I'm OK vs. You're Not OK or I'm Not OK/You're Not OK. And finally, approaching it from "I Count/You Count" perspective vs. an "I Count/You Don't Count" or "I Don't Count/You Don't Count" perspective.

It also then makes me realize that Family counselling and or the utilization of effective Life Coaches could significantly help in the flowing transition through separation/divorce, helping individuals choosing to move away from a 'Victim' perspective to a 'Responsible' perspective.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

The options and details communicated in #4 could/should be part of the basic training.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

There are others that I believe can much better respond to this than me.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

If part of Community College training, than at least one 4 month full time training under the mentoring of one of the qualified, licensed professionals in the field should be the bare minimum.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

I believe so. It would allow paralegals to see different perspectives which would be helpful in them going forward and being equipped to have the flexibility to encourage and advise based on them being equipped with a variety of workable alternatives instead of just one or two. There are many right ways of doing things and getting things done.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Law clerks could be eligible if properly trained. Life Coaches should also be considered!

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Life coaches would help people transition as positively as possible, helping individuals to choose into the best possible decisions for themselves and everyone else affected.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

I'm not in a position to comment on this.

12. Are any aspects of the proposed licensing framework unfeasible?

Not that I'm aware of but again, I'm not in a position of experience and knowledge to know.

13. Is there additional information or are there other factors that should be considered?

The process can be a positive, life growing experience when handled in a simple, effective manner. It doesn't have to be devastating to any of the parties involved.

Bob Lucas
Certified Life Coach
A Future + Coaching Academy
(416) 809-6101

#70

Please enter your first and last name	Jaclyn Rose
Email Address	Jaclyn.rose4@gmail.com
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Other
Practice area focus:	- Family /Matrimonial Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes, by providing the public with an increase in legal professionals able to help with their family law matters. A paralegal would also likely be a more cost effective solution for potential low income clients

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

I strongly believe they're will be an appropriate level of competence.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Child-support
Parenting agreements
Uncontested divorces
Etc

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

Yes, I believe that is a very strong educational approach, that will ensure competence.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

I believe the proposed educational plan would be sufficient training, and no other prerequisites should be required

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

A 20 hour field placement should be required, a list of firms accepting students should be provided by the LSO

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

I believe only paralegals should be considered, as we endure a lot more education and training than a clerk.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Cost structure, and accessibility

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes!

12. Are any aspects of the proposed licensing framework unfeasible?

I don't believe so

13. Is there additional information or are there other factors that should be considered?

No

#73

Please enter your first and last name	Chithika Withanage
Email Address	chithika@gmail.com
Please make a selection below	I am a lawyer
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Government or public agency
Practice area focus:	- child welfare
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

"Affordable" and "Competent" do not necessarily go together; a service may be affordable but not competent or vice versa.

The proposed FLSP in actual fact supports neither affordability nor competency.

The only way to ensure affordability is either by having a certificate system (i.e. LAO), or by specifically limiting what a provider can charge a client. If a latter is possible, there is absolutely no reason why a fee limit is simply not imposed on lawyers.

The fact of the matter is family law bleeds into other areas of law, no matter what. Legal advice given in a family law proceeding, or documents drafted in such, may impact ongoing or future child protection proceedings. It may have tax consequences, impact small business earnings etc.

It is fool-hardy to separate portions of family law and think that those can exist in silos, without interfering into any other areas.

Family law is an astonishingly complex area of law with many nuances; the proposed training or competency requirements is not nearly enough.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

A business model in this area for a FLSP is no different than a lawyer.

There must be enough income earned to sustain the practice. The practice of family law includes numerous court appearances, vast amounts of correspondence, drafting multiple court forms even for the most simple, on-consent divorce, etc.

Frankly, the Law society should have undertaken an analysis of LAO certificate lawyers ho practice these areas to understand what volume of clients and what type of cases would be required for a viable business model.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

There is nothing in this proposal that ensures appropriate competency levels.

The biggest problem is that the LSO assumes that family law is a service provided once in life. It is not. People involved with family law will continue to need legal services over the course of many, many years. An agreement drafted in 2014 may need changing in 2018 when circumstances change. A custody-access arrangement may be used in a child protection proceeding to demonstrate lack of care of a child. Support agreements could impact tax filings.

It is not enough to simply say 'inside scope' v. 'outside scope'. What is 'inside scope' routinely impacts what is 'outside scope'. Competency in both scopes is required, always.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Family law is not a set of lego blocks, that you can divide up into sectors. It is a puzzle, with each piece connected to the other.

Increased access to affordable, competent family law services requires qualified lawyers, and a broadened LAO certificate system where a hybrid system of funding between litigant and LAO could provide for competent counsel at an affordable rate.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

If someone wants to practice family law, they should take a family law course offered at a law school, and/or successfully complete the family law section of the bar exam that lawyers are required to pass.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

The same as a lawyer practicing in the field.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

The same as a lawyer practicing in the field.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?
Yes

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

As currently proposed, law clerks are better equipped these services than paralegals.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

To assurance that they would receive the same quality of service as they would from a lawyer.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

No.

Even the recent enhancements are not necessarily appropriate. The recent enhancements are middle-class and upper middle-class solutions. Those solutions are not necessarily accessible for working class people.

12. Are any aspects of the proposed licensing framework unfeasible?

Many of it; see above answers.

13. Is there additional information or are there other factors that should be considered?

See above answers.

#76

Please enter your first and last name	Michael Orrett
Email Address	thethinkingparalegal@gmail.com
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Other
Practice area focus:	- Not currently practising
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes it will. Generally the cost of legal services involving lawyers are expensive for litigants who earn low to average income. This usually result in self representation, which is not always the best way to get justice.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

It will. Since becoming a paralegal 3 years ago and even though I am not practicing, most inquires from others have been about some family law related issues. This led me to believe that i could make a living from this area of law. By comparison inquiries in other areas have been very low.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Yes. I trust that the Law Society will ensure that there is appropriate level of competence from practitioners before allowed to practice. Also there should not be any greater difference from other areas of law that allow paralegals to practice. The same duty to clients should apply regardless of the area of law.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

It should involve all activities involved in family law - the only restriction should be on the dollar value of amount being litigated. A limit of \$50,000 would be reasonable for paralegals.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

I am not aware of the training program but a duration of 6 months should be reasonable to cover most of the areas of family law.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

A paralegal licence with additional training should be sufficient.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

Like I indicated above a 6 month training course for a licensed paralegal should be adequate. Field placement should only be required if paralegals are going to be allowed to provide significant scope of practice in Family law.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes. CPD is always good. This ensures continuing training and development of paralegals. In fact I think this should be mandatory.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Not sure, this could be dependent on the years of experience in this area.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Cost structure
Accessibility

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes

12. Are any aspects of the proposed licensing framework unfeasible?

Not sure, need to examine the framework more thoroughly.

13. Is there additional information or are there other factors that should be considered?

Not at this time.

#78

Please enter your first and last name	Alistair Vigier
Email Address	avigier@clearwaylaw.com
Please make a selection below	Legal technology CEO
Are you a self-represented litigant?	Yes
Are you representing an organization or association through your participation?	Yes
If you indicated 'Yes', please tell us which organization or association you are representing:	Clearway Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)
Upload a File	To The Access to Justice Committee.pdf
Scope	
Competence	
Training Program	
Other Components of Licensure	
General	



To The Access to Justice Committee

I am answering the call to comment for the Family Legal Services Provider Licence Consultation. I have been in the family law industry for five years, and have useful information on the best ways to approach improving access to family law services. I understand the LSO is considering allowing an Ontario paralegal to do lots of family law work.

At its core, [access to justice](#) involves two groups of people. The person who needs legal services (“the client”) and the person providing legal services (“the lawyer.”)

Right now around 60% of people going through the family law system in Ontario do not have a lawyer.

There are two reasons for the lawyer/client disconnect

1. The client doesn't want to work with a lawyer, or cannot find the right lawyer.
2. The lawyer doesn't want to work with the client.

The main reasons for the first situation are that the lawyer doesn't get back to the potential client in time. Some lawyers wait five days to respond to inquiries. The other reason is that they don't believe the lawyer offers enough value for the costs. This is normally not because the client doesn't have money, but because they have no idea how much it would cost.

The reason for the second situation is that the lawyer does a poor job at sales, and just gets straight to discussing how much of a retainer they want. The lawyer listens to the client for five minutes and then says "right, I will need a \$5000 retainer." This lack of understanding and care turn the client off.

The problem with lawyers is outlined below.

Becoming A Lawyer In Ontario

To become a lawyer, most people graduate with a bachelor's degree, which takes four years. Then you must pass the LSAT, which might take six months. Then you go to law school for three years. Then you article for a year. And finally, you study for the bar exam for six months. In total, someone might spend around eight years of their life on becoming a lawyer.

Let's say they could have earned \$60,000 in a job out of high school. In these eight years, they would have earned pre-tax \$480,000. Add a cost of \$70,000 for law school tuition, and they have given up \$550,000 to become a lawyer.



Becoming A Paralegal In Ontario

To become a paralegal in Ontario, you must complete an Accredited Paralegal Education Program. I picked the first approved program on the LSO list, which was the Academy of Learning in Toronto. The program takes 49 Weeks, and the tuition is around \$12,100.

To make the math smooth, let's say after completing the 49 weeks of Paralegal training, someone takes three weeks off. Therefore, if they could have earned pre-tax \$60,000 during this year, plus the tuition, it would have an opportunity cost of \$72,100.

Does It Make Sense To Go To Law School?

The cost to become a lawyer is around \$550,000, and the cost to become a paralegal is around \$72,100.

Why would anyone want to become a lawyer?

One could say that becoming a lawyer is certainly more prestigious than being a paralegal. But does it make financial sense?

If it was true that lawyers were earning much more than paralegals, then it may still be worth it to go to law school. However, as was the case before COVID-19, and is certainly the case during COVID-19, many lawyers are not earning enough to keep the lights on. Lawyers are financially struggling.

The Problem

Paralegals are taking more market share away from lawyers. The Family Law Active Plan outlines that the solution to access to justice is to make things harder for lawyers.

In essence, the Law Society and the Ministry of the Attorney General may approve a license for paralegals to offer family law services. The paralegals could deal with financial disclosures, motions, uncontested divorces, and “possibly other areas.”

Financial disclosure and uncontested divorces make up a significant market share for divorce lawyers. Motions and “possibly other areas” contribute to keeping the lights on at family law firms.

I have nothing against paralegals. I know many paralegals that are more knowledgeable than lawyers. What I do take offense to is the belief of the LSO that the reason for the access to justice problem is that there are not enough family law experts in Ontario.

There are plenty of lawyers that are capable of providing legal advice and services. The problem is that clients and lawyers are not connecting properly.



The Solution For The Legal Industry

I have outlined my three solutions below. All three of them might make The Access to Justice Committee uncomfortable. However, given my five years of pushing innovative in the family law market in Ontario, I know they would work.

1. [Allowing for online law firms](#)
2. Relaxing some LSO rules
3. Sales Training For Lawyers

Allow For Online Law Firms

Lawyers should be able to work from home and provide services without every meeting their clients. This would save the lawyers money on rent, and then can pass on the savings to clients.

Also, if a client lives in a remote area three hours outside Toronto, it will be very difficult for them to get legal representation. If they are lucky enough to have a family lawyer in their town, the quality and experience of the lawyer might be subpar.

My experience is that small-town lawyers are often not very skilled and lack customer service sense. This of course is not always the case.

An online law firm could service clients anywhere in Ontario. From Toronto to the smallest town of only 200 people.

There are some encouraging statistics for online law firms that came out of the 2019 Clio Legal Trends Report. The report said that 68% of clients want to meet with their lawyers outside of office hours.

Online law firms can easily operate during long hours, as there could be lawyers on the East coast of Canada and on the west coast of Canada. This means that while keeping “9-5 pm” office hours, the law firm can operate an additional 4.5 hours because that is the number of time zones in Canada.

According to the legal trend report 59% of people that need a lawyer, want their law firm to be available outside of the normal 9-5 pm.

Relaxing some LSO rules

Lawyers must be allowed to verify ID for people in remote cities over video conferencing. A client can send a copy of their ID, and then the lawyer can check the picture of the ID during the video conference. The client would hold up their ID to their face.

The LSO should also allow for non-lawyer ownership of law firms. Law firms will need the ability to attract investment so that they can invest in technology, customer service, and better business models. This system has worked well in the United Kingdom.

Law firms in the UK like Co-Op have operated extremely successfully as online law firms. They could only afford to do this by raising capital.

Sales Training For Lawyers

Many lawyers are terrible at sales and customer service. They assumed when they went to law school that they would never need to promote their services. They are the lawyer who knows about legal issues, and how to solve them.

The LSO should develop sales training for lawyers.

The lawyer needs to think about how to provide better customer service and track client feedback, which is key. If the average client has a better experience with lawyers, there will be fewer LSO complaints. Further, more people will recommend hiring a lawyer to their friends.

Conclusion About Ontario Paralegals

I am genuinely concerned about the future of the legal market in Canada. I will continue pushing innovation. If the legal industry doesn't want to change, I will force it to change.

While my approach is aggressive, I believe it is necessary. 60% of people going through the system without representation means something is seriously broken. This is similar to 60% of people not going to a hospital because they don't want to deal with doctors. Can you imagine if 60% of people operated on themselves?

I am happy to work with the Law Society and the Ministry of the Attorney General in any capacity to resolve the family law access to justice issues in Ontario.

#80

Please enter your first and last name	Angelo Koitsis
Email Address	koitsis.2@gmail.com
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Other
Practice area focus:	- Aboriginal Law - Not providing legal services
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Many people cannot afford lawyers. Because of this reason, many attempt the court process on their own and they struggle due to their lack of legal knowledge and court processes. By providing an additional avenue for those who need access to family law legal services, we can help fill voids.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Absolutely. As long as the FLSP complies with the prescribed Rules of Conduct and adheres to ethical business practices, I do not foresee how there can be problems with developing a business plan that tailors to potential clients' needs.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

To become a paralegal, those who wish to be licensed are required to complete an accredited education program, a field placement, and a licensing exam. At the moment, 120 hours of field placement are required. I would like to see more training outside of the classroom so that individuals have a better grasp of what is required in the real world. I support the proposed competencies. The schools should also offer more practical knowledge as law is more than just reading and learning theories.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

I would really like it if adoption applications were a part of the FLSP's scope of activities. There are many out there who wish to adopt children, but they cannot afford lawyers. By permitting new licensees to take on these retainers, those who wish to adopt children would have an additional means to do so. I also believe children under the age of eighteen should be able to access the services of an FLSP. Going back to my previous example, these same minors may be looking for new homes because of family abuse. It is safe to say that not many minors can afford lawyers; therefore, an FLSP licensee can definitely make an impact with their lives.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

I agree with the training program that is being proposed. In the end, what matters is for all family law concepts within a paralegal's scope of practice to be covered. Personally, I would love it if full-time and part-time options were available as this would allow flexibility to those who need to work to pay for their studies.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Many people enter a paralegal program with no experience in law. When I first commenced my legal studies in 2016, I had no legal background. My goal was to go to school to learn something new and I did learn many things. All individuals who possess a keen interest in family law should be allowed to enrol in a program; therefore, no prerequisites should be required.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

Students should have a choice when it comes to field placements- either the school can provide one or they can find one themselves. Many students who enter a paralegal program do not have any legal experience; therefore, they are stuck upon graduating and becoming licensed. At the moment, 120 hours of on-the-job training is required and I believe this needs to change. More time is needed to give students a grasp of what to expect in the real world.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Absolutely. At the moment, paralegals are required to complete CPD hours; those in family law should also do the same to keep on top of developments within family law. In law, there are always new developments and it is important to be on top of all of these changes.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

I believe that anyone wishing to learn and provide family legal services should be eligible. Many law firms employ law clerks and it would be helpful if they had some knowledge about this area of law.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Many self-represented litigants have very little to no knowledge of legal terminology or court procedures. By knowing that there are options available out there to help, this may persuade these same self-represented litigants to reach out to an FLSP. They may also see that there is a more affordable option and that lawyers are not the only avenue to getting the help they need.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Upon reading the report put together by the FLWG, I would say that the design is appropriate. I have no comments here.

12. Are any aspects of the proposed licensing framework unfeasible?

The FLWG is proposing a prerequisite of one to three years of work experience as a paralegal. I believe this excludes individuals who may be keen on entering the legal profession and only possess an interest in family law. If the interest to learn is there, why not make the opportunity open to all?

13. Is there additional information or are there other factors that should be considered?

At the moment, licensed paralegals are required to complete an annual report. In my opinion, I believe there should be a separate report for the FLSP licence so that confusion is avoided. If an annual fee is necessary, the amount to be paid should also be separate from the current fee and separate receipts should be issued.

#84

Please enter your first and last name	Chi Ude
Email Address	chiomaud@gmail.com
Please make a selection below	I am a lawyer
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Other
Practice area focus:	- ADR/Mediation - Family /Matrimonial Law - Immigration Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

No

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

No

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

No

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

No

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

No

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

The provider should be a trained lawyer with ADR skills.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

No. There are a lot of law graduates being churned out every year with a large number finding it hard to get jobs. Law practice in Canada is not as lucrative as it is in the US. Lawyers are already sharing immigration practice with non lawyers. Paralegals can now be notary publics and now you want to consider non lawyers to provide legal services..really? Very soon, there will be nothing left for the lawyers to do and yet they are expected to pay outrageous sums in the name of practicing fees an amount that is over 5 times of their US counterparts.

General

#87

Please enter your first and last name	Melissa James
Email Address	melissajamesslp@gmail.com
Please make a selection below	I am a member of the public
Are you a self-represented litigant?	Yes
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes - lawyers are too expensive for most families. The cost of a drawn out legal process can cost divorcees their life saving and it is not fair to gouge families when emotions are high.

I've been through a family law experience that cost me -\$50 000, when I was earning \$50 000 per year and this is not uncommon. Going through a traumatic ordeal should not be exacerbated by systemic financial exploitation as well. Paralegal can reduce cost.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Possibly. Paralegals need to be allowed to attend First Appearance; Case Conferences and Motions.

Let the lawyers do trial litigation.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Unsure

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Paralegals to attend trials, case conferences and motions.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

Yes

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Unsure

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

Unsure

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Unsure

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Yes

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Unbundled legal services should be available. Speed is an issue at Family Court where people have to wait up to 6 months from an application to motion - while spending thousands just to get them there. The process is a nightmare if you have a spouse who is disagreeable and mediation doesn't work. There needs to be a way to have a decision maker step in earlier in the process.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes

#88

Please enter your first and last name	chris young
Email Address	thorold59@gmail.com
Please make a selection below	I am a lawyer
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Sole practice
Practice area focus:	- Family /Matrimonial Law - Real Estate Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

As a lawyer, I think it is necessary to now cheapen the profession to the lowest point possible point. I no longer treat this profession as a profession, but like flipping burgers at Wendy's. I do my job for the best result and price. I have no problem in lowering my standards to the very bottom and providing cut rate, cheap, and not so good services. I have 3 degrees, a LLM from Cambridge in the UK. No one cares about that, they care how cheap I can do things. So, let's make everything cheap, and make me a cheaper lawyer so I can provide more access for less money. The cheaper the better. In fact, we should have no standards at all. No more audits, no more showing up on time, doing the best you can, but make the best you want to do. So yes, let's destroy the level of legal services. There was no need to get a BA, LLB, and a LMM and invest the time and effort. We need to look not at the equality of struggle to be a lawyer, but the end result where everyone can be a lawyer from college. That is what we need to do, cheapen the price, cheapen the quaintly. It is the maxim idea of equality.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

You can take my business and my clients and shift it to the paralegal. It is a bit of a joke because if you are doing a family law trail, it isn't easy. But it won't be my problem, it will be the systems problem. I'll work for less money and fewer demands from the clients and system. In short, I will only be in this for the money and the burger flipping. I used to have pride in my job, now, I do not care, because the Law Society wants to reduce my income and take away my pride. No problem, do not ask for much from me in return.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

There is no reason to go to law school. It is simple to be a lawyer. Anyone can do it. In fact, we do not need lawyers. Will I be able to reduce my fees to the LSU if I become a para legal? Why not, they will be doing the same work as me.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Expand it to real estate, family law, estates, everything. Lower the profession to burger flipping. Yes, cheaper, like do you go to the Keg or Wendy's? Or do you go to a lawyer or a paralegal. I am fully certain that I can have my staff do most of my work, and charge bib dollars for it, and never see, or have any input with the client. I see no need. Everyone from college should be able to provide the same services as me, I should be able to lower my delivery of my services to the lowest level.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

Yes, No training is needed at all. Maybe close a few law schools as well.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

None. Open the job to anyone.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

None Make everyone equal and reduce the lawyers to the bottom level. There is no need to have any ability at all, or training.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes, it is great. It provides all the knowledge you need. I laugh at some of the people who have gone through the program who can't write a letter, let alone a sentence. No need to be educated at all.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Yes, accountants, Dr's, priests, mayors, MPP's, social workers, nurses, everyone who can breath, etc.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Most people do not want to pay for a lawyer. Most people hate lawyers. But they will love paralegals because they are not lawyers and are cheaper.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes expand this to real estate and all other forms of law. Close the laws schools and have 1 tire system made up of paralegals. No need to be a lawyer. Let me tell you , anyone can do my job.

I bill 1,4 million on my books, it wasn't hard, I hardly worked or did any work. The money fell from the sky without effort.

12. Are any aspects of the proposed licensing framework unfeasible?

Nothing. Keep expanding it. Make lawyer redundant . You guys are such a bunch of bastards, we pay fees to destroy ourselves. Ha, maybe we should get some balls and say fuck you , and no to the destruction of my livelihood.

13. Is there additional information or are there other factors that should be considered?

None. This was decided 30 years ago when I was the president of the Local Bar. Whatever I say , is useless. You have made up your minds.

I have lower my standards a lot in the last few years, as I see it as every man for himself. That is what I am going to do in the future. I really do not care what you do, I have my own system to provide legal services, and I really do not care about what the LSU does or thinks anymore, as I have no voice. The LSU is there to bend me over and fuck me from behind. That is their sole purpose.

#90

Please enter your first and last name	Tabatha McNicol
Email Address	Tabathamcnicol@gmail.com
Please make a selection below	paralegal candidate
Are you a self-represented litigant?	Yes
Are you representing an organization or association through your participation?	No
Practice area focus:	<ul style="list-style-type: none">- ADR/Mediation- Human Rights/Social Justice Law- Landlord and Tenant Law- Ontario Court of Justice - Provincial Offences Act matters- Ontario Court of Justice - Summary Conviction Offences- Small Claims Court matters
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Southwest, including Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes, the more help the public can get at affordable rates the better.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes, a lot of people need help and can't afford the big prices of lawyers over the lengthy duration of dealing with a family matter in the court system.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

With the appropriate knowledge, paralegals helping the public in family law is a great deal better than the public trying to help themselves with little to no knowledge.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Process, filling out and filing necessary paperwork, representation, etc.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

Yes.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

An educational course.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

Completed course on the subject just like all other areas of law.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

No. Paralegals and lawyers.

General

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes.

#92

Please enter your first and last name	James Bowie
Email Address	James@JamesBowieLaw.com
Please make a selection below	I am a lawyer
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Sole practice
Practice area focus:	- Civil Litigation – Defendant - Civil Litigation – Plaintiff - Criminal/Quasi Criminal Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

No.

This entire venture, reading the Bonkalo report, is rooted in the flawed notion that the experience of the Small Claims court is that Paralegals charge less in that court, thereby improving access to justice. This notion is offered without support, and in fact it is backwards and untrue.

Paralegals in the Small Claims Court regularly charge as much or more than lawyers do. Before proceeding, the Law Society should invite comments or surveys from the Ontario Deputy Judges Association to ascertain the validity of that claim. It is of central importance to this decision.

It would be completely counter-productive to open up the practice to paralegals only to discover they are charging similar rates. Respectfully, the onus should be on the paralegals seeking to increase their practice areas to demonstrate based on evidence that in fact the bills of the paralegals in the Small Claims Court have been lower.

Failing that, there is no public policy reason to admit Paralegals in the manner proposed.

Competence

Training Program

Other Components of Licensure

General

#95

Please enter your first and last name	John Q Taxpayer
Email Address	Incompetant.law.society@ontario.ca
Please make a selection below	I am a member of the public
Are you a self-represented litigant?	Yes
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	ontario

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Nope. The law society continues to pervade the province with its incompetence and direct desire to increase legal incomes, bankrupting families, society, and tomorrow, in deference to intellect, intelligence, and common sense. Canada has some of the highest costs in the world for family separation, and makes a mockery of justice and the legal system. Most countries don't perform child support in court, collectively paying \$1000/hourly to figure out what the government has put into law like Canadians do. When was the last time a cop hauled you into court for a speeding ticket, demanding "do you agree to pay this amount?" Its already defined in law, its already a statute, but in Ontario we run up family costs and lawyer incomes intentionally with more B.S. Most countries just simply deduct based on law at the local family services office. Ontario requires you pay lawyers to read a required payment amount off the governments statutes. Talk about bullshitting and fleecing society for your own interests. In most peer countries, access motions cost the equivalent of \$1000 U.S.D., give or take. The average reported cost in 2018 for access in Ontario was 2700\$ U.S.D., almost 300% what our peers pay in other countries. Talk about legalized theft approved by the LSO. The hilarious bullshit is where the United Nations points out that over 60 countries now have a presumption of 50/50 custody and access upon separation, but in Canada the lawyers keep pretending that children wont be protected, furthering the idea that Canada's legal system is beyond incompetent, since those countries have no known issues with child protection as a result of the 50/50 presumption. Canadian parents keep telling their MP's to start contacting lawyers in other countries, since Canadian lawyers keep spouting their personal inability to perform child protection if 50/50 presumption was implemented. Talk about intentional legal misdirection (another U.N. quote) by the legal system. In Canada alone, we allow lawyers to leave messages on clients phones, offering a specific UNASKED FOR legal service, resulting in the lawyer LEGALLY billing the clients trust for offering something the client never requested. Yet another forced rape of families, permitted by the ontario laughing society. Lets not forget, another ONLY IN CANADA event, where LawPro requires the insured lawyer to report a potential claim, in order for society to be protected. A recent U.N. panel on childrens justice in 2017 pointed this out to the G20 assembly, forcefully condemning the entire service of insurance run by regulators. The other 19 countries all confirmed this is abuse of society, and not in any public's interest, stating that the Ontario Law Society doesn't seem to comprehend what child and family legal protection really is. Essentially, our slow as shit legal system is complete garbage, the rest of earth knows it, the rest of earth can process cases in a year or less, and the typical case in Canada is now running over 2 and 3 years, which serves nothing except lawyer and judge incomes. Parents keep asking MP's to look outside the country for solutions, and the LSO keeps ostriching its head into the sand. Canadian children now have the 4th highest suicide rate on earth, and international experts now blame our adversarial divorce and separation process. Canadian parents for over 40 years, have been begging in the media for change, and the LSO keeps preventing it in order to produce millionaires. Heck, Canada is the only country in the G20 where a lawyer can take an accused assailant up to the victim seated in the halls of the court and have a conversation and discussion without any repercussions when there is a no contact order. Talk about intimidation of a justice system participant. O wait this is canada, never mind that. Our legal system is absolute bullshit and beyond dysfunctional. Lets also recognize our courts are not available for the public, because of covid, yet most peer counties never even closed for 1 day. Amber Heard/Johnny Depp trial UK, May and June 2020. Courts not closed. Talk about serving yourself instead of the public, which you swore with your oath. Deceit and deception run rampant in Ontario law and are the rule not the exception. The icing on the cake for incompetence in this very consultation paper is that the term "CPD" is used frequently, and remains undefined within the paper. Unknown short forms. Cannot make this shit up. LSO is amazing to parents and families for that. An amazing thing that makes you wonder what the fuck. The are an average of 10 Canadians from Ontario a day on twitter claiming they cant get their family law court orders enforced and no authority will even talk to them. They even state they arent looking for legal advice, but the LSO intentionally remains ignorant, in the eyes of the public. These constantly lead to facebook discussions among communities discussing rule of law, the LSO, lawyers and judges, in a negative light. But no one will address it, pleading "legal advice" The citizens of this province don't trust lawyers, the courts, and the judges, and it's being repeatedly stated online.

Competence

Training Program

Other Components of Licensure

General

#98

Please enter your first and last name	PAMELA SERO-THOMPSON
Email Address	office.cajparalegal@gmail.com
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Small firm (2-5 licensees)
Practice area focus:	- Administrative Law - Landlord and Tenant Law - Ontario Court of Justice - Provincial Offences Act matters - Property Tax Assessment - Small Claims Court matters
What is the location of your workplace? If submitting on your own behalf, where do you reside?	East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

I feel it will Paralegals fees are a lot lessor than Lawyers, and Paralegals in some cases have more time to be available on a one to one basis. giving the client more exposure to the work being done.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Not sure

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Yes with the schooling that will be required and the time doing a placement with a lawyer will give the Paralegal more hands-on experience.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Yes I do

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

Yes

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

I think the Paralegal should spend more time as a placement with Lawyers to ensure they are competent.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

School and articling with Lawyers

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

NO

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Education

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

yes

12. Are any aspects of the proposed licensing framework unfeasible?

yes

13. Is there additional information or are there other factors that should be considered?

No

#100

Please enter your first and last name	Jennifer Burnell Dieleman
Email Address	Jbd.expose.cas.on@mail.com
Please make a selection below	I am a member of the public
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Southwest, including Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

If paralegals can help in family law it opens a door to clients having a new way to afford legal services legal aid doesn't help with much for example my ex is abusive and ive proven this but he has custody of my daughter he has money and can afford a lawyer I'm disabled and can't afford a lawyer legal aid wont pay for my lawyer because of this I have not seen my child for 5 years if I had a paralegal to help me I would likely be able to see her! Theres a shortage of good lawyers that will fight for their clients unless you have allot of money allot of people don't have money allot of people are trapped in dangerous abusive situations that paralegals can help with but unless you allow paralegals to help us then we're always going to be stuck with out help sometimes a paralegal can do a better job than a lawyer in certain situations people in my situation definitely need their help!

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

yes! If they can get involved in family law then it opens the door for them to help the many people who can't afford a lawyer! The many people that legal aid doesn't help! It lets them combine their cases for a client so if their going to small claims court and human rights over a situation for a client and the matter can be extended into family court to get them further relief because of judgments they get from small claims court and human rights then they don't have to pass the case onto a lawyer for the family court stuff they can keep fighting for their client! Paralegals need to be able to fight in family court for clients it only helps the clients in the long run!

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

If they can represent a client in criminal court why not family court family court is lacking in advocates and this helps

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

just allowing paralegals to offer their services in family courts because some paralegals have been through family court themselves so they have first hand knowledge of how it works paralegals are more affordable than lawyers legal aid doesn't offer much help if any so having a paralegal could be the difference between whether or not a family unjustly gets ripped apart or not speaking from my experience if I had a paralegal to help me when I needed it my family wouldn't have been unjustly ripped apart

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

yes

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

what your offering works

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

I'm not sure

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

I'm not sure

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

I'm not sure

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

I'm not sure

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

I think so

12. Are any aspects of the proposed licensing framework unfeasible?

I'm not sure

13. Is there additional information or are there other factors that should be considered?

I don't think so

#101

Please enter your first and last name	Jade Fisher
Email Address	jadefishr@gmail.com
Please make a selection below	paralegal candidate
Are you a self-represented litigant?	Yes
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Small firm (2-5 licensees)
Practice area focus:	- Criminal/Quasi Criminal Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Southwest, including Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes the proposed scope will support increased access to affordable family law legal services. I am suggesting a solution that has been in discussion for years and needs to be put into practice. Paralegals should be allowed to assist with family law matters within a limited scope as the Law Society sees fit. This will allow the public to have access to competent and affordable legal services that are already governed by the Law Society.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes Paralegals could develop a viable business model. Paralegals already work within a variety of legal fields successfully as sole proprietors or as part of a firm and have proven to be a successful addition to the legal community. By simply adapting the format that already exists and applying it to family law, Paralegals could expand their scope of practice and at the same time open the door for a more affordable representation. This will not be taking work away from the lawyers who are already working in the field, instead it will be addressing the 60% of Ontario individuals who go unrepresented.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

This is a viable option that will ensure that Ontario individuals have access to competent representation. The LSO already governs Paralegals, what they learn and practice. By expanding Paralegals education to cover Family Law practices the LSO can ensure that all individuals working in the field are competent and ready to do so. There is no reason that Paralegals are viewed to be competent to work in such a wide variety of fields but then excluded from the one legal field that needs them most.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

I do not work within Family Law so I am not familiar with their practices. However, I am confident that there are administrative appearances, writing and addressing basic contracts, mediation and legal actions under a set monetary value that could be handled by competent paralegals. There have already been many discussions outlining Paralegals potential positive addition to the Family Law practice.

Training Program

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Paralegals must complete an accredited educational program outlined by the LSO and a licensing exam that includes Family Law aspects before they are allowed to work in the field. In addition, it would be encouraged that they shadow or do a placement under an experienced licensee working in Family Law before taking on clients of their own. If this means extending existing Paralegal Programs so that they can accommodate for the extra education then that can be discussed. Licensed Paralegals that have already completed their education and licensing should be required to take a required course and additional examination if they wish to branch their practice into Family Law.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Continuing professional development would definitely be beneficial to ensure competency of Paralegals working in the Family Law field with a required amount of hours to be completed over the course of a specific amount of years. Once this is completed an individual will be seen as an expert in that field.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Law Clerks should only be considered to provide unsupervised legal services if they complete an accredited Paralegal Program. Paralegals should be considered to expand into the Family Law field.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Paralegals would be appealing to self-represented litigants because they have already been accepted into the legal field for over 10 years. They attended an accredited institution and are governed under the Law Society Act. Additionally, they can provide a wide variety of services for a much more affordable rate. They have proven to be successful and competent in other fields of law and this level of competency would be an encouraging addition to Family Law. Most self-represented individuals do not wish to be self-represented, they are in this position due to necessity not preference. It is clear that more affordable licensees are needed within the field of Family Law to address the 60 percent of individuals who are unrepresented every year.

12. Are any aspects of the proposed licensing framework unfeasible?

Paralegals have been examined as a potential addition to Family Law for years. I do not believe this is an unfeasible addition. It may be contested by some lawyers and even judges, however the 60 percent self-represented rate demonstrates that it is a needed addition.

#102

Please enter your first and last name	Melissa Zaffino
Email Address	m.zaffino@hotmail.com
Please make a selection below	LPP Candidate
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Other
Practice area focus:	- Family /Matrimonial Law - Real Estate Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	N/A

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

The proposed scope is broad for the FLSP. By providing the broad scope, this will help increase access to affordable and competent family law legal services. Need to ensure the scope remains broad so that a FLSP can provide a range of services and are not limited. If a FLSP is limited in what they can provide, then I believe we will still have the unrepresented litigant as they will not see any value in going to a FLSP who can only assist them in a limited way.

Consumers want value for money.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

The proposed scope of permissible activities will enable a FLSP to develop a business model that is viable as they will be able to offer a wide range of services. However, it will ultimately come down to not just what activities they can provide, but what they charge for providing those activities.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Yes, another competency to consider is Emotional Intelligence.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Parenting Orders and Decision Making
Child Support
Spousal support
Property
Domestic Contracts

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

The proposed program duration and rigour is sufficient. However, the program at the moment is designed for primarily in person. The times have changed. Leaving the issues of COVID19 aside and not knowing how long social distancing will last for, an online training program should be developed. Firstly, it will save costs to both the provider and candidate and it will save time travelling to and from the location of training. Candidates may not have the time to travel to the location or locations and complete the training. By delivering the training online, it will be more accessible to others whether they access it through their phones, computers, library, etc. Furthermore, by having online training, it can be set up in a way that the candidate has to complete the required hours but can do so at any time and at their own pace (by a certain deadline say you have 10 months or 1 year) and will allow them to become licensed quicker. Any assessments can be done online in camera like the Bar exams have been completed during COVID19.

The LPP training at Ryerson is delivered online and I believe I am learning lots if not more than I would if it was in person as I do not have to travel, saves me time and money and I am comfortable learning which helps me retain the information.

I agree that a licensing examination should be provided to test the competencies, but the duration and price of this test will need to be looked at. If the duration is 7 hours and \$750.00 in person such as the lawyer examination or 7 hours such as the paralegal exam, this may deter candidates. The purpose of the FLSP is to be able to provide services in the unmet legal needs. We need to ensure that the FLSP are qualified to provide the services, but that it is balanced against the number of components to becoming licensed to ensure we have an uptake of people wanting to become a FLSP. If the components are too rigorous and/or expensive, I believe there will be limited up take.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?
None. If a prerequisite is given, the uptake will be limited. If the FLSP is open to anyone with an interest in family law and wanting to help meet the unmet legal needs, they should be able to enroll and complete the necessary training. If they successfully complete the training, examination and a good character test should be included, then they should be able to become a FLSP.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

3 months experiential training. However, trying to find field placement work such as LPP work placement and/or articling is hard, especially with the current market. It would be worth exploring if experiential training can be provided by way of a virtual/simulated experience online. Have subject matter experts design files, etc. which can be provided online to candidates to complete the necessary work and obtain their training that way. This will assist in ensuring candidates obtain the required experiential training but are not delayed due to lack of placements.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes, CPD should focus on Family Law, however, I think that there should be a mandatory 3 hours of professional responsibility training as well as per the lawyer CPD requirement which includes 1 hour to EDI. A FLSP will still need to up hold their professional responsibility and the requirement of CPD in this area will assist them in doing so.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Yes, law clerks and any other person with an interest in becoming a FLSP. If a training program is devised where they can also develop advocacy competencies along with the other training already specified (full/part time course, examination, CPD), there is no reason why others cannot participate. If you limit this to paralegals, then we will be right back at the same issue of not enough providers to help the unmet legal needs.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Value for money - The self-represented litigants need to know exactly what it is going to cost and what they will get out of it. Also, payment plans potentially, sometimes during a divorce, a person is unable to obtain access to funds straight away or has very little of their own money.

Accessibility - need to be able to meet remotely and/or in person.

Availability - need to be able to speak to someone at any time of the day, any day of the week. Sometimes issues arise out of normal business hours.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes, provided it keeps up with the times - technology requirements / virtual/remote learning / work.

12. Are any aspects of the proposed licensing framework unfeasible?

Only opening it to paralegals would make it unfeasible.

13. Is there additional information or are there other factors that should be considered?

N/A.

#103

Please enter your first and last name	unhappy lawyer
Email Address	turcan_45@hotmail.com
Please make a selection below	I am a lawyer
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Sole practice
Practice area focus:	- Family /Matrimonial Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Southwest, including Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

No. This will be a disaster. It is pretty hard to do this work. Half the college students that I have had work for me can't write a sentence, let alone a letter. So, you are going to have thousands of people working from their homes and basements, making it impossible to serve people. Let us face it, the requires to be a lawyer are high, so you really want to dummy it down so non white people can enter the profession.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

No. I am not chasing people down who I cannot find, who are not smart enough to do the work. Like, UHHHHH, I am not holding your hands. And, how many mistakes are going to be made? If law is so simple, why do we need 2 degrees, and the bar? Why not dummy it down to just college?

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

No. Just about anyone can pass the college course. Just like everyone who drives is a good driver. If you can't write, you can't speak, and you do not have the capacity to think, how will this help?

If the answer is, we do not need to do this, close all the law schools?

But I have a bigger question . Did you ask the bar , the people who worked and put int the time if they agree? What shovel this down our throats. I resent the LSU 100%. I hope they defund you 90%.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

None. Just because you have more people doing the work, doesn't mean that it will work.

Now, I am totally into this job for the money. My only focus is to make as much as I can, because that is what you drove me too.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

No. Go to law school, be a lawyer. If not, tell the lawyers to go to paralegal school and close the law schools.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

None really. You want everyone to do the work. Why go to university? No need for a 1st degree or a law degree. Just be a paralegal.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

None. There is no substitute to a law degree and proper education. It doesn't matter what I say, you will do as you wish. I wish we could get enough lawyers together to revolt and end the LSU and defund it.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

No. No education is needed if this passes.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

No. Go to law school. put in the effort .

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

None. But, since they may not be brighter than their clients, it may be an excellent mix.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Sure, I agree. Use more on line zoom hearings.

12. Are any aspects of the proposed licensing framework unfeasible?

It all is. Why go to law school? Why do you not ask the lawyers what they think, rather than do this to them. It is like being totally screwed over. I have no respect for the LSU

13. Is there additional information or are there other factors that should be considered?

You will do what you want. It is part of marxism. The same end result for everyone.

#112

Please enter your first and last name	Clara Pal
Email Address	palleslie@aol.com
Please make a selection below	I am a member of the public
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes, paralegals are necessary and can be properly trained to provide affordable legal services.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes, however, my view is that paralegals can take on a greater scope. Also, other legal services providers should have the same family law training being proposed for paralegals. Just because an individual passed the bar doesn't mean they are sufficiently knowledgeable able family law to practice it.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Yes. Lawyers, mediators, arbitrators and judges should also be subject to the same competencies. If lawyers will have more scope than paralegals, then lawyers should have more family law training requirements too. Too many existing family law lawyers are not acting in the best interests of clients; too many family law lawyers are unsure how to handle cases and are not proposing settlement options where they should be considered. When family law lawyers propose settlement, it is too infrequent and often too late.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

A focus on ethics and greater understanding of family is required in family law generally. Parental alienation is destroying good families and many family law lawyers only contribute to the problem. I believe that, with proper education, paralegals can be more fair to clients because they already work more affordably in resolving matters; they are already closer to the ideal justice system. Instead of individuals self-representing after being financially destroyed by a family law lawyer, more individuals can have their family law issues resolved and more quickly by a properly educated paralegal or other professional.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

Yes. I also recommend that paralegals, law clerks, lawyers and family law arbitrators and judges alike be required to take a course on parental alienation and its potential life-long destruction of families and individuals.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Family law education, including about detecting and early resolution of parental alienation.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

Unfortunately, too many field placements are free labour for lawyers of work that provides no additional skills or value for the licensee (eg service of documents, photocopying, scanning). Having said that, I would recommend field placements at FLIC offices and the OCL, to benefit the public instead of benefit to private enterprise.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Yes. Only with the appropriate additional family law education, paralegals, law clerks, lawyers, mediators, arbitrators and judges should be eligible to be involved in family law legal services.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

1. cost
2. ability to communicate with the legal services provider
3. ability to trust the legal services provider

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes, there are many gaps still, with still many families suffering because they don't meet the criteria for FLIC help but cannot afford lawyer services.

12. Are any aspects of the proposed licensing framework unfeasible?

no

13. Is there additional information or are there other factors that should be considered?

additional family law education (including parental alienation) should also be required of paralegals, law clerks, lawyers, mediators, arbitrators and judges.

#113

Please enter your first and last name	Stefan Dreesen
Email Address	sdreesen@gmail.com
Please make a selection below	I am a member of the public
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Oakville

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

With family law legal services provided by paralegals, more of the public will be legally represented in family law matters.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes. Paralegals are capable of working in family law.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Yes. A component in the competencies of preventing, detecting and helping to stop parental alienation is also recommended.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

1. paralegal client representation in family law and
2. paralegal mediation and arbitration on family law issues

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

Yes. However, a course on conflict resolution for family dynamics should be mandatory, including info about parental alienation and its potential life-long consequences.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Paralegal licence

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

Experiential training, such as 20 hours at a FLIC centre or for the OCL or government funded mediation service should be ample on top of the experiential training a paralegal student is already required to do.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes, 1 day/year.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

No

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Cost
Access to information

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes

12. Are any aspects of the proposed licensing framework unfeasible?

No

13. Is there additional information or are there other factors that should be considered?

Education on parental alienation and its effects should be required for paralegals interested in becoming family law legal services providers and also family law: lawyers, mediators arbitrators and judges.

#115

Please enter your first and last name	clapham omnibus
Email Address	clapham@on.gc.ca
Please make a selection below	I am a member of the public
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	back of the bus

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

No. Recently, we performed a micro research project, with the results to be released on facebook in the coming new year. We have found that Ontario is the only western world jurisdiction where lawyers cannot speak negatively about the application of justice. When we researched this, Law Societies and Bar associations in other jurisdictions all generally replied with "How do you improve the system or fix problems if they can't be pointed out?. This seems to be counter intuitive to both free speech and open democratic public discussion."

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Requiring a valid business model interpretation doesn't help families solve problems. The LSO focus is still and always has been \$. Lawyer incomes in Canada versus our peer countries are already substantially higher than most, and the public knows it. There was even a university discussion about it at Western Law 2 years ago. There are groups in almost every major city that discuss this openly in our court houses halls now (pre covid). The public has previously pointed out the LSO seems to not focus on the problem, but ensuring their members have higher incomes than the rest of society. I placard @ toronto west court in 2019 read "my doctor goes to school and then interns for 12-16 years. A J.D. is 7 years. WTF IS WRONG WITH LAWYERS? Why is the market rigged controlled and engineered rather a free market model like the rest of the western world?"

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

you people have no clue and your organization should be a publicly controlled body

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

you people have no clue and your organization should be a publicly controlled body

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

you people have no clue and your organization should be a publicly controlled body

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

you people have no clue and your organization should be a publicly controlled body

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

you people have no clue and your organization should be a publicly controlled body

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

you people have no clue and your organization should be a publicly controlled body

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

you people have no clue and your organization should be a publicly controlled body

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

you people have no clue and your organization should be a publicly controlled body

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

you people have no clue and your organization should be a publicly controlled body

12. Are any aspects of the proposed licensing framework unfeasible?

you people have no clue and your organization should be a publicly controlled body

13. Is there additional information or are there other factors that should be considered?

you people have no clue and your organization should be a publicly controlled body

#116

Please enter your first and last name Geoffrey Moore

Email Address geoff.moore@northsails.com

Please make a selection below I am a member of the public

Are you a self-represented litigant? No

Are you representing an organization or association through your participation? No

What is the location of your workplace? If submitting on your own behalf, where do you reside? Toronto (GTA)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes, Vulnerable families in turmoil need help. The law is slow, complicated, frustrating, and advice is unaffordable at a time when families are most in distress. Anything that offers some quick relief, and reduces cost is worth pursuing.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

It should be a viable model.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Training in alienation is a must. Parental alienation is a tragedy for any child, and our current systems for relief are not adequate. Most alienated parents are caught unaware that it is possible, and are wholly uneducated about how to deal with it. Too many alienators get away with their behavior. It has to be addressed early on. Training about how to recognize it, and how the law can help needs to be clear, and available to everyone involved in the system.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Paralegals should be able to offer quick and affordable advice in the early stages of a family break up.

Training Program

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Training in Parental Alienation.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Yes. Social workers, and family therapists should also have some family law training.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

All of the characteristics listed.

#119

Please enter your first and last name	Carla Balmakoon
Email Address	carlabalmakoon@yahoo.com
Please make a selection below	I am a member of the public
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central West, including Bruce (Walkerton), Grey (Owen Sound), Dufferin (Orangeville), Wellington (Guelph), Peel (Brampton), Halton (Milton)

Scope

Competence

Training Program

Other Components of Licensure

General

#121

Please enter your first and last name	Krystle Shannon
Email Address	Winniki@hotmail.ca
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	Yes
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Other
Practice area focus:	<ul style="list-style-type: none">- Administrative Law- Human Rights/Social Justice Law- Landlord and Tenant Law- Ontario Court of Justice - Provincial Offences Act matters- Ontario Court of Justice - Summary Conviction Offences- Small Claims Court matters
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

To a degree yes, depending on the cost of qualifying.

Logically, the cost of going to law school is relatively less than being a Paralegal. If becoming a Paralegal able to practice and provide family law services requires an extensive and expensive course, the course expense would eventually be pushed to the clients.

However, most Paralegals do not charge for quick emails, or calls. Generally matters are block fees, which could substantially reduce the amount one would have to pay for representation.

I truly believe every person should have access to Justice, and Lynxs Paralegals has made it regular practice to provide affordable legal services, and on certain cases, provide no fee services or heavily discounted services.

This would continue to be an option, with the condition that the course be relatively affordable or a payment plan.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

I do believe so. Primarily, Paralegals are highly motivated individuals. Often comprising of self employed sole practitioners, they are eager to get into family law services and make access to Justice affordable.

I'm not speaking for all, but we have a need to prove that are capable and able.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

No.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

I think matters in which a lawyer may need assistance on, Paralegals should be permitted and accepted to speak to the matter with instructions. Just as you'd send an agent in POA, it would make matters before the courts proceed faster, if for example a case management conference wasn't postponed to lawyers availability, but postponed to next available date, with a Paralegal permitted to appear with sufficient instructions.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

I'm truly concerned about the cost of training or the ability to finance the training over a term.

I think the cost of training will significantly hinder or assist in the affordability and likelihood of Paralegals making an impact.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

I don't feel a prerequisite should be required, beyond being a P1 in good standing, and adequate E&O.

A consideration could be made that a P1 can't just graduate and go into providing family law services, but be a graduate of 2 years.

My concern is both ensuring the competency, but also allowing the access to Justice be affordable.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

I don't think a field placement has a place in this. In all honesty, when I did my placement to be a P1 I didn't learn nearly as much as actively participating in the field of law.

Many times a student licensee is given mundane tasks, that the practitioners do not want to carry out.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes! Most certainly! And should be with all areas of law for both lawyers and Paralegals

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

I don't think so. Otherwise, the industry becomes saturated, and the quality of service goes down.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Accessibility, billing, cost structures... I feel most sole practitioners are practicing out of their homes, and provide mobile services.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes it is. And an important aspect of the access to Justice

12. Are any aspects of the proposed licensing framework unfeasible?

Unfeasible, no. I think it is important not to lose sight of what is truly important.

Access to Justice, ensuring competent representation should one elect, ensuring that the courts work effectively and efficiently.

13. Is there additional information or are there other factors that should be considered?

Primarily the training program. The cost of it could be substantial and interfere with the entire purpose of the program. Most Paralegals I know don't have substantial funds set aside, as evident through the pandemic.

#231

Please enter your first and last name	Tom Coons
Email Address	tac58@outlook.com
Please make a selection below	I am a member of the public
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)
Scope	
1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how? Yes	
2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not? Yes	
Competence	
Training Program	
Other Components of Licensure	
General	

#24

Please enter your first and last name	Mary Jo Franchi-Rothecker
Email Address	mjr_sw@hotmail.com
Please make a selection below	Mediator, Parenting Coordinator
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	Yes
If you indicated 'Yes', please tell us which organization or association you are representing:	Accendus Group
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Separating couples urgently require information and that would be more available through a FLSP. Additional information, forms and discussions of options would be less expensive through a FLSP. As a mediator, a major concern of clients is the cost.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

I believe a FLSP would start on a part-time basis and should not expect that, initially, the business model could provide full time self-employment. If law firms decided to have a FLSP section of their firm, that business model would be viable.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Other competencies should include ability to handle complaints and reports to the Law Society. Without the full curriculum it is difficult to access that the competencies would avoid negligent practices.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

ILA, providing information on calculation of child and spousal support, detailed information on all options available for separation and divorce in Ontario; screening for domestic violence screening, access to safety for victims of violence and abuse; providing knowledge of mental health interventions suitable and/or necessary for couples going through separation and access to MHP for children; being able to negotiate compromises and resolution with another FLSP representing the other spouse;

Training Program

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Employment in the Family Law section of a Law firm; Law Clerk; experience as a family law litigant; a mental health services provide with experience with families transitioning through separation and divorce; alternate dispute resolution experience

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Availability, fee structure, interpersonal skills, trustworthy, prior experience

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

I don't see the connection - the public requires FLSPs

12. Are any aspects of the proposed licensing framework unfeasible?

The education component should be available evenings, on weekends and online

13. Is there additional information or are there other factors that should be considered?

Setting up peer groups of FLSPs for consultation, advice, support and future improvements

#124

Please enter your first and last name	Alexandria Cordaie
Email Address	acordaie@hotmail.com
Please make a selection below	Law Student (J.D. Candidate)
Are you a self-represented litigant?	Yes
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Small firm (2-5 licensees)
Practice area focus:	<ul style="list-style-type: none">- Administrative Law- ADR/Mediation- Civil Litigation – Defendant- Civil Litigation – Plaintiff- Criminal/Quasi Criminal Law- Employment/Labour Law- Human Rights/Social Justice Law- Landlord and Tenant Law- Ontario Court of Justice - Provincial Offences Act matters- Ontario Court of Justice - Summary Conviction Offences- Small Claims Court matters- Statutory Accident Benefits Schedule matters (SABS)- Tribunals- Worker's Compensation- Workplace Safety and Insurance Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Absolutely. As a private citizen, I have been going through a very difficult divorce process that has dragged on for years. I cannot afford to hire and pay lawyer's rates to get the help I need. This way I can pay a paralegal to assist me with my case, which will reduce my stress and increase my access to justice. This helps me as well with being a single mother to a child with permanent disabilities.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes, it will. As a law student and future lawyer working at a paralegal firm, these activities would enable the developed of a viable business model. Once the required training and qualifications are completed by the licensed paralegal(s) then the family law services can easily be integrated into the existing business model. In fact, additional positions would be created to fulfill this need.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

I believe they will all be met with the proposed competencies.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Permitting paralegals to offer these services to the general public but at a reasonable rate. Advice on issues such as assets, child support, custody and others to the client. Other services would need to include representing the client in order and at case conferences.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

Absolutely, though in order to attract the greatest number of licensed paralegals that are qualified to handle this new area of practice, education should be offered via distance training such as online, as well.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

They must hold valid licensed paralegal status in the province of Ontario. This status must be in good standing.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

I do not believe a field placement would be required, as licensed paralegals in Ontario have the skills to research what they need. However, a mentor that can be called upon during the first 12 months would be beneficial.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Absolutely. This should be a requirement to offer family law services.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

No, these services need to remain contained to licensed lawyers and licensed paralegals only in the province of Ontario. Beyond that and people will lose trust in the professions.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

As a client who desperately needs this service, I would want flexible billing practices such as bundled and unbundled services, accessibility to several providers (so there is competition and pressure on the professionals not to be greedy with their rates). Therefore, there would need to be licensed paralegals who are trained in family law, who are willing to no overcharge (i.e. not charging the same or comparable rates of lawyers), and several accessible throughout Ontario (not only in the larger cities). I would like to see representation as well to reflect Canada's diversified population.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes, I believe it is appropriate.

12. Are any aspects of the proposed licensing framework unfeasible?

I believe my only concern at this point is the ability of licensed paralegals to access the training. Most don't have the flexibility to take time off from their busy practices or their employer to attend training or to travel. This is especially important when you consider those with disabilities or single-parent households. To ensure equal access to everyone, the training should be offered through a distance education model. This could not be more important.

13. Is there additional information or are there other factors that should be considered?

No, I do not believe so at this time.

#129

Please enter your first and last name	Danny Seto
Email Address	danny.seto@utoronto.ca
Please make a selection below	I am a paralegal
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Sole practice
Practice area focus:	- Landlord and Tenant Law - Small Claims Court matters
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes. I am a paralegal and I can handle the proposed scope of activities.

It is true that some of my colleagues will be unfit to handle family law issues, however it is also true that some lawyers are unfit to handle family law issues, yet those lawyers are doing it.

A person like myself would make access to family law legal services more affordable because, as all lawyers already know, part of the battle is about ability to pay. Competition from paralegals will enhance the service provided by lawyers while forcing some law firms to reduce rates to become more affordable.

Bottom line, I do not think family law is that hard. The social issues are tougher than the legal issues. Social issues can be learned anywhere; being a lawyer is not a prerequisite for deep insight into family social issues.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

I am a sole practitioner. My business model will not change, except I will be able to help more people, especially low income individuals that are being bullied by a former partner and his/her lawyer.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Yes the proposed competencies are adequate.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Custody and Access

Child support and financial disclosure

Matrimonial home

Contempt of court

CAS cases

Cases involving police including domestic violence

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

Yes

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Having practice as a paralegal for at least two years.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

8 months or two semesters of training.

Six months of field placement.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

No

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

I do not require an upfront retainer in order to represent my clients.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes

12. Are any aspects of the proposed licensing framework unfeasible?

No

13. Is there additional information or are there other factors that should be considered?

Allow paralegals to have access to payment from Legal Aid.

#130

Please enter your first and last name	K S
Email Address	Meadowlarkroad@outlook.com
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	Yes
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Sole practice
Practice area focus:	- Administrative Law - Civil Litigation – Defendant - Civil Litigation – Plaintiff - Human Rights/Social Justice Law - Ontario Court of Justice - Provincial Offences Act matters
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Pembroke

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes. I am currently trying to find a lawyer to represent in a personal family matter and not a single lawyer within 100km was accepting clients. I have to drive 160km for a lawyer now.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

I believe so. I haven't thought into it as I'm not practicing

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

I believe so

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Paralegals ability to complete the following upon additional education:

Joint divorce
Separation agreements
Child custody
CAS matters

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

Unknown

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Paralegal licensing or education at an accredited institution.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

Unknown

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Yes for drafting forms

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Accessibility

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes

12. Are any aspects of the proposed licensing framework unfeasible?

Unknown

13. Is there additional information or are there other factors that should be considered?

N/A

#132

Please enter your first and last name	Chris Parik
Email Address	Chrisparik94@gmail.com
Please make a selection below	I am a member of the public
Are you a self-represented litigant?	Yes
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Unbundling services is a mistake the legal profession uses the bundle service to coach clients to make false statements and commit perjury without the lawyer being on the record thus not responsible for these acts and unethical behaviour.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Any professional should be on the record acting in good faith 80% of the crime rate in Canada is either directly or indirectly a result of the family courts in Canada.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Any legal professional should need to disclose on the record involvement and active participant in the case using legal aid to supply fees for lower income parents.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Increased legal aid and a licensing format to lower hourly costs with a proposal that any legal professional in the family court disclose their participation in a case.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

I have been in the family courts five years and studying law at York University and writing the Isat to apply for law school. Though family law is in nature administration the paperwork is easy to follow and rules easy to discover.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Should be a competence test similar in nature to the Isat should be the prerequisite

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

Case law studies practice forming arguments and understanding of accounting and book keeping

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes due to changes in legislation and development of social norms

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

If competent
Accounting bookkeeping entrepreneurs anyone who has run a business

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Cost structure

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Can be only if those involved disclose on the record their involvement in a case

12. Are any aspects of the proposed licensing framework unfeasible?

Bundle services and not being on the record is problematic

13. Is there additional information or are there other factors that should be considered?

All those involved in a case should disclose the nature of their involvement

#133

Please enter your first and last name	Eric Goodwin
Email Address	eric@auxonic.com
Please make a selection below	I am a member of the public
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Increasing access by allowing paralegals etc to deliver family legal services sounds great. Access to lawyers is limited for many. Broadening the number of people who can

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

I would hope so. Traditionally the legal profession has protected its financial interests and limited who can do what (Looking at real estate and the like) so opening things up is good. A lot of this is a combination of boilerplate and really specific skills that anyone can develop, not just lawyers.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Seems good.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

basic stuff like wills/estate planning, power of attorney, and anything related to child custody. Obviously there are cases where a lawyer is required but like a midwife is considered primary care they also know when a doctor is needed.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

I would prefer to keep the training and certificate hurdle to a minimum. A well thought out oversight process is better than aggressive gatekeeping.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Experience is clearly required.. an apprenticeship or residence model is probably best and fits with the way lawyers are trained (school and then articling. Exams, areas of expertise)

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

I'm not qualified to comment on this.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes. The laws, courts and bureaucracy change constantly. Continuing education is important.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

The report mentions law clerks, paralegals and law students.. I'm not sure if that's exhaustive but it seems reasonable

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Lower cost, fixed price services, better availability.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

I think it's important to make legal services able to be done remotely (video call, electronic signatures) in all but the most sensitive cases (obviously certain interactions can only be done in person like the court interviewing a child)

#135

Please enter your first and last name	Melissa Mason
Email Address	Mmmason0101@gmail.com
Please make a selection below	I am a paralegal student
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Other
Practice area focus:	- Student
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes. Persons will have easier, and more affordable access to legal services. Simple proceedings could be done more easily and quickly.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes. A business model with access to help in completing documentation, help with uncontested divorce, etc, will allow clients access to legal services and pay for only what they need.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

I believe the proposed scope allows more expediency in getting simple cases completed successfully through the courts. It will also ensure clients have access to correct, sound information and guidance. I believe this model would have less unrepresented persons in court.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Having certification requirements for FLSP, and scope properly outlined would have paralegals representing clients quickly and effectively. Completing documentation or walking clients through requirements for self representation would also make court time more efficient and have judges providing less coaching during self- representation cases.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

I believe the courts and education establishments/ LSO should make the determination for training requirements.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Paralegal certification.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

Family lawyer/ Family court should provide placements.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes. As laws are ever-changing I believe a continuing education element should be present.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

I believe candidates should have paralegal certification and testing with the LSO completed successfully as a minimum in order to be eligible to be a Family Legal Services Provider.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

I believe hourly consultation or flat fee for processing/ filing of forms would be appealing for clients.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes.

12. Are any aspects of the proposed licensing framework unfeasible?

I think this could be reviewed regularly as it would be a new process. No new process or licensing is perfect from the get-go. I believe the benefit of affordable law services for all outweighs the review and improvements to be made over time

13. Is there additional information or are there other factors that should be considered?

People deserve to feel represented, safe, and confident in a court- especially in family law. I believe more affordable access to legal support, coaching, and help understanding the forms and processes would be beneficial for the public and the Judges & courts serving them.

#136

Please enter your first and last name	Betzabe Monterrosa
Email Address	Legalbrn@gmail.com
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	Yes
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Sole practice
Practice area focus:	<ul style="list-style-type: none">- Immigration Law- Landlord and Tenant Law- Small Claims Court matters- Tribunals- Worker's Compensation
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

I agree that the proposed scope of permissible activities support increased access to affordable, competent family law legal services in search for unbundle services as well as to allow visible minorities working in the legal field to represent underrepresented groups access the justice system

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes. The proposed scope of permissible activities enable the family legal services providers to develop a business model that is viable because allows the opportunity to open a door for underrepresented groups to afford and have access to legal services and to justice system

Competence

Training Program

Other Components of Licensure

General

#139

Please enter your first and last name	charlene Lewin
Email Address	charlenelewin@sympatico.ca
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Other
Practice area focus:	- Civil Litigation – Plaintiff - Human Rights/Social Justice Law - Landlord and Tenant Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

many family lawyers require \$3,000 plus retainer and individuals cannot afford this. There are many self represented litigants that are clogging up the system. I have heard this from Judges, lawyers, and I have seen it myself. I get numerous calls from people who don't speak english well or are unsophisticated. They want a paralegal or they self represent, but they are not sophisticated enough to proceed.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

If paralegals are allowed to assist self represented litigants it will ease the frustration at the counter and save time in Court. Paralegals must be instructed when to refer to a lawyer. Paralegals may be able to work with and assist the lawyer, but they will save the frustration of litigants starting the proceedings off incorrectly.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

There must be the ability for paralegals to take part time courses and continue working. No one can afford to take 1-2 years off work, especially the COVID financial crisis. I am lucky enough to work with a law firm FULL TIME and only take a few landlord and tenant cases on the side (I am a licensed paralegal). I had a few small claims cases, but that is completely halted. i would have lost my house if I had to rely on my paralegal income alone.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

completing basic forms such as uncontested divorce and motions; preparing for settlement conference if there is no custody dispute; preparing motion material if no corollary relief is sought; working with FRO on enforcement OR with the unfortunate spouse who had the FRO take action in error

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

the training has to work in conjunction with the paralegal being employed

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

working with family law lawyers even on a pro bono basis, once courses are complete, however the hours must be flexible to allow the paralegal to continue earning money

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

the candidate must search for a placement - law offices should offer placements - there must be flexibility to allow the paralegal to earn a living

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

CPD hours are necessary to ensure paralegals in all disciplines are kept apprised of new developments

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

paralegals and or law clerks should be considered once education and training is complete

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

there should be guidance with fee setting - I do not see this in the paralegal profession overall - many colleagues with less education, training and experience than I have are charging more than I do

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

More people are unemployed and suffering financially due to COVID so allowing paralegals to assist self represented litigants will avoid further hardship on the clients and the courts - the judges that I have spoken to are overburdened and frustrated at the unsophisticated litigants that waste the time of the Court

12. Are any aspects of the proposed licensing framework unfeasible?

there should be an expedited process for experienced candidates

13. Is there additional information or are there other factors that should be considered?

Speak to some senior judges as I have - they have expressed frustration at the current process

#148

Please enter your first and last name	Abdul Ahmed
Email Address	raynaveed@gmail.com
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Other
Practice area focus:	- Landlord and Tenant Law - Ontario Court of Justice - Provincial Offences Act matters - Small Claims Court matters - Statutory Accident Benefits Schedule matters (SABS)
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central West, including Bruce (Walkerton), Grey (Owen Sound), Dufferin (Orangeville), Wellington (Guelph), Peel (Brampton), Halton (Milton)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

The members of public will have an alternative and affordable option available which will help ease the burden on the lawyers practicing family law.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes it will enable the FLSP to develop a business model that is viable as the model will allow the FLSP as well as the members of public to pick and choose the services offered and opted. As a result it will be more affordable and less time consuming.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Yes the proposed competencies will help ensure that appropriate level of competence is achieved and maintained to deliver the services by the FLSP as proposed. In addition, community involvement/charitable work should also be looked upon as a possible competency.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Expediting the FLSP licensing process and enabling the providers to offer individual services from the allowed scope of services will help increase access to affordable, competent law services.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

Yes. The program should focus on family law, mediation training, problem solving and counselling.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Previous community engagement. Involvement with charitable causes.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

A family law practice can serve as a placement provider. A community counselling centre can be a great place for completing placement.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

That could be up for debate later.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

No. Law clerks do not have the same competency as the lawyers and paralegals so they should not be considered for the FLSP license unless they first obtain at least a paralegal license.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Cost structure based on services availed by members of public. For example, if someone only wants help with drafting custody documents, they should not have to pay a hefty retainer. Individual services can be offered at affordable costs. Of course the clients should have the option to pay for the bundled up services as well.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes. It is the call of the hour. FLSP license will make the access to family law easy, affordable, uncomplicated for members of public.

12. Are any aspects of the proposed licensing framework unfeasible?

No

13. Is there additional information or are there other factors that should be considered?

No

#153

Please enter your first and last name	Lauren Reid
Email Address	laurenreidd@gmail.com
Please make a selection below	paralegal student
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Education
Practice area focus:	- Landlord and Tenant Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes. By reviewing other aspects of law paralegals recently became permitted to practice, one can see the results of increased access to justice for citizens. More people will have access to legal expertise rather than not being able to afford legal advice whatsoever.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes. Paralegals may be helpful to divorce matters where many do not have the means to hire a lawyer when their assets are in dispute.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Yes, the paralegal programs can offer family law courses going forward and other paralegals could be grandfathered in.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Representation is the most needed service for paralegals as there are so many self-represented people before family courts. Also, paralegals may be able to draft agreements or other documentation such as prenuptial and postnuptial.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

An entire course for paralegal specialization would require much more time, effort and money on paralegals part. That being said, paralegals may be inclined to charge their clients higher fees and that is not the intention of allowing paralegals to practice family law.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Perhaps an additional class could be added to the pre-existing required college course and licensing exam. Such a class could be taken by any paralegal who wishes to practice family law.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

A field placement would be ideal but may not be achievable because not every family law office will be able to accommodate students.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Law clerks should be considered as well as paralegals.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Perhaps impose duty counsel similar to that of the Landlord and Tenant Board where people can have 15 minutes of free legal advice.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes it is.

12. Are any aspects of the proposed licensing framework unfeasible?

Field placement concerning family law will be difficult to achieve.

#154

Please enter your first and last name	Michele Croft
Email Address	michelecroft@trentu.ca
Please make a selection below	paralegal student
Are you a self-represented litigant?	Yes
Are you representing an organization or association through your participation?	Yes
If you indicated 'Yes', please tell us which organization or association you are representing:	Durham College - Oshawa, ON
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Upload a File [Paralegals Practising in Family Law Support Letter \(2\).pdf](#)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes, it will allow more affordable access. The divorce rate is at an all time high and having more legal professionals to litigate family law issues will increase efficiency and save time for families and the courts by use of mediation services should we be permitted to practice in these areas.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

It would allow for more cross-referencing and allow for follow-up to help protect the children of divorce who are often the most vulnerable in all the processes.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Other competencies that should be considered are psychology courses and courses in areas of mediation and family violence recognition programs

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

mediation services
settle conferences
uncontested divorces

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

I feel further courses would be warranted especially as you will be dealing with children, domestic violence, and substance abuse problems

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

I think this should require 1 year of internship with qualified professionals such as CAS, social workers, schools and women's shelters.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

psychology course and domestic violence courses would be 100% required components

In addition I think that a field placement would be warranted with CAS and social worker centres so that a paralegal understands all the areas of issue regarding children, access, reasons for supervised visits and child support!

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider? yes, 100% this would have to be a requirement!

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

No law clerks should not be allowed to practice in family law as it is a different skill set unless they are simply doing intakes, filing and calling clients.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

I believe this would be appealing to litigants most certainly for costs, but more importantly accessibility and with more legal reps it makes follow up on a client way more feasible than the current systems where people fall "through the cracks".

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes, I think with the modernization of the courts that it provides better safety measures for litigants and clients alike.

12. Are any aspects of the proposed licensing framework unfeasible?

The only unfeasible thing to licensing is the variety of internet connections available for delivery of future enhanced courses and court accessibility for the most vulnerable.

13. Is there additional information or are there other factors that should be considered?

I attached a letter to this questionnaire

Michele Croft
5 - 777 Wilson Road North
Oshawa, ON L1G 6G1

October 27, 2020

Law Society of Ontario
130 Queen Street West
Toronto, ON M5H 2N5

Attention Convocation Committee and other Advocacy groups:

Re: Paralegals practicing family law

As a single mother who divorced back in 2007, I didn't have a dime to my name. I was a stay at home mother for the life span of my kids elementary and high school years.

Allowing Paralegals to practice in the area of Family Law would allow more chances of proper litigation in the Family court system. I had a legal contract drawn up for which my ex-husband never followed, and this led to a series of very unfortunate events in my life for which I am still trying to recover.

If Paralegals could practice in this area of law, I truly believe it would make enforcement of legal documents easier. It would allow more accessibility to follow issues and aid those as vulnerable as I was back then.

It would also give Paralegals another area of practice that could help them make a living. I will be graduating in April 2021 and would welcome the opportunity to work in this area of law!

Please consider allowing the areas of practice to expand for the Paralegal profession!

Kind Regards,

Michele Croft

Michele Croft

#159

Please enter your first and last name	Amber-Marie Beaven
Email Address	ambermarie.beaven@dcmail.ca
Please make a selection below	Student becoming Paralegal
Are you a self-represented litigant?	Yes
Are you representing an organization or association through your participation?	Yes
If you indicated 'Yes', please tell us which organization or association you are representing:	Paralegal Association - Law Society
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes, Paralegals are more affordable than Lawyers and are capable of being professional and knowledgeable within the field of family law.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes, Paralegals are competent enough to provide efficient services to individuals who need it, while also being more cost-effective for those who cannot afford it.

Competence

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Allowing paralegals to partake in the processes within family courts, as well as allowing them to work one on one with clients to ensure they are grasping their needs and focusing on what is most important

Training Program

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

The same prerequisites as becoming a licensed paralegal

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

Those who work within the family courts may provide placement services to teach up an coming paralegals, a duration of 2 months should be enough time to grasp the general idea.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

most definitely

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

yes

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

once again, it is more cost effective, which provides less frustration for individuals who are dealing with the courts but are unfamiliar with the processes and rules.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

yes

#155

Please enter your first and last name	Natalie Feizi
Email Address	nataliefeizi@icloud.com
Please make a selection below	paralegal student
Are you a self-represented litigant?	Yes
Are you representing an organization or association through your participation?	Yes
If you indicated 'Yes', please tell us which organization or association you are representing:	Durham College
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Durham

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes. Paralegals charge less than lawyers and for simple joint divorce where there is no or less conflict between the applicant and the respondent, a paralegal help as much as a lawyer could.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

It would be good to do an online course for a certificate.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

simple divorce

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

yes

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

yes

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

yes

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

yes

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

No

General

#162

Please enter your first and last name	Kalynn Davis
Email Address	kalynndavis@hotmail.com
Please make a selection below	Paralegal Student
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Other
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?
Yes, it will help lower and middle class families significantly. It makes for easier access and affordability for families. I truly believe Paralegals should be involved in family law.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?
Yes I believe they do have a viable business model. Family courts are busy as is. By adding paralegals to the mix this will ease the strain on the system.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?
I believe the proposed competencies are appropriate.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?
I believe paralegals should be involved in the process as a while.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.
I think schools could add it to the paralegal curriculum. People that have already finished school should be offered the course maybe as part of the Continue Learning.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?
I think the accredited school diploma and passing the P1 exam should be sufficient.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?
I think no longer then one semester. Or working with someone in the field for 6 months. Hands on experience is always the most beneficial.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?
Yes I believe it to be.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?
Yes I think they should be. They would already have the paralegal knowledge courses behind them.

General

12. Are any aspects of the proposed licensing framework unfeasible?
None that I believe.

#163

Please enter your first and last name	Karenia Castillo Viamontes
Email Address	lacaridad06@yahoo.es
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Small firm (2-5 licensees)
Practice area focus:	- Family /Matrimonial Law - Small Claims Court matters
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Definitely. In my experience I have seen many clients struggle with fees charged by lawyers and I have also seen their frustration with the fact that family law consist of many rules and procedures that are very extensive and complicated for those who are not familiar with the Family Rules and Court Procedures.

An experienced and prepared Paralegal can help those parents and couples resolve their differences and issues at a reasonable cost by assisting in the preparation of forms and filing of documents. This will also help the courts by minimizing the time and cost in dealing with unrepresented parties.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Those Paralegals that are experienced in Family Law and obtain the required Certification to represent in family law matters will be able to focus in this area and carry on a successful business.

Family Courts are bombarded with cases being filed every day and more and more people need help in resolving their family disputes, custody, child support and access, among other matters. Low and Middle class people cannot afford a lawyer to represent them as the cost is very high considering the amounts of work that it is required to prepare a family court case and file the required forms.

I have seen people having to deplete assets and borrow lots of money to pay a firm or lawyer and sadly at the end, still they could not afford the cost of litigation and legal fees involved.

Among many other things, the economy changes, inflation and now Covid brings a toll to families and causes many separations and conflict in families. This family issues also impacts the economy as people are emotionally drained, sad and angry, thus they poorly perform at their jobs and their overall health deteriorates. A knowledgeable Paralegal can minimize this issue by helping those who cannot afford a lawyer.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Yes, I believe a Paralegal should have a minimum of 2 years full-time or 3 years part-time experience in Family Law, practicing under the direct supervision of a lawyer and must pass a test that combines ethics, family law rules and procedures.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

An experienced and prepared Paralegal can help those parents and couples resolve their differences and issues at a reasonable cost by assisting in the preparation of forms, following court Rules and filing of documents. This will also help the courts by minimizing the time and cost in dealing with unrepresented parties.

Family issues and Separation have an impact in the economy as people are emotionally drained, sad and angry, thus they poorly perform at their jobs and their overall health deteriorates

A knowledgeable Paralegal can minimize this issue by helping those who cannot afford a lawyer.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

Yes I believe it is.

However, a Paralegal with more than 3 years full time experience in Family Law should be excepted from the Training Course and should be allowed to go straight to the licensing test.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Yes, I believe a Paralegal should have a minimum of 3 years full-time or 4 years part-time experience in Family Law, practicing under the direct supervision of a lawyer and must pass a test that combines ethics, family law rules and procedures.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

I believe a Paralegal should have a minimum of 3 years full-time or 4 years part-time experience in Family Law, practicing under the direct supervision of a lawyer and must pass a test that combines ethics, family law rules and procedures.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Yes, Law Clerks and Paralegals

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Practicality and cost structure.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes

12. Are any aspects of the proposed licensing framework unfeasible?

No

Hopefully the cost of the training program is reasonable.

13. Is there additional information or are there other factors that should be considered?

no

#167

Please enter your first and last name	Megan Howard
Email Address	mhoward11@cogeco.ca
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Small firm (2-5 licensees)
Practice area focus:	<ul style="list-style-type: none">- Family /Matrimonial Law- Real Estate Law- Small Claims Court matters- Wills, Estates, Trusts Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)
Upload a File	FLSP Submissions.docx
Scope	
Competence	
Training Program	
Other Components of Licensure	
General	

Family Legal Services Provider – Call for Comment

Submissions to the Law Society of Ontario

The following is my submissions with respect to the Family Law Services Provider (FLSP) Call for Comment.

The proposed scope of permissible activities will support increased access to affordable family law services. Although paralegals cannot provide the same extent of legal services as that of a family law lawyer, paralegals with the FLSP license will be able to provide faster and more affordable services to those members of the public who are not able to afford even the simplest of services provided by a lawyer. Paralegals generally charge lower fees, and bill them more frequently, allowing clients to better budget and determine whether or not they are able to afford services. As paralegals, we do not frequently have as many court dates or extended trials such as those that can occur in litigation in Superior Court. Paralegal practices are generally not as busy as a lawyer's practice in terms of scheduling therefore making it easier to get appointments and court dates (obviously based on court scheduling).

The proposed scope of permissible activities will enable the FLSP to develop a business model that is viable. Lower income parties and parties who are ineligible for Legal Aid will be able to access services with respect to matters to which a lawyer may not necessarily be required but to which they are not comfortable (by means of knowledge or required skills) to represent themselves. These include matters such as uncontested divorces, custody and access, and Guideline support matters. In some cases, clients are paying an exorbitant amount of money to be represented in court on matters to which both parties agree, but which neither party has the required knowledge or skill to finalize the matter. Therefore, they are representing themselves, which in turn causes the matter before the court to go longer in terms of the courts time and backlogging the court system with reschedulings. The FLSP will also free up lawyers' schedules to allow them to better prepare for trials, and deal with matters which require more attention, thereby providing better legal services to their clients.

Much like the required competencies of the paralegal licence already in place, the proposed competencies of the FLSP to deliver family law services will ensure that the appropriate level of competencies are met. The proposed skills of the FLSP are not much different in terms of competencies required now by paralegals to receive the paralegal license. They are required to have advocacy skills, meet a required knowledge and have certain skill sets for each of the determined levels of permissible scope, etc.

In my view, the FLSP scope of activities that would best support increased access to affordable, competent family law services would include (but not be limited to) providing informed legal services for matters that fall within the permissible scope, drafting legal documentation, representation in court or before an administrative body and negotiating legal interests or rights on behalf of clients (within the permissible scope).

The FLSP scope of practice should allow the licensees to perform the following services for clients: Divorces, child and spousal support (Guideline support based on line 150 incomes – no imputation), contempt and enforcement of court orders; separation agreements which are uncontested by both parties or which do not contain matters which are not permissible under the scope of the FLSP

(example: real estate other than matrimonial home, estate and taxation matters), change of name applications, division of property (only where there is not to be an uneven sharing of property) and child protection matters (until the matter is submitted to the court by the Society).

The proposed length of the educational training program is of sufficient duration but should be made variable based on the number of years in which a paralegal has had active working experience in family law. For example, a refresher course could be made available for those paralegals who have more than 5 years of continuous active working experience in family law unless there is allowable grandfathering, which I further discuss below.

Prerequisite experience for a paralegal should not be less than 2 to 3 years work experience (post-licensing) prior to eligibility to apply for the FLSP and should include 2 to 3 months of field placement or practicum experience as part of the training program. This will allow FLSP candidates to ensure that they have the required skill sets and knowledges from working in other levels of court. New licensee paralegals are often not knowledgeable enough or lack those skills to properly represent clients on their own and given the sensitive nature of family law, those skill sets should be in place prior to receiving the FLSP licence. These placements (field experience or practicums) should be provided by family lawyers and paralegals who have met specific requirements for grandfathering or who have held the FLSP for one year and are currently working in family law.

I do agree that at least 2 hours of the 12 required annual hours of CPD should be focused on family law, and if possible, the CPD programs should be directed towards the issues strictly within the scope of the FLSP.

I do not feel that law clerks should be eligible for the FLSP as they do not have the necessary prerequisite skills training or competencies to allow for effective representation of clients or the required knowledge of the ethics and responsibilities which are mandated by the LSO. The FLSP license should only be available to paralegals as they are licenced and insured, and are mandated to maintain a certain level of decorum based on the training and experience required to become licensed.

An FLSP will be more appealing to self-represented litigants because in general there will be a lower cost to the client. For example, many lawyers require large retainers prior to commencing work while paralegals tend to bill smaller amounts more frequently with smaller retainers required at one time. Paralegals also do not tend to bill for all disbursements or will discount things such as emails (which in family law tends to be numerous because of its sensitive nature), telephone calls and copies. Paralegals often charge block fees for services and will only charge hourly when matters become more complex and time spent exceeds the estimated block fee. FLSP licensees will be more accessible for litigants as the paralegal practice tends not to be as busy as a law firm and will therefore be more available to litigants to answer questions and make appointments than a lawyer (and generally will not charge for all of these services, as previously stated).

I believe the FLSP design is appropriate given the recent enhancements to accessing family law. Paralegals already have the prerequisite knowledge and skills to prepare documentation, online filings and attending of court proceedings. Self-represented litigants often do not have the knowledge required to represent themselves and the FLSP will be an option to them to be able to assist through these processes using unbundled fees and limited retainers should the parties require it. This will help to free up the court from unnecessary court appearances due to incomplete documentation, motions

based on lack of understanding and matters being set before the court which do not necessarily require the court's assistance.

In my respectful opinion, there is no part of the proposed framework which is unfeasible. I do feel however that grandfathering should be considered for those paralegals who have been licensed for 5 years or more and have more than 3 to 5 years of working experience in family law. These paralegals will be required to show that they have been educated in family law either through their paralegal license or through a law clerk or legal administration program and competently completed same. They should also be required to have a lawyer (who they are currently working for, for at least 1 year) provide documentary confirmation (such as a letter) to the LSO that they are able to provide all of the required skills and knowledges that would be required under the proposed scope of the FLSP.

These are my submissions, all of which are respectfully submitted.

#168

Please enter your first and last name	Monisha Singh
Email Address	Monisha.singh26@gmail.com
Please make a selection below	Paralegal Candidate
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
Practice area focus:	- ADR/Mediation - Civil Litigation – Defendant - Civil Litigation – Plaintiff
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes, it will allow families to have access to justice at a lower cost making legal representation more accessible to low income families.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes, because many family law related cases go unrepresented due to the high costs for legal representation in family law matters. This proposed scope will provide a wide opening for FLSP's to work with low income families and provide them with a great range of cases.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Yes proposed competencies will ensure an appropriate level of competence to deliver these services. Perhaps it can be taught to paralegal students as well.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Educational activities, social activities allowing the proposed family legal services providers to work and discuss, interact with families seeking access to justice.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

Yes

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Diploma in accredited Paralegal program or law clerk program.
Undergraduate degree.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

6months-1year

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes, as it will allow individuals to continually enhance their knowledge and develop new skills and understandings of issues and matters related to family law.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Paralegals should be considered as well as law clerks.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Billing/accounting
Client service skills
Oral communication

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes

12. Are any aspects of the proposed licensing framework unfeasible?

No

13. Is there additional information or are there other factors that should be considered?

No

#174

Please enter your first and last name	Kevin Wiedekowsky
Email Address	Kevin.Wiedekowsky@brampton.ca
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Government or public agency
Practice area focus:	- Ontario Court of Justice - Provincial Offences Act matters - Tribunals
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central West, including Bruce (Walkerton), Grey (Owen Sound), Dufferin (Orangeville), Wellington (Guelph), Peel (Brampton), Halton (Milton)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes. It will lower the cost of legal representation

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Nothing comes to mind

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Yes

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

Yes

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Minimum 5 yrs licensed by the LSO

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

None

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Yes

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Lower hourly rate

Fees for partial retainers: simple retainers for those who are looking for help with forms

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes

12. Are any aspects of the proposed licensing framework unfeasible?

No

13. Is there additional information or are there other factors that should be considered?

No

#175

Please enter your first and last name	Ayaz Mehdi
Email Address	ayaz@mehdiau.com
Please make a selection below	I am a lawyer
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Small firm (2-5 licensees)
Practice area focus:	<ul style="list-style-type: none">- Civil Litigation – Plaintiff- Criminal/Quasi Criminal Law- Family /Matrimonial Law- Human Rights/Social Justice Law- Immigration Law- Wills, Estates, Trusts Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

No.

Because this will increase the chances of mistakes and errors and clients may end up paying more in the end for someone to fix the problems.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Probably as most people prefer Cheap legal services but this will be devastating for the lawyers already in practice, there is already high competition for these services,

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Definitely Not

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Perhaps Notarization was more than enough anything after that will affect all Family Lawyers

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

Lawyers stayed in school for an average of 7 to 8 years now the LSO thinks that Paralegals can do this in 1 year or 2 at the most, how are the lawyers supposed to pay their mounting Student debt?

Perhaps LSU should be not charging any LSO FEES FOR THE NEXT 20 YEARS, Paralegals already represent clients in Small Claims, Summary Offences and now they want access to immigration and Family.

I think Students should stop attending Law school and just get Paralegal licenses

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Law School Degree Minimum

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

This License will only help Higher Education Institutions, it will help Paralegals what it would certainly not do is help Clients or Lawyers.

I am sure this will just create even further competition for articles as Some Lawyers will now only take on Paralegal students so they can pay them less or nothing

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

If they must practice then they should at least be doing double of the Professional Development hours that lawyers have to do

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Then Why not just allow everyone accountants to do the same too?

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Billing and cost structure.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

No

Lawyers are already losing clients to reduced court appearances, less billable hours now with this added strain and COVID-19 most law firms will go out of business in the next couple of years.

12. Are any aspects of the proposed licensing framework unfeasible?

None

13. Is there additional information or are there other factors that should be considered?

LSO should look out also for the future of the very lawyers from whom they collect all the fees to come up with these great ideas, if no lawyers existed or all lawyers went out of business because eventually paralegals will replace lawyers then what's the point of going to Law School.

#177

Please enter your first and last name	Laurel Fortin
Email Address	forlaurel@gmail.com
Please make a selection below	Paralegal student
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Other
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Many people choose to represent themselves in family law, due to the high costs of lawyers. Hiring a paralegal may be within reach financially for some.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes. My instructors have indicated they think it would be a viable business. I don't have enough knowledge to have my own opinion so I defer to their experience.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Yes

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

Yes

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?
The equivalent to a one-semester weekly course, i.e. 16 classes @3 hours instruction, so 48 hours instruction.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

In my view, the current Paralegal course requirement for placements would cover this. A provider would have the option of placement at a family law practice, but not required to have a placement in family law to practice.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

No.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

all those mentioned - cost, accessibility

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

yes

12. Are any aspects of the proposed licensing framework unfeasible?

no

13. Is there additional information or are there other factors that should be considered?

no

#178

Please enter your first and last name	Aminah Donato
Email Address	donatoaminah@gmail.com
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Other
Practice area focus:	<ul style="list-style-type: none">- Administrative Law- ADR/Mediation- Employment/Labour Law- Human Rights/Social Justice Law- Landlord and Tenant Law- Small Claims Court matters- Tribunals
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

I agree that the proposed scope of permissible activities will support increased access to family law legal services. The proposed scope of practice are commonly disputed subject matters within family law. It is widely known that many individuals and families cannot financially afford lawyers, even for limited scope retainers. I do not believe that a lawyer is always necessary to support clients in these subject matters within family law. A competent paralegal can provide the services within the proposed scope of practice at a reduced cost.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

The proposed scope of practice for the FLSPL can allow for a viable business model because many individuals and families are seeking the services within the proposed scope of practice, however, the financial cost of a lawyer is a great barrier.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

I believe the proposed competencies for FLSPL will ensure the appropriate level of competence. I would recommend creating additional resources for licensees to access and refer to after their training and while they are practicing.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

The public should be educated on what paralegals and FLSPL can do. Most people in Ontario do not know that paralegals can provide legal services and therefore overlook paralegals or continue to seek support from lawyers when they do not necessarily need to. Legal Aid Ontario, for example, can benefit from recruiting more paralegals. Word-of-mouth along with conventional marketing can draw more attention to paralegals and FLSPL, therefore, increasing access to affordable and competent legal services.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

I think there should be additional programs and training for legal professionals to enrol in. An advanced concepts program that is optional after taking the initial FLSPL training program.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

A P1 license should be required at least.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

The Law Society of Ontario should collaborate with lawyers and firms who are seeking placement professionals. The placement positions can be posted on a website like a job bank.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

I do not think law clerks should be eligible. Social workers should be considered.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

FLSPL would likely be more cost efficient and therefore appealing to self-represented litigants.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes.

12. Are any aspects of the proposed licensing framework unfeasible?

No comment.

13. Is there additional information or are there other factors that should be considered?

No comment.

#180

Please enter your first and last name	evgeny parmut
Email Address	advocatparmut@yahoo.com
Please make a selection below	I am a lawyer
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Sole practice
Practice area focus:	- Family /Matrimonial Law - Immigration Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

allowing paralegals to provide family law advice will not be a good the answer to challenges in the system

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

The model (as any model) might be viable. But again its not a solution

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Family law is complicated enough, but I don't know how its possible to solve the problems associated with that by lowering the standards. Even sophisticated family lawyers with years of practice might face serious challenges sometimes.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

increase funding for Legal Aid

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

If the case would be - not less than 3 years of education.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

5 years working in Family Law as a paralegal under direct supervision of a Lawyer

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

10 month of articling with a Family Lawyer in addition to 5 years of previous work under direct supervision

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes + Professionalism and EDU CPD requirements necessary for Lawyers

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Honestly doesn't make much difference as Law Clerks have almost the same type of education. Law Clerks may be as good as paralegals.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

the main problem here is that the format of a Paralegal practice should be completely switched to a Lawyer's like. It will require extensive training. Then why not going to a law school instead?

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

NO

12. Are any aspects of the proposed licensing framework unfeasible?

everything might be implemented - but will it really resolve the access to justice issue? I think its the simplest but probably not right solution

13. Is there additional information or are there other factors that should be considered?

In general, paralegals might be allowed to provide legal services, without supervision by lawyers, in the areas of simple child support cases, restraining orders, simple uncontested divorces without property. Other than that, to my mind will not be for the public good. It will require as well a Lawyer's like Insurance premiums to be paid by paralegals.

Paralegals play important role in Ontario. I was a paralegal myself and based on my experience the current permissible scope of Paralegal activity in Ontario is sufficient.

#181

Please enter your first and last name	Shahrzad Sekhavati
Email Address	shar@munera.ca
Please make a selection below	I am a lawyer
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Medium firm (6-199 licensees)
Practice area focus:	<ul style="list-style-type: none">- Civil Litigation – Defendant- Civil Litigation – Plaintiff- Corporate Commercial Law- Family /Matrimonial Law- Immigration Law- Real Estate Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)
Upload a File	Call to Comment- FLSP.pdf
Scope	
Competence	
Training Program	
Other Components of Licensure	
General	

Currently Legal Aid Certificates are increasing access to affordable and competent family law services by connecting self-represented litigants to experienced family law counsel at a fraction of the price. I do not believe the proposed scope of permissible activities would alleviate the number of self-represented litigants as paralegals rate are similar to that of junior lawyers, which many people still cannot afford.

The impact of the proposed scope of permissible activities will create a large amount of supply with not enough demand to meet that supply. In a profession where jobs are already very scarce, and where the impact of a global pandemic has taken a toll on the legal job market, to approve the proposed scope or permissible activities would be to disadvantage lawyers in many ways, but two of which I'll address here: first, less jobs for new called lawyers whose rates are similar to those of paralegals, and second, compromising the integrity of the quality of services provided to litigants.

Paralegals are excellent at what they've been trained to do. In fact, in certain areas of the law, they are considered the experts and lawyers are completely out of their league when trying to practice in that area. However, family law is very delicate in that people are making life altering decisions which often involve their children and which may be permanent. It is filled with emotions as parties are going through arguably one of the toughest times in the lives. Lawyers train and prepare for this. In fact, many family law lawyers have taken extra training in becoming a collaborative family lawyer, a mediator, or becoming certified in alternative dispute resolution. All of which make family lawyers specialized in family law matters. Increasing the scope of permissible activities for paralegals to be able to practice family law would compromise the integrity of family law services currently being provided by lawyers.

#182

Please enter your first and last name	Adriana Chimirel
Email Address	anca.a.c@gmail.com
Please make a selection below	I am a lawyer
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Medium firm (6-199 licensees)
Practice area focus:	<ul style="list-style-type: none">- Civil Litigation – Defendant- Civil Litigation – Plaintiff- Construction Law- Corporate Commercial Law- Employment/Labour Law- Family /Matrimonial Law- Immigration Law- Real Estate Law- Small Claims Court matters- Wills, Estates, Trusts Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

It will not support access to competent family law legal services. Paralegals simply do not have the training required to assist litigants in probably their most stressful and devastating event in their lives.

Family law is a complex area of law where even something as simple as income (together with its support calculations) require great analysis and breadth of knowledge. This is an affront on quality of legal advice which will enable paralegals to simply dispense advice which unsophisticated litigants shall accept for their detriment.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

The business model is not viable. There will be consequences flowing from proper legal advice being provided at first instance which shall flow with adverse effects throughout the appellate process.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

No. Explained in further detail above at 1.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Lawyers should be encouraged to use their juniors as much as possible as long as they're supervising them.

In my experience and based on the clientele, most lawyers do not even charge their full billables and often provide payment plans and discounts for clients.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

No. It does not replace the admission to law school process, law school itself, and practicing fully within the field such that a lawyer gains the specialization and breadth of knowledge required to properly represent family litigants.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Discussed above

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

Discussed above

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

No as we do not deem this knowledge to be gained via CPD's.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

No.

General

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

It does not consider the fact that litigants shall entrust professionals who are not properly trained to tackle the most salient issues in family law.

It will not solve any problems but will create more.

13. Is there additional information or are there other factors that should be considered?

family law requires such close collaboration between counsel so this will change those dynamics, it touches upon/intersects w so many other areas of law and we are required all the time to use our knowledge of the law at large to disentangle claims.

access to justice is not the same as access to representation but requires that we ensure that people are represented competently and fairly.

#185

Please enter your first and last name	Valerie Hawkes
Email Address	Paralegalhawk@gmail.com
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
Practice area focus:	<ul style="list-style-type: none">- Employment/Labour Law- Human Rights/Social Justice Law- Landlord and Tenant Law- Ontario Court of Justice - Provincial Offences Act matters- Ontario Court of Justice - Summary Conviction Offences- Small Claims Court matters- Worker's Compensation
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes, definitely. Through the years I have made several referrals only to find out that the services sought were too expensive for my family, friends, colleagues and associates. I have watched them struggle with simple process from consultations, separation agreements, motions (moving and responding) and even appeals. The support services that exist are overwhelmed and can only do what they can in the moment. Now more than ever, a new line of support is needed and I believe trained family law paralegals are the perfect response at this time.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Absolutely, As a paralegal trained in the scope of permissible activities I would easily build a client base. I base this assumption on the number of referrals to family law lawyers that I have made since 2005, (before paralegals were regulated). All of which are being considered...all of which I would welcome professional training in.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

I have reviewed the FLSP competencies and support the proposed training program. I would add at this moment in time that "on line" synchronous learning due to the Covid-19 pandemic should also be considered. It would be unfortunate to delay training and development in family law for paralegals at this time. I believe, now more than ever paralegals should get trained and bring additional support to the system and be part of the changes that are taking place in real time.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

I believe being able to give legal advice and direction at initial contact could help many people make informed decisions on the direction their family law issue is going and help them understand what it is they need to do immediately as well as what they need to prepare for. Also, being able to provide an alternative less expensive route to the community would certainly help the courts from being overloaded with self-represented litigates who don't understand whether or not they have filed the right form or even understand how to narrow the issues for best results. So from drafting, negotiating, through to representing in divorces, orders, support, and agreements these activities provided by paralegals will in fact lift the strain and improve the efficiency of the process.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

As a licensed paralegal with over 20 years experience in the Ontario Court of Justice in many area I see the current training recommendations as reasonable and sufficient.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

I would like to see Family Legal Service Providers have previous experience in a general paralegal practice or relevant legal experience ie law clerk, (but not limited to) before entering into a Family Legal Service Provider practice, in the alternative, if the license is to be extended to new practitioners then I would like to see a requirement for a full and complete practicum demonstrating competency.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

As I noted in question 6, field placements for experience and training should be part of the certification of the Family Legal Service Provider. I don't want to put a limit in terms of hours because a family law practice has so many areas of expertise needed to be competent. I would suggest that a breakdown of services ie mediation; drafting legal documents like separation agreements, preparing divorce documents, litigation and motions should all be considered and training should be by competent professionals. Competent professionals could be teachers and lawyers and eventually, trained paralegals who will eventually join the list of professionals to pass on experience through training.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Definitely, but I don't see it as in addition to the the current CPD requirements. If a paralegal is practicing in Family Law at least some of the CPD hours should reflect development in the area they are practicing.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

I don't feel knowledgeable enough to take a position, however, I respect the fact that law clerks who practice in family law under the direction of a family law lawyer have the requisite knowledge to be licensed. If it is a matter of grandfathering them, then I would like to see at least a "professional referral" from a practicing family law practitioner in support of the license and criteria to meet. That should at least support and differentiate between law clerks with the requisite skills and experience and ones without.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

A self-represented litigant could benefit from access to paralegals who can assess and give direction based on the service needed in a compassionate and informed way. For example, someone may want to separate but can't afford a lawyer. It's amicable at first and all that is needed is direction on how much child support and spousal support they should be paying and what should be considered in a separation agreement. The "would be" self rep would be armed with information to help them make the best decisions. Should it not go in the direction they want or think it should be going, turning back to a paralegal with knowledge and experience will likely be the most affordable route to take instead of trying it on their own. Family law is like navigating a maze in the dark on one foot with sharp turns and unknown hazards like falling off of a cliff ahead.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

After review of the recommendations I believe the approach has been well thought out but I accept that the process is fluid and through experience improvements can and should be made.

12. Are any aspects of the proposed licensing framework unfeasible?

Not from my point of view

13. Is there additional information or are there other factors that should be considered?

I'm content and hopeful that this license to access family law for paralegals will go forward. The only additional fact I hope that is being considered is the "urgency" of which these services are needed. I'd like to see the licensing process begin without delay or as soon as practical.

Thank you

#298

Please enter your first and last name	Valerie Hawkes
Email Address	Paralegalhawk@gmail.com
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Sole practice
Practice area focus:	<ul style="list-style-type: none">- Employment/Labour Law- Human Rights/Social Justice Law- Landlord and Tenant Law- Ontario Court of Justice - Provincial Offences Act matters- Ontario Court of Justice - Summary Conviction Offences- Small Claims Court matters
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)
Upload a File	Family Law Letters for submission.pdf
Scope	
Competence	
Training Program	
Other Components of Licensure	
General	

From: Tricia Bratton triciaalisonbratton@gmail.com
Subject: Family Law Submission for Paralegals
Date: Nov 27, 2020 at 11:01:16 AM
To: Valerie Hawkes paralegalhawk@gmail.com

To Whom It May Concern

My name is Tricia Bratton and I am in a terrible mess in family court right now. I am 2 years into the process and I would be lost without the support of Valerie Hawkes, Licensed Paralegal. Valerie found me a family law lawyer to represent me but it is Valerie who is supporting me through this horrible ordeal. I have a special needs child and another child who needs emotional and education support. I am doing this alone because my ex-husband refuses to acknowledge his financial and emotional obligations to his children. Every delay tactic from him has left me and my two children isolated and in poverty while he is living a luxurious lifestyle. I cannot always reach my lawyer for support or information. Valerie has helped me get ready for each stage of the process by calming me down and helping me focus on getting ready and doing what I need to get ready. The result has been small successes with some financial relief and hope for an ending that will see my husband take responsibility.

I will find myself in court probably for the foreseeable future because of my son's dire circumstances. I foresee my husband refusing to be financially responsible and me having to take him to court time and time again to get him to pay for his share of the expenses. This is a series of what I call "small hits". Motions that I would hire a paralegal to do instead of a lawyer. The bulk of the work is done but I am worried that getting the attention of a lawyer, even my lawyer, will cause delays and financial strain on me. While I have confidence in the work being done by the lawyer I find the months of waiting to get things moving and listening to the lawyers blame each other, or rationalize why there have been delays, frustrating.

I can see the lawyers are working hard but there is too much work and they are too expensive. I will always be rich with love but poor in money raising a child with severe autism. If I were able to find a licensed paralegal trained in family law who could be more efficient and less expensive, I would use them for sure.

Please consider the needs of me and other parents like me in these family law situations and add paralegal practice to family law.

Sincerely

Tricia Bratton

2205 Chevron Prince Path

Oshawa, ON. L1L 0K9

[647-500-9849](tel:647-500-9849)

From: Julie MacInnis jmacinnis@cltoronto.ca
Subject: Letter
Date: Nov 27, 2020 at 10:07:59 AM
To: Paralegalhawk@gmail.com

Dear: Law Society of Ontario,

I support paralegals in family law practice. In 2007 I separated and later divorced my husband. I had no idea what I was going to do because I could not afford a lawyer and I had two young boys. My ex-husband was not going to cooperate. He was a drug addict and abusive. Valerie Hawkes and I have been friends since childhood so I turned to her. She showed me how to use the Family Law Information Centre. She helped me research lawyers who give out legal advice and she showed me where to find the information I needed to complete a separation agreement. I later used that knowledge to file for a divorce by doing all of the paperwork on my own. These are all services that a licensed paralegal trained and qualified could have done for me. I would have used a paralegal under the circumstances had that been an option. The time and stress involved in learning all of the ins and outs of family law could have been avoided. I trust that trained paralegals would provide an affordable alternative for those who are seeking to avoid the high costs of a lawyer but don't have the time to do it themselves.

Respectfully,

Julie MacInnis
44 Medley Lane, Ajax
Ontario, L1S 3P6
[416-721-1847](tel:416-721-1847)
jmacinnis@cltoronto.ca

Julie MacInnis
Program Supervisor Scarborough
Community Living Toronto
1712 Ellesmere Rd
Scarborough, ON, M1H 2V5
Sheppard [647-726-6732](tel:647-726-6732)
Kingston Rd. 416-283-1640
cell 416-721-1847
jmacinnis@cltoronto.ca
www.communitylivingtoronto.ca
"Where choices change the lives of people with an intellectual disability"

From: Byron McBride byron_mcbride@hotmail.com
Subject: para legal help
Date: Nov 27, 2020 at 9:37:00 AM
To: Valerie Hawkes paralegalhawk@gmail.com

To whom it may concern

Just this Fall I found myself in need of legal advice for a family law matter. I'm a Toronto Police officer and my associations led me to Valerie Hawkes, a licensed paralegal. Valerie was not able to help me with my situation but she was able to refer me to a lawyer that she trusts to help me out. What Valerie did, as a friend, was prepare me for my meeting with the lawyer. She was compassionate and her ability to help me understand the process I was about to enter put me at ease. All that I could imagine was legal fees that I could not afford and years of fighting and pain and suffering for my family ahead. What I didn't understand is why Valerie could not help me. When I learned that as a paralegal she was not permitted to practice family law I was surprised. It appeared to me that there was knowledge and skill in Valerie that she had to offer. When I learned that paralegals were trying to get family law included in their scope of practice and that Valerie would practice family law if she could, I was prepared to add my name to the list of supporters. Valerie and other paralegals like her would add to the system another layer of protection.

Thank you,

Byron McBride
[905-243-0106](tel:905-243-0106)

From: Ginny Hughes ginnyandherdog@hotmail.com
Subject: Letter of Support
Date: Nov 27, 2020 at 9:25:14 AM
To: Valerie Hawkes paralegalhawk@gmail.com

November 26, 2020

To Whom It May Concern,

I met Valerie Hawkes in 2007 when we became colleagues working for the Provincial Government. At that time, she was not a paralegal.

By 2007, I had been involved in a contentious and protracted divorce. I spent over \$150,000 on lawyers. After having to sell my home to pay for these lawyers, I found myself without legal representation when I ran out of money. My lawyer abandoned me several weeks before a binding arbitration because I did not have the \$10,000 to pay her.

My ex-husband was very wealthy and pushed on with his expensive lawyer and further litigation. I was left with no other option than to represent myself at the arbitration. I was terrified. I had no knowledge of Family Law or the skills necessary to conduct an arbitration. I turned to Valerie and, together, we began to study. She had a legal background so she knew where to look for the answers and she taught me how to read and interpret case law and precedence, understand court rules, rules of evidence and procedure. I completed the 4 day arbitration on my own, against one of Toronto's top lawyers and I WON!

I have watched Valerie's career as a Paralegal. I can attest to the quality of service and commitment that she provides to each client, regardless of the case. If I could do my Family Law litigation all over again, and Valerie was permitted to practice Family Law, I would use her, (the services of a qualified paralegal if permitted), without hesitation. The cost of entering into the Family Law system for me meant having to sell my home and going into significant debt just to keep my daughter in my life. In hindsight I now know that it didn't have to be that way and it doesn't have to be that way for others. Sadly, without paralegals being allowed to assist in Family Law matters, more people will have to use all of their savings, sell their homes (which is a significant source of instability for children living through divorce) and/or bankrupt themselves because of the cost of a Family Law Lawyer.

Access to justice in Family Law desperately needs less expensive alternatives to lawyers. How does anyone benefit from being bankrupt?

Sincerely,

Virginia Hughes

From: Denis Iahnes denis.iahnes@gmail.com
Subject: Hello Valerie. Thank you again so much.
Date: Nov 26, 2020 at 11:09:26 PM
To: Valerie Hawkes paralegalhawk@gmail.com

I am an immigrant and recently a new Canadian Citizen. I wanted to leave my wife but did not know how to go about it. I asked Valerie Hawkes, a neighbour of my friend how to do it. She found me a lawyer and he prepared a separation agreement for me. I did not want to use a lawyer. I did not trust that they would not take lots of money from me. I wanted Valerie to just write out something for me but she would not. She explained to me that I needed to do it right and she could not do it, it was not permitted. She explained to me that if I did it wrong I might end up making things worse. Trust is very important to me. When I think of a lawyer I think of giving them lots of money and going to court. I would have liked it if I could have used Valerie or a paralegal for my separation instead of a lawyer. Without Valerie, I am sure I would have done it wrong.

Thank you for listening to me

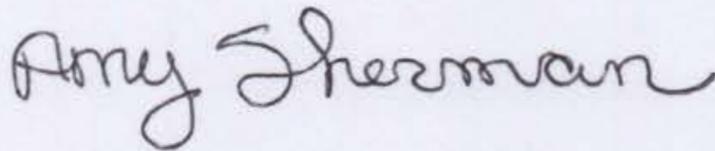
Denis Iahnes
15 Gosney Crescent, Barrie, ON, L4N 6T6
[289-763-3809](tel:289-763-3809)

To: Law Society of Ontario
From: Amy Sherman
Re: Family Legal Service Provider Licence

My name is Amy and Valerie Hawkes is my Aunt. Valerie Hawkes is a Paralegal. My aunt has asked me to talk about my family law experience. She cannot do family law. I am on Ontario Works and I have been most of my adult life. I have a grade 9 education. I have been going to family court for 12 years now. I use legal aid lawyers. Each time I go to court by my daughter's father, (who represents himself), I have to find a lawyer. I have had some very good legal aid lawyers but when I have to go back, they drop me. I believe it is because they know the history and it just isn't worth it to them. My Aunt has come to court with me. Supported me when I speak to duty counsel and she has worked overtime to help me find lawyers. I wish my aunt could have just represented me. The stress of being bounced around the system has made my life horrible. I'm scared all the time. I have friends in that same situation as me and they have to go to court alone. They come back mad. They don't understand what is going on. They hate the judges. They need help but it isn't there for them. That makes me sad. The family court system only supports people with money. I have been forced to settle with my daughter's father over the years and each time he comes back with more lies and more demands. I wish my Aunt could have supported me. My time is coming to an end in family court because my daughter is at an age where she can make her own decisions. I feel for people who cannot get a lawyer because it cost too much money. If there is a way to make going to court with a lower cost the law society should help people like me. It is needed a lot.

Thank you,

Amy Sherman
415 Mill St.
Beaverton, ON

A handwritten signature in cursive script that reads "Amy Sherman". The signature is written in black ink and is positioned to the right of the typed name and address.

#186

Please enter your first and last name	Rick Howard
Email Address	leftlaneoutlaw@outlook.com
Please make a selection below	I am a member of the public
Are you a self-represented litigant?	Yes
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes the proposed scope of permissible activities will support increased access to competent family law services by making it more readily available to the public and taking the work load off of some of the bigger firms allowing more smaller and simpler cases to be looked after in an orderly fashion in ways that could be settled out of court freeing up court time for more complex family matters. It would also allow for more blue collar individuals to seek help and guidance in family law matters.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

The proposed scope of permissible activities will enable the FLSP to develop a business model that is viable because, speaking from experience, there are many individuals who require assistance and are unable to afford services under the current model. If there were FLSPs who could provide services at a lower cost and more accessible way, more people will have access to services and the business models will be viable to everyone, including lawyers who will then be able to take on the more complex matters and provide better services to their clients.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Paralegals are trained legal professionals and therefore would be able to deliver family law services with the same level of competence as they have previously trained to do in the other levels of permissible services,

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Providing legal advice with respect to family law matters (within permissible scope); drafting legal documentation; representation in court or before tribunals; negotiating legal interests or rights;

Services: Divorces, parenting orders and decision making; child and spousal support; contempt and enforcement orders; separation agreements which are uncontested or which do not contain matters which are not provided for in scope of permissible activities change of name applications; division of property.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

Yes, but this should be varied depending on whether the paralegal has previous experience in family law services.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

2 to 3 years of service after receiving paralegal license and a 2 to 3 month co-op type placement in a family law setting

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

Same as above:

Placements should be provided by family law lawyers and paralegals who have already met all of the requirements and received the FLSP and have held it for at least one year and are currently working in family law.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

No. They do not have the required competencies,

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

lower cost than lawyers, less costly disbursements, more accessible than lawyers (not as busy), more approachable

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes. Paralegals are trained in the modernization of the court system as it is. They are familiar with online filing and steps to justice.

12. Are any aspects of the proposed licensing framework unfeasible?

No.

13. Is there additional information or are there other factors that should be considered?

I feel that having a paralegal dealing with family law matters would be more comfortable for the public because they are more likely to listen, understand and treat with respect. They do not charge outrageous fees like some lawyers do and therefore are more affordable. I also feel that a paralegal would be more comfortable to speak with for someone with a lower education or lower understanding of the court processes involved. They do not tend to speak in full legal words which the common person cannot understand which allows for greater access to justice for the general public.

#188

Please enter your first and last name	Cynthia Saunders
Email Address	cynthia.saunders@triosstudent.com
Please make a selection below	Paralegal Student
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Other
Practice area focus:	- Once licensed my area of focus is towards, Family Law and Tribunals
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)
Upload a File	Family Legal Services Provider Licence Call for Comment.docx
Scope	
Competence	
Training Program	
Other Components of Licensure	
General	

Family Legal Services Provider Licence Call for Comment

As a current student of a Paralegal Program and after reading the proposed Family Legal Services Provider (FLSP) Consultation Paper, I see this as an opportunity to provide an opinion from a student's viewpoint. An issue in Family Law as witnessed is the inability for most litigants to afford proper legal representation. Family's who are in the low to middle income bracket are for the most unable to afford representation and in turn self-represent leading to an undesirable outcome.

The experienced and competent paralegal along with the enhancement of additional education and training in Family Law would provide these litigants the services they need. Family Law is broad and challenging for most to understand or navigate making it unwise to self-represent. Self-represented litigants generally do a poor job of representing themselves. The FLSP would be able to provide both affordability and expertise to assist litigants in this position. They would be able assist with lower risk and severity as well aiding in achieving a favourable outcome.

The proposed "scope of permissible activities" would enable a FLSP to develop a specialized area of practice. Since they are limited, they would become well versed in the area. The scope of area is where most litigants of the low to middle income bracket likely be obtaining the services of the FLSP. They are generally seeking help with divorce / separation, assistance with child custody / support or in the general area of Family Law. The more challenging and diverse areas would be tendered by a more experienced and seasoned Family Law lawyer.

The proposed "competencies" should ensure the FLSP would be able to deliver a high level of family legal services. The eligibility criteria should include a minimum of one-year experience as a Licenced Paralegal. The length of the training program should be six – eight months provided by a competent post-secondary institute, meeting (exceeding) the highest standards of The Law Society of Ontario. There should be a two - three month placement with a licensed Family Law practitioner with the possibility of extension if necessary. In addition, a Licenced FLSP should be engaged in a 12-20 hour per year professional development program.

The FLSP as with Paralegals should be accessible to litigants through legal aid . The FLSP who demonstrates competency and efficiency in the area of Family Law, is accessible and affordable will attract litigants who are most likely to self-represent. The courts and legal system should encourage prospective litigants to seek representation from them. Those who are unsure about their rights under the Family Law Act, etc. will seek the assistance they need if it is available to them.

#190

Please enter your first and last name	Kevin Chen
Email Address	goingchen@gmail.com
Please make a selection below	Paralegal student
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
Practice area focus:	- Landlord and Tenant Law - Small Claims Court matters - Tribunals
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)
Upload a File	FLSP-Feedback-KevinChen.pdf
Scope	
Competence	
Training Program	
Other Components of Licensure	
General	



KEVIN CHEN

(416)568-0248 goingchen@gmail.com Paralegal Program, Seneca College

November 12, 2020

Family Legal Services Provider Consultation
Law Society of Ontario
130 Queen St. W.
Toronto, ON M5H 2N6

Dear Sir/Madam,

I am a paralegal student at Seneca College writing in response to the FLSP (Family Legal Services Provider) Licence consultation.

The possibility for licensed paralegals to extend the legal services to family law area has been in the discussion for many years. The proposed new training and licensing allows legal practitioners, other than lawyers, to offer legal services in some areas of family law in Ontario.

It is my hope that the credential of licensed paralegals in Ontario can be recognized and applied towards the training requirements of the FLSP framework.

My response is included in the attached Schedule A for your review. Thank you for this opportunity.

Sincerely yours,

KEVIN CHEN

Schedule A: Feedback on the Proposed FLSP Model

In Ontario's family court, approximately 60 percent of Ontarians do not have legal representation. In response to this situation, Law Society of Ontario (LSO) has proposed a new FLSP (Family Legal Services Provider) Licence to facilitate access to justice in family law for the general public. The proposed scope of permissible activities, required competencies, and outline of the training program of this FLSP Licence are detailed in the "Access to Justice Committee: Family Legal Services Provider Licence Consultation Paper" ("FLSP paper"). As a paralegal student, I would like to take this opportunity to provide my feedback on the framework of this FLSP model and the possible effectiveness of the implementation.

I. Feedback on the Scope of Services

1) Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

The proposed scope of permissible activities for FLSP Licensees as detailed in the Appendix B of the FLSP paper has been limited to legal services. Similarly, Law Society of Ontario defines a paralegal as a person who provides legal services. Legal services are further defined as "conduct that involves the application of legal principles and legal judgement with regard to the circumstance or objectives of a person" (s. 1(5) of *LSA*¹). The scope of permissible activities for paralegals is articulated in Section 6 of *By-Law 4*², which includes civil, quasi-criminal, criminal, and administrative proceedings in the Small Claims Court, Provincial Offences Court, summary conviction

¹ *Law Society Act*, R.S.O. 1990, c. L.8,

² LSO, *By-Law 4*, online: <https://lawsocietyontario.azureedge.net/media/lsso/media/legacy/pdf/b/by/by-law-4.pdf>

court, and federal or provincial tribunals. In general, the scope is limited to relatively small cases for paralegals.

The scope of services of FLSP licence is too limited, restricted, and confusing when comparing with that of the paralegal. This type of scope may not help the general public to access the affordable and competent family law legal services, as there are too many restrictions on almost each and every category of family law services. To the contrary, the general public may be convinced to use lawyer to get one-stop legal services after learning the restriction of the proposed FLSP licence.

2) Will the proposed scope of permissible activities enable the FLSP to develop a business model that is viable? If so, why? If not, why not?

According to the research of the Vanier Institute of the Family³, 4 in 10 estimated proportion of marriages in Canada that will end by the 30th year of marriage (41%). The average total fees (per case) reported by surveyed Canadian Lawyers for uncontested and contested divorce cases are \$1,772 and \$15,306, respectively, in 2016. Around 40% persons in the family court with legal representations with average legal fees at around \$15,000. In most cases, litigation may cost much more than \$15,000, and many cases were represented by a lawyer at the beginning and was self-represented afterwards.

If the above surveyed numbers are considered unaffordable for the remaining 60% persons, the possible affordable legal fees might be less than \$1,000 for the

³ The Vanier Institute of the Family, *Facts and Stats: Divorce, Separation and Uncoupling in Canada*, (2018, July), online: <https://vanierinstitute.ca/download/16174/>

uncontested cases, which might not be viable for the FLSP licence holders as the fees charged may not cover the amount of work involved from the initial interview, document preparation, term negotiation, to final settlement. The restrictions may prevent the Family Legal Services Provider from even getting the contested cases, let alone developing a viable business model out of it. Therefore, the proposed scope of permissible activities is unlikely to enable the Family Legal Services Providers to develop a business model that is viable.

II. Feedback on the Competence Requirements

3) Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

The proposed set of competence is very identical to the requirements for the paralegals except for the knowledge requirements on substantive family law.

As family issues are not just legal issues, it will be beneficial to all involved parties to have a family law generalist to address family law issues by incorporating non-legal resources, including social, medical, and educational resources, to provide holistic approach to address the family issues before taking the order of the client to commence the legal action.

Moreover, the customer service skills are also essential in providing a successful family law services to the people in need, as lawyers are generally not quite accessible.

In conclusion, in-depth knowledges in alternative approaches and excellent customer service skills are two important competencies for the proposed Family Legal Services Providers.

4) In your view, what scope of activities would best support increased access to affordable, competent family law services?

In my view, the proper scope of activities that would best support increased access to affordable, competent family law services will be the model similar to the role of the *family doctor* or the role of a *home inspector* to offer one-stop general family legal service, and will refer to lawyers specializing in family law once the legal issue is getting too complicated to be handled by the generalists.

III. Feedback on the Training Requirements

5) Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D.

The proposed 550-hour training program is more than sufficient for paralegals as most of the proposed courses are already in the curriculum of paralegal program, but this may not be sufficient for the persons without prior legal training. The most appropriate target group for the FLSP model should be the practicing paralegal, and the training can be designed accordingly as an add-on training component.

In conclusion, for the target group of licensed paralegals, the hours of the classroom training can be reduced to be focusing on the family law topics, not on the general legal knowledges and skills. Including a practical element of at least three-week placement can also be of great help.

6) What type of prerequisite experience in legal services provision, if any, should be required for the FLSP?

The prerequisite can be either the formal legal training, such as paralegal, law clerk or other related program, or the work experience in the law firms.

7) What length and form of experiential training should be incorporated into the licensing process for the FLSP to support the competencies? If a field placement is required, who will provide the placements?

Besides the classroom training, there should be a practical element as the prerequisite experience in legal services provision, and the length and form of the experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies.

8) Is a CPD requirement focused on family law appropriate for the FLSP?

Other than the classroom instruction, the family law component can also be delivered though the Continuing Professional Development process for the practising

paralegals. As the only missing competency for the paralegals is the substantive family law.

9) Should law clerks be eligible for the FLSP licence? Are there other groups of professionals who should be considered?

For the time being, it may not be necessary for the law clerks be eligible for the Family Legal Services Provider licence as they can practise family law under the supervision of a lawyer anyway.

Moreover, many the licensed paralegals are not practicing. Lack of work can be one of the reasons. Therefore, offering the opportunity in family law to trained and licensed paralegals at the initial stage can help to address the demand for affordable legal services in family law court, and can open up a new area for paralegals.

IV. Feedback on the Effectiveness of the FLSP Model

10) What characteristics of an FLSP would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

The LSO-commissioned Bonkalo Report⁴ has identified the problems in Ontario's family court, and the recommendation to make legal services available to the public by providers other than lawyers. The logic behind this recommendation is that

⁴ Justice Annemarie E. Bonkalo, "Family Legal Services Review. Report Submitted to Attorney General Yasir Naqvi and Treasurer Paul Schabas" (December 31, 2016), online: https://www.attorneygeneral.jus.-gov.on.ca/english/about/pubs/family_legal_services_review/ [Bonkalo Report].

the current legal fees charged by lawyers are considered too expensive. The most appealing characteristics of an Family Legal Services Provider to self-represented litigants would be the affordable costs, the improved accessibility, and hassle-free one-stop services.

11) Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the FLSP design appropriate?

The ongoing pandemic has prompted the Ontario court system to adopt more technologies in the all levels of courts, which makes the navigation in the legal system more complicated for the general public. The Family Legal Services Provider (FLSP) framework is going to play an essential role in addressing the access to law in the family law area. Improved legal representation can help to save the court time, and reduce the the burden of the court system as well.

12) Are any aspects of the proposed licensing framework unfeasible?

The proposed FLSP framework does not contain a feasible scope of work, and it is almost impossible to develop a viable business model based on this.

13) Is there additional information or are there other factors that should be considered?

Better representation in the family court will have social, economic, and health benefits for the community in whole once the proposed FLSP framework is revised to

upgrade the existing licensed paralegals to offer affordable, accessible, and all-inclusive one-stop family legal services in Ontario.

FLSP shall be branded as a generalist in providing legal services in family law.

#199

Please enter your first and last name	Karen Peuser
Email Address	kayone@eastlink.ca
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Sole practice
Practice area focus:	- Right now not working on matters or assisting any clients.
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central West, including Bruce (Walkerton), Grey (Owen Sound), Dufferin (Orangeville), Wellington (Guelph), Peel (Brampton), Halton (Milton)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Access to justice which includes financial ability to obtain legal services is a major problem. Barriers to obtaining access to justice most often is because of economic disparity. As cost of living is always increasing and often times out-paces families need, this problem will not decrease but increase over time. Add to this un-foreseen problem such as a global pandemic - which will increase justice needs, increase economic disparity and increase self reps, placing further burdens on courts and families in need.

As law should be ever evolving, looking at the advancement, needs and rights of people in society and from this make necessary changes (for example the upcoming divorce law addresses needed changes such as language that is more descriptive and compassionate). So, when a person has to resort to self representation then sadly their needs although acknowledged get disregarded and overlooked, This in turn is not giving equal access to justice but rather offering a unequal service that is access for the rich and poor, but the middle class is left out to fend for themselves - their needs then become unmet.

If access to justice is to evolve to all in need then the needs of self reps needs to be acknowledged and addressed. This can be done by presenting alternatives and options to the public - thereby, truly giving greater access to justice for all. One such option is qualified paralegal services. Paralegals already provide access to justice to many in need of their services, and not only do they offer quality services, giving greater legal access, reducing financial stress and costs for their clients. However, financial is not the only need that is reduced there is also the peace of mind that comes with knowing the legal issues a person is facing is being adequately provided for by a qualified professional. As the family justice system is complex, it is a labyrinth procedural system where one task completed builds upon the next task to complete, add to this the family law rules, rules of evidence, legal research, time restraints, filing, service of documents and so much more, in an already complex legal system. Given this from the start the self rep is off to a nightmarish start, adding not only to emotional upheaval in their home, but emotional upheaval in court. As the self represent does not understand the complex tasks and how to go about them. They then get caught in one step and not being able to move onward to necessary next steps (which increase in complexity not, decreases in complexity) and often just settling or giving up. Once, again for them justice then is not accessible to all and has not evolved, advanced, to their needs - they get left out, left behind, and let down. However, a qualified paralegal can remedy this issue and instead of being left out - this group now is included and has greater options and now has greater access to justice.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Paralegals currently offer services at reduced rates to their clients. Paralegals do this by practicing in areas of law that they have education, experience and licencing to do so. Paralegals historically and to date offer professional services in particular services that covers needs and niches that were not complex enough for lawyers or were not financially rewarding enough for lawyer - and paralegals filled in this crack. Also, often clients shop around for the best price based on their affordability needs - so a family law provider paralegal is just another option the public gets to explore for greater access to legal service availability.

As paralegals will have to have the same qualifications across the board (as to education, experience, etc) - the clients then have more options of services to choose from one that allows them safety, security to shop around. Paralegals as well can offer things as unbundled services, thereby, reducing fees even greater for clients, working in conjunction with lawyers doing minor non-complex matters, first steps and then more complex steps or issues referred to a lawyer. Paralegals to date since becoming regulated with the Society have proved to be a valuable service and asset to the public and will prove themselves again as professional, qualified assets in the justice system helping those who are underserved currently.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Other considerations are: law clerk who have worked in a family law, children law - either private or public office environment that is also a paralegal and have worked in this area in the last 10 years of so. And this person has remained up to date with workshops, LSO courses, law clerk courses, etc., who are willing to undertake additional courses or passing a written LSO examination (similar to paralegal licensing) but an examination that is specific to family law paralegal model and practice. The LSO offering specific workshops that are yearly requirements in similar to what is required today with CPD. Also, experienced family law lawyers and or family law paralegals can mentor and be accessible to help junior paralegals. A coach advisor network that is set up as well with rural areas in mind (so on-line video, law libraries and references accessible on - line). Rules of evidence, preparation of documents what goes in and our to continuing records. At all times a helping extended hand model offered to each other, for when this happens the public is best served, taken care of and at all times qualified professional services given. The client is the main concern and the goal always is to help and take care of the client, by being educated, qualified, trust worthy, compassionate, and has a real compassion for family law.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Given the right education, professionalism, and qualifications the proposed scope of activities can be achieved.

Some greater needs activities would be for a client and a paralegal can help with is: how to fill out forms, which forms, time lines, court steps and procedures, legal research and wring, legal language, statute, rules, court system, financial documents, serving and filing of documents, interviewing, court matters (as purposed in the LSO requirements brief) A self rep. even gets tripped up on the legal steps and language and can often out of frustration lose out on an important next step or losing a case all because their lack of knowledge and know how. The services outlined in the proposal will help with affordability with regards to a client.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

The proposed training program is of sufficient duration and rigour to enable candidates to achieve the proposed competencies; however, as noted above (educational section) I would add to this some prior experience and education would be helpful, but, then again you never get to the finish line if you don't start from the starting line first (everyone has to start somewhere). Some consideration could be made for those who have had experience or education in the last 10 years in family law.

The educational requirements are more than what some law clerks and court clerks get that work in the family law area and give assistance (not advice) but are relied on by lawyers and public to guide them through the process and they help and guide the public successfully through the process.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Some family law education such as family law clerk through a competent program/school provider, some experience and education in the family law field and any workshops, programs in the family law field.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

This is complex especially in a rural setting, but, if in rural some on-line placements or a list of family law lawyers that will provide placements or placements through a courts, program.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes, and could incorporate LSO courses, workshops but other providers such as Nexis Lexis on family law software (i.e. such as DivorceMate workshops and how to use - used often for calculating support and financials), etc., or colleges offering workshops. A variety of options available.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Yes. As they often work in this area and are of great assistance to family law lawyer, with additional courses and written examination they can qualify. If they already have a paralegal license in good standing and a law clerk education/certificate, in particular family law clerk education and experience, then some additional qualifying educational requirements could give eligible status.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Accessibility, cost structure, billing practices, particle - working - unbundling services.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes, as a family law lawyer and law clerk with years of know how and experience still can find the complexity of the system daunting. These services are like the band aid put on the wound they do help, but do not go far enough. The person making use of these services have surface knowledge, but not in depth knowledge and these services cannot replace education, experience a qualified legal provider will have. People still go to lawyers and paralegals even with greater access to self help services as it is as they find they can do one thing but are stuck on next steps, do not have the time, or find the steps still complex, or they do not have the time to learn or want to learn what they need to know and do. Still a need even with these provisions. As well giving more options allows for a person to concentrate on their job, family, issues at hand and the legal service provider gives them greater freedom to do that.

12. Are any aspects of the proposed licensing framework unfeasible?

None. I believe that as moderation of courts move forward with technology and court modernization steps to justice I believe this in turn helps reduce costs for the public and courts but at the same time need to access court services will still always be there whether there is greater accessibility and moderation of court services or not and self reps may or may not make use of these services, and if so it is only a band aid solution, the public despite this moderation will still benefit when the public has access to more services and options. It is better to provide more not less giving greater flexibility and less chances for error in presenting their legal matters. After all a program still does not compare to education, practice and know how gained from learning and working, so, like a band aid is only temporary still does not address underlying issue or complexities.

13. Is there additional information or are there other factors that should be considered?

Family law can be complex for lawyers and even though there is moderation of the justice system to assist self represented, it still can be a complex mind field to navigate. I believe qualified, education paralegals can greatly assist and help litigants through this complex task offering greater access to justice for self reps and those who have financial restraints. Giving greater choices and financial cost to them.

#201

Please enter your first and last name	Lesley McKnight
Email Address	Mkupart4you@gmail.com
Please make a selection below	I am a member of the public
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes, it will. I'm self employed and a single Mother. Most lawyers are out of my budget, charging 300-600 per hour, a paralegal does much of the work for far less. It gives more people a chance to have legal assistance within a fair price range.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

I feel yes the legal provider could certainly develop a good business. As mentioned above, when affordable legal representation is available, there will be a success for all Paralegals to build a client base.

Competence

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

When you have a knowledgeable Paralegal, who has been with Family Law for many years a person (s) will feel confident in advice, assistance in filling out forms, not too mention the peace of mind of having representation at an affordable fee, and go bankrupt.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

Yes

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Being a paralegal and also working within family law

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

Field placement if not already working in family law should be required.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Paralegals

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Definitely knowledge of family law, forms, advice, billing at a reasonable rates

#208

Please enter your first and last name	Jennifer Haughton
Email Address	Haughtonjen@gmail.com
Please make a selection below	I am a member of the public
Are you a self-represented litigant?	Yes
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

It would give alot more lower income people access to information and help that they arent getting now. Lawyers are not affordable when you add in child/spousal support, increased cost of living and wages not matching inflation.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes they would. Allowing paralegals to handle more of the family law would allow legal service providers to move their lawyers to files that require more legal council.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Yes they will

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Easier access and more common language to guide individuals with the court process and rules. Also actually taking into account the best interest of the child rather than being manipulated by lawyers who are only looking to make more money. The 50/50 presumed custody right away would reduce the cases in front of the family courts and would also allow parents to better care financially for their children, rather than spending money on costly lawyers and legal proceedings.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

I believe they are.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

I think that all lawyers and paralegals should also be required to take counselling courses and be more educated with parental alienation and the warning signs of mental health with their clients.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

1 to 2 yrs and yes field placement should be a requirement. Legal aid clinics, Flick offices and lawyers could provide the placement.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

This is 100%. Continuous training should be mandatory for all lawyers and paralegals

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

I dont see why they shouldn't be.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

The cost should go on a sliding scale based on various factors, income, expenses including child/spousal support . Many legal providers do not care about the welfare of their clients only their bank accounts.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes

13. Is there additional information or are there other factors that should be considered?

Again more training in mental health, alienation equal parenting all needs to be considered, all legal professionals practicing family law this should be a mandatory requirement.

#209

Please enter your first and last name	Prakash Dave
Email Address	Prakashdave1966@yahoo.ca
Please make a selection below	I am a member of the public
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Upload a File	Iso request for change.docx
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Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

New comers less than 3 years should have special legal aid services especially if client is keeping up with their FRO and their regular monthly payments first. The formula currently in use does not work.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Need to look at overall picture to see if a client who is new to the country can afford a lawyer and keep up with his basic living expenses.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

More ethics training and more lawyer should take limited scope with lower rates for new comers as they will not be able to afford \$5k retainers for limited scope work. In my view lawyers are monopolies. An individual cannot even talk in court and if you cannot communicate and express what you want to say to the judge in English, you need a lawyer.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

How to stop corruption in the legal system. Its happened to this client at least 2 times. he has been stop to file his forms. The lawyers are connected to clerks and why don't you guys the lawyers tell us how to clean this up. You guys are the experts and you all know the weakness in the law system for people without lawyers.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

The penalties to break the laws have to be substantial so they will not continue unethical things that are happening in your courts. especially in family court at yonge and sheppard.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

All regular ethics training on an ongoing basis and have them take oaths every time. There are a lot of unethical lawyers out there.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Not family law clerks but external paralegals should be able to go into court to argue the care directly with the client if the client is a new comer to the country.

Main concern is how to stop corruption between lawyers and clerks for newcomers who are self represented.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

This problem can be dealt with better if paralegals can argue cases on behalf of their clients in court especially new comers to canada who's first language is not english and less than 5 year rule.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

The court modernization is a complete failure. Lawyers are stopping people from filing their documents to the courts as done to me, files that are electronically sent to the courts did not get there and they will not acknowledge it. If the lawyer has contacts to the clerks they are getting deleted as evidenced. and these clients are getting charged by the judge when this happened and are punished due to crooked and corrupt lawyers.

12. Are any aspects of the proposed licensing framework unfeasible?

something has to be done with these kinds of lawyers.

13. Is there additional information or are there other factors that should be considered?

your help with these matters would be greatly appreciated. thank you.

To: Law Society's Access to Justice Committee

I am writing in response to a current case I am aware of for my dear friend who is a new comer to Canada. He came here in June of 2016 with his 3 kids. After 3 months his wife kicked him out. I have been sheltering and helping him with his legal needs as much as I can as a bystander. I am not a lawyer. He did not have a dime when he came to my door. By the time his wife started all the legal process he has a modest income but only enough to support himself and his family back home and to keep up with his FRF payments. His ex's lawyer and judge have put up so many barriers to legal service to him that he is running out of options especially since he does not speak English. These Covid 19 procedures are not helping him either. We know all the rules and the law but the Law, the lawyers and judge is the problem.

Firstly, this lawyer is obstructing justice in all regards as the lawyer has all the contacts in this court house that we are having difficulties submitting our documents. We have got a paralegal for the past 3 years doing all the work and even then there is obstruction to get files to the judge and what happens when the judge does not get the file during conference all. He fines the client every time because he cannot afford a lawyer and cannot speak in court because he does not have a grasp of the English language. A lot of lawyers are tied to the clerks to use delay tactics and to delay filings because this lawyer does not want to file the documents they need to in time. We know they are just playing a service game because we are not lawyers. Now he has to do an appeal for something he did nothing wrong and cannot afford. We sent files in DEC electronically and they got that but the one in Oct they didn't? what is this man to do?

This man has been physically and mentally abused by the ex and is in a state of depression. When you call the police they ignore the case due to stereotype of men getting abused by women even if it is on video. Due to no lawyer to protect this individual who I have no connection with and ended up at my door as an only choice for him.

We tried to get help from the attorney general of Ontario but they said to get a lawyer. All lawyers we approached were looking for large retainers that he could not afford.

We are just looking for a fair shake for this newcomer and some support from the law society of Ontario. There has to be special rules for new comers as there is a lot of gap in this area of law.

A lot of these lawyers need to retake their ethics course and when they try to abuse or take advantage of less fortunate individuals to bend the rules to satisfy their clients unfairly is not warranted in this society. This judge is fully aware of his status, income and costs and kids situation he completely ignores all the facts and refuses to even read the facts.

How to stop this blind form of corruption in the court system has to stop.

All he is looking for is a fair agreement that looks after the best interest of his kids.

Regards

Prakash Dave

A citizen concerned with the LSO rules and procedures.

#210

Please enter your first and last name	Jacqueline Roberts
Email Address	jacquelineroberts@rogers.com
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	Yes
Are you representing an organization or association through your participation?	No
Practice area focus:	- Family /Matrimonial Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes. FLSAs would have the opportunity to have carriage of family law matters at a reduced rate of a lawyer. With a focus on settling the issues as fairly and expediently as possible, this would reduce the length of time a matter is before the court. For more complicated matters, a FLSA could see it through to the point where it could then be transferred to a lawyer, where the work required would be outside of the proposed scope of permissible activities. This would be a great alternative for litigants who do not qualify for legal aid, but cannot afford to pay the hourly rate of a lawyer. This would also promote a collaborative approach between FLSAs and lawyers where each is helping the other.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes. It would definitely enable a FLSA to develop a viable business model. It opens up an entirely new host of services that were not allowed to be practiced. Depending on the FLSAs current areas of practice the two areas could potentially overlap i.e. a family law client who has been awarded costs that are not enforceable by the Family Responsibility Office, could also be served by the same FLSA who also practices small claims court and garnishments. It marries up different areas of law. FLSAs who are limited strictly to family law practice would have the ability to assist clients who do not necessarily wish to litigate in court.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Yes I believe that the proposed competencies are adequate.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

The ability to give legal advice, draft documentation, negotiating rights and interests and court appearances would allow litigants to affordable and competent family law services.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

Yes.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

FLSPs should have a minimum of 6 months hands on practical experience working in a family law practice prior to the educational component, or a field placement of the same duration during the educational component.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

FLSPs should have a minimum of 6 months hands on practical experience working in a family law practice prior to the educational component, or a field placement of the same duration during the educational component.

Family law lawyers and Ministry of Attorney General should provide placements.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

No I don't believe law clerks should be eligible as a FLSP. They are not regulated or licensed, That said, law clerks would be integral to the success of the FLSP.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Accessibility, fee structure and possible collaboration with a lawyer so that matters could continue to move forward seamlessly with no impact to the client.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes.

12. Are any aspects of the proposed licensing framework unfeasible?

No.

13. Is there additional information or are there other factors that should be considered?

What does the educational component look like given that we are in a pandemic and colleges and schools are home based learning? Personally, I am eager to move forward and further my education in order to make a positive change in an area of law that is in desperate need of same.

#211

Please enter your first and last name	Jessica Mason
Email Address	jessica.paralegal@outlook.com
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Small firm (2-5 licensees)
Practice area focus:	- Family /Matrimonial Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes, as proven in other areas of law, FLSPs could offer the same legal services to the public at a lower cost than lawyers. I believe this is achieved by having a lower overhead. FLSPs may be able to operate in smaller offices or virtual set-ups. A client in this market will not expect the service provider to have the same set-up as a higher price lawyer would be expected to have. The focus for the client would be more about obtaining results.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes, the FLSP could develop a viable business model. There is no shortage of members of the public who need this service. Paralegals have already proven their business models are successful in other areas of law. This will be no different.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Yes, the proposed competencies are sufficient.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

The public needs more limited scope services for self-reps in order for the process to move smoothly through the procedural steps. There should be duty counsel acting for self represented litigants at the courthouses.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

Yes.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

No prerequisite experience.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

Depending on the previous experience of the paralegal, six months to one year placement should be required, under the supervision of a family lawyer.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Yes, law clerks should be considered because they already have been educated and/or have experience working in family law. I don't think there are any other groups of professionals that should be considered.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Cost and billing practices would be the first considerations, then practicality and accessibility.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes, the FLSP design is appropriate.

12. Are any aspects of the proposed licensing framework unfeasible?

No.

13. Is there additional information or are there other factors that should be considered?

No.

#212

Please enter your first and last name	Anamika George
Email Address	Anamika.k@live.com
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	Yes
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Other
Practice area focus:	- Immigration Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central West, including Bruce (Walkerton), Grey (Owen Sound), Dufferin (Orangeville), Wellington (Guelph), Peel (Brampton), Halton (Milton)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes, it will allow middle and low class families to gain access to legal services at a fraction of the cost for lawyers.

Majority of Paralegals are competent to handle such cases.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

If worked closely with Paralegals and suggestion of Lawyers, I'm positive a business model is viable.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

I believe Paralegals should have to take a course or training which will allow us to give our 100% without prejudicing the clients.

This will ensure there is a level of competence as outlined in the proposed scope.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

All basic aspects of providing service to families. More complex cases may be referred to a competent lawyer.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

Yes

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

I believe there should not be a prerequisite for this. Lawyers who graduated with no experience were able to successfully learn and integrate into the industry.

With the right training (course), Paralegals can certainly be competent in this industry as well.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

I believe a thorough course or CPD will be sufficient in assisting us Paralegals.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

This is a possibility in the future. As for now, I believe this should be enforced for Paralegals and see the results it has on the low-mid income families.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

All of the above

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes, but it could be more efficient for low income families.

12. Are any aspects of the proposed licensing framework unfeasible?

N/A

13. Is there additional information or are there other factors that should be considered?

N/A

#215

Please enter your first and last name	Jennifer Gravel Vanasse
Email Address	jgravelvanasse@viceandhunter.ca
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Medium firm (6-199 licensees)
Practice area focus:	<ul style="list-style-type: none">- Civil Litigation - Plaintiff- Small Claims Court matters- Statutory Accident Benefits Schedule matters (SABS)
What is the location of your workplace? If submitting on your own behalf, where do you reside?	East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)
Upload a File	Response to Call for Comment Nov 26 2020.pdf
Scope	
Competence	
Training Program	
Other Components of Licensure	
General	

November 26, 2020

The Access to Justice Committee
Law Society of Ontario
Toronto, ON
M7A 2S9
rbudhwan@lso.ca

To the Committee:

RE: The LSO Family Legal Services Provider Licence Consultation Paper

Below, please find my response to the Call for Comment:

Questions

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

The proposed scope of practice is too broad, which will result in a mandatory educational program that will be prohibitive for practicing paralegals. I propose a somewhat reduced scope of practice, as set out in Schedule "A" hereto (hereinafter referred to as the "Proposed Scope of Practice").

The Proposed Scope of Practice will result in a reasonable education program that practising paralegals will be able to participate in. The Proposed Scope of Practice will provide access to justice to those parties who are not seeking or do not qualify for legal aid, but cannot afford the services of a lawyer. Many parties whose matters are within the Proposed Scope of Practice are confused, frightened and seek guidance and support to navigate the system and deal with their former spouses on their behalf. Often these individuals are unable to afford a lawyer's rates. Their issues may not be as complicated as the matters for which a lawyer's services are required. The FLSP licensee will fill the gap in services for those parties who are able to self-represent and those parties who need and can afford the services of a lawyer.

2. Will the proposed scope of permissible activities enable the FLSP to develop a business model that is viable? If so, why? If not, why not?

Yes. Sadly, in our society there is no shortage of individuals who are involved in family law matters, whether it be separation, divorce, parenting or support matters. Many individuals try to self-represent and are unable to continue or find themselves outmatched by the opposing party. Even in less complicated family law matters, the parties are dealing with great change in their living and financial situations. Emotions can be high and it can be extremely difficult for parties to view the issues objectively and logically. These are the individuals who are most likely to seek help from the internet, or a friend that just went through a divorce, or a "mediator" who does not know the law and is not qualified or licensed to give legal advice. This is the target market for an FLSP.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

The competencies proposed will ensure more than sufficient competence. The list appears to be as or even more detailed than the offerings of law school or the bar admission program. Given the seriousness of the issues in family law proceedings, including the impact on individual's finances, family structure and dynamics (custody and access), it is appropriate that the competencies be robust.

However, some competencies have already have been achieved by paralegals through their education and training, or may be outside of the Proposed Scope of Practice, such as:

- a) 1.1.4 – Managing client expectations and communicating with client;
- b) 1.1.6 – Civility;
- c) 1.1.7 - Obligations with respect to self-represented persons;
- d) 1.1.8 – Conflict of interest;
- e) 1.1.9 – Actions in situations of conflict of interest;
- f) 1.1.10 – Joint retainers;
- g) 1.1.11 – Undertakings and trust conditions;
- h) 1.1.12 – Trust funds;
- i) 2.1.24 – Partition Act;
- j) 2.1.31 – Statutory interpretation;
- k) 2.1.32 – Importance of remaining current with regarding changes to legislation;
- l) 3.8 – Contempt/Enforcement of Orders;
- m) 3.12 – Understanding and identifying domestic abuse and intimate partner abuse only – all other competencies are not necessary as upon identifying abuse, clients should be referred to a lawyer;
- n) 4.0 – Problem, Issue Identification, Analysis and Assessment;
- o) 6.4 – Trial or Hearing Preparation;
- p) 6.5 – Conduct of Trial
- q) 7.1 – Practice Management, specifically:
 - a. 7.1.197 – Law Society identification and verification requirements;
 - b. 7.1.198 – Law Society marketing and advertising rules;
 - c. 7.1.199 – Maintaining competence.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Please see attached Schedule "A": Proposed Scope of Practice.

Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D.

The duration of the proposed training program is too long. It will be prohibitive to practicing paralegals who will not be able to maintain their established practices while engaging in the program.

Students in law school who take a family law course are given approximately 4 months of instruction of approximately 2 - 4 hours per week. The FLSP program should be no more than 4 months, although the hours per week may be 5 – 6 (i.e. two nights a week at 2.5 – 3 hours per night). In-person(virtual) instruction can be supplemented with assigned reading, assignments and projects.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the FLSP?

Only a licensed paralegals (P1s), who have been practicing for at least 3 years should be admitted to the FLSP program. This practical experience will assist the candidates in developing their advocacy skills in writing and before a tribunal, will provide them with a greater understanding of the use of legislation and case law in practice, not just theory, and will provide them with experience in practice management.

7. What length and form of experiential training should be incorporated into the licensing process for the FLSP to support the competencies? If a field placement is required, who will provide the placements?

As indicated above the instructional program should be 4 months in length with in-person (virtual) instruction of 5 – 6 hours a week (2 sessions of 2.5 – 3 hours), supplemented with assigned reading, assignments and projects.

Field placement is a difficult issue. At this time, it is difficult for articling students to find placements. FLSP candidates should not threaten articling student positions. Instead, FLSP candidates should be allowed /required to view at least one Case Conference, Settlement Conference and/or family law trial. FLSP candidates will have already had at least 3 years of experience in practice, which is sufficient experience to prepare the FLSP candidate for court appearances. In the alternative, FLSP candidates could fulfill their experiential requirement through a program that is similar to the Law Practice Program offered in French at the University of Ottawa and at Ryerson.

Further, we know from the experience in British Columbia that requiring a field placement with a practicing family law lawyer may result in very few FLSP candidates being able to satisfy this criteria. Thus, it would defeat the purpose of the FLSP program to require a field placement.

8. Is a CPD requirement focussed on family law appropriate for the FLSP?

It is appropriate for FLSP licensees to be required to have 3 hours of CPD in family law, as part of their mandatory CPD of 12 hours.

9. Should law clerks be eligible for the FLSP licence? Are there other groups of professionals who should be considered?

No. Law clerks should not be eligible for the FLSP license, as law clerks do not have the training, education or experience with oral and written advocacy or practice management that paralegals do. Nor are law clerks regulated by the LSO. At this time, law clerks are utilized by lawyers to reduce the cost of legal services to clients. They work under the supervision of a lawyer, but are able to complete many administrative tasks on their own, thereby reducing the client's overall costs.

General

10. What characteristics of an FLSP would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Paralegals offer lower hourly rates, more frequent billing, block fees where appropriate and often lower overhead costs. Ultimately, clients seeking the services of an FLSP licensee are looking for cost savings, as well as legal support. The market will determine what an acceptable price-point for these services is; some will choose to retain a lawyer, while others will retain an FLSP. It is the same for clients seeking help from paralegals in Landlord and Tenant matters and Small Claims Court matters.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the FLSP design appropriate?

Yes. Despite the recent enhancements to accessing family law, some clients still require assistance to navigate the system, to have representation in court and to deal at arms-length with their former partner or spouse. Family law matters in particular are very emotional and the processes and forms are complicated. FLSPs can be of service when these clients do not feel comfortable with the self-help services available to them.

12. Are any aspects of the proposed licensing framework unfeasible?

As indicated, the proposed training program is too long to be feasible. A practicing paralegal would have to work part-time to be able to complete the program as proposed. For many, this loss of income during the training program would be prohibitive.

13. Is there additional information or are there other factors that should be considered?

There should be consideration given to a grandfathering provision for licensed paralegals who have a combination of experience and training that will exempt them from the education requirements of the FLSP licence. The individuals may still be required to write the licensing examination before obtaining their FLSP licence.

Yours very truly,

Jennifer Gravel Vanasse
Paralegal (P03659)

FAMILY LEGAL SERVICES PROVIDER

**SCHEDULE "A"
PROPOSED SCOPE OF PRACTICE**

CHILD SUPPORT & S. 7 EXPENSES	SPOUSAL SUPPORT
<ul style="list-style-type: none"> • This area of practice includes: <ul style="list-style-type: none"> ○ Calculating child support using the CSG Tables ○ Calculating S. 7 expenses using the CSGs ○ Sole, shared or split custody arrangements ○ Life insurance to secure support ○ Filing support order or agreement with FRO ○ Undue hardship • Within scope: <ul style="list-style-type: none"> ○ Only cases where income is derived from a paycheque received from an arm's length third party ○ Imputation of income where a party is claiming the payor is intentionally underemployed or unemployed • Out of scope: <ul style="list-style-type: none"> ○ income from corporation where party is a director or shareholder ○ dividend income ○ trust income ○ pension income ○ parents live in different cities, provinces or countries, where support would have to be adjusted for travel costs ○ Dependant's Relief claims 	<ul style="list-style-type: none"> • This area of practice includes: <ul style="list-style-type: none"> ○ Calculating spousal support using the SSAGs including quantum and duration ○ Life insurance to secure support ○ Filing support order or agreement with FRO • Within scope: <ul style="list-style-type: none"> ○ Only cases where income is derived from a paycheque received from an arm's length third party ○ Imputation of income where a party is claiming the payor is intentionally underemployed or unemployed • Out of scope: <ul style="list-style-type: none"> ○ income from corporation where party is a director or shareholder ○ dividend income ○ trust income ○ pension income ○ Dependant's Relief claims

PARENTING	EQUALIZATION OF NET FAMILY PROPERTY
<ul style="list-style-type: none"> • This area of practice includes: <ul style="list-style-type: none"> ○ Legal: Decision-making/custody; ○ Physical: Parenting time/access. • Within scope: <ul style="list-style-type: none"> ○ Sole, shared and split custody (parenting time) arrangements • Outside of scope: <ul style="list-style-type: none"> ○ Parental alienation cases ○ Cases where the court orders the involvement of the Office of the Children’s Lawyer ○ Cases where one or both parties seek a private assessment or Voice of the Child Report to determine parenting ○ Cases in which the Children’s Aid Society has been involved ○ Cases where the parties live in different cities, provinces or countries ○ Cases where one or more of the parties is suffering from addiction issues ○ Cases with relocation/mobility issues ○ Child abduction or other international cases/Hague convention matters ○ Grandparent claims for parenting time 	<ul style="list-style-type: none"> • This area of practice includes: <ul style="list-style-type: none"> ○ Calculation of the parties’ Net Family Property ○ Determination of equalization payment owing • Within scope: <ul style="list-style-type: none"> ○ All assets, debts and deductions, except as excluded below ○ Pensions specifically include pensions where the Family Law Value is calculated pursuant to the <i>Pension Benefits Act</i> and the <i>Pension Benefits Division Act</i> ○ Occupation rent ○ Exclusive possession or possession • Outside of scope: <ul style="list-style-type: none"> ○ For the calculation of the equalization payment: <ul style="list-style-type: none"> ▪ More than one matrimonial home ▪ Real property outside of Ontario ▪ Jewelry and specialty items such as vintage collectibles, which require appraisal ▪ Business interests and corporate assets ▪ Trust property ▪ Debts between the parties ○ Claims for unequal division of NFP ○ Partition and sale ○ Common law spouses (joint family venture claims) ○ Equitable and trust claims ○ Claims involving a bankrupt party ○ An estate ○ Spousal election ○ Contingent assets and liabilities (excluding costs of disposition of the assets)

SIMPLE/JOINT DIVORCE	SEPARATION AGREEMENTS AND MEDIATED SETTLEMENTS
<ul style="list-style-type: none"> • This area of practice includes: <ul style="list-style-type: none"> ○ Simple or joint divorces • Within scope: <ul style="list-style-type: none"> ○ Simple or joint applications for divorce where custody/access, child support, spousal support and equalization of net family property have been resolved or there are no claims for these matters ○ Motions to sever divorce from collateral issues where the collateral issues are within the FLSP scope • Outside of scope: <ul style="list-style-type: none"> ○ Simple or joint divorces where there is a motion to sever ○ Unresolved claims for collateral relief 	<ul style="list-style-type: none"> • This area of practice includes: <ul style="list-style-type: none"> ○ Negotiating and drafting Separation Agreements and/or agreements arising out of mediated settlements or Family Arbitration • Within scope: <ul style="list-style-type: none"> ○ Where the issues between the parties are within the permitted scope of practice for child support, spousal support, parenting and equalization of net family property ○ Where the client obtains ILA from a lawyer for the above agreements • Outside of scope: <ul style="list-style-type: none"> ○ Where the issues between the parties are outside of the permitted scope of practice for child support, spousal support, parenting and equalization of net family property ○ Providing ILA to a party with respect to a Separation Agreement, agreements from a mediated settlement and agreements arising from a Family Arbitration
OTHER PERMITTED AREAS OF PRACTICE:	OTHER PROHIBITED AREAS OF PRACTICE
<ul style="list-style-type: none"> • Applications under the <i>Change of Name Act</i> 	<ul style="list-style-type: none"> • Paternity Agreements • Contempt/Enforcement of Orders • Setting Aside Minutes of Settlement, an Order or a Domestic Contract • Adoption • Matters involving a party under the age of 18 • Special parties where the court or the PGT has determined a party cannot represent him or herself <p style="text-align: right;">(Con't)</p>

	<ul style="list-style-type: none">• Child protection proceedings or where there are allegations of sexual abuse at the outset or that arise during the retainer• Declarations of parentage• Issues concerning reproductive or fertility law matters, including surrogacy contracts, known donor, IVF, frozen embryos• Appeals or motions for leave to appeal
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#216

Please enter your first and last name	Sarah Coons
Email Address	Sarahjeancoons@gmail.com
Please make a selection below	I am a member of the public
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes, it will. Just by the nature of paralegals practicing they are exceptionally cheaper than hiring a lawyer. As someone who has hired a lawyer it is extremely expensive and it puts up a barrier for those who need access to legal advice, at the very least paralegals should be able to give more legal advice and be able to consult

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes, it has potential of course. Fixed costs could be able to be used, eventually paralegal specific offices for specific family court issues that could cut down on court time and resources

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Yes, but I cannot think of other competencies at this time

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Paralegals practicing family law services either under a lawyer or individual with added education

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

I am not sure, I would imagine any added education is a bonus

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Maybe a family services course, mediation course.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

I am not sure.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

If the person is a legal professional, yes.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Yes, along with paralegals.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Cheaper costs, could have a fairly successful business model probably in low/middle income areas

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Not sure

#217

Please enter your first and last name	Victoria Ourumis
Email Address	vourumis@torkinmanes.com
Please make a selection below	I am a lawyer
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Medium firm (6-199 licensees)
Practice area focus:	- Family /Matrimonial Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

While the proposed scope of activities will increase access to affordable family law legal services, it is doubtful that the wide majority of the services provided will be competent. I echo and full support the concerns voiced by Ms. Sarah Boulby in her article published in the Lawyers Daily: <https://www.thelawyersdaily.ca/articles/22672>.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Unknown

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

No, a family law legal service provider must have broad knowledge and understanding of intricate family law principles (i.e. trust claims, interaction with criminal law, real estate law, wills and estates), that cannot be taught in a two year college program with the addition of a few months of specified training. I went to law school for 3 years following my 4 year undergraduate degree, articulated with leading practitioners, and now practice with experts in the field, and I still feel that there is so much for me to learn and so much I do not know (and there is). The competencies do not go far enough to ensure that family law litigants have access to competent legal service providers. It is not enough that there are providers of legal services, but that the legal services they provide must be competent. If they are not, this will create even more of a burden on the legal justice system as lawyers and judges must "fix" the mistakes made by these family law services providers.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Encouraging lawyers to take on limited scope files, duty counsel services, expanded access to legal aid.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

No

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Minimum 5 years experience working with family law lawyers whose practice focuses mostly on family law (80% of their practice, at minimum).

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

A field placement should be mandatory, provided by lawyers and paid for by the Law Society and/or the government and/or whomever supports the introduction of these legal services providers to the field (perhaps the universities/colleges who will profit from this program being introduced).

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes. Why would they not be subject to the same expectations as lawyers if they are allowed to essentially practice family law.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Yes.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

None

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

No

12. Are any aspects of the proposed licensing framework unfeasible?

Yes- the competency required to practice family law competently is not possible through a two year college program and associated months of training.

13. Is there additional information or are there other factors that should be considered?

The fact that there are many recent law school graduates who seek to enter the practice of family law and whose services will be undercut by these providers if they are allowed to practice family law.

#221

Please enter your first and last name	Alan DeKok
Email Address	adekok@gmail.com
Please make a selection below	I am a member of the public
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Perhaps. It will likely result in submissions which better follow the requirements of the court. That may have little to no effect on the process.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes. Any business model which is enshrined in law will be viable. Whether it has a positive effect on society is a different question.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Perhaps. What should be addressed is the issue of "every situation is unique". i.e. every client gets charged the full amount to develop "custom" paperwork.

The elephant in the room is that most people need counselling to deal with the family court system. They need to not only be prepared for how it actually works (as opposed to how people think it works). They need to be prepared for the fact that judicial decisions often make little to no sense to the people affected by them.

If you are prepared for a bad situation, it's easier to deal with it.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

The reality is that most situations fall into a small set of choices. What would be rather more efficient is the development of a checklist / standard form which covers the common cases. This form could produce standardized paperwork that everyone would be familiar with.

This change alone could drastically simplify the process. Instead of the participants getting up to speed on custom paperwork, they could recognize common sections.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

The training program is entirely inadequate. 12 hours of training, with two to three hours per year in family law is less time than most individuals spend.

i.e. the proposal is to replace self-represented litigants, who spend dozens of hours on their cases, with people who have substantially less training. This proposal cannot possibly succeed.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Psychological / counselling training on dealing with distraught clients. After all, this is their life that the legal system is playing with. It is difficult for people to understand why such a critical process is so arbitrary and confusing.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

At least a year or two of practice with family law practitioners.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Law clerks and counsellors.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Filling out and/or reviewing forms, and instruction on court processes and procedures.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Maybe. A real fix is rather more in depth. But that's out of the scope of this form.

12. Are any aspects of the proposed licensing framework unfeasible?

I'm sure that the people involved will be quite happy to bill for services rendered. So that will definitely be an outstanding success.

Whether those services help the self-represented litigants is an entirely different question. It will change things, but there is no reason to believe that anything will be better as a result.

13. Is there additional information or are there other factors that should be considered?

Putting a band-aid on a broken system isn't the solution.

The judicial system has inherent problems which go much deeper than "self-represented litigants need a paralegal".

#223

Please enter your first and last name	Mardi Lichti
Email Address	mardilichti@hotmail.com
Please make a selection below	I am a member of the public
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Southwest, including Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor)

Scope

Competence

Training Program

Other Components of Licensure

General

#225

Please enter your first and last name	Allette Betton
Email Address	abettons@hotmail.com
Please make a selection below	I am a member of the public
Are you a self-represented litigant?	Yes
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central West, including Bruce (Walkerton), Grey (Owen Sound), Dufferin (Orangeville), Wellington (Guelph), Peel (Brampton), Halton (Milton)

Scope

Competence

Training Program

Other Components of Licensure

General

#247

Please enter your first and last name	Alexandar Pavlov
Email Address	alexandarpavlov2@gmail.com
Please make a selection below	Certified Law Clerk
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Other
Practice area focus:	- I am working in a shelter for homeless people and those with addictions.
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

I opened to this question in my previous submission.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

I opened to this question in my previous submission.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

I opened to this question in my previous submission.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

I opened to this question in my previous submission.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

I opened to this question in my previous submission. I find the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed candidates. I hope there will be more practical training.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

I think anyone who have legal experience or other experience related to the Family law and Family law services in broader aspect should be given a chance. Of course it is very important to consider the experience of the immigrants with legal experience from abroad and with Law degrees from abroad. I have 20 years experience as a lawyer and a public notary from Bulgaria and I have six months experience from Canadian law offices. In Bulgaria I was retained in divorces, child custody and parental rights cases as a lawyer. As a public notary I drafted marriage contracts, various documents related with the family law - declarations, agreements, written consent for adoptions and many others. I have big experience with consultations with clients about Family law matters.

The most important for the Family Legal Services Providers is to have hands-on practical experience in the Family law matters. This should be the priority.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

The experiential training should be around six months and will be great if the training is combined with practical training in suitable entities - law offices, social institutions, shelters for homeless and those with addictions, government and provincial institutions and another with similar activity. These institutions should provide the placements given they agree to participate.

There is urgency about securing easier access to Family law services, many of the people can not afford to pay to lawyer and paralegal and they are representing themselves in the court. This is not good for their interests.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

I find the Continuing Professional Development requirement focused on family law very appropriate for the Family Legal Services Provider. The legislation is changing and also the needs of the society and this makes the FLSP to be more and more prepared and informed about quickly changing needs of the society. I think CPD should have more field training hours and activities.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

The law clerks should be definitely eligible for the Family Legal Service Provider licence. Many of them have considerable Family law related experience and they are doing a lot of ground work for the lawyers and paralegals. Many immigrants like me have also very precious legal experience from their former countries and they can be valuable asset. The legal frameworks of the countries are different but immigrants like me have unique transferable skills which can be fully utilized in Canada and the society can benefit from them. The legal applications used in Canada can be fully understood and used with a short training because they are similar to many of the applications used in the other countries.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

The most important characteristics of an Family Legal Services Provider are integrity, trustworthiness, loyalty, efficiency and profound professional competency. Of course billing practices and cost structure are also very important because FLSP should be compassionate and understanding to the difficult financial situation to many families in Ontario and Canada. FLSP should be accessible and willing to secure ease access to his services including availability in the weekends, holidays and after hours.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

I find this is a great, great idea which completely appropriate to the current situation in the Canadian legal industry and specifically FLSP can be very helpful to the needs of thousands of people who have desperate need for Family law services and can not obtain them for many reasons. I am sure this project will face warm welcome by the society because it will meet so many needs. Especially in our community I am sure that many folks will be interested with it because this is very diverse community. Many refugees and newcomers are settling here and they have so many legal issues which can not be addressed because of the high lawyers and paralegal's fees. The community of Kitchener and Waterloo is blessed with the universities of University of Waterloo and Wilfrid Laurier and with the wonderful community college Conestoga college. This community also is the location of Communitech which is one of the biggest Artificial Intelligence hubs in North America. The potential of this community is huge and I am sure that Family Legal Service Provider design will be appreciated here.

12. Are any aspects of the proposed licensing framework unfeasible?

I did not reveal aspects of the proposed licensing framework unfeasible. I would offer very kindly a discussion about the practical implementation of this project to be made periodically about the hands on experience.

13. Is there additional information or are there other factors that should be considered?

I hope that that the diversity of the population and the variety of their needs will be considered. Many immigrants are coming in Canada to build up their new life every year and most of them are struggling to find their decent employment according to their professional experience from the countries of origin. Very often the family relationships are under huge pressure for many of the immigrants and many families are falling apart. The children are very vulnerable in this situation but their parents can not get sufficient legal support due to financial reasons. Often the immigrants are considering the Family law practices from their own countries and this can be very confusing and even not in compliance with the Canadian law. I would like to conclude very humble that the diverse communities in Ontario and specifically the community of Kitchener and Waterloo need Family Legal Service Providers and society will benefit from them when for the common wellbeing of everyone.

#227

Please enter your first and last name	Alexandar Pavlov
Email Address	alexandarpavlov2@gmail.com
Please make a selection below	Law clerk
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Other
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

The proposed scope of permissible activities will support increased access to affordable and competent family law legal services because there is very big need in the society for these services. The vast majority of the people can not afford to retain a lawyer and this new idea of the Law Society represents significant change. The proposed changes are an innovative approach which will help to the needs of the communities in Ontario.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes, the proposed scope of permissible activities will enable the FLSP to develop a business model that is viable given the good marketing approach is completed in Kitchener and Waterloo. There is a big need of easier access to Family law services. The community is growing quickly and there are many new residents of the city. Some of them are refugees and newcomers with low income which can not afford to pay to a lawyer. There are also many community organizations and I created a huge network of contacts which can be very helpful for this business model.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

The proposed competencies are sufficient in order to ensure an appropriate level of competence to deliver family legal services as outlined in the proposed scope. Big part of the work related to the family law is administrative and can be done after the completion of the training. I think would be great to include competencies related to the international family law and to the international adoptions and inheritance.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Activities covering the whole spectrum of the family law including marriage, birth, parental rights, child custody, separation, inheritance, adoption, change in the parental rights, adoption, foster care would best support increased access to affordable and competent family law services. I would include also the native family law customs which can be very helpful now and in the future.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

Yes, I think that the proposed training program has sufficient duration and rigour to enable candidates to achieve the proposed competencies. I would add kindly that it needs more hands-on training.

Other Components of Licensure

General

#228

Please enter your first and last name	Pheroze Jeejeebhoy
Email Address	pheroze@pjkjlaw.ca
Please make a selection below	I am a lawyer
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)
Upload a File	Jeejeebhoy, Pheroze.pdf
Scope	
Competence	
Training Program	
Other Components of Licensure	
General	



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Hamilton, Ontario L8R 1H6

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Family Legal Services Provider Consultation
Law Society of Ontario
130 Queen St. W.
Toronto, ON M5H 2N6

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November 20, 2020

Family Legal Services Provider Consultation
Law Society of Ontario
130 Queen St. W.
Toronto, ON M5H 2N6

Dear Colleagues:

Re.: The Proposed Family Legal Services Licensing Model

Please accept my comments and observations regarding the proposed licensing model. My comments are informed by my practice as a sole practitioner in Ontario. My comments focus on the misplaced response to the access to justice issue, and failure to appreciate the significance of the training lawyers receive in Ontario. My observation to the committee is that developing a new scope of practice for paralegals to service vulnerable children will only increase the inequities in the system. The proposed model favours children of wealthy families by excluding only those cases involving significant property issues from the licensing model. However, it is the rigorous training imposed on lawyers by the Law Society that uniquely positions lawyers to represent the interests of vulnerable children.

By way of background, I am a sole practitioner who was called to the Bar in 1996. In my almost 25 years of practice, I have represented legal aided, and private retainer clients in family and criminal matters. I have also practiced before the courts in personal injury and immigration matters. The most significant case was my involvement as trial counsel in the matter of Wynberg v HMQ, that resulted in the expansion of services for all of Ontario's autistic children. I have also practiced in the area of Medical malpractice for 20 years, representing very vulnerable and marginalized people. It is from this background of representing marginalized and vulnerable people that I submit that the Law Society's proposal is fundamentally flawed. My submission is that the effect will be to create two levels of representation, depending on the wealth of the client.

The proposed license is presented to provide an alternative to the public to increase access to justice. In considering a parallel license, a consideration of the existing training requirements is necessary. Also, the Law Society must consider whether the proposed changes are in the best interests of the children we represent.

The Law Society of Ontario (LSO) requires a rigorous training for an individual who seeks to practice as a lawyer in Ontario. The training requires a detailed knowledge and understanding of the law and ethics, as well as a lengthy period of practical training. Through this process, a person develops not only the legal knowledge to represent children, but also is educated on the significant ethical obligations this role requires. The LSO proposes to substitute this mandated training with a separate model. The first question, is why is a new model of training required? If the LSO does not believe that the existing requirements imposed by the LSO are not meeting the needs of the public, then the training needs to be reconsidered. Creating a separate avenue does not enhance the services that the public receives. It only creates competition between differently trained practitioners within the same area of practice. The LSO should first consider whether the existing training for lawyers is deficient, or in some manner impedes access to justice. If it does, then that training needs to be reconsidered. If it does not, then creating a new avenue is an express decision to not hold one group of legal practitioners to the same standards as another. The unstated purpose is to provide a varying degree of legal training on family law clients.

If one assumes that different training models is a valid methodology to increasing access to justice, then one needs to consider the scope of practice. The current proposal would entitle lawyers and paralegals to practice before the Superior and Ontario Courts of Justice in contentious proceedings. Again, this brings into question the reason for the rigorous training imposed on lawyers. Issues such as contempt, child support and Separation Agreements necessarily involve managing power dynamics and protecting vulnerable children. I would argue that a lawyer is uniquely positioned to provide these

services exactly because of the training and experience they receive. The model proposed by the LSO reserves those families with wealth for lawyers. This model exacerbates inequities in the legal system by assuming a lawyer is required in issues of significant property division. It is my position that a child is entitled to a greater degree of protection than a second home.

In considering whether these proposed changes will be in the children's best interests, the LSO should consider the impact of changes being made to the Divorce Act, and the Children's Law Reform Act. Both of these pieces of legislation are changing how issues of parenting time, decision making, definitions of domestic violence and relocation are to be addressed. A consent Divorce will require a working knowledge of new developments in the law, and trends. These are areas of specific training for lawyers and should not be underestimated in this area of practice.

The other significant issue with the proposed model is that it will impede a lawyer from developing a financially stable practice. Protecting the public, and creating access to justice, requires that lawyers are able to establish financially stable practices that allow for them to develop their skills. Recent changes to many areas of practice have eroded both of these foundational aspects of practice. The result is that lawyers are less able to assist members of their community. The proposed licensing model will add to this problem.

Many lawyers, especially those in smaller communities, provide pro bono, or reduced fee services to their clients. However, they can only do this if their practice is otherwise financially viable. The LSO has to consider carefully how the new model of licensing will hurt a small firm or sole practitioner's ability to generate income. Increasing the scope of paralegal practice increases competition but not in a way that has an overall benefit for society. The model will increase competition for cases that do not generate significant fees. However, the solo and small firm practitioner depends on these files as they allow many lawyers to create financial stability. In addition, senior practitioners often supervise junior counsel on these matters as a training

experience. This again allows the person access to lower costs services, while also providing development opportunities for young lawyers. Sadly, lawyers are not now receiving the training through mentoring opportunities in many areas. Small claims court, non-custodial criminal cases, and smaller personal injury matters historically provided great training opportunities for young lawyers. At the same time, a senior practitioner could ensure their clients had access to cheaper legal representation. Recent expansions to paralegal scope of practice, and statutory changes to the Insurance Act, have removed these opportunities. The LSO has to pay greater attention to the insidious effect of this erosion to a lawyer's practice. It is impacting on access to justice as law firms are losing a source of cases that gives them the financial stability, and the commensurate ability provide cheaper services to clients. It is also precluding training opportunities which impedes a lawyer's skills in providing cost effective representation in the long run.

It appears that the proposed model is specifically designed with the larger firm practice in mind. A large practice, or one based in a major urban center, would favour the model proposed by the LSO. A law firm could structure their practice to delegate the marginalized, and poorer, people to their staff paralegals, while generating fees for the lawyers through their representation of wealthy individuals with multiple properties. However, this model would not work for the large number of small firm or sole practitioners. It will lead to a reduced quality of service being provided to marginalized persons. And, it will further undermine the financial stability of solo and small firms.

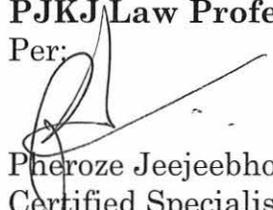
In closing, I point out that access to justice is a multifactorial problem today. However, the solution is not in creating a parallel licensing process as it will only exacerbate the inequities created by financial determinants that are a part of the problem. Also, the LSO has to create an environment that allows their members to create financial stability, while increasing the training opportunities for the younger practitioners. This includes questioning increased court fees, changes to the scopes of practice, increasing training costs for lawyers, and the costs associate with regulations. In the end, a well-trained advocate will process cases in a more cost-effective manner. And it is the solo

and small firm lawyers that shoulder most of the responsibility to represent poor and marginalized groups. I implore you not to lose sight of this fact.

Yours truly,

PJKJ Law Professional Corporation

Per:



Pheroze Jeejeebhoy, C.S.
Certified Specialist (Civil Litigation)
pheroze@pjkjlaw.ca

PJ/

#234

Please enter your first and last name	David Gray
Email Address	dpgrayllm@gmail.com
Please make a selection below	I am a lawyer
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Sole practice
Practice area focus:	- Family /Matrimonial Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

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November 27, 2020

Your Reference:

BY LSO ONLINE PORTAL ONLY

To: The Law Society of Ontario,
"Access to Justice Committee",
130 Queen Street West,
Toronto, Ontario M5H 2N6

To Whom It Might Concern:

Re: Family Legal Services Provision Comment

This letter is being submitted in response to a June 2020 Law Society of Ontario Call for Comment as regards Family Legal Services Provision.

In my respectful view, any plan to extend representation and audience rights to paralegals and similar substitute practitioners is yet another wrong-headed, political and ideological plan amidst a sea of dangerous politicization that already colours and prejudices nearly every Family Court hearing that one sees in our courts.

As a naturalized Canadian citizen, I will say that, at an informal and unofficial level, the international reputation of Canada's Family Courts for gender-neutrality is already in perilously low enough standing. Initiatives such as this one on substitution promise only to attract more international ridicule.

Having spoken with experienced post-graduate economist friends in Europe and North America, they would all largely define Canada's access to justice problems as ones of affordability grounded in consumer wage stagnation and in accelerating business operating costs. Nor do they see paralegals as being anything of a realistic solution to the issue. Those

economists also agree that the only bodies with sufficient coordinating power to remedy this “wage gap” problem are Canada’s provincial and federal governments – not Canadian Law Societies, or any single Canadian Law Society. So, no matter how much of its licensees’ money it spends and no matter how much more in client fee increases the Law Society of Ontario’s “A2J” initiatives will create, the Law Society alone cannot deliver the solution.

As a result, I urge the Law Society of Ontario and those on the Ontario Bench who support this plan of substitution to let go of their dogmatic belief in paralegals as an alternative, to disbelieve the myths peddled to them and instead to research the true causes of the problem and thus be receptive to the better solutions to it.

Each day the courts see the results of the increase of self-represented litigants (SRLs), and the Bench has to struggle with it. But, in my view, the more germane question surely is: who and what encourages self-represented litigants - who can in many cases afford some representation - to immediately dismiss the competitive sub-\$300 hourly rates that are to be found and instead to wreak procedural and logistical havoc in our courts? Aiding SRLs has become its own industry, driven by those with a political agenda and by those with a more commercial agenda. Those individuals are, I believe, key agents in fuelling the sheer volume of SRLs who backlog our courts, after COVID-19 that is.

The strongest support for this plan appears to come from certain zealous ideological academics, and from those who refuse to follow the regular route to becoming a Law Society lawyer licensee and who instead prefer the faster, cheaper and easier route into practise. Those groups have made quite an industry of their objectives and names for themselves and the Ontario public is left ill-informed through their campaigns. Succour and credibility are regrettably given to them through the involvement of this Province’s senior judiciary. So, instead of raising professional standards, we are left with the distinct impression that there is in fact now a sprint to the bottom.

In truth, such a task as this is properly the function of the Ontario Ministry of the Attorney, with all of the necessary and appropriate powers and vast public resources in that Ministry’s hands – not the Law Society of Ontario, whose initiatives simply and ultimately increase client fees. The public elects the government that selects the Attorney-General, but that crucial democratic element is absent with the Law Society of Ontario and is absent with the provincial Bench. Yet the public will be majorly impacted by LSO initiatives and the involvement of the provincial Bench.

No Evidence or Guarantee that the Paralegal Substitution Hypothesis Will Ease SRL Numbers

As the Toronto Lawyers’ Association says, there is no evidence that this intended plan to substitute existing lawyer practitioners will provide more affordable services to alleviate the access to justice crisis in all areas of the law, not just in family law.

To those in legal practice - who have worked very hard and long to be able to work long hard for increasingly smaller annual income returns as the years pass - it is counter-intuitive and contrary to daily experience to assume that such a plan of substitution would or will result in lower fees and cheaper family law services. It is at best a poor hypothesis, because paralegals and similar others are all in business. And apart from the inequitable and unjustifiably lower LSO monthly membership fees and insurance coverage that the LSO currently permits them, paralegals etc. have and will continue to have the same business expenses as licensed lawyers. Paralegals will (want to) extract the maximum profitability that their LSO licenses will allow them.

Some Suggested Solutions

Perhaps the Law Society of Ontario could make a far greater to promote the services of counsel who offer lower hourly rates?

For example, the LSO Lawyer Referral Service (already paid for through our monthly membership fees) could be made “free” to lawyers guaranteeing never to exceed \$300.00 *per* hour for all clients routed to them through that portal? What about the Province assuming the fees for lawyer registration in lower-fee associations such as “Justice Net”? Or perhaps creating tax benefits for associations like “Justice Net” so that its membership fees can be made almost negligible? What about completely waiving the annual CPD requirements for lawyers who register with LSO-recognized lower-fee associations? Those are just a few preliminary thoughts.

From my perspective, the Law Society of Ontario appears to have completely overlooked or forgotten such options as those; and has instead been hijacked by one group pursuing a destructive narrow political ideology that is neither business-experienced nor business-friendly. On the other hand, in a seemingly misunderstood version of competition law, the Law Society of Ontario and certain members of the Ontario Bench appear to think that releasing the paralegal genie from the bottle will forever cure the ills brought about by too many SRLs. They think that poison is a better solution than honey. Rather, what they might be releasing from the bottle will quite possibly paralyze Law Society policy regarding paralegal scopes of practice for decades to come, and still bring no solution to the underlying SRL problem.

Without sufficient monthly membership fee income, the Law Society would have to drastically curtail the size of its operations. And paralegals currently only pay a fraction of the monthly membership fees that lawyers pay. Therefore, the Law Society ought to be doing its level best every day to match lower-income clients with properly trained lawyers at all times. Instead the LSO is undermining lawyers by creating a surfeit of them (very few of whom can operate below the basic business costs threshold that drives most lawyers) and is constantly pandering to political objectives that are ill-informed, anti-business and frankly delusional. A market saturation of lawyers would almost certainly force many lawyers to abandon practice.

Any changes to the current system should be rolled out very slowly, in small pilot quantities and only on a temporary basis pending an objective evaluation of the results to date.

Role of Legal Aid Ontario

In my own experience, Legal Aid Ontario also plays a monumental role in the proliferation of excessive SRLs.

Firstly, the LAO's lawyer hourly rates are atrociously low (given the size of most counsel's student debts, climbing business operating expenses in Canada etc.). Such low fees only act as a disincentive.

Secondly, the LAO's disrespectful and abysmal treatment of its independent contractor lawyers drips with nothing but bureaucratic spite and toxic high-handedness. For example, despite the advance of digital technology and the fact that LAO generously pays its most junior in-house lawyers anywhere between \$82,000 to \$140,000 annually with our taxes, LAO has failed to spend money to develop simple LAO Certificate hour extension request forms and Legal Opinion forms that could be quickly and very easily submitted directly through its online services portal as is done with LAO billing invoices.

Instead LAO arrogantly and deludedly believes that independent counsel will and should spend hours of their unpaid business time as a *de facto* LAO administrator in addition to counsels' compliance with the tranche of LSO regulations. If we are to be co-opted to work unpaid for LAO then counsel deserve the salaries and benefits that LAO employees receive.

LAO also regards independent counsel as some form of bank, and one that should front many disbursements but not make LAO pay any interest on the credit that LAO has in fact obtained mostly through circumstantial coercion. The total idiocy behind the thinking that lower-earning counsel are somehow are an instant reservoir of available money for indigent clients is self-evident. By analogy, how well of a job does one think that an electrician will do if called to someone's home to perform work but who is abused in the process?

Consequently, when there is the slightest probability that counsel are likely not to be paid for necessary additional hours of work in a case beyond an LAO Certificate they generally have no choice but to abandon the case. Nobody in twenty-first century Canada should either be or should feel compelled to work for free, since that is rightly called slavery - and it does not pay the bills. I will guarantee that not one single LAO employee works for free.

As a further consequence of a counsel's withdrawal, we then see more SRLs in the courts who are in fact orphans of the LAO system.

Sub-standard Court Clerk Quality

This is still seen and encountered all too frequently in too many court staff, and it only adds to the costs incurred by represented litigating parties in the court system through the delay, repetition, a failure to prioritize and stream matters better, chronic systemic inefficiency and a waste of resources that it creates for litigants.

I have numerous examples to share, if required, and I retain copies of all correspondence I have been caused to send to my local Family Branch Court Administration Manager, Member of Provincial Parliament, the Provincial Attorney-General and occasionally to my Member of Parliament where the subject-matter has warranted it. I have noticed some improvement in service quality over the past few years, but the culture of self-improvement (and sanctions) at our courthouses still requires nurturing.

The examples I have experienced range from forgetful court clerks failing to unmute all counsel on standby and then having to reschedule all first appearance hearings again; to disrespectful, arrogant, high-handed and obstructive treatment at the Family Court Counter, evincing a perceived bias against court users at their very earliest stage of entry in the litigation process; to what is outright targeted misandrist, racist, or otherwise discriminatory conduct by a Service Ontario public employee towards a tax-paying court user.

In my view, court staff vacancies would offer the perfect employment opportunity to trained, knowledgeable and high-scoring qualified paralegals who understand that they are not providing any legal advice or interpretations of the court rules to the public.

I am more than happy to answer any questions that the foregoing might generate. Thank you for your consideration of this submission in 2020, as well as all of my previous submissions in prior years.

Yours very truly,

A handwritten signature in black ink, appearing to read "D. Gray", with a long horizontal flourish underneath.

David P. Gray, LL.M.
Barrister, solicitor and notary public

Encl.:

c.c.:

#235

Please enter your first and last name	Tania McNab
Email Address	Tcmcnab@mcnablitigation.com
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Sole practice
Practice area focus:	- Administrative Law - Landlord and Tenant Law - Small Claims Court matters
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

No.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

No

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

No

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

None

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

No

Other Components of Licensure

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

No

General

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

No

12. Are any aspects of the proposed licensing framework unfeasible?

Yes

13. Is there additional information or are there other factors that should be considered?

No

#240

Please enter your first and last name	Courage Boissoneau-Thunderchild
Email Address	Courage.Thunder@gmail.com
Please make a selection below	Law and Justice Student
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Education
Practice area focus:	- Aboriginal Law - Family /Matrimonial Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Northeast, including Cochrane (Timmins), Algoma (Sault Ste. Marie), Sudbury (Sudbury), Temiskaming (Haileybury), Nipissing (North Bay), Parry Sound (Parry Sound)

Upload a File [Family Law Action Plan. Law Society of Ontario Call to Comment. \(2\).pdf](#)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes the proposed scope will support access to affordable and competent family law legal services. I believe that with my considerations that I am submitting, it will provide a perspective and set of ideals that will benefit low income families and Indigenous Families that need access to a form of legal council and representation that is fair and honest as per their entrenched Rights as Canadians and per the Treaty Rights that are entrenched under Section 35 of the Canadian Constitution.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

I do believe that in tandem with my comments and suggestions, that the activities will enable the Family Legal Services Provider to develop a viable business model that is both sustainable and community friendly. As I mentioned within my PDF submission, I believe that a strong focus on Indigenous Issues will create a pattern of trust in the Legal Services Canada and specifically Ontario can provide which will not only increase the notice of the practices within the province, but will also be a chain reaction for Indigenous Justice that will be able to fund itself as more and more clients will come forward knowing there are trusted representatives in Canada.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family law legal services as outlined in the proposed scope? Are there other competencies that should be considered?

I do believe the proposed competencies will ensure the correct and appropriate level of competence to be able to deliver family law legal services as previously outlined. However, the other competencies that should be and absolutely need to be considered is the Indigenous Legal Perspective as well as proper informed and educated understanding of all the various Indigenous Treaties that are protected under the Canadian Constitution. Cultural Competency would go a long way in eliminating the alienation of not only potential clients, but in eliminating the suppression of voices and commentary people have to offer.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Any Forms of community outreach and community involvement would be the best way to support increased access to affordable and competent family legal services. Community involvement such as fundraisers, open houses, question periods and information meetings would benefit family law services as it would integrate them into communities and create that feeling of trust and confidence as well as reliability. This would also highly benefit Indigenous Communities for all the exact same reasons. The aim of Justice at the core is protecting and representing the people of the community at every level in Canada.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

Currently for Family Law Provider License Candidates without a specific scope on one particular issue I do believe that the training program that is being outlined is sufficient and can yield promising results. However, as I have outlined within my paper that I am submitting along with the answers to this questionnaire, I highly recommend that there be a precedent set for the importance of education on Indigenous Rights, Indigenous Natural Law, Aboriginal Law and Title, with a strong consideration on the education of Indigenous Treaty Rights and proper community involvement. This type of training program as I mention in my paper, needs to constantly be updated with every single legal decision and case decision that impacts the Indigenous landscape be taken into consideration. Family Law is imperative to Indigenous Justice and Indigenous Justice can highly benefit Family Law as it is the newest practice in a long line of Legal Fields within the Canadian Legal System.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

I strongly recommend the implementation of a prerequisite of legal experience in Aboriginal Law and Treaty Law be required for the Family Legal Services Provider, as when Indigenous people in Canada need representation in the Family Court of Law, they need someone that understands their specific Treaty Rights not only as Indigenous People but the specific and unique Treaty Rights that come from province to province, for example Ontario being the home of the Robinson Huron Treaty and Saskatchewan being Treaty 6 Territory. There cannot be and mix-up or confusion on how to properly advocate for and understand Indigenous Canadians.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

As stated in the document I have submitted, I believe that there are two experimental training procedures that could highly benefit the licensing process for the Family Legal Services Provider. Those two procedures are Moral and Psychological aptitude testing and Indigenous Cultural Competency Training. I believe both of these experimental training procedures are highly necessary in the scope of evaluating a candidates fitness in application. Morality and Psychology go in tandem with one another and both have lasting consequences and issues if left unchecked. The goal of the aptitude testing would be to highlight any and all red flags in an applicants behaviour as well as any issues in his conscious or subconscious behaviour patterns. In addition, the Cultural Competency Training for Indigenous Rights and Culture is necessary as it will not only educate the applicant but it will on a human level, help to gain understanding in the plight and marginalization of Indigenous people in the Legal System, especially within the Family Law Legal System.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes I do believe that this requirement is appropriate for the Family Legal Services Provider in the sense that Professional Development is the difference between Ignorance and Level-headedness and would thereby create the reputation for strong professional behavior that is rooted in community benefit and community engagement. The focus on constantly developing the professional standard for Family Law is what will separate the Law Society of Ontario from its other Provincial and even Federal Peers. A standard that will highlight the importance of community, family and Law and Order.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Any person who has a commitment and understanding of Family Legal structure and the necessary focus on the Child and what is the utmost best for the Child should be professionally considered for the Family Legal Services Provider License. Professionals such as Social Workers, Legal Historians, Law Clerks, Sociologists and Psychologists would be some of the perfect candidates for the License. The academic requirements to understand social structure and community behaviour, the understanding of the fundamentals of the human brain and psyche cannot go without being considered for the licensing process.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Billing Practices, Cost Structures, Accessibility, Practicality, Experience, Personality, Social Skills, Respectful behaviour

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

I do believe that the Family Legal Services Provider design is appropriate but also needs to consider the possibility of my implementations regarding the importance of Indigenous Treaty Rights and Indigenous Cultural Competency.

12. Are any aspects of the proposed licensing framework unfeasible?

I do not feel personally that any of the proposed licensing framework is unfeasible in nature.

13. Is there additional information or are there other factors that should be considered?

Like I have mentioned in my responses to this questionnaire as well as the document I am submitting, I do believe strongly in the implementation of proper Indigenous Treaty Rights and Cultural Consideration, as Indigenous people deserve the best affordable Legal Representation under the Rights in the Constitution. Please I abhor you to take my suggestions and comments to heart and strongly consider these as valuable and feasible suggestions and considerations for the Legal Field of Family Law.

Family Law Action Plan: Call to Comment

Courage Harvey Boissoneau-Thunderchild

Law Student at Algoma University

Law Society of Ontario

Author Note

I am a 22 year old Law and Justice student at Algoma University with a heavy interest in two specific fields of Legal Study, Family Law and Aboriginal Law. When I was given the opportunity to submit my piece on this Call to Comment by the Law Society of Ontario, I saw this as not only an opportunity to set my foot into the legal field as it is my current career path, but also as an opportunity to discuss the necessity for an Aboriginal and specifically and Aboriginal Treaty perspective when considering comments on the Family Legal Services Provider License. If any opportunities such as this are ever considered again I would love to be notified at Courage.Thunder@gmail.com my personal email account, as I am always looking for new ways to extend my legal portfolio and use my Indigenous voice as much as possible.

Table of Contents

Abstract	3
Introductory Comments	4
Establishing a Pattern of Toxic Behaviour	6
Comments and Suggestions	13
Closing Statement	19

Abstract

The History of Relations between Canada and its Indigenous people is a relationship filled with tempestuous behaviour and littered with conflict inside both the Governmental and Legal Systems in Canada. From issues including racial division, systemic and systematic racism, recognition and entrenchment of Treaty Rights and Indigenous Children within the Child Welfare System. It is the aim of this paper to outline and discuss the meaningful ways that the Family Legal Services Provider Licence can be improved upon and changed to then allow the true aim of Justice to be able to consider Indigenous Issues fully and without prejudice. The Family Legal Services Provider License can truly become a force for good in ratifying Family Law as a usable and reliable tool for Justice in Canada with special consideration to Indigenous Justice.

Keywords: Treaty Rights, Law, Justice,

Family Legal Services Provider License Call to Comment

Introductory Thoughts and Comments

It goes without saying that the relationship between Canada and its Indigenous people has been tumultuous and full of obstacles and clearly evident social barriers. I can clearly attest to the challenges that arise in our social climate as an Indigenous person in Canada. Every waking day for me is a new box of surprises, biases and racist expectations and behaviour. Before getting into specifics regarding my opinion on comments regarding the Family Legal Services Provider License, I feel it is of the utmost importance to first establish a clear and evident pattern of behaviour within Canada that has created a system of systematic and systemic racism and a ladder of increasingly difficult challenges for Indigenous people in Canada. A system of behaviour that clearly wishes to see no success for Indigenous people and instead seeks to trivialize and demean Indigenous Treaty Rights and Indigenous identity as a part of Canada as well as diminishing the clear importance of Indigenous issues within Canada and its Legal system. As will be mentioned heavily below, I believe in the true importance of self actualization and heritage acceptance. I understand cultural shame is a large concept within many Indigenous Communities that then by proxy plays a large roll in many micro issues on a sociological scale, which then impacts the relationship each different community has with the Canadian Government, as to generalize on a massive scale and say that each community will react the same to a Canadian Legal Decision would then be to committing the same type of discriminatory behaviour as what Canada has done to Indigenous People for Centuries. I will clarify, the reason

why I have taken this stance while writing this submission is simple. I am a proud Indigenous man, with Oji-Cree blood proud to be a part of the Robinson-Huron Treaty Territory in Ontario and Treaty 6 Territory in Saskatchewan. I must approach this issue with suggestions that I feel will ultimately benefit my people, my children and my grandchildren for generations to come. I must outline the clear destructive behaviour that has occurred within Canada and the resulting Institutions and Issues that have played a part in the footwork for my thoughts and suggestions for the Family Legal Services Provider License, as a good strong foundation is the only way that real change can be made to last. From the understanding that can come from the examples I discuss below I hope that it then will provide a sort of commentary amongst the committees that will read this submission and leave a lasting impression of Importance. With the ongoing struggles of Indigenous People in Canada being at the forefront, it can be thought of like a domino effect, where one issue's concerns become another issue's concerns due to the varying Treaty Rights violations that occur within Canada so easily. Ultimately that is my goal once I become a Family Law Lawyer and a Children's Law Lawyer, so that I may advocate for those that the Canadian Systems we have in place forget about entirely, or that the underfunded Indigenous Systems we have in place in communities lose track of due to lack of resources. Once again I am grateful for this opportunity to share my comments and opinions with the Law Society of Ontario.

Establishing a Pattern of Toxic Behaviour in Canada

These challenges as an Indigenous person in Canada are not specific to just everyday life in Canada, but also they can and most often are extended to the highest forms of Canadian Government and all institutions both Legal and other. Evidence to support this claim can be seen through comments upon the history of Canada and its handling of Indigenous people. It can be considered fair and honest to suggest that the tools of Western Ideology have stayed the same in the core but have just adopted differing practices throughout the years. Similar to the concept of a New Years Resolution of self improvement, or more to context, promises made by the Canadian Government to then take aim Indigenous issues with clear level-headedness and fair impartiality free from bias. Take for example this quote from Sir John A. MacDonald in 1879; *“When the school is on the reserve, the child lives with its parents, who are savages, and though he may learn to read and write, his habits and training mode of thought are Indian. He is simply a savage who can read and write. It has been strongly impressed upon myself, as head of the Department, that Indian children should be withdrawn as much as possible from the parental influence, and the only way to do that would be to put them in central training industrial schools where they will acquire the habits and modes of thought of white men.”* MacDonald said this quote just three years after his creation of The Indian Act which is by far one of the most controversial pieces of Canadian Legislation to date. This ties into my point also with proof that Indigenous people, men, women and children matter so little in the grand scheme of Canadian living, Canadian politics and especially Canadian Governance. Since the time of Sir John A.

MacDonald, there has been no change in the hegemonic ideals of barbarism and cultural genocide in Canada against Indigenous people of all walks of life. An example of this damaging school of thought continuing to exist in the modern era can then be found in the 2015 New Edition of the book *“Children of a Broken Treaty: Canada’s Lost Promise and One Girl’s Dream”* which was written by Charlie Angus MP; *“The bureaucrats were accountable to their political masters, not accountable to the people whom they were overseeing. And putting it as bluntly as possible, no government ever won votes by spending money on Indians.”* The timeframe of which this book was written is also important to setting a precedent in identifying a pattern of behaviour, as in 2015 this was the same time as the Calls to Action from the Truth and Reconciliation Commission regarding the Residential School System, as well as the beginning of the traction for the Idle No More grassroots activism movement. It is then cause for concern that even in the modern era, an era that is meant to be all about respecting diversity while also being inclusive to all varying aspects of diversification both racially and culturally, that these types of situations are allowed to happen. Every single aspect of Indigenous culture, identity, and especially Indigenous Rights and Aboriginal Title are being tossed aside and discarded by the members of the Canadian Government which leaves little to no residual faith in the Government to not only understand the Indigenous plight in Canada but also inhibits the possibility of legitimate growth on a macro and micro scale in society and in the field of Law in Canada. Now, why would that excerpt from Charlie Angus’ book be so relevant to this Call to Comment? It’s because when you talk about one Indigenous issue, you talk about them all. That is the truth of the matter due to the fact that each and every Indigenous legal issue always brings into question Constitutional Comments and Treaty Right Comments as our Canadian Federal Government is

the representative of the Crown in Crown Indigenous Relations in Canada. Political Discourse has always in some shape or form been damaging or harmful to Indigenous people in Canada and this can be seen as further proof of the behaviour akin to Sir John A. MacDonald still existing in social culture. A key example of this comes from the September Debate in 2019 for the Prime Minister Election. In a report from APTN News, former Progressive Conservative Leader Andrew Scheer had this to comment regarding the implementation of The United Nations Declaration on the Rights of Indigenous People (UNDRIP) otherwise known as Bill C-262 in the House of Commons: “Scheer said C-262 has “many laudable goals” that a Conservative government would support, but that “we cannot create a system in this country where one group of individuals, one Indigenous community, can hold hostage large projects that employ so many Indigenous Canadians.” This close minded response comes from questions regarding the Trans Mountain Pipeline and Indigenous resistance to implementation as it would cross through Indigenous Land. The clear lack of respect from a large portion of Canadian Governance does little to reinstall faith and confidence in the Canadian Government and the Legal System as a whole. The simple fact that these types of comments have been so common without any form of significant backlash and social commentary is without a doubt an undignified stain on the hands of Canada as a whole and will take time if at all to remedy it. The Final piece of evidence regarding the toxic pattern of behaviour within Canada resides in the Treaty Rights of Indigenous people and the issue of Jordan’s Principle in regards to the Child Welfare System. Under Section 35 of The Canadian Constitution, Indigenous Treaty Rights are listed and clearly defined in conjunction with the Canadian Constitution and how they intertwine with one another. There are two cases that demonstrate the need for proper Indigenous Treaty Right consideration in

Canadian Law. R v. Marshall [1999] is the first case that should be considered in this context. Under Section 35 the Indigenous Treaty Right to Fishing and Trapping is protected under both inherent and constitutional context. However in R v. Marshall there were two landmark decisions in the Supreme Court that shook the landscape of Canadian Law and Politics for decades to come. R v. Marshall (No.1) 3 [1999] S.C.R. 456 otherwise known as the First Decision in the case, held in favour of the Inherent and Treaty Right to that of Grand Chief Donald Marshall. This would have done waves for instituting proper and informed Indigenous consideration in Law, removed from the commonplace of inherent bias and discriminatory factors within Canada. However that was not to be the case as R v. Marshall (No.2) 3 [1999] S.C.R. 533 or the Second Decision would be revealed to the public later that same year. Where the First Decision succeeded, the Second Decision reverted the possibility of being a landmark victory for Indigenous people, based on the grounds that conservation of the land and animals must be considered and thus the Indigenous Treaty Right cannot be honoured as a result due to the issue of conservation under proper regulation law. Instead, The Supreme Court of Canada reverted right back to that same school of thought in hegemonic ideals of the Government against Indigenous people as I have talked about in great length so far. The reason that both of these decisions are so incredibly important to this topic is simple. There must be proper and legitimate Indigenous consideration with any and all cases within Canada. Every single good thing within Canada has to start with a solid and clear foundation, otherwise it is doomed to fall to mediocrity and social clash. This is why setting a clear pattern of Toxic behaviour is important as it outlines the evident social bias within Canadian Institutions and offers a clear message to clean up the mess to induce change. The two decisions that came as a result of R v. Marshall are imperative to

understanding the social and political climate that is Canada, as currently in 2020 the Indigenous inherent and Treaty Right to Fishing and Trapping is again falling under scrutiny. In Nova Scotia the Mi'kmaq people are being constantly harassed and bullied by white fishermen and the patrolling RCMP simply for executing their Inherent Rights as Indigenous citizens. As the saying goes; "Those who do not learn from history are doomed to repeat it." Such is the case with this issue again with the Treaty Right to Fishing and Trapping. Under Federal Law this Treaty Right should be protected and administered to the Indigenous people as is their Right that is entrenched within the Canadian Constitution. This is due to the fiduciary responsibility to Indigenous people that the Federal Government has as the representative for the Crown in these relationships, and a failure to uphold any and all Indigenous Rights within the boundaries of Canada is a clear violation and breach of the agreements that were made as a result of those Treaties, the same Treaties that were signed with blood spilled and cultures lost. All the hate, vitriol, racism, bias, and discrimination that Indigenous People face day to day without any protection or respect of Indigenous Treaty Rights, Land Title or Aboriginal Law continues to be one of if not the biggest failures of the Federal Government to Indigenous People.

This consistent and continuous pattern of behaviour and failure to protect Indigenous People is not the burden of the Indigenous people to undertake, and it should and does fall to the Federal Government to remedy this. A very startling example of this failure also lies within The Child Welfare System of Canada. As I mentioned previously, the tools of Western Ideology have changed practices but stayed the same at the core of their intention. The Intention that I speak of now is the original aim of the Residential School System to "kill the Indian in the Child". That ideal can clearly be seen in the statistics of the Children in Care in Canada. According to the

most recent Census in 2016, 52.2% of children in Foster Care are Indigenous, but they only account for 7.2% of the total population. This then means that 14,970 of all 28,665 Foster Children under the age of 15 are Indigenous. In addition to this, in the results of the 2011 National Household Survey, 38% of all Indigenous Children live in Poverty compared to the 7% of Non-Indigenous Children in Poverty. Those are staggering statistics, and they are only as recent as 2016, numbers which I am sure have exponentially risen since the published date of those reports, especially considering the fact that there are multiple discrepancies in comparison from the official Canadian Statistics regarding the Child Welfare System compared to the research done by Indigenous Communities and Officials, which is cause to suggest that the percentage of Children in Care is triple, if not higher than that of the Official Canadian Government Statistics. In nearly every article or journal done by Kenneth Jackson, every province is in the 90 percentile for all Children in Care being Indigenous children, without even mentioning the percentage of Children that have aged out of the System without any adequate resources at their disposal to return to their communities, and go back to learn or relearn where they come from and what their culture is. This also applies to the issue of the Canadian Human Rights Tribunal Case against Canada and the Child Welfare System. If then there are multiple specific and present cases of malpractice and multiple forms of abuse occurring within the confines of the System over decades of different children, then compensation and restorative justice must be implemented without cause for argumentative and preventative actions taken on behalf of those in question. As mentioned previously, the issue of Jordan's Principle within the Child Welfare System has long since been ignored and essentially thrown to the wayside. Children in Care are most often not the most healthy or in the greatest physical condition and

some will obviously require treatment and extensive medical and therapeutic care, of which some foster families might not want to undertake as a responsibility or might end up turning into issues later on down in the Child's life. That type of living situation is difficult for any person to endure, however in an Indigenous community where there are various factors to be considered from socioeconomic standing, poverty, family history, mental health consideration, physical health needs, as well as cultural competency, it becomes a juggling game for the current systems in place to adequately care for and ensure the proper care in fostering for Indigenous Children. In an interview in January of 2020 with APTN's Nation to Nation program, Charlie Angus MP had this to comment regarding the situation of the Canadian Human Rights Tribunal Case and the Federal Government's response as well as their inaction; *"You can't trust the Justice Department Lawyers on anything when it comes to Indigenous Justice. So they come up with a very high figure to say this is outrageous, of course we cannot pay any of this"*. The goal of Law and Order within Canada is to be to protect and uphold the lives, rights and security of all Canadian citizens and that Right under the Constitution should not be upended for one group of people within Canada just because the social norm that exists currently is to make Indigenous life difficult and hide social and political progress behind barriers.

The evidence I have presented thus far should not only dictate a present pattern within Canadian Society but it should also alarm all those within the Canadian Legal System, especially those who are in the System to protect those who cannot protect themselves. The entire system is corrupted and needs time and effort put into it as to clearly and safely implement the Treaty Rights within Canada to protect and service Indigenous People and to educate Non-Indigenous people so that this cycle of discrimination and racism can finally come to an end within Canada,

the Country that is supposed to care for and respect diversity, especially Indigenous diversity. Legally, the Rights and Safety of Indigenous people is entrenched in the Constitution under Section 35, which is supposed to eliminate any form of legal issue under Crown Indigenous relations, yet every year it feels as though the rabbit hole gets deeper and deeper and each and every new issue is equally or subsequently more difficult and complex than the last.

My Comments and Suggestions on the Family Legal Services Provider License

This heavy and constant pattern of Failure to protect every aspect of Indigenous life in Canada is the reason I am submitting this document to the Law Society of Ontario entirely. I feel as if there needs to be a complete overhaul of the systems we have set in place if there is to be any real concrete change whatsoever. If the foundation of the systems we have in place are then by proxy, a result of the colonial mindset that has existed at the root of all Crown Indigenous Relations, which then has spread to all Canadian Institutions on both a micro and macro scale then work must be done to identify and change those schools of thought. If then we are governing ourselves and our relations in the same manner with the same mindset akin to that of Sir John A MacDonald, to go even so far as to still have court decisions come into play that deny, downplay or downright ignore Indigenous People's Constitutionally entrenched Treaty Rights in every Territory under Section 35, then there needs to be proper education and information put out at every level in Canadian Society and Canadian Institutions, especially Canadian Legal Institutions. I believe this is distinctly important as it then focuses on that message of inclusivity and diversity that has come from the mouths of the Federal Government and puts a focus on reclamation of culture and sets a precedent for realistic Reconciliation between Canada and its Indigenous population.

This then leads me into my First suggestion for the Family Legal Services which is actual core Cultural Competency Training within the Legal workforce at every level. This to me, is drastically important within Canada as it impacts every Indigenous legal case like a domino effect in the Legal System. As I have mentioned previously, each Indigenous Issue within Canada is tied to one another and consideration for each issue must be approached properly and with open mindedness and a willingness to learn about the community and the Aboriginal Law that is a part of every community. Cultural Competency Training that is in depth, lengthy and continual over the course of a Family Law Practitioner's Career is imperative and far superior to that of a Crash Course type of learning environment. Whereas yes a Crash Course System for Cultural Competency has a smaller time frame and less commitment tied to it as a whole, fundamentally that is part of the colonial flawed system we are currently operating on. The reason I say this is that Indigenous people and Indigenous issues should not be something just to tack onto one's resume or case file for good looks and opportunities, but instead should be treated fairly and justly under the core concepts of what Justice is and should be for all citizens within Canada. Learning all about the specific details regarding different communities and how to properly communicate with certain community people should be a must when considering the Family Legal Services Provider Licence. This would protect Indigenous Legal Practice from improper representation and bias judgement before any process would even begin. In addition to this it would also lean itself in understanding the value of Cultural Competency towards the possibility of Justice for Indigenous People. As I have mentioned multiple times, the foundations to any sort of problem or solution, institution or issue, the foundation must be solid and incorruptible. Cultural Competency is the First of many steps towards inclusivity and

understanding of Indigenous Culture and Identity, the very same Culture and Identity that was nearly erased entirely from existence purely on the notion of hatred and superiority. In this age of social discourse, social commentary and political tides shifting more consistently than the ocean, it is well overdue to then finally examine and understand Indigenous Rights and ensure finally that the Crown's rulings in the Treaties are honoured and protected.

Each and every community and Treaty Territory within Canada is known to have their own sets of Laws, Traditions, Treaty Rights, and Relations with the Federal Government and while it is important to understand clearly what each communities differences are and what each community has and does not have in relation to non Indigenous Canadians, it cannot be diminished that the Rights unless otherwise specified under the Constitution and in the Treaties for each Province, are all the same and no matter the differences culturally between the Ojibway, the Plains Cree, the Oneida, the Seneca or any tribe and community that our Rights are protected and treated the same. Take for Considerations sake this Quote from Chief Dan George made on July 1st, 1967 as to why understanding Indigenous Culture and Ways of life is so imperative in this day and age: *"When I fought to protect my land and my home, I was called a savage. When I neither understood nor welcomed his way of life, I was called lazy. When I tried to rule my people, I was stripped of my authority."* Every community may be different, every community may have different traditions and ceremonies, but the treatment they have suffered has stayed the same no matter who you ask. The loss of language, the loss of tradition, the loss of ceremony, the loss of a sense of community and now, the continued loss of children into a new system with the same goals as Residential Schools. The Indigenous People of Canada need now, more than ever a group of people committed to protecting them under the Law. My hope is that this submission

can spark that very discourse and possible change so that even one aspect of the Broken System can change for the better.

Secondly, I wish to suggest an approach to considering Moral and Psychological aptitude testing when discussing and reviewing applicants seeking the Family Legal Services Provider Licence. I believe that this is important to consider due to the implications that the tests would possibly suggest within the grounds for acceptance or denial of their Licence application. The goal of the aptitude testing in this case would be to eliminate the possibility of defendants being afforded a Family Law Lawyer who is simply there for the sake of monetary greed or a landmark reputation building case. Another important aspect to thereby consider is the subconscious biases and prejudices that we can sometimes ascribe ourselves to without realizing the harm we are doing, which is why I feel advocating for a Psychological aptitude test would benefit the applicants of this Licence. This could highlight possible problem applicants, or red flags that are cause for concern. Concern that certain applicants would only be there for personal or specific casework, and not be willing to expand their working horizons to all aspects of Family Law and True Justice. Morality and Psychology go in tandem with one another in the field of Law no matter the discipline which is what makes these tests a viable option. Greed is quick to corrupt the non committed or those who are a part of the penumbra in Legal Philosophy, as the gray area is often the easiest sect to be a part of. Due to the lack of commitment for social and political betterment and instead focusing on building a portfolio in the legal world, I feel as though this type of applicant would be highlighted as part of the Moral and Psychological aptitude tests. Cutting problems off before they occur and being preventative rather than combative is how I feel the Law Society of Ontario can and should approach this process going forward. These tests

also could go miles in advancing the reparations in relations between Indigenous people and the Court System, Legal System and Government. This would be possible through eliminating those problematic candidates and ensuring those who are committed to Moral Clarity, Hard Work and Continuous and expanding Learning and Understanding both personally as a human being and professionally as a Lawyer are afforded the opportunity and resources to do legitimate good in the world. In my experiences, it goes a long way with any and all clientele at any level in the Legal System, because people in their time of need look to those who are willing to stand up with them and for them to assure that they are taken care of and that the Law is on their side. People psychologically prefer comforting and understanding environments where they are able to freely speak and disclose issues and problems. This thought process should be considered with Family Law especially due to the large Psychological toll it could take on parents, institution workers and most importantly Children. Trust and good Character goes a long way in establishing that network of support necessary to get work done and form a solid reputation. This then again goes back to my comments about building a solid foundation for the necessary steps and values that can and should make up additions to the standards for the Family Legal Services Provider Licence.

Lastly, I want to suggest one final possibility to the committees at the Law Society of Ontario. I feel as though in consideration for suggestions for the Family Legal Services Provider Licence that the concept of continual open conversations and provincial engagement in every aspect of the Legal System would be a good addition. This current Call to Comment from the Law Society will hopefully Yield certain grand and important results in the continual search for change and justice. I feel as though adding the option for more engagement opportunities such as

this would be a good step in ascertaining equal and honest justice for all Canadians. In doing so, there will be a chance to hear from anyone willing to speak and give their comments and concerns and could create a community discourse that leads to systematic change on a microscale that could impact the macro scale heavily once discussions legitimately begin in our Institutions. Another suggestion that deals with Indigenous communities and opportunities specifically is to move away from consulting and dealing with the Organizations and Representative Institutions that The Legal System would normally approach and instead focus on consulting with the Indigenous communities in question with whatever case happens to arise. As an Indigenous man in Canada, I can attest to the fact that the Institutions and Organizations that were put in place such as the Assembly of First Nations, Indigenous and Northern Affairs Canada among others have since lost their way and lost touch with their communities as a result. By instead focusing on investigating and consulting within the communities, the obligations and commitments required as Lawyers now has multiple faces, voices, opinions, concerns and lives behind it to give Lawmakers and Lawyers the type of motivation necessary to carry out their duties. Many people have things they wish to say and concerns they wish to raise with people that they believe can help them achieve those goals of security and Justice. The importance with increasing Community Outreach and Engagement then becomes about servicing the true people in need and less about a corporation or organizations Bottom Dollar. This by proxy then can be yet another legitimate step made by the Law Society of Ontario in finally including Indigenous People on the Scales of Justice, which is a necessary step towards Reconciliation and Restorative Justice. I feel as though the weight of a decision such as that would not be lost on the committees I am submitting this letter to. Think of all the good that changes like this could make and all the

divides in Canadian Institutions that could be safely bridged after all the years of colonial oppression.

Closing Statement

I want to yet again thank The Law Society of Ontario for this amazing opportunity to be heard and have my academic and personal thoughts and opinions be afforded a platform to speak on. I also want to say that I believe the criteria of the Family Legal Services Provider Licence should be constantly adapting to the ever changing social and political climate that exists within all of Canada, especially Ontario. One day once I complete Law School and I am finally able to look for practices in the Field of Family and Children's Law that I want to work for, I will look back on this day, when I was first given the opportunity to set foot in the Legal World officially. This has been a great opportunity and I hope that my words and comments that I have suggested are approached with an open mind to then make changes and do what is best for not only Indigenous people and communities but also for all of Canadians as Justice and Law and Order are Rights that we should all equally be afforded without question or without barrier.

#241

Please enter your first and last name	John Fagan
Email Address	johnffagan@gmail.com
Please make a selection below	I am a lawyer
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Other
Practice area focus:	- de facto retired
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

There is no evidence whatsoever that anything in the proposed FLSP program will increase access, at all, to competent family law legal services. The lack of necessary financial-feasibility information is particularly glaring. Where is the evidence that paralegals, or any other non-lawyers, could provide such services at low-enough fee levels to make such services affordable for the average person of modest means?

Moreover, has anyone considered adequately, how vital it is, in the bedrock public interest, that a strong, independent, financially tenable legal profession, with plenty of small-firm lawyers in it not beholden to large vested economic interests, survive? Has anyone considered adequately, how damaging the FLSP program threatens to be, in this connection?

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

There is no evidence whatsoever yet developed, on which any credible answer to this question could be based.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

This question is, really, premature. We need, first, the as yet undeveloped financial-feasibility information. Having said that, though, I in any event doubt [on grounds of the competency or otherwise of the non-lawyers to be involved, and on grounds of the survivability of the small-firm end of the legal profession of lawyers (and therefore, on vital public interest grounds)] the tenability of the entire idea of specialized Family Legal Services Provider licences for non-lawyers.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

There is as yet no evidence developed to support the belief that any particular scope of activities to be permitted by the proposed FLSP licence would support any increased access to such services.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

I doubt it, but first, is the entire idea of all this at all financially tenable, either for the proposed holders of the new FLSP licences, or for the potential clients, or for the survivability of a strong, independent legal profession, such strong, independent legal profession being in the vital, bedrock public interest?

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Financial feasibility study first needed, before we get any further into details such as would be required to answer this question adequately.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

Please see my answer to Question 6 immediately above.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Please see my answer to Question 6, above.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Please see my answers to Questions 5 and 6, above.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Self-represented litigants in family law are, I believe, for the most part, unable or unwilling to pay anything at all for the legal services they require. Separation and divorce are of course usually financial disasters for both members of any couple involved. Paying for legal services to mop up the mess of course seems to the litigants like "throwing good money after bad." Starving young lawyers on Legal Aid are what's required; therefore, increased taxpayer funding of Legal Aid for family law cases, is what's required, whether the Government of Ontario wants to face that, or not.

For about the first half of my active legal career, I was able to do civil litigation, including family law, cases, for people of modest means, because the Judges involved could rely on counsel for the two sides honing the issues to the point at which last-minute, doorsill-of-the-trial-courtroom settlements could be hammered out in chambers. Absent lawyers on both sides, the Judges will not feel that they can do things on such a rough-and-ready, and therefore, less expensive, basis. Starving young lawyers on Legal Aid is the cheapest option.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Is it financially tenable at all? Without knowing that, we're in the dark.

12. Are any aspects of the proposed licensing framework unfeasible?

There is no evidence that the proposed licensing framework would be financially feasible at all, I doubt very much that it would be feasible from a competency point of view, and I doubt that the Judges involved would be comfortable working with it at all.

13. Is there additional information or are there other factors that should be considered?

Yes, indeed. I was shocked that in her Report about four years ago, which of course served as the launching pad for all this, Justice Bonkalo let the Government of Ontario off the hook so quickly and easily on the question of adequate Legal Aid funding to enable actual (starving young) lawyers to continue doing family law work. I would wish to know whether Justice Bonkalo was made subject to any pressure, from the Government of Ontario or from anyone else, to change anything in her draft Report, before it was formally finalized and delivered. I urge The Law Society to convene, sometime early in 2021, a virtual meeting of Benchers (viewable by the general public, and therefore by all lawyers and paralegals) with Justice Bonkalo, so that, among other things, this question of possible pressure on her, can be explored. I would also wish to hear at such a meeting (maybe the same meeting) from Justice Marion Cohen, who spoke out about four years ago against the idea of having non-lawyers doing any more types of family law work, to hear her current views on all this.

#246

Please enter your first and last name	Sylvia Brin
Email Address	sylvia_brin@yahoo.ca
Please make a selection below	Paralegal Candidate
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Government or public agency
Practice area focus:	- Administrative Law - Employment/Labour Law - Access to Information and Privacy
What is the location of your workplace? If submitting on your own behalf, where do you reside?	East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

At first blush I would have to say no. The table in the Family Law Consultation Paper tells us what we can't do but I think there were be a vast possibility of being limited because of interpretation of what is indicated. Time and time again are supposed to be able to work (i.e. immigration law) and then we are cut off at the knees from doing anything. Then if you wander into areas that are "too complex" you have to drop everything to get a lawyer up to speed to take over the case. As a party I would be inclined to ask myself why I would not just hire a lawyer to begin with because I would be spending a lot of money and then someone else (a lawyer) would have to take over the file. There should be set rates for specific tasks across the board (for lawyers and paralegals). Whether these fees are set out by the AG ON, the AG Justice Canada, legal aid, or LSO, there should be a level playing field in the amounts that are charged. Currently, there are no set fees so it is completely at the discretion of lawyers and paralegals and I am almost certain not all have the greater public good at the heart of the motivation to practice law. The PPSC deskbook used to have a chart of fees that is paid to lawyers based on when they pass the bar. Lawyers who had worked longer would earn more and to me that seems to some extent reasonable since practice for a longer period of time in a particular area of law would hopefully make someone more competent. However, I believe these competencies should be tested (for lawyers and paralegals) and it should not be assumed that more years equals greater competence. If the LSO is working truly in the public interest there should be clear cut set fee rates that are charged and what ample explanation of what the charges are for. Only the most elite can seem to afford law school and I was only just able to pay off my paralegal program. I was working full time and ineligible for OSAP or bursaries. I found the cost an extremely difficult element in furthering my education and I paid an abundant amount of interest on my student line of credit. Your own report cites the failures of Utah and Washington but does not offer much insight into why it failed other than cost. If that is the case put the program within the financial reach of many. There does not appear to be any effort to find any success stories in the world. I am not inclined to look to the USA for inspiration concerning the matters of access to justice, equality, help for the poor, etc. So the question is if the LSO is actually looking to make any sort of genuine change and increase options to the public or just have a "make work project" resulting from the Bonkalo report that delay change for a while longer. I would say change is long overdue and your own stats at the beginning of the report support this view. The fact that 75% in Toronto are SRLs and then we have Counsel posting online articles about how it is problematic for paralegals to be a part of the solution is completely infuriating. Help the lawyers have access to affordable tuition (sliding scale to that tuition is in proportion to wealth) otherwise you end up with the uber rich running the show and being clueless of what poverty is actually like.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

I think there has to be a set fee amount for paralegals and lawyers. Legal Aid has to offer more than the bare minimum to help lawyers and paralegals help people. Nobody should be loaded down with student debt and have the goal of paying off their insurmountable debt in the back of their mind while they try to serve the public. I can't see that anyone would be focused on serving the public if they are wondering how much money they can make to get out of debt. If you look to Utah and Washington and say but don't look to explain why it failed or look to other jurisdictions where there are success stories it seems like and initiative that will fail from the start. I don't think anyone should become a millionaire from practicing family law and without actually ever having practiced it would be impossible for me to comment of if the business model is viable. From social media groups and your own convocation meeting paralegals and many lawyers are struggling in the face of the pandemic so I would be inclined to think that government funds and intervention are needed to update IT systems, reduce redundant tasks (AI), etc. If you have to form a branch of legal aid that deals with family law, is funded for that purpose, draws family law lawyers, and family law paralegals to work together to serve the public then that is probably the best solution but it will have to be vastly better than the LTB, IRB. etc. If we are considering what is in the public interest and to unclog the courts from vexatious litigants who feel the need to motion the other party to death then the discussion should not really be focused on the business. Maybe there is something I have missed in the reading material but I am working and trying to pass the P1 and did not have huge amounts of time to search for business model type information within the documentation and links provided.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

No it looks like a lot of the same repetition of the same subjects that are already offered in the paralegal program. I am a little shocked and wondering why those subjects are being proposed.

Some of the subject matter such as ethics has been drummed into us (paralegals in general) over and over again. I did a presentation in my class about why licensing of paralegals is necessary and covered one particular individual who was very unscrupulous but if someone has not got that concept into their mind after having taken the program, read the licensing reading material, and completed the P1 exam then maybe its time to send those individuals for a special education program designed just for them because something is lacking between the left and right ears. What do you think we already studied in the paralegal program?

Here is a programs that I think actually offers courses that would make a difference and offer something new or help us to better assist the public. I did not make efforts to find similar programs in different countries but only a quick look at Australia, <https://programsandcourses.anu.edu.au/2019/course/LEGW8107>

From what I understand lawyers are not required to take family law courses and yet can still pass the bar and then decide to practice family law. Has any sort of review of the expectation for law (lawyers) been conducted? I believe there should be a specialized program for both lawyers and paralegals (the same program for both), testing, affordability that can be done over a period of time while practicing under supervision in the field. I hope that the supervisors are also tested so that they are not pass on information that is faulty. Trainers should have knowledge in the changes in the Act and have kept up to date in the latest jurisprudence.

In my opinion, there should be a specialized program (as the Australian program) and testing to ensure competencies for lawyer and paralegals and we need help.

The suggestion that this be a full time day program that must be attended in person puts this well out of reach of anyone working full time who does not have a sugar daddy to pay the bills while study is undertaken.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Since I have not studied family law or practiced it I can't really say what activities would best fit. I do believe that training lawyers and paralegals should be uniform and that the testing should be equivalent for both. There should be opportunities to attend CPDs (which is mentioned) that will strengthen knowledge and be offered by people who are experienced with this area of law.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

It looks like a lot of the same repetition of the same subjects that are already offered in the paralegal program. I am a little shocked and wondering why those subjects are being proposed. There is nothing new there that what paralegals have already taken in order to take the P1

I think something similar to the following might be more useful <https://programsandcourses.anu.edu.au/2019/course/LEGW8107>

I believe there should be a specialized program for both lawyers and paralegals (the same program for both), testing, affordable (sliding scale according to ability to pay) that can be done over a period of time while practicing under supervision in the field. I hope that the supervisors are also tested so that they are not passing on information that is faulty or dated.

In my opinion, there should be a specialized program (as the Australian program) and testing to ensure competencies for lawyer and paralegals and we need help. I believe the same could be said for immigration law but making sure that a specialization is not simply a regurgitation of law school or existing paralegal programs.

The suggestion that this be a full time day program that must be attended in person puts this well out of reach of anyone working full time who does not have a sugar daddy to pay the bills while study is undertaken. The program will fail and there will be little interest if other options are not considered and COVID-19 has proven that things can be done online. Welcome to 2020! #ICYMI!

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider? Make sure that the credits can and will be transferrable between schools and that this includes the career colleges.

Make sure it is an accredited program that nobody can dispute.

Make sure it is uniform for lawyers and paralegals.

Make sure the programs is available online so that working professionals can take it.

P1 or successfully passed the bar are the prerequisites.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

Something similar to this available online. <https://programsandcourses.anu.edu.au/2019/course/LEGW8107>

Make it affordable. Sliding scale fees based on income of student.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider? Yes.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

If they can pass the P1 or bar exam sure. Maybe there are clerks that are quite knowledgeable but could not afford the study programs. Test them. If they do well or lacking in some areas let them do the training modules that would deal with any deficiencies and then have them retest again.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Legal Aid or sliding scale based on income.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

unknown

12. Are any aspects of the proposed licensing framework unfeasible?

Full time day program to be taken in person.

I don't have a sugar daddy that can pay my tuition while I work.

I am pretty sure most of the law students would struggle to pay for this on top of their existing debt unless they are independently wealthy to start so that puts any graduating students out of touch with poverty or most difficulties facing the average person.

#249

Please enter your first and last name	svetlana macdonald
Email Address	svetlanamac@yahoo.ca
Please make a selection below	I am a lawyer
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Other
What is the location of your workplace? If submitting on your own behalf, where do you reside?	ON

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Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?
No

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?
No. What is needed is a complete REBOOT. The government needs to step in and make changes. Somehow no one seems to understand that we need to keep matters OUTSIDE of court. But, the whole process needs to be coordinated and not done piecemeal.

Competence

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?
A coordinated process available OUTSIDE of court. It would be helpful to have the services available BEFORE expensive court proceedings have led to significant costs not only for the client but for our whole tax system which funds courts including judges, staff and buildings.

Training Program

Other Components of Licensure

General

13. Is there additional information or are there other factors that should be considered?
The changes brought about because of Covid-19 are welcome and will help once people are IN the system. The goal should be to help them avoid having to use the expensive resources of court.

Law Society of Ontario Family Legal Services Review

This submission is in three parts.

- **Part I sets out WHAT I am presenting and WHY.**
- **Part II is a short article which was published in the London Free Press on Saturday, July 24, 2020 and also appears online. It has been retweeted several times including by FOLA. This is particularly timely with Covid-19 backlogs.**
- **Part III is the original paper which fleshes out the proposal.**

PART I

1. The LSO is responsible for ensuring that the public is provided with appropriate legal services and seeks input regarding the provision of services in family law. One can go so far as to say that the LSO should ensure that the best possible services are provided to the public.
2. Family Law is probably the most COMPLEX of all types of law practised. It often overlaps with many other areas of law: business, criminal, child protection, adoption, international to name a few obvious ones. Because there is a disproportionate number of women practising family law, a sexist attitude exists towards this area of law. Family law is treated with an element of snobbism and the attitude that anyone can practise it rather than recognizing it for the complex, difficult and challenging area

of law it is with ever changing circumstances as the law evolves and adapts to our changing society.

3. *It is not too late for the LSO to work with the government and encourage it to update our family law court system.*

This would address the backlog in the courts, the needs of the public and could save money. *The changes being discussed do not address the needs of the existing system.* They are just “tinkering” with the system and merely “moving the chairs on the deck of the Titanic.”

4. I have long proposed a Triage system and advocate that our government bring in changes to allow Triage to be used in our courts. Attached: Triage paper, and Triage article published in *London Free Press* July 24, 2020. This is particularly timely because of growing backlogs resulting from Covid-19. **When the LSO is being asked to comment on changes that can be brought in, it can be an influential player in encouraging the implementation of Triage rather than the “tinkering” suggested. I urge the LSO to be proactive and advocate on behalf of the public which it is supposed to assist and protect.**

5. THE ADDITIONAL RELEVANCE OF IMPLEMENTING TRIAGE IS THAT LAWYERS AND PARALEGALS COULD ALL WORK TOGETHER IN SUCH A SYSTEM RATHER THAN TRYING TO DECIDE WHO IS QUALIFIED TO DO WHAT.

6. Is the LSO with all its resources ready to act on behalf of the public?

PART II

Here is the link to the article which appeared in the London Free Press. The text of the article is provided below the link.

Covid-19: Time to Reboot Family Court?

Covid-19 has impacted everything, including our family courts. An already backlogged judicial system is even more backlogged despite efforts to continue operating using technology which doesn't always work and not everyone has it. In early July matters already adjourned from March were further adjourned to September when Zoom failed. And then the recent Supreme Court of Canada ruling in *Thanabalasingham* confirmed that criminal court proceedings must proceed in a timely manner. Since criminal cases quite rightly take priority over civil cases, court resources will certainly continue to be deployed in the area of criminal law at the expense of civil matters. The backlog will continue.

So, what can be done? What is needed is a complete reboot. Legislation presently governing courts severely limits efforts to modernize the existing system. A reboot of the present legal system will require new legislation. And, that calls for bold action on the part of our law makers. Only they have the power to reboot by introducing innovative legislation which will stop the bottleneck choking our family courts.

For many, courts are the only option to deal with family issues. But, going to court necessitates the preparation and filing of numerous documents. As pressures on the court have increased, the system has been pushing back by demanding more and more paperwork before even commencing a court proceeding. This is a challenge and frustrating for anyone seeking help from family court. It can also be costly.

Furthermore, these many documents are often more damaging than helpful since family court, like other courts, is adversarial in nature. Parties present themselves in the best possible light while making critical or derogatory statements about the opposing party. By the time the matter reaches a judge, resentment, bitterness and anger have set in. With people entrenched in their positions, finding a resolution is challenging.

If the system provided for issues to be identified and parties guided toward alternative solutions **BEFORE** court documentation has been drafted and resulted in hostility, other less costly solutions could be implemented more easily. A number of services such as mediation are presently available within the court system. Outside the system, they can only be accessed by those who know about them and can afford them.

What would the reboot look like for family court? How about a Triage System. This concept is applied on the battlefield and in the medical world. Not everyone who needs medical attention requires surgery. In the emergency room the triage nurse determines the appropriate treatment. In the same manner, a specially trained family court triage

officer would provide the first point of contact with the legal system. Triage would consider options for each potential case to determine the best “treatment” and direct the matter accordingly.

With Triage, the extensive work and cost associated with documentation would largely be avoided. Resources deployed at the outset, before conflict has been exacerbated, would result in many cases being settled or resolved before entry into the costly court system.

Technology and virtual courts certainly modernize the delivery of services. However, they do not change the essential system which continues to be governed by complicated rules intended to help but which often drag down proceedings and frustrate the user. As for technology, it has its own well-known problems and is not available to everyone.

Covid-19 has already brought challenges to our courts, but challenges also provide opportunities. While attempts to bring about change are usually met with resistance the increased backlog caused by Covid-19 has created an environment in which the need for change is glaringly evident. There will be less resistance to change. The time is right to bring about change. The provincial government is urged to enact legislation which will help unclog our family courts while still providing the legal services needed by Ontario citizens. Be brave! Be bold! Take up the challenge.

PART III

TRIAGE: A PROPOSAL FOR ONTARIO FAMILY COURTS

by Svetlana S. MacDonald Ph.D. LL.B (first proposed in 1995)

1) Introduction

Just as every individual who has a medical need does not require admission to a hospital operating room, neither does every person who has a legal problem require access to court. Legal solutions which are both desirable and necessary can be achieved in a number of ways without recourse to courts. While people with resources such as education and money have access to a number of options, courts are becoming clogged with the unrepresented who cannot afford lawyers. As well, they are often illiterate and struggling to deal with complicated rules and the required paperwork. This paper proposes one solution which I believe is both workable and cost effective.

Over the past thirty years there have been significant changes in society. These are reflected in the composition of families. The so-called "traditional" family has been transformed and now includes

both married and unmarried parents of either the same or opposite sex, as well as families headed by a single parent. The latter are often, and unfortunately, youthful (teenage) parents. Increasingly, all of these types of families find that they require legal services. Coupled with changes in the judicial system, Family Courts are under extreme stress as they strive to meet new and emerging needs of society.

The existing court system was designed to function with the participation of lawyers who understand it and who have been trained to work within its rules. They are accustomed to the requirement that they prepare documentation and understand the intricacies of the organization. But, with the changes in society, ever more and more members of the public find that they need legal solutions to their family problems, and increasingly larger numbers find themselves before the court, often without benefit of counsel. The legal aid system which was designed to assist individuals with limited financial resources is no longer able to cope with demands.

These competing forces result in numerous court files prepared by lay persons, many of whom are untrained at best and illiterate at worst. Often, the documents are illegible and the complex paperwork that would normally provide the judiciary with information to assist in making decisions is absent. In an effort to slow down the onslaught on the court system, ever more complex rules and requirements have been instituted, and additional requirements continue to be imposed. For those who have no alternative but to go to court and who must retain counsel because of the complexity of their files, these requirements result in increased costs arising out of the demands placed on lawyers to comply with the ever more complex rules. The system is rapidly becoming so costly as to be virtually inaccessible to the vast majority unless they act for themselves. The unrepresented pose their own problems as outlined above. Whatever the shortcomings of courts, they should not be inaccessible as they do provide a public service. It would seem logical to stem the flow of cases **before** they enter the system rather than creating difficulties with ever more complex rules

Family Courts have their own needs which call for unique solutions appropriate to these needs. My proposal for the Family Court is a model which finds parallels in two different and unrelated systems. The first of these is the medical emergency system, and the second is the criminal justice system.

2) Triage and Diversion: Models to examine

On the battlefield there has long been a system of **triage**, that is, a means of sorting those requiring immediate help, those who can wait and those who are beyond help. This has been extended to the emergency room, where there are "triage officers," sometimes a triage nurse. Their task is to assess each patient to determine what treatment the individual requires, and to direct the patient accordingly. Each case is dealt with on its own merits, with the triage officer making the decision in order to provide needed service to the largest number of patients possible in as short a time as possible.

In the criminal justice system, a number of diversion programmes have long been available, particularly to youth. Gradually these have been expanded and now include diversion for mental health cases, minor nonviolent offences such as shoplifting and minor drug offences such as possession of marijuana prior to its legalization. Special diversion programmes also exist for First Nations offenders. Such programmes achieve goals which benefit the individual, the system and society as a whole. When these cases are effectively removed from the court system, congestion in the courts is alleviated and at the same time, appropriate conditions are imposed on the parties through the diversion programmes.

My proposal for an alternative system in family matters would reduce the need for and use of a complex court system requiring trained staff and highly trained judges in civil family matters. The education and special qualifications of judges are better used to chart new courses when our judicial system is called upon to deal with new and/or unusual cases. These important decisions then serve as precedents to be followed. Much court intervention can be avoided when the law is well established.

3) The problem

When families break up, those with financial resources and with the necessary intellectual resources will seek counsel to assist them in finding legal solutions to their problems. They may negotiate their own separation agreement, use the collaborative law process or ask their lawyers to help them reach an agreement.

However, problems arise when people do not have the money to retain lawyers, or have limited education and understanding of what is needed. These persons do not know where to start or, even if they do, they are unable to proceed because they lack the funds to get help from counsel or, if they try to go to court, are faced with the complex system which is becoming ever more complicated as more and more rules and requirements are being added in an effort to stem the ever growing demands being placed on it..

As a consequence, they may eventually end up at a Family Law Information Centre but then do not have access to help unless they start proceedings. This catapults them into the court system with its many demands.

4) The present system

Throughout Ontario, Family Law Information Centres commonly referred to as FLICs, disseminate general information and offer mediation services. However, as no other diversion options are offered much time is expended by individual members of the public trying to deal with paperwork for court proceedings and calling on the help and resources provided by counter staff and advice counsel, often returning on numerous occasions for assistance as they work their way through the system. As

mentioned above, the result more often than not is unacceptable documentation. It appears that this paperwork is rarely referred to by the court. One must conclude that all of the time, effort and resources going into it are wasted.

The premise of this paper is that alternatives to this paper driven process can and should be provided. For these to be truly efficient they should **precede** the preparation and filing of documents. Such successful alternatives would obviate the need for documentation and reduce the voluminous paperwork flooding into our courts, bringing with it all the attendant demands on court house personnel. If issues can be resolved without recourse to such documentation, why not avoid it completely?

There is another benefit of not preparing and serving paperwork. The court system usually produces documents which portray the opposing party in an unfavourable light. When the Responding party reads the contents, s/he is usually upset by the contents of the paperwork and inevitably reacts negatively. Any remaining goodwill between the parties is quickly dissipated. Thus, although the vast majority of cases have the potential to be resolved without court and the attendant paperwork, once documents have been issued and served, irreparable damage may have been done to the relationship. It is then too late for non-adversarial options.

Our courts are firmly rooted in the tradition of battling champions. By their very nature, courts encourage confrontation and opposition. Since the best chances for success occur **before** having recourse to the court system, a mechanism is needed to keep the bulk of cases out of the court system. Following is a proposal to help accomplish this.

5) Proposal: A Triage Centre

I propose that in association with each family court, a "Triage Centre" be established staffed by specially trained "triage lawyers." Unlike traditional legal training which has grown out of an adversarial model, this approach requires the ability to see possible solutions rather than feeding into conflict. Extended hours would make the service available not only to the unemployed, but also to the working public. The success or failure of resolving cases quickly and with minimum friction often depends on the lawyer who has been retained.

Just as in the medical field one is admitted to hospital only upon meeting the necessary criteria, the use of courts would occur only after the "triage officer" determined that this was the appropriate solution.

In the majority of cases, there is little at issue but as the parties either are not communicating well and sometimes not at all, the first thing that is necessary is to **get them "to the table."** A mechanism is

needed to get the parties to the court house/triage centre. Rather than preparing lengthy documents, I propose a system akin to the summons or subpoena. This document would simply state that “you have or know information pertaining to xyz and your presence is required at ‘time’ and ‘place’.” The document would have to be served by an independent person, just as the summons and/or subpoena are served in existing systems. It would also have to be generated or issued as are existing court procedures. What is being avoided is the extensive paperwork which takes time and money in the form of lawyers, often funded by legal aid, legal aid workers (non-lawyers), duty counsel, law students and the general public. The latter are frustrated by the extensive requirements and, as mentioned above, the contents of the documentation can easily lead to exacerbating already difficult situations.

Once the parties arrive, they can meet with a court officer/triage lawyer/mediator who could assist in filling out a single Family History form. That form could then be signed by both parties and become a record for the future, forming a factual basis that need not be revisited or argued about in the future. The triage office could then determine whether or not there are issues, what they are, and how best to proceed. Another approach would be for the two parties to meet with two counsel so that each is separately represented. As in the previous scenario, the purpose would be to narrow down issues and determine what, if any, documentation is actually needed.

Non-contentious matters could be dealt with by agreement and others by way of mediation or directly with the court officer. Parties could sign simple agreements prepared by the triage officer/mediator and reviewed by duty counsel. This could be viewed as the poor man’s separation agreement/domestic contract. Presently, very limited contracts are being prepared by social services. These are often deficient and the parties are signing them without benefit of counsel to explain the consequences of the documentation.

Under the existing system, the counter staff at the court office is dealing with a myriad of questions and many individuals without lawyers, all seeking assistance. The proposed Triage Centre would allow all of these people to be dealt with by way of triage leaving court staff left to deal only with those cases which have been screened and require a different service, in the same manner as those who visit a hospital emergency room must first be seen by the triage nurse and admission to the hospital occurs only after it has been determined that hospital is the best place to provide the required services.

What is needed is a mechanism which requires parties to attend at a given place and time **without the need to prepare lengthy paperwork**. This is what happens in the criminal courts. Most cases do not go to trial but people must attend as they are required and this forces the parties to address the concerns of the court. Similarly, in family law, all affected parties must be present and provide input in

order to resolve issues. Getting them there should be simplified and can be done by way of summons or subpoenas as mentioned above without the need for extensive paperwork which is rarely if ever referred to in any event.

It is my suggestion that there be a trial of such a system in one of the smaller jurisdictions in which numbers would be more manageable. It would be possible to work out “bugs” and to offer suggestions on pitfalls to avoid and ways to continue to simplify and streamline matters.

Benefits

1. Reduce the paperwork thus alleviating the demands on counter staff. There would be less filing of papers. Fewer questions to answer.
2. A reduction on demands on counter staff should also result in **cost savings**.
3. Fewer demands for duty counsel and lawyers, many financed by legal aid.
4. Reduce the demands on judge time leaving them for complicated matters. A reduction on judge time is, by extension also a reduction on court time and resources.
5. Reduce conflict by either reducing the amount of paperwork or doing away with it entirely.
6. By providing alternative legal services within the framework of the court system results such as “domestic contracts” can be achieved as alternatives to court orders. Since these are not “imposed” by an outside decision maker, they should be more palatable than orders made by a third party.

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BACKGROUND

- Practising lawyer
- Extensive experience in public service, teaching at Western University and Wilfrid Laurier University
- Excellent command of English and French; fluent in Bulgarian, working knowledge of German
- Married, mother of four adult sons all successful in different careers

COMMUNITY SERVICE

Rotary Club of London East

member since 1992, **President** 1998-99 **Paul Harris Fellow**

Appointed to, *London Public Library Board*

2003-2010 (**Chair** 2007-2009)

Canadian Friends Service Committee (Quakers)

2002-2010 (**Clerk** 2004-2008)

Board of Directors, *Carrefour des femmes du sud-ouest de l'Ontario*

2007-2010

Elected Trustee, *London Board of Education*

1986-91, 1994-97

- **Chair**, French Language Section 1986-87, 1989-90, 1995-97
- **Chair**, Special Education Advisory Committee
- **Chair**, Programme Committee

Board of Directors, *Western Day Care Centre*

1976-82 **Chair** 1978-80

Board of Directors, *Women Immigrants of London*

1986

ACCOMPLISHMENTS

- Established a recognized law practice providing services in both official languages in the areas of family law, criminal law, estate law and real estate law.
- Initiated and developed Western University's first and highly successful computer assisted learning lab for the Faculty of Arts receiving worldwide recognition and serving as a model for universities across Canada and around the world.
- Established, in collaboration, *La Ribambelle* the first French language day care in the London area
- Led in the establishment of *Centre Desloges* a French Community Centre in a unique partnership requiring cooperation among several government levels & 4 partners working together for the first time.
- Collaborated and developed policies and procedures allowing the English and French sections of the *London Board of Education* to work cooperatively & which served as a model across the province.
- **Chaired** the French Language Section for the *London Board of Education*,
- **Chaired** the Programme Committee for the *London Board of Education* and oversaw the establishment of the Pearson School for the Arts as well as the Environmental Education Programme at Pond Mills.
- **Chaired** the Special Education Advisory Committee of the *London Board of Education*, a statutory committee whose job it is to advise the board on how to meet the needs of exceptional children.
- Developed and taught French language and literature courses, for two universities, at all undergraduate levels, including preparation of material, delivery of courses and evaluation of performance
- **Chaired** Board of Directors of *Western Day Care Centre*, London's then largest non-profit day care, during a period of expansion and construction and established policies and procedures for the delivery of quality day care for students, staff and students.
- Collaborated to develop multi-million dollar budgets for the *London Board of Education* during my tenure as a board member and as chair of the French Language Section
- **Chaired** *London Public Library Board* developing Strategic Plan for organization
- Selected CEOs for the *London Board of Education*, *London Public Library*, and high ranking personnel for the *London Board of Education* and *Canadian Friends Service Committee*.
- Initiated and saw to completion centennial project for *Rotary Club of London East* jointly with *London Public Library*
- **Clerked** *Canadian Friends Service Committee* the social service arm of Quakers in Canada, overseeing its Canadian and international work, staff and budget

CAREER HISTORY

- Practising **lawyer** since 1985 and **Mediator** assisting parties in resolving legal conflicts
- Instructor London Bar Admission course
- **University instructor** (Western, W.L.U., King's University College) Fr. lang. & lit. at all undergraduate levels
- **Initiator and director** of pilot project for Computer Assisted Learning, Faculty of Arts, U.W.O.
- Developed Computer Assisted Learning Programs to teach Braille, joint project: Western University - National Research Council
- Library work, Kitchener Public Library, (this job put me through school!)
- Freelance translation English to French, French to English (technical, medical, legal and literary texts)

PROFESSIONAL ACTIVITIES/EXPERIENCES

<i>Ontario Bar Association Council</i>	2010 - 2016
<i>Community Resources/Liaison Committee</i> (appointed by the Chief Justice SCJ)	2002- present
<i>Middlesex Family Lawyers Association</i> (member and on executive)	President 2002-2003

- Organized, CLE on a monthly basis & annual conferences serving lawyers for London & the southwest region bringing in speakers including from Supreme Court of Canada and Ontario Court of Appeal

Teaching, Bar Admission Program – London

Presenting on a variety of subjects for Continuing Professional Development

Public speaking on legal subjects and issues

Mentoring - including work with articling students, young lawyers and co-op students

On panel for *Public Guardian and Trustee* – 1988 and continuing

On panel for *Office of the Children's Lawyer* (approximately 12 years, 1990-2002)

Provincial Offences prosecutions throughout southwestern Ontario in both English and French

Media experience as an elected representative, a service club representative, a lawyer, member of francophone community

PUBLICATIONS/PAPERS

- *Les procédés judiciaires en droit de famille: Aperçu de la réalité des femmes francophones du Sud-Ouest de l'Ontario à travers le système légal*, Forum régional « Ensemble pour mieux intervenir », Carrefour des femmes, avril 2009
- Neekaunis: The First Fifty Years, 1932-1982, The Canadian Quaker History Journal, No. 73, 2009, Canadian Friends Historical Association
- Computer Assisted Vocabulary Drill, presented and published for the 9th Ontario Computing Conference, 1978, and also at the 5th International Conference of Applied Linguistics, Montreal, 1978
- L'Enseignement par Ordinateur, presented at the Learned Societies, University of Western Ontario, 1978
- Freelance articles including opinion pieces, articles about legal, educational and social justice issues in both English and French

AWARDS/SCHOLARSHIPS

Rotary – Paul Harris Fellow

Canada Council Doctoral Fellowship

Dean's Honour Roll – W.L.U.

Ontario Graduate Fellowship

Teaching Fellowship, Western

K-W Council of Friendship Award

Lillian Snyder Scholarship –proficiency in English

Nominee for Woodrow Wilson award

EDUCATION/TRAINING

LL.B. Western University

Ph.D. (French literature) Western University

M.A. (French literature) Western University

B.A. (French & Psychology) Wilfrid Laurier University

Mediation (Basic and Advanced)

Collaborative Law

Recognition by AOCVF (Action ontarienne contre la violence faite aux femmes) & CFSOO (Carrefour des femmes du Sud-Ouest de l'Ontario) for contribution to the preservation & expansion of Fr. lang. services in Ontario (March 2018)

#250

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To: Access to Justice Committee of the Law Society of Ontario

From: Prof. Nicholas Bala*

Nov. 29, 2020

Re: Response to the Consultation Paper on Family Legal Services Providers

Introduction & Summary

By way of introduction, I have been a law professor at Queen's University for forty years, focussing my research and teaching on issues related to families and children in the justice system. My research has included multidisciplinary work on issues related to the growing number of self-represented litigants (SRLs) in family law cases and improving access to family justice.¹

There are serious concerns about lack of access to family justice, both in Ontario and many other jurisdictions, so it is heartening that the Law Society is addressing these issues. I support the general direction reflected in the *Consultation Paper on Family Law Service Providers* to increase the use of non-lawyers in the family justice process to help address access to justice issues and improve family dispute resolution. However, in my view, the specific recommendations in the *Consultation Paper* seem to be premised on some important misconceptions about the nature of the problems facing those with those family law issues. The *Consultation Paper* seems to place considerable weight on the research of Prof. Julie McFarlane, without recognizing its limitations, especially for family cases. I have significant concerns about the specific recommendations in the *Consultation Paper*, in terms of potential harm to members of the public and the justice system. I believe that the approach advocated in my Response is more consistent with the two-stage approach to the introduction of paralegals to family law work endorsed by Law Society in its *Family Law Action Plan* (2017).

A central premise of my Response is that the effective resolution of family law cases often

* Nicholas Bala, LSM, BA, JD, LL.M., FRSC, W.R. Lederman Distinguished University Professor of Law, Queen's University. Email: bala@queensu.ca. The views expressed in this brief are those of Prof. Bala alone, and are not intended to represent the views of any other person, institution or agency.

¹ Birnbaum, Bala & Bertrand, The Rise of Self-Representation in Canada's Family Courts: The Complex Picture Revealed in Surveys of Judges, Lawyers and Litigants (2013), 91 *Canadian Bar Review* 67-96; Birnbaum, Saini & Bala, Growing Concerns about the Impact of Self-Representation in Family Court: Views of Ontario Judges, Children's Lawyers and Clinicians (2018), 37 *Can Fam L Q* 121- 138; and Maur & Bala, "Engaging with the Cromwell Committee on Access to Justice: 'Beyond Wise Words' Towards a Less Adversarial Approach to Family Justice," 80 *Supreme Court Law Review* 63 -104. I also have an on-going research project with Dr. Birnbaum on the Family Law Limited Scope Services Project, which includes surveys and interviews about access to family justice issues.

requires an understanding of a number of inter-related legal and human relations issues. If a case involves children, as most do, it will often take time to resolve, as the situation of the parents and children evolve. Separating parents often need the assistance of skilled legal advisors, to provide advice and counsel about restructuring their relationships into a child focused co-parental relationship, as well as needing representation for court proceedings or negotiations. The family lawyer can have a unique and critical role. The amendments to the *Divorce Act* (Bill C-78) and the *Children's Law Reform Act* (Bill 207) that come into force on March 1, 2021 make clear that legal advisors, including family lawyers and any paralegals who may be licenced to practice in this area, have a responsibility to advise parents on the harm of conflict to their children and the importance of helping them to develop a co-operative, child-focussed relationship.

There are important steps that the Law Society and the Ontario government should take to improve access to family justice, including increasing use of paraprofessionals in the family justice system. As recognized in the *Bonkalo Report* (2016), there is a need for expanding the role of paraprofessionals in the Family Courts and law offices, and in particular expanding possibilities for lower-cost representation in Ontario by using paraprofessionals *acting under the direct supervision of a lawyer*, namely law clerks, law students, and articling students. It is unfortunate that the LSO and government have made no progress on the issue of expanding the role of law students and law clerks in the family courts since the release of the *Cromwell* (2013) and *Bonkalo* Reports (2016). Any action on licenced FLSPs should be accompanied by, if not preceded by, action on representation in the family courts by law students and Law Clerks

The actual proposals in the *Consultation Paper* for independent licenced FLSPs go far beyond *Bonkalo Report*, and are based on neither research nor experience in other jurisdictions. Indeed, although it only merited a footnote (19) in the *Consultation Paper*, the apparent failure of the Washington state Limited Licence Legal Technician (LLLT), which was enthusiastically cited by *Bonkalo*, suggests the need for careful consideration before undertaking reforms untried anywhere else.

In this Response, I offer some suggestions for a more holistic and incremental approach to the creation of a FLSP licence category than that proposed in the *Consultation Paper*, based on the premise that this new type of paraprofessional should have a clearer and closer relationship to the Family Law Bar. There is a potential role for FLSPs in independent practice, and in particular there is a need for such professionals to provide services for ethnic and linguistic communities which have relatively few members who are lawyers. However, an FLSP in independent practice needs to have a relationship with one or more family lawyers who can provide assistance as needed, especially if a case becomes more complex or contentious than anticipated, and evolves into a dispute over parenting or a case that involves serious domestic violence concerns.

The education program for FLSPs must include components on ethics, dynamics of separation and child development, and the supervised placement period should be longer than three months. A program to establish FLSPs should place an emphasis on recruitment of professionals who already do work with the family justice system to serve in this new role. There would also be real value in having Family Violence Licenced Legal Service Providers who have worked in the domestic violence field and have undertaken an appropriate education, but not been previously qualified as licenced Paralegals.

The focus of this Response is a discussion of the new type of para-professional proposed by the *Consultation Paper*, the Family Legal Services Provider (FLSP). However, I conclude by briefly

discussing some other measures that are not discussed in the *Consultation Paper* that should be considered by the Law Society and government to address the crisis of access to family justice. These include the Law Society taking over responsibility for the Ontario Family Law Limited Scope Services Project and allowing lawyer-mediators to draft separation agreements. There is also, more generally a need to support mediation and non-adversarial dispute resolution.

The Context: The Rise of Self-representation and the Crisis of Access to Family Justice

As discussed in the *Consultation Paper* and documented in many places, over the past quarter century there has been a dramatic rise in the rate of self-representation in the family courts, not only in Ontario and throughout Canada, but in many other countries. In some family courts over half of the litigants do not have lawyers, posing challenges for the justice system, and risks and costs for those using the family justice system.

Self-represented litigants often do not understand the family justice process or the substantive and procedural issues that they face. They often find the experience of being self-represented stressful, and some are traumatized by the experience and give up valid legal claims as a result. Even if they comprehend the legal and procedural issues, they are often understandably so emotionally involved in their cases that they are unable to assess what is a fair and reasonable outcome, making settlement more difficult, and increasing the difficulty in establishing good post-separation relationships to care for children. Proceedings with SRLs generally take longer to resolve than if parties are represented, with added burdens on the courts. There are significant concerns that cases involving one or both parties as SRLs, whether ultimately settled by the parties or resolved by a judge, may result in unfair outcomes, including ones that can place children and victims of family violence at risk. In a family case, having one party unrepresented, perhaps by choice, while the other is represented, also imposes costs on the party with a lawyer, as the SRL frequently delays the process by undertaking unnecessary steps, and may reject reasonable settlement offers.

One conclusion from the research projects in which I have been involved is that the causes and effects of the rise of SRLs are complex. A single, simple “solution,” like allowing licenced paralegals to practice in this area, that not will “solve” the problems. Instead, a number of related measures are needed, including more use of alternative dispute resolution, better education programs and materials for parents experiencing separation, and more single judge case management. The Law Society, the government, the Bar and various justice system service providers all have important roles to play. While increased use of technology can help address some issues, resolution of family disputes often requires help from knowledgeable professionals who can wise counsel, and put legal issues in a human context.

An important on-going example of the efforts to address access to justice issues is the Ontario Family Law Limited Scope Services Project (unbundled legal services). While having considerable support from the Family Law Bar, to date the Project has had only a limited impact on the lack of access to legal advice and assistance for family litigants in Ontario. The challenges that this Project has faced are illustrative of the challenges in actually effectively addressing access to family justice problems.² The experience with this Project makes clear that

² I am a member of Steering Committee and research team of the Family Law Limited Scope Services Project (FLLSSP): <https://www.familylawlss.ca>. The comments in this footnote (and the entire brief) are my own and do not represent the views of the Steering Committee or my research collaborators

This type of project, to increase use of unbundled legal services in family cases, was recommended by Cromwell (2013), McFarlane (2013), Bonkalo (2016) and the Family Law Action Plan (2017). The Law Foundation

if reforms are to be effective, it is critical to have on-going support from the LSO, the Ministry of the Attorney General, and the courts, as well as professional organizations, including a commitment of resources. One of my broad concerns about the *Consultation Paper* is that the LSO and government will view the proposed Family Law Service Providers (FLSPs) as “the low cost solution” to the access to family justice crisis. This would effectively “download” to the courts, lawyers and FLSPs, and of course family litigants and their children, the continuing challenges with lack of access to family justice.

While it is heartening to see that the Law Society is moving to address some of the issues related to improving access to family justice, the Law Society, government and family justice professional organizations need to address the broader range of commitments made in the Law Society’s *Family Law Action Plan* (2017). Similarly, the 2013 *Meaningful Change for Family Justice Report* (Cromwell Committee) made a whole host of recommendations to address the gap in legal representation and concerns about access to justice for family cases, recommendations that are yet to be implemented. In this Response, I focus on measures that are primarily within the jurisdiction of the LSO to help address the challenges in the family justice process created by the growing number of SRLs, a concerted program involving other bodies is critical. It is important, however, that the Ministry and the judiciary are involved in discussions and planning for any changes.

The Context: Limitations of Existing Research

The *Consultation Paper* seems to rely heavily on the research of Prof. Julie McFarlane. She has done some really significant advocacy and innovative research, but the limitations of her work need to be recognized. Dr. McFarlane included both civil and family cases in her research, and much of her work (and the website of the NSRLP) does not distinguish between these two very different areas. Despite some similarities, the civil cases involving SRLs typically involve individuals litigating against institutions (e.g. insurance companies, banks and corporate landlords), which have a very different dynamic and nature than family litigation between two individuals who were once intimate partners, and, if they have children, will have a continuing

provided a one-time \$250,000 grant to start the Project, and a highly committed part-time Senior Program Director was hired (Ms. Helena Birt). A dedicated group of volunteers (led by Tami Moscoe, Senior Family Counsel, Office of the Chief Justice, Superior Court of Justice), supported by professional organizations like the Ontario Bar Association (OBA) and the Ontario Chapter of Association of Family and Conciliation Courts (AFCC-O) established the project, and currently more than 200 family lawyers have taken training and are on the limited scope services online lawyer directory (.i.e., the family bar is engaged). The Project has some really good community partners, including Community Legal Education Ontario (CLEO) and Legal Aid Ontario (LAO). However, in my view the Law Society has played a minimally supportive role (other than hosting a nice launch reception). Further, in my view, the Court Services Division of the Ministry of the Attorney General (MAG) has been at best unhelpful and at worst made implementation significantly more difficult. Improving access to justice is apparently not part of the Court Services Division mandate.

Although lawyer support has been very good, and despite extensive (but limited budget) efforts at outreach, to date actual use of this model of family legal service has been limited. Efforts to increase use are underway. I raise the FLLSSP for three reasons:

- (1) to point out that “build it and they will come” may not be enough to get significant use of new services (like FLSP) and meaningfully address access to justice issues;
- (2) to illustrate the institutional constraints at MAG and the LSO limiting support for this type of reform effort; my cautionary point is to argue that clear institutional commitments from key actors BEFORE reforms are undertaken are vital; and
- (3) to advocate for action by the LSO to support this access to justice initiative. The LSO needs to do more to support the FLLSP, a point that I will address later in this brief.

relationship. Further, Dr. McFarlane's research relied primarily on interviews with self-identified SRLs. Although their reports and perceptions are very important, their assessments of their cases were not verified or tested against the perceptions of others involved in their litigation processes.

The research of my colleagues and myself focussed only on family law cases, and included interviews and surveys with both those litigants with lawyers and self-represented litigants, and we surveyed lawyers and judges as well as litigants. We share many similar findings with Dr. McFarlane; in particular like Dr. McFarlane we found that the most common reasons for not having a lawyer in a family case are the lack of resources of litigants and the cost of legal services. We, however, also found that some family litigants question the value of legal services, or decide to self-represent for reasons other than the cost of legal services.³

Asking litigants why they don't have lawyers is essential, although it will not always give a complete picture of their situation, as they be unable or unwilling to fully articulate their reasons for not having lawyers. Judges and lawyers report that some self-represented family litigants may be without lawyers because they have "high conflict personalities," or for psychological reasons, such as wishing to engage directly with their former partners, or because they don't like the advice that their lawyers have provided to them (i.e. the litigants reject their lawyers' advice to settle, and have unrealistic expectations and so pursue their claims through the courts as SRLs.)

One of the limitations of all the research is a lack of financial detail and information about decision-making about self-representation. While litigant resources and the costs of legal services of legal services are clearly significant, the price point or elasticity of demand for legal services is unknown and varies by individual. It is not known, for example, how much any given reduction in the cost of legal services would result in more litigants of any particular income/asset level deciding to retain lawyer. Indeed, our research, which included some income data, revealed that at any income level, some family law litigants have lawyers and some do not. While the proportion having lawyers increased with income, at the income levels that we studied (up to \$100,000 or over), there were always some individuals who did not have lawyers. At lower income levels, Legal Aid always resulted in some individuals having lawyers, and some individuals with very modest incomes may have borrowed from relatives or had assets to retain lawyers.

Although not explored in any of the empirical research, a major issue in family law cases is that concerns about the costs of legal services relate not only to the hourly rates, but also to the uncertainty about the total costs (i.e. number of hours). Even if a lawyer (or FLSP) carefully interviews a client and can accurately determine the client's asset and income position, and knows what the client wants, the total costs of resolution are unpredictable. This is because of variability in the process, as well as the reality that a family law case often unfolds in ways that are not necessarily anticipated at the start, as new issues or situations arise, or because the other party responds in an unpredicted or irrational way. Understandably litigants are frustrated by the lack of predictability about the costs of legal representation in a family case, and it doubtless leads to some litigants deciding to be SRLs, but it is a reality. This uncertainty about total costs

³ Some commentators make a distinction between those who are "unrepresented" due to lack of financial resources, and those who are "self-represented" by choice. See e.g. Pamela Cross, Self-represented or unrepresented? *Lawyers Daily*, Nov. 3, 2020. Whilst conceptually an important distinction, in practice (or in doing research), it can be very difficult to operationalize this distinction.

is as a barrier to access to legal services is being in part addressed by the Family Law Limited Scope Services Project, but will not be resolved by having FLSPs.

In summary, there is no research to support an estimate of how the provision of family legal services will increase by having paralegals provide lower cost services, assuming that their fees will be significantly lower than fees of lawyers.

Will Paralegals be Less Expensive for Family Cases?

A fundamental assumption in the *Consultation Paper* is that paralegal family services will be less costly than legal services provided by lawyers (p. 4). Although the *Paper* acknowledges the need to collect more information, it argues that paralegals are more likely to charge block fees, not charge for client phone calls etc. It seems very reasonable to assume that paralegals (with less investment in their education) *on average* will charge less per hour than experienced lawyers. However, there are already a significant number of very junior lawyers, especially in sole practice, who already charge low hourly rates for less complex cases, in the expectation that once they have gained some experience, they may charge higher rates and become involved in more complex cases.

For the more predictable types of litigation that paralegals are already licensed do in Ontario (e.g. representing landlords in eviction proceedings), they may well charge fixed or block fees, and not charge for the occasional phone call. However, given the vagaries of family dispute resolution and the varying needs of clients, it seems very unlikely that FLSPs will be able to offer fixed fees for anything other than the most routine of a family matters (which some lawyers now give a quote for in any event, such as a truly “uncontested divorce” (i.e. termination of the marriage, no minor children, no spousal support, and property equalization resolved by the prior agreement of the parties).

Many lawyers already quote a fixed for certain types of services that require a predictable expenditure of time; the problem is that family law *disputes* are generally not predictable.

Omissions From the Scope of Impermissible Activities in The Consultation Paper

Accepting for the sake of the discussion in the next few paragraphs that the *Consultation Paper* offers a good set of proposals, there are significant issues that are not properly addressed in the *Consultation Paper* in terms of FLSP “permissible activities”: cases involving the Office of the Children’s Lawyer, and in particular prepares a clinical investigation report; and cases with a claim for obtaining a restraining order under the *Family Law Act* s. 46.

The *Paper* explicitly provides that a FLSP should **not** be involved in a case where “expert evidence” is being introduced, including an assessment report prepared under the *Children’s Law Reform Act* s. 30. Given the complexity of issues related to expert evidence, this part of the proposal is sound, though it raises an important but unaddressed issue: What will happen in a case where a FLSP is providing representation and an application is made for the preparation of a CLRA s. 30 assessment? A FLSP will often be involved for some time before this issue arises. Can the FLSP provide representation on a motion about seeking an order for the preparation of such report, or to oppose such a request? Is there not an apparent conflict of interest if the FLSP argues against the preparation of such a report, or even advises a client about whether such a report should be sought?

Unmentioned in the *Paper* is the question of whether a FLSP can provide representation in a case where the Office of the Children's Lawyer (OCL) is involved, and in particular prepares a clinical investigation report, or a Views of the Child Report. Government-paid OCL reports are actually much more common than the privately-paid CLRA s. 30 reports,⁴ and this would likely be even more true for cases where one or both parents have limited resources and have a FLSP rather than a lawyer. The failure in the *Paper* to even mention this common issue is concerning. In my submission, the fact that one or both parties, or the court, considers involvement of the OCL appropriate, is indicative of high conflict; this should not be a "permissible" case for continued FLSP representation.

Another issue not clearly addressed in the *Paper* is whether a FLSP can be involved in a case where there is an application for a restraining order under the *FLA* s. 46. In my view, in cases where there is significant concern about violence, it is not appropriate for a FLSP to provide representation, given the complexity of these cases and the potential for harm to victims and their children. However, as I will discuss below, there may be scope for a new category of licensed service providers who specifically focus on assisting victims of domestic violence.

Finally, a broader issue that is not addressed in either the text or the detailed "List of Competencies" is how FLSPs should ethically deal with self-represented litigants. Already a challenge for lawyers and judges,⁵ especially in family cases, this is likely to be even more of an issue for FLSPs, and should be one of the topics explicitly addressed in the FLSP education program.

Why Lawyers Are Important for Family Cases

Although not explicitly addressed, the *Consultation Paper* raises fundamental questions about distinguishing between types of cases or legal services requiring the education, training and judgement of lawyers, and those which can be handled by paralegals, with less and considerably narrower education and experience. At present in Ontario, one can become a licenced paralegal with a high school education, upon completing a 55-week community college program, and passing the paralegal licencing exam. Under the *Consultation Paper* proposals, a further education program of about 6 months and a 3-month placement would be required to be a FLSP. Under this proposal, FLSP licensees could be dealing with challenging family law cases, including providing representation in court, at age of 20 with two years of community college education.

It is significant that in order to attend law school, obtain a law degree and be licenced as a lawyer, it is generally necessary to have an undergraduate University degree. Although the requirements of University degree programs vary, they all require development of analytical and critical judgement skills, as well as oral and written communication skills, and provide some assurance of a higher minimum age and level of maturity by service providers than the present FLSP proposal.

Experience in Ontario (and limited research) establishes that licenced paralegals can effectively handle cases that have a defined scope and relatively predictable path, such as landlord-tenant matters. Although these proceedings can great significance for the individuals involved, they are

4 Saini, Birnbaum, Bala & McCarty, Understanding Pathways to Family Dispute Resolution and Justice Reforms: "Ontario Court File Analysis & Survey of Professionals (2016), 54 *Family Court Review* 382 -397. "

5 See e.g. Bala, Hebert & Birnbaum, Ethical Duties of Lawyers for Parents Regarding Children of Clients: Being a "Child-Focused Family Lawyer (2017), 95 *Can Bar Rev* 557-589. "

often one dimensional, “zero sum” games. In contrast, family law cases are multidimensional, including a significant temporal element. The challenge of family law cases is that they often involve complex, inter-related issues, have an unpredictable nature and have potentially profound impacts. Issues in areas of law such as taxation, bankruptcy and criminal law often have implications for family cases. Further, family law cases, especially those involving children, have a significant temporal element and evolve over time. The advice that a family lawyer gives a client about future interactions with the other parent and their children can have a profound effect on the resolution of a case.

The list of subject matter competencies for FLSPs in the *Consultation Paper* identifies a list of “bite size” issues that, considered as discrete issues, likely could be dealt with by a paraprofessional without legal education. However, when multiple issues arise in combination and in the context of a dynamic process, they could overwhelm a paralegal. The inter-related procedural, evidentiary, substantive and human issues in a family case, even within the parameters set out in the *Paper*, can be very challenging even for an experienced lawyer.

It is not just discrete legal issues that need to be identified and assigned to a category of professional, but also their inter-relationships and development over time that need to be considered. While some family law cases can be addressed in a relatively mechanical way by a “technician”, many cannot, and it is often impossible to know how a case will evolve based on an initial interview with one party.

While it is clear that more should be done to ensure the lawyers providing representation and advice in family law cases are competent, they at least have the educational background to undertake self-study; that may not be true of paralegals in this area. It would, however, be appropriate for the Law Society to explore concerns that present regulations allow any member of the Bar to take complex family law cases without necessarily having taken a single course in family law and without any mentorship in the field.

Relationship of FLSPs to Family Lawyers

Although both the *Bonkalo Report* and the *Consultation Paper* identify issues that could be dealt with by a FLSP and those which require a lawyer, neither addressed the critical issue of the relationship or linkage between FLSPs and lawyers in the handling of cases. This is especially stark in the *Bonkalo Report*, which proposed that a FLSP could handle cases only up to a pre-trial, but never discussed how a case not resolved at an early stage would be transferred to a lawyer. The *Consultation Paper* also fails to address the critical issue of the relationship between FLSPs and family lawyers. Clarification of this relationship will be essential to protect clients, and will also have a significant effect for the proposed educational placements, a critical educational expectation for FLSPs.

Proponents of paralegals in family cases often use analogies to health care professionals, where there is a clear role for professionals who are not doctors in providing services without a doctor seeing the patient. There is, for example, an important role for midwives, who can deliver babies without a doctor being present. However, midwives consult with more qualified health care professionals throughout the course of a pregnancy, and have back-up available, especially in high risk situations. There are also very significant limits on the prescription of medicine by professionals who are not MDs. There need to be similar linkages and restrictions for FLSPs. The subject matter limits of the *Paper* are necessary as a clear “outer boundary” for FLSPs, but they are not sufficient.

In order to ensure that consultation and oversight is available when needed, for each case that a FLSP has, the FLSP should be required to have a clear, documented relationship with an experienced family lawyer (at least 3 year since called to the Bar and at least 1/3 of the practice being family law), who can provide consultation, and, if needed can take over all or part of the case. The FLSP and lawyer should have a clear contractual arrangement, which could be a partnership or employment relationship. The FLSP could also be an independent professional, with a relationship for an individual case (or more likely a series of cases) established by contract, with a negotiated fee arrangement.

If an independent professional, the FLSP would have to do conflict check with the lawyer at the start of the case. If the FLSP is acting within the scope of defined scope of services and feels competent to handle the case, there might be no need for further involvement or any responsibility for lawyer at the start of a case. The FLSP could, within the defined subject matter, proceed having sole professional responsibility, and resolve the case alone if court proceedings are not required. If, however, court appearances become necessary, the FLSP should be required to consult with the lawyer before the FLSP appears in court; the lawyer would then be able to assume responsibility if the case becomes more contentious or complex. Moreover, where issues are expected to arise beyond the scope of the FLSP, that lawyer should be required to participate in any substantive court attendances, including conferences, to avoid additional barriers or added costs to resolution, unless the litigant decides to proceed without representation.

Competencies: FLSP's and Contested Parenting or Serious Domestic Violence

The *Consultation Paper* offers a detailed list of proposed areas of subject competence for FLSPs, but this approach lacks nuance, as it is expected that either a FLSP can or cannot deal with the identified issue. In terms of subject areas of competence to act, for the initial consultation with a client and preparation of court documents (the navigator or triage role), the subject matter competencies in the *Consultation Paper* are a good list. However, regardless of the specific issues, a FLSP should be required to cease to act if it becomes a “higher conflict” case, in particular if

- (i) ! there are on-going concerns of domestic violence or abuse and/or the safety of spouse or child; or
- (ii) ! there is a significant dispute about parenting of minor children.

Relatively clear laws in Ontario govern the economic issues within the FLSP competence as proposed by the *Consultation Paper*, such as child support in less complex cases, but the *Paper* also proposes that a FLSP should be able to handle a case where there are significant parenting issues. In many cases, parents can make their own plans about their children without professional involvement, or can resolve their parenting disputes using mediation. It may be appropriate to have a FLSP prepare a consent court order that addresses parenting issues in a case, and, if necessary provide representation for child support and other less complex economic issues that are not resolved. However, if there is a significant dispute over parenting, which will often intersect with economic issues, a FLSP should not be acting without close lawyer supervision, or the case should be transferred to a lawyer. There can be significant risk to children from parenting orders and agreements that are not developmentally appropriate or expose them to high conflict, abuse, violence or compromised parenting

If there are significant on-going domestic violence or safety issues, which are often intertwined with economic and parenting issues, representation by an FLSP will not be sufficient to protect

victims or their children. On-going domestic violence or abuse concerns would exclude cases criminal charges are pending; FLSPs should be required to screen for domestic violence in all cases. As discussed below, there could be an important role for a special category of domestic violence licenced legal service providers, who would have different qualification and education than those proposed in the Consultation Paper for FLSP.

A FLSP should also be required to transfer a case to the lawyer if there a *real dispute* about the parenting plan or parenting order for minor children. The cases where there is a real dispute about parenting are higher conflict, greater complexity, and involve the interests of children. In those cases, a parent should be represented only by a lawyer.

While a FLSP should cease to act when it becomes apparent that there is a real dispute about parenting, many cases would still be within the scope of a FLSP, including cases where:

- (i) there are no children of the relationship;
- (ii) the children are no longer minors;
- (iii) the parents can make their own parenting plans, or use a mediator (e.g. court connected mediation) to develop a parenting plan.

Whether there is a “no significant dispute” about parenting will be evident in many cases at the start (e.g. no children or no longer minors). Further a FLSP could file initial court documents and have carriage unless or until a dispute over parenting is raised in the other party. Although this will mean that FLSP will not be able to act independently for higher conflict cases, this will be a significant number of cases with either no real contest (essentially an “uncontested divorce”), or there is only a contest over economic issues of limited complexity (within the boundaries set out in *Consultation Paper*).

Precluding or terminating representation by a FLSP in cases involving on-going domestic violence or parenting disputes may result in some litigants terminating involvement by any licenced legal professional and becoming self-represented rather than paying for the lawyer. It may also encourage those litigants to seek unbundled legal assistance from a lawyer at key points in their case. In such cases, the FLSP should be required flag issues for concern for the court. As at present, if a litigant cannot get Legal Aid and decides to be self-represented, the judge would have to resolve the matter, protecting the vulnerable as best possible, including trying to involve the Office of the Children’s Lawyer.

Representation in Court

The *Bonkalo Report* recommends a role for qualified non-lawyer paraprofessionals in the family courts. Allowing supervised law students and Law Clerks, as well as FLSPs, to appear on limited, defined matters in Family Court has the potential to reduce costs for litigants (and Legal Aid). The types of appearances might, for example, include procedural motions, and support variation and enforcement. The *Consultation Paper* addresses the role of FLSPs in court, but it does not mention the important role for law students and clerks in improving access to family justice.

The recommendation in the *Bonkalo Report* to expand the role of paraprofessionals, in particular law students, articling students and Law Clerks supervised by lawyers, has not been acted on by the courts or the Ministry of the Attorney General. Action on this should be a priority issue, even in no action is taken on the *Consultation Paper*. This will be important for Legal Aid Clinics as well as lawyers in private practice who employ law students and Law Clerks under the direct supervision of a lawyer.

The judiciary must be involved in discussions and planning for increasing the role of paraprofessionals in the courts. I believe that judges will find it more appropriate (especially at first stages of development) to allow a range of paraprofessionals to appear in Family Courts if they know that if there are concerns as a case is proceeding, there can be a lawyer involved who can address concerns or take over the case. In some cases, the concerns of a judge may be addressed expeditiously and informally, but the judge should be able to require lawyer to appear in court and take over the case rather than having a paraprofessional, including a FLSP, provide representation.⁶ This would apply to Law Clerks (who could be an employee FLSP), law students in Clinics, articling students and independent FLSP licensees. All of the paraprofessionals, including a FLSP, should be required to have a consultation with the lawyer before attending court for a client. However, in terms of professional liability and discipline, the FLSP would have at least some continuing responsibility for a case, unless there is a complete transfer to the lawyer.

Qualifications and the Education Program for FLSP

The *Consultation Paper* proposes only licenced paralegals who complete an additional educational program and a supervised placement should be permitted to become qualified FLSPs.

It is not possible for me to meaningfully comment on the details of a proposed educational program for FLSPs at this point, since the nature and scope of their responsibilities remains uncertain. However, it is clear that there needs to be an emphasis on development of skills and values, as well as transmission of legal knowledge. In particular, FLSP's need to be prepared to help facilitate settlements and make sound parenting plans, balanced with a concern about the safety and welfare of their clients and their children. In addition to education about domestic violence, which is addressed in the *Consultation Paper*, there needs to be a significant educational component that provide an understanding of the psychological process of separation and its effects on adults, and on child development implications of various post-separation parenting arrangements.

The supervised placement with an experienced family lawyer will be an integral component of the educational process; three months is not sufficient; six months should be a minimum, and a year would be preferable, though, as with articling students, the FLSP could be paid.

Priority for admission to any FLSP educational program should be given to those with language skills and an understanding of the cultural background of litigants who are members of communities that are at present under-represented among family justice professionals. Indeed, there should be active recruitment of such individuals to be licenced as FLSPs.

Consideration should also be given to having an educational program that would allow for qualified, non-legal family justice professionals, such as certified mediators and clinical investigators employed by the Office of the Children's Lawyer, to become licenced FLSPs.

⁶ This recommendation is that a judge should have the authority to require representation by the lawyer involved in a case, rather than the FLSP. Of course, a litigant will still have the right to decide to proceed self-represented, and, subject to the *Rules of Professional Conduct*, the licensee would have the right to withdraw from a case, including if fees are unpaid. Although not within the scope of this brief, I believe that the *Family Law Rules* governing withdrawal of a licensee from representation should be made less rigid; this would help address access to justice issues by facilitating limited scope legal assistance and representation.

Many of these professionals, with their understanding of the dynamics of separation and parenting issues, and basic familiarity with the justice system, could, with appropriate added legal education, be very well suited to being FLSPs, and might have a different route to licencing than that proposed in the *Consultation Paper*.

Special Family Violence Licenced Legal Service Providers

Cases that raise serious family violence issues are very challenging, even for experienced family lawyers. Victims of family violence, especially those from immigrant and indigenous communities, often have difficulty in getting culturally sensitive legal advice and representation.

Although not addressed in the *Consultation Paper*, there would be real value in having Family Violence Licenced Legal Service Providers who have worked in the domestic violence field and have undertaken appropriate legal education, but not necessarily been licenced Paralegals. Arizona is in the process of establishing a pilot program to have workers with a background in the domestic violence field undertake a special legal education program and be licenced to provide defined legal services to victims of domestic violence, provided that the services are provided without charge to the clients.⁷ These services are likely to be provided by experienced workers from shelters, who have had a special legal education and training program focused on the legal needs of these clients. This type of a pilot program should be undertaken in Ontario, though consistent with the recommendations in this brief, there should be on-going supervision by a lawyer for these cases.

Conclusions

There is clearly a pressing need to address issues of lack of access to family justice. The proposals in the *Consultation Paper* to have paralegal Family Law Service Providers licenced to provide advice and representation with a defined scope could well have a role in addressing the crisis of access to family justice. However, there has not been any research or use of such an approach in any other jurisdiction. A careful, staged implementation as well as monitoring and evaluation of implementation of any such a proposal is necessary.

Litigants who are to be represented by FLSPs face the most significant risks, but the court system and the paralegals themselves will also have costs if the experiment is not successful. As recommended in this brief, there should be a requirement for a clear relationship between FLSPs and family lawyers; this will not only serve to protect litigants, but also to assist the courts and paralegals.

A staged implementation could see an educational program being developed by an Ontario community college or university, with 25 to 40 students a year for 2 to 4 years, and then an assessment by the LSO and Ontario government of whether the program should be continued, expanded or ended. The judiciary must be involved in development of the details of any such proposal, and there must be careful, on-going evaluation.

Another relatively inexpensive and very-low risk measure that the LSO should undertake to

⁷ Report to the Arizona Supreme Court Task Force on Delivery of Legal Services: Designing a New Tier of Professional for Domestic Violence Survivors <https://law.arizona.edu/i4J> (2019)

address access to family justice issues is to assume responsibility for the Family Law Limited Scope Services Project as part of its Lawyer Referral Service. The groundwork for this Project has been done, and there is on-going program research and evaluation; however, the Law Foundation funding will soon run out. The LSO should continue this project.

Another measure that the LSO should consider in order to improve access to family justice is to amend the *Rules of Professional Conduct* to allow a lawyer who is a certified mediator to provide legal information to both parties, draft their agreement and file documents with a court to obtain a consent order, provided that they do not have and waive independent legal advice. While only appropriate for low conflict cases where the lawyer-mediator is satisfied that the parties both understand the consequences and waive their right to independent legal advice, if the lawyer-mediator considers this appropriate, it would reduce costs, facilitate “good divorces,” and improve access to family justice. This is permitted in some American states. Although the experience in those states should be studied before this type of reform in Ontario (which would require a change in the *Rules of Professional Conduct*) is undertaken in Ontario, it would be a less dramatic reform than the FSLP proposals in the *Consultation Paper*.

#251

Please enter your first and last name	Cheryll Harris
Email Address	charris@lawyer.com
Please make a selection below	I am a lawyer
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Sole practice
Practice area focus:	- Family /Matrimonial Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

No. The issue is whether paralegals will charge fees that are "affordable". If they charge fees akin to lawyer's fees, this will not support access to justice who cannot now afford to retain a lawyer.

The issue of paralegals' "competency in providing family law legal services" will be addressed in one of the questions following.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Not sure what this question means.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

No. The proposed amount of training for paralegals is insufficient; i.e. 6-8 months of training with 20 instruction hours per week, full time; and one (1) year of training with 10 hours per week, part-time.

Lawyers typically have to do seven years of training, if one includes a 3-year under-graduate degree plus 3 years of Law School, and one year of articling, followed by the Bar Admission course.

Another competency that should be considered and required as part of the training is proficiency in the English language, especially written. Some paralegals do not have a good written command of the English language, which is not limited to those whose first language is not English.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

More hours from Legal Aid Ontario.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

No. Please see my response to #3 above.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

10 years practicing as a paralegal. A longer placement than 2-3 months should be required. Lawyers currently have to article for one year, prior to doing the Bar Admission course and examinations, and being admitted to the Bar.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

A placement period of one (1) year (akin to articling) in a law firm; along passing a written examination following the placement period.

Please also see my response in #6 above.

Field placements could be with family lawyers.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes. They should have to do a minimum of 6 hours (of the 12-hour requirement) of Continued Professional Development in family law.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

If they complete the training and placement recommendations in #'s 3, 6 and 7 above.

No.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Lower fees; and the knowledge that FLSP's are as competent as lawyers to provide legal services.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Not sure.

12. Are any aspects of the proposed licensing framework unfeasible?

The amount of training and placement time are insufficient.

13. Is there additional information or are there other factors that should be considered?

1. Paralegals (FLSP's) should have to pay the same amount of insurance as family lawyers currently have to pay;
 2. Lawyers who primarily serve low-income households should not have to pay double in LSO fees as compared to LSO fees paid by paralegals.
 3. If paralegals (FLSP's) are sued for negligence in a family law matter, this should not affect the insurance rates of family lawyers.
-

#252

Please enter your first and last name	Sugunaraj (Raja) Kanagarayar
Email Address	rms_consultants@rogers.com
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	Yes
If you indicated 'Yes', please tell us which organization or association you are representing:	Raja Kanaga Professional Corporation
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)
Upload a File	call for comment law society.docx
Scope	
Competence	
Training Program	
Other Components of Licensure	
General	

Paralegals were only granted their license in 2008. However, the public along with judges and lawyers have the confidence that paralegals can succeed in family law practices because.

- Prior to 2008, many of the paralegals were familiar with family law practices, such as simple divorce, and custody agreements.
- After 2008, licensed paralegals began appearing in front of the tribunals hearings to present their cases with evidence, cross examinations, and appear in small claims court, motion hearings, and trials. This includes summary conviction criminal trials, crown pre-trials, juridical pre-trials, and appeals. While participating in trials, paralegals are required to provide opening and closing statements and identifying and raising preliminary issues.
- These processes are very similar to those in family law practices in terms of how interviews are conducted with clients, representation of ethics, retainer agreements, and many are well experienced into negotiations, mediations and arbitration. This started from the LAT (License Appeal Tribunals), small claims court, WSIB boards, bail hearings, and many other tribunals.
- The timelines of filing documents and deadlines are similar with family law practices.
- The rules and procedures for other areas of law are the same, including processes related to filing evidence and adhering to filing deadlines leading up to the official trials remain similar in family law.
- Paralegals gained first-hand experience by working on other legal cases. With this experience they have the ability to work on family law independently from a lawyer.
- The paralegals who are interested and able to practice family law, maybe allow the Law Society to increase their membership fees for paralegals who choose to practice family law. The paralegals who choose to practice family law can be charged a fee for liability insurance if they do not already have a policy that encompasses this practice.
- Also implementing a Family Law Certificate program to educate on family law. After completing the program paralegals must report a minimum 6 hours for CPD for the following three years.

Due to this relevant experience which are similar to lawyers' practices, paralegals are eligible and qualified to practice and represent in family law individually and not necessarily under lawyers.

#254

Please enter your first and last name	Leah Jones
Email Address	Smartchoicepl@gmail.com
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	Yes
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Sole practice
Practice area focus:	- Ontario Court of Justice - Provincial Offences Act matters - Small Claims Court matters
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes

Paralegals are helpful when a client wants to cut the legal costs associated with their matter. They can help navigate the client through filling out forms and procedures required

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes

A paralegal's costs are much lower than most lawyers' costs. With most paralegals being home based our overhead is lower also. This brings more business to a paralegal who has experience and raising their yearly income would be a benefit

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Yes

The proposed competencies would ensure the appropriate level of competence.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Allowing paralegals to assist in navigating the system in uncontested family matters and preparation of documents for family court matters.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

Yes

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

I believe paralegals should have a year's experience when applying for the Family Legal Service Provider.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

Certificate Program approved by the MTCU with field placement in a law firm, FLIC office, Family Legal Clinic

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Yes, Law Clerk should be eligible

No! I do not agree that other groups should be considered

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

I work from a home office and with a flexible time Limited Scope Retainers, Flat Rate Fees

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes

12. Are any aspects of the proposed licensing framework unfeasible?

No

13. Is there additional information or are there other factors that should be considered?

It is an asset to having paralegals assist people in navigating the legal system as it will speed up the court process and access to justice.

#257

Please enter your first and last name	Greta Francis
Email Address	greta1melba@gmail.com
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Sole practice
Practice area focus:	- ADR/Mediation - Landlord and Tenant Law - Ontario Court of Justice - Provincial Offences Act matters - Tribunals
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

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Scope

Competence

Training Program

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?
Education that is only attained through the Law Clerk Program, working knowledge and experience, self competency, empathy..

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Yes, law clerks should be eligible for the Family Legal Services Provider licence.

No.

General

November 24, 2020

Greta Francis – Toril Professional Legal Services

SUBMISSION: FAMILY LEGAL SERVICES – Call for Comment:

LAW SOCIETY OF ONTARIO (LSO)

As a licensee who holds a law clerk diploma and have under taken the full scope of that program, that included Family Law, it is my view that those of us holding the credentials should not have to undergo another round of Family Law courses or to write another Law Society of Ontario (LSO) licensing exam. I believe that this should be grandfathered in.

However, I am in agreement that, Law Clerks that are interested in providing Family Legal Services should write the Law Society of Ontario (LSO) licensing component.

It is my opinion that licensees who have not attained a family law education be required to so, exempting those licensees who holds those credentials, as well as those who has gone on to further enhanced their experience and working knowledge in the areas of Family Mediation and continued ADR.

While I suspect that not all paralegals would be interested or have the desire to provide Family Legal Services (FLS), the question then becomes “how many paralegals that are licensed is interested in this area of Law”? This is what the Law Society of Ontario (LSO) should be asking its members.

I submit that the Law Society of Ontario (LSO), look within each licensees file and extract those members who already possess the necessary qualifications, thereby, separating them from the masses, and be properly informed as to how many of its members needs to take the required steps necessary, if they want to practice in and provide Family Legal Services in Ontario.

Family Law is not a standalone course, as it is more in depth with other courses leading up to the family law component.

Lawyers are not required to write a separate license on other areas of legal services they wish to provide, so why are paralegals required to write an additional license? Did any of them know how to put a file together; no, it was the job of the law clerk. Yet, lawyers are permitted to have full advantage of the scope.

How does the Law Society of Ontario (LSO) know whether or not we are competent, if we are not given the same opportunity. Yet, “lawyers”, competent or not is given the unilateral scope of full practice.

Does having a “Law Degree” tell us that lawyers are more qualified than some paralegals? The answer to that is “no”. Lawyers sees us all as the same, failing to realize that some of us are very well educated, perhaps, more so than some of them.

In the words of Ian G. Wilkinson, from his article “Paralegals are separate and distinct from the lawyers and should be put on equal footing, not manipulated by the lawyers’ guild for their interest”.

It is my opinion that lawyers seem to have more input as to how broad a scope paralegals should have than our governing body.

Yet with all of my legal education, working knowledge and experience in residential real estate, estate law to name a few, I am still not permitted to venture into those waters by the Law Society of Ontario (LSO). Talent gone wasted and unused.

Upon graduating from Humber College in the spring of 2012, I returned to further complete the two remaining courses in Family Mediation and Labour Employment Mediation/Negotiations, where I earned a certificate upon completion of those two courses, in the fall of 2013 completing all the requirements for ADR.

I have the qualifications, experience and working knowledge of handling a divorce file from start to finish, including but not limited to Custody and Access, and Net Family Property (NFP).

As I am most interested in providing Family Law services, I have taken the necessary steps to continue furthering my education and knowledge by taking the course with Riverdale Mediation and 393 Mediate; Violence against women and intimate partner violence.

In my opinion, this should be included as part of the discussion. As it stands right now, paralegals have not been given a fair advantage in this profession to adequately and fairly earn a decent living wage. In my opinion paralegals are disproportionately displaced in the living wage gap.

In my view paralegals are being told to hang “two different licenses” on their wall. I find this to be quite insulting, and screams “the LSO does not trust the competence of paralegals. I strongly object to this two-tiered system and of paralegals having to hold two licenses in order to provide Family Law Services.

There is a huge inequity gap, in my opinion, between paralegals and lawyers, not to mention being oppressed and inequality. While the Law Society of Ontario (LSO) have to uphold competency, professionalism and public trust, are all lawyers competent in the handling of a divorce file? I would suspect “no”.

My paralegal license speaks for itself and an approval letter from the AGO, MAG and LSO giving me those powers to provide Family Legal Services (FLS) in Ontario, and be exempt from a two-tiered licensing system. The underprivileged has been denied access to justice for far too long.

In my view, it is time that our governing body shows paralegals more respect and not to be treated in an uneducated manner, as that is the way we are already viewed by some lawyers. Everyone is fighting for equality does it not apply to the legal profession?

The only difference between us is; “lawyers” are called to the “Bar” however, I too attended law school at Humber College, and would not have anyone including our governing body diminish that.

The LSO is in possession of my Academic achievements as my Law studies were taken concurrently. I would therefore, be happy to provide additional proof of other certificates to the Law Society of Ontario (LSO).

I am a member in good standing with the Alternative Dispute Resolution Ontario and Canada.

In conclusion, I decided whilst in my final semester of the Law Clerk Program, to continue into Paralegal Law, because of my love for the law, while working for the Province of Ontario, and so here I am, a licensed paralegal unable to truly help those who needs it the most, because of the failure of our governing body to adequately provide for and grant Paralegals a broader scope in practice areas.

I am, therefore, asking our regulator to do the right thing in allowing those paralegals who holds the right qualifications and training, permission to provide Family Legal Services in Ontario, and to refrain from ordering those qualified individuals from writing another licencing exam for Family Legal Services.

As a paralegal I have not been able to earn a decent living wage, since being licensed and am seriously contemplating if it is worth the headache of keeping my license or to surrender it as this is not a level playing field.

#258

Please enter your first and last name	Sharon Couvier
Email Address	scouvier@hotmail.com
Please make a selection below	I am a member of the public
Are you a self-represented litigant?	Yes
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Upload a File [S Couvier submission Nov 29, 2020.pdf](#)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

If it covers assistance with divorce, custody and access and separation agreements, then definitely.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

If it includes my references in Question #1 then I would think so.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

I am not qualified to comment on this.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Knowledge of mediation and negotiation. Knowledge of the court process. Knowledge of divorce, custody and access. Knowledge of separation agreements. The ability of paralegals to assist with all of the above would help access to affordable competent family law services in my opinion.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

I honestly can't comment on this as I am not qualified and I would think that if the Law Society is proposing this and the community colleges are doing the training that the learning outcomes and length of the program would be sufficient.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Experience in court speaking to a Judge on behalf of someone. Experience completing legal documents for any court proceeding. Experience working actively with clients and being able to effectively communicate with clients and identify their needs. Experience negotiating settlements in a court.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

See Question #5 answer

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

See Question #5 answer

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

I am not qualified to answer.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Qualifications and fees other than a lawyer's. A business person who is willing to openly communicate with clients on a layperson level. A person who is willing to coach a client and assist the client in self representation when the client can't afford to. Lawyers don't communicate with clients effectively, are intimidating and seem to only be interested in high money billings.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

I am not qualified to answer this.

12. Are any aspects of the proposed licensing framework unfeasible?

See answer to Question #5

13. Is there additional information or are there other factors that should be considered?

People should have an alternative to lawyers. Many people can't afford lawyers. I have 6 friends that had to take out mortgages on their homes to pay their lawyer more than \$50,000 and that didn't even take them to settlement or the end of a trial. They all ended up representing themselves after they could no longer pay.

November 29, 2020

Dear Sir or Madam:

Re: Answer to the Family Legal Services Provider Review

I am a mother and divorcee who did not qualify for Legal Aid and could not afford a lawyer. My perspective is unique. A family member was a Paralegal with previous Law Clerk education and training prior to regulation by the Law Society. I was assisted in the confusing and complicated proceeding including:

1. Preparing, serving and filing documents;
2. Explaining the procedures to me, elements of proof and evidence I would need to produce;
3. Teaching me to remove my emotion in order to comprehensively present my case to the Judge.

My ex-husband had a lawyer. We settled out of court without a trial. My ex-husband bore all costs of the separation agreement.

I was happy with our settlement, however, I know that if I had been left on my own and forced to represent myself I would have been unable to navigate the forms and Family Law Rules without my family member's assistance.

Later, when my daughters were adults, my family member assisted me in completing all forms for my undefended (uncontested) divorce. A lawyer quoted \$2500.00 for this service. It took my family member and I a total of 3 hours to see the divorce through from start to finish. My family member told me that it isn't the lawyers in the office who process the undefended divorces — it is the law clerks. I encourage you to please grant paralegals this scope of practice.

I was one of the lucky ones who had a Paralegal to assist me. I pray for those who fall into the same financial category as I did and must represent themselves.

Sincerely,

Sharon'Gou"er

Sharon Couvier

#259

Please enter your first and last name	Anonymous Anonymous
Email Address	anonymous@gmail.com
Please make a selection below	I am a member of the public
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes. Most lawyers charge too much for simple paperwork. A divorce is only a max 20 page document. I like the required training hours for cases involving abuse because they seem to not care if a woman has been abused. They just call the man "immature" when really, it's a complex dynamic of abuse.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes by advertising the lower price for straightforward cases.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

The complexities of abusive relationships.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Restraining orders to keep the abuser away. It shouldn't take \$5000 or a month to get a restraining order.

I would like current paralegals to be able to be licensed, not just new grads, so people can have access to justice promptly and not wait another year.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

They need to spend time working in a shelter supervised by a lawyer so they can understand how hard it is for people leaving relationships.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Shelter, CAS, CCAS, homeless shelters

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

See number 6 and work in the legal aid office

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Absolutely.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Yes to law clerks. No to social workers because they don't know the law as well as law clerks and paralegals and aren't trained to think in the same way as legal professionals do.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Approachable, understanding, empathetic. Be available virtually / via phone call. Sign documents electronically. People have to keep working to pay their lawyer so they can't take tons of time off work for something that happens to 50% of marriages. Have monthly plans available for simple cases and one for complex cases. Then drop them if they can't make the monthly payment. Make sure you can take their house when they foreclose on their mortgage. It seems like family lawyers look at how much your house is worth and base their strategy on that. If you only have \$100,000 left to pay on your mortgage you bet these slime balls are going to make you and your ex hate each other and make lots of money doing it!

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes but you need more ethical practices so people can still afford things and move on after the divorce. Why are so many people bankrupt after this type of litigation?

12. Are any aspects of the proposed licensing framework unfeasible?

I don't think so.

13. Is there additional information or are there other factors that should be considered?

Have a Psychologist available in the same office to help people cope with this major life transition which has multiple effects. Social workers can't diagnose and they don't have the same training as psychologists. Make their fee part of the monthly plan. Take payment by credit card.

#260

Please enter your first and last name	Cameron Priske
Email Address	itscameronpriske@gmail.com
Please make a selection below	I am a member of the public
Are you a self-represented litigant?	Yes
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Upload a File	Cameron Priske Law Society letter Nov 2020.pdf
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Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?
Yes, please see my letter attached.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?
Yes. Please see my letter attached. Paralegals used to assist people in family law in viable, successful businesses.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?
I would trust that they would if the Law Society developed the competencies.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?
Simple divorce, representation in custody and access, negotiation of separation agreements, assistance with support and access variations and name changes.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.
I would trust that the Law Society would ensure this.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?
Experience in:
Representing people in Court
Dealing with clients
Running a business
Mediation and Negotiation
Filling out Court forms
Teaching or coaching people

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?
n/a

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?
n/a

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?
It would be helpful if a Family Legal Service Provider had experience as a law clerk or paralegal with court forms and dealing with clients and working with the Law Society because the Law Society has a lot of regulations, especially who can give legal advice (see my letter attached)

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)
Practical thinking and ability to relate to the layperson (see my letter attached). Affordability and flexible billing with different options for a client to choose from. Lawyers are too expensive for the average person.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?
I don't know.

12. Are any aspects of the proposed licensing framework unfeasible?
From what my paralegal friend has told me, no.

13. Is there additional information or are there other factors that should be considered?
PLEASE read my letter attached!

November 25, 2020

To Whom it May Concern at the Law Society of Ontario:

I am a Father of 2 biological children of the same mother and 1 child who I've acted in the place of her natural Father of that same mother. I have paid more than \$25,000 to a lawyer over the past year and will have to pay more to have my matter settled as my daughters' mother, my previous common law spouse, is a proven alienator (as referenced by my lawyer who is a specialist in parental alienation). I am a business manager for a large Canadian company earning approximately \$100,000 per year and with rent, car payment, child support, child extracurricular expenses, child daycare expenses, groceries, gas, and other necessities for myself and my daughters when they see me 50% of the time, I can only pay my lawyer's fees now with family loans. I have no extra funds to pay the \$650 per hour my lawyer charges and can't go to a lawyer who isn't experienced in parental alienation. I don't know when family assistance will run out and I'll be forced to represent myself.

When the mother of my non-biological daughter separated from her husband she accused him of sexually abusing her daughter at 18 months of age (I was her friend at the time and had been for 11 years) and made numerous police and Children's Aid reports. All the investigations were either ruled inconclusive or negative, in favour of the father. The mother then got a lawyer and fought hard for sole custody, restricted visitation and consistently denied access to the father claiming the daughter was ill. When the father had paid over \$55,000 to his lawyer by selling his house of two years, with an income of only \$55,000 per year, he gave up. As a side note, I should have run for the hills, but I felt sorry for her and believed her lies at that time and entered into a common law relationship with her when the daughter was two years' old.

We were together for a year and I assumed the role of father to her daughter. She was very controlling of who saw her daughter and had to have the final say in any visitors or babysitters. After one year together we became expectant with a baby and had my first biological daughter nine months later. At all times I was a very active father and we became expectant another 18 months later and had my 2nd biological daughter nine months later. At this time our relationship was very insecure. The girls' mother was very possessive of the girls and very negative towards all contact I had with them. She was also very unreasonably insecure (eg wouldn't let them ride bikes in case they got hurt).

I left the relationship when the baby was 3 months old. I tried to stay, but the atmosphere was not good for the girls and I figured with 50% access I could provide them with a secure, happy home. I paid the child support my ex demanded immediately and never missed a payment. This was because a good friend of mine was a paralegal and had worked in family law in a law firm for many years prior to becoming a paralegal. She was adamant, as was another paralegal friend, that she could absolutely not give legal advice to me because the Law Society would take away her paralegal license. Well the BEST advice she gave me, legal or not, was to pay child support according to the guidelines and never miss a payment no matter what. My ex denied access to me from March, when I left, until May, when my paralegal friend told me to see a lawyer who was a specialist in parental alienation. I saw the lawyer and had sporadic access by June every other weekend (only 4 days per month). My ex was unwilling to go to mediation or arbitration so my lawyer advised a court proceeding. I wanted to try to keep fees down and kept trying to negotiate with my ex. The courts take a long time to hear cases. By Christmas I had 4 days per month and a week at Christmas with the girls. When we were due in Court at the beginning of 2020 Covid hit and my ex denied access for three months while the girls lived with her mother. I paid the lawyer \$20,000 and now, have temporary 50% access and had the equivalent of 3 weekends of the denied access made up over the summer. The girls live with their maternal grandmother while my ex is at work and should be with me. This will be what the next court hearings focus on. I've paid \$25,000 and anticipate another \$50,000 more before this process is finished. Apparently I'm lucky because my lawyer is a specialist and was able to be proactive and one step ahead of my ex every time she "played any games". It has been awful and my girls are at the point where they cry when I have to take them back to their grandmother's house.

My paralegal friend attended every lawyer's appointment with me. She attended the court hearings and talked with my lawyer and I explaining what my lawyer was saying in layman's terms. I still can't understand why my lawyer can't speak in layman's terms, but I gather this is to make me think that he or she knows things about the legal process that no layperson would understand so he can keep billing a lot of money for the process.

My ex and I split all property in the beginning. We agreed to support in the beginning. The only issue is custody and access. I have NO choice but to retain a lawyer or represent myself. I am well educated and have a successful career, but I wouldn't dream of representing myself in court. Like my paralegal friend says, "the emotions are too high". Why can't my paralegal friend represent me Law Society? Why does she have to be fearful of any statement and make sure that the lawyer is present whenever she says anything? She is the ONLY reason my lawyer fees aren't double, because with my lawyer present she paraphrased and asked the lawyer pointed questions (to which my paralegal friend knew the answers) so my appointments could be short, concise and save me money. The Law Society not allowing good, educated, competent, ethical paralegals to

assist laypeople in family law isn't right. I am just very fortunate I have a good friend who is very careful in what she says so she can't be disciplined by the Law Society and I have a lawyer who will allow her to assist in this way in the process.

My girls will be okay after this harrowing ordeal and luckily they're young so they won't remember the hatred their mother spewed towards me. Yes, they come to me and asked why mommy said she hates me and it's bad for my daughters to be with me. It's almost over because the courts have been hearing my matter on an "emergency basis" and I understand this because my paralegal friend forwards me the court updates in order that she is not giving me legal advice. Again, this isn't fair.

Please grant paralegals the right to represent people in simple divorce, separation, custody and access proceedings. My lawyer has told me I'll keep paying full child support to demonstrate good faith for a few years and then, with 50% custody demonstrated, I'll be able to apply for a variation of that one day. Please grant paralegals the right to represent in variations also.

If my family financial support runs out I'll have to represent myself in family court. My ex represents herself and puts up my lawyer's bill by calling my lawyer and wracking up my bill. She delays the court process with her lack of knowledge. If I had a paralegal to represent me, and she had a paralegal to represent her, the court would be quicker, on point, and less costly for both of us financially and emotionally. My paralegal friend told me she charged clients \$125 per hour for family matters and that would be her rate if the Law Society allows paralegal representation in family matters. She would also provide coaching services to people who can't afford that amount and are forced (or want to) represent themselves.

Letting paralegals represent in family law would save time and money for people and time and money in court. The government would also reap the benefits of this savings.

Sincerely,

Cameron Priske

#262

Please enter your first and last name	Sandra Kudla
Email Address	skudla@rogers.com
Please make a selection below	I am a member of the public
Are you a self-represented litigant?	Yes
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Upload a File [S Kudla letter to Law Society.pdf](#)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes. See my letter attached please.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes. I know paralegals who have all said that this would be a viable business venture. See my letter attached please.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

I believe so from what I've read in the Consultation Paper and compared to my own family law matter. See my letter attached please.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Divorce
Separation Agreements
Custody
Access
Child Support
Spousal Support
See my letter attached please.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

Yes. See my letter attached please.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

A Family Legal Services Provider should first be a licensed paralegal in Ontario.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

See my letter attached please. This details all I can answer as to this question.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Annually, yes.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Only if they are a licensed paralegal first because of insurance implications.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

See my letter attached please.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

I can't answer this.

12. Are any aspects of the proposed licensing framework unfeasible?

No. See my letter attached please.

13. Is there additional information or are there other factors that should be considered?

Yes. See my letter attached please. People need an alternative to lawyers! Some of our cases really aren't involving millions of dollars or domestic abuse. We're ordinary middle class people who can't afford lawyers, or don't prefer lawyers, and would like an alternative.

November 29, 2020

To Whom it May Concern:

My name is Sandra Kudla. In the 1990's I had two young children and went through a separation and subsequent divorce. I am an educated, middle-income earner who, at that time had a successful career, and continue to have a successful career. At the time of my divorce I was earning approximately \$70,000 per year.

I hired a lawyer in the beginning of my separation to assist with division of property (a house and retirement savings), custody, child support and access. My ex-spouse had a lawyer representing him. My lawyer not only made critical errors in my case, but didn't respond to letters or phone calls in a timely manner (sometimes not at all) and certainly didn't keep me informed of what the progress of my case was. I didn't understand what was happening and because my ex-spouse was an alcoholic, I was terrified of not having sole decision making and full custody.

I called a friend one evening who was a paralegal at that time and assisted people with divorces in which there was no "fighting" between the couples. She explained the process, looked over some documents and helped me "get on track" with negotiating settlement with my ex-spouse who had fired his lawyer, and drew up simple divorce documents with which we both agreed. Her fees were \$100 per hour as opposed to my paying \$250 per hour for my lawyer who may have caused me to lose all of my rights and not seen the best interests of my children were ensured.

I am in favour of paralegals representing people in family law. The proposed two years' of paralegal education, subsequent licensing and additional one year of schooling with an internship, and subsequent FLSP licensing, exceeds what would be necessary for an experienced paralegal to represent people in the average family law proceeding dealing with separation of property, custody, access, spousal and child support, and subsequent divorce. My paralegal and I have now been friends for 48 years, and I've only seen her act in a very competent, ethical manner with clients in Small Claims Court and in other matters she is permitted to act in on behalf of clients.

Lawyers are intimidating. Any lawyer I have met, including friends, are very focused on billings and fees, and understandably so with the large overheads they must cover having fancy offices and multiple staff. My paralegal friend works out of a professional office in her home, believes in a client centered relationship where the client is involved

and proactive in his or her case to keep costs down. This is in the best interests of the client and makes the client feel secure understanding the process.

I sincerely believe that it is time that the lower and middle income earners in Ontario have an option to lawyers in family law as they do in landlord/tenant law and Small Claims Court. The paralegal I know is genuinely interested in her clients, not intimidating and is more approachable to lay people.

If you have any questions you may email me at skudla@rogers.com.

Yours truly,

S. Kudla (electronically signed)

Sandra Kudla, B.Sc.

#264

Please enter your first and last name	Rudolph Thompson
Email Address	Jr1thompson@yahoo.ca
Please make a selection below	I am a member of the public
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central West, including Bruce (Walkerton), Grey (Owen Sound), Dufferin (Orangeville), Wellington (Guelph), Peel (Brampton), Halton (Milton)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes... more accessible

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes ...

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Yes

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

Yes

Other Components of Licensure

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

One year

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Yes

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Accessibility

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes

13. Is there additional information or are there other factors that should be considered?

Yes

#267

Please enter your first and last name	Peter Robertson
Email Address	peter@kdalaw.ca
Please make a selection below	I am a paralegal
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Medium firm (6-199 licensees)
Practice area focus:	- Family /Matrimonial Law - Wills, Estates, Trusts Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)
Upload a File	submission_personal.docx
Scope	
Competence	
Training Program	
Other Components of Licensure	
General	

FLSP Licence Consultation

I do not believe the plan as presented will address the specified goals or provide an overall benefit to the public.

FINANCIAL ISSUES

The underlying rationale for the proposal is that the number of self represented parties is too high in the family system.

The presumptive reason for this in the proposal, without any clear evidence, is that the cost of a lawyer is prohibitive and this is the primary factor in the number of self represented parties. A further leap is then made to assume that paralegals can offer a more cost-effective service in family law.

There is no clear evidence to suggest that allowing paralegals to practice family law will offer clients more cost-effective legal representation.

In our geographic area, lawyers typically offer fee structures anywhere between \$120 an hour and \$400 an hour. In addition to the standard up front retainer method of billing we frequently offer limited scope retainers, payment plans and deferred payments (e.g. awaiting sale of a matrimonial home). We do not believe paralegals will be able to offer a cheaper alternative. Even if they can offer a lower hourly rate, for which there is no evidence, our concern is that the public will then pay an overall increased cost in dealing with paralegals as there could be more time spent on their matter offsetting any lower hourly rate benefit. The cost to the client is also more than the hourly rate, including considerations such as

- a. the emotional burden of going through family transition;
- b. the time taken off from work to attend at court or with a lawyer;
- c. the outcomes (both substantive and with respect to costs awarded for or against); and,
- d. the change to their lives as arising from the outcomes.

We do not see it as being realistic to expect that the average paralegal practitioner will offer an overall outcome commensurate with average lawyer representation.

There is a threshold income the paralegal will have to generate in order to be a viable business model. We do not believe that they can offer services at a price lower than lawyers in our area accommodate, either through legal aid or the adjusted fee plans as set out above.

The numbers of paralegals who drop out of practice is comparatively very high to that of lawyers. Combined with the issues with the scope of practice set out below, the number of counsel changes is going to be increased and the overall cost for the consumer will correspondingly increase.

The rationale behind the plan is flawed and the primary benefit the plan hopes to achieve will not be achieved.

SCOPE OF PRACTICE

The plan and scope of practice is very ill conceived, unclear and without logical basis in many parts. For example, the differentiation between a marriage contract and a separation agreement, with the former being more restricted in the proposal than the latter. If anything, a separation agreement is a far more difficult domestic contract due to potential issues with domestic violence, power imbalance between the parties and the high emotions of the parties that are normally intrinsic in a separation.

The plan also completely fails to address that a Family Law lawyer must be adept in multiple areas of the law to provide a complete and adequate service. In addition to parenting and support issues, the areas of law concerning real estate, trust law, civil claims pertaining to domestic violence, estate planning, pensions and employment law can all factor in to a family law case.

Many of the lines of practice are vague and nonsensical. The line in the proposed scope of practice is not ascertainable at the outset of a case. For example, requirement for an expert witness is often hard to determine. Cases also evolve as they progress. The plan will result in massive wasted legal expense by the public as their representative cannot continue their file. The lines drawn are also confusing and not based on any practice or legal realities we can discern. If the plan is to proceed it would make more sense to have a clear and bright line for what the provider can and cannot do that can be easily ascertained at the outset of a case, otherwise the plan will certainly fail.

LEVEL OF EDUCATION AND TRAINING

It takes most lawyers at least three years of law school followed by 10 months of articling to even begin to be competent. Most require years more of mentoring to be viable in practice. They have the advantage of the time they take in their articles (usually 10 months) to gain exposure to as many different file types as they can. It is unrealistic that an FLSP could possibly gain enough exposure to the law from a 6 month or 8 month or even 12 month academic program and a brief placement. A shorter schooling period should require a correspondingly longer period of articles or mentorship from an experienced family law practitioner. At the very least, a 10 month articling program following completion of the academic program is required. Longer if the schooling requirement is only 6 to 12 months in duration. The supervision during the articling program can only be provided by a lawyer having at least 5 years of experience working in family law (similar to the current requirements of articles for lawyers) because other non-lawyer licensees have not been permitted to practice in family law to date and therefore have no meaningful way to supervise the FLSPs development.

OTHER REASONS FOR THE PROPOSAL

When initially consulted on this plan during the term of the last Liberal Provincial Government, our Association was told by the LSO representative that we had to proceed with the plan otherwise the Provincial Government was going to enforce the change upon us in any event via legislation. This is no longer the case, we have spoken to the office of the Attorney General of Ontario and they are not invested in this plan, stating it is an entirely LSO driven plan.

The LSO is looking at heavy investment into a flawed plan that will not produce the stated goals.

PROPOSALS

We would strongly encourage an alternative approach, in matters proceeding to Court, Paralegals, articling clerks and law students should be allowed to practice in family law under the supervision of a lawyer named on the Court record. Out of the Court situation, the FLSP could, without supervision, assist parties in the drafting of domestic contract (as people can draft their own domestic contracts in any event) or the navigation of mediation or ADR routes. This could increase cost effectiveness in many circumstances while ensuring the overall level of service is maintained and it will also avoid unworkable business models.

If the proposed plan proceeds in spite of the concerns being raised, our alternative position would be as follows:

A much more rigorous education and/or articling component is needed, together with a greatly improved and clearer scope of practice that can be determined at the outset of a case. Rather than using the entire Province as a testing ground for the plan, and given the Toronto centric nature of the issues raised in the proposal, we would suggest allowing FLSP to practice in the Ontario Court of Justice for domestic matters only. If that goes well and the stated goals of the proposal are then backed by actual evidence from the OCJ practice, they could progress to practice Province wide in the SCJ in the limited scope of only matters falling under the CLRA and Part III of the FLA (effectively what is practiced in the OCJ domestic Court). We would further suggest that this will best encapsulate the population demographic the proposal is attempting to target. If the practice in the OCJ does not produce the goals as stated in the proposal, then the FLSP could be effectively phased out by the longer-term Provincial plans to unify the Courts.

All of which is respectfully submitted.

Peter Robertson

LSO# 62774F

#268

Please enter your first and last name	Zoe Clark
Email Address	z.a.clark@hotmail.com
Please make a selection below	I am a lawyer
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Medium firm (6-199 licensees)
Practice area focus:	- Family /Matrimonial Law - Wills, Estates, Trusts Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	East, including Prescott/Russell (L'Original/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

There is no quantifiable evidence to suggest the plans will lead to increased access. Even if paralegals can charge a lower hourly rate for the work, which presumption is not substantiated by any evidence that has been presented in support of the plan, the financial barriers to family justice are about more than the simple affordability of a retainer. The upfront legal fees charged to a Family justice participant are only a single part of what they are “paying for”. They pay in a number of other ways such as:

- the emotional burden of going through family transition;
- the time taken off from work to attend at court or with a lawyer;
- the effort they spend reviewing and preparing documents;
- the difficulty they experience in researching and navigating procedural rules;
- the outcomes (both substantive and with respect to costs awarded for or against); and,
- the change to their lives as arising from the outcomes.

There has been at least one study that we are aware of which suggested that lawyers actually make the “overall” costs of participation in a family law matter less than what they would otherwise be as lawyers can influence the outcome and move through the dispute resolution process (litigation or otherwise) more quickly.

One of the greatest dangers of the proposed plan is that FLSPs will unwittingly exacerbate the overall cost. While the FLSP may ostensibly present with a cheaper hourly rate, there is no guarantee that family law participants will necessarily experience less overall costs in the end which is what they ultimately care most about.

It takes years of education, controlled and sustained file exposure and mentoring to know how to efficiently and cost effectively address family law problems. This is because in family law more than any other field, people are often unable to identify themselves what is at issue.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

I am deeply skeptical of the viability of FLSP business model. The reality is that in family law the practitioner is almost never dealing with a discrete transaction of events frozen in time (such as some events giving rise to a criminal charge, for example). Rather, events continually unfold as between separating individuals and their children. If the FLSP is not

billing for the time taken to continually update on the often-changing facts of the lives of parties and children, then the FLSP will simply go out of business. This is because so much of a practitioner’s task in family law is to help individuals learn to live with and manage significant and sometimes radical changes to their lives.

The family law practitioner is paid to take the participant through a process as much as to achieve some outcome or another. If the FLSP is not billing for the process itself, we anticipate business closures and therefore ineffective representation as change in representation will be common.

There is no evidence to suggest that an FLSP would be more likely to engage in a limited scope retainer than would a lawyer. Lawyers have been offering unbundled services for years. If the participant is ineligible for legal aid but does not have enough money to pay a family lawyer to take carriage of a matter from start to finish, that participant already has a number of options to bring matters to a sensible and proportionate conclusion.

The challenge with or without FLSPs and noticeably absent from the proposal about FLSPs is that there is a portion of the participant population that is simply not inclined to either a sensible or proportionate conclusion. The proposal seems to converting that disinclination into an access to justice issue.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

It is completely unrealistic (and unfair to the FLSP) to expect competence after the completion of an academic program alone. Lawyers are thought to need 10 months of supervision after completion of law school and passing of rigorous entry exams. And even then, there are restrictions on what type of family law the candidate can have contact with. Surely, an FLSP having far less formal education and time spent in studying the law than a lawyer, should require a greater period of supervision under which they are under at least similar supervision rather than less or no supervision and no meaningful practice restrictions at all. The notion a paralegal placement of a few months after a very brief course will allow a FLSP to attain competence is illogical.

Competency in family law is hard-earned. It is not acquired by any practitioner merely by an academic program or passing of entry exams. For most lawyers, at least in the early stages of their careers, it is developed by gradually increasing task exposure in multi-lawyer firm environments. However, most non-lawyer practitioners, work as sole proprietors. Therefore, they get no exposure other than from clients "walking through the door". If the FLSP is not meant to conduct legal aid work and also has no task exposure from more experienced

practitioners, there is no conceivable manner by which the FLSP can meaningfully "learn on the job" as appears to be the expectation.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

In matters proceeding to Court, Paralegals, articling clerks and law students be allowed to practice in family law under the supervision of a lawyer named on the Court record. Out of the Court situation, the FLSP could, without supervision, assist parties in the drafting of domestic contract (as people can draft their own domestic contracts in any event) or the navigation of mediation or ADR routes. This could increase cost effectiveness in many circumstances while ensuring the overall level of service is maintained and it will also avoid unworkable business models.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

It is unrealistic that any academic program alone would be enough for any practitioner to achieve the requisite level of competence required to bring a family law matter to a fair and just conclusion in a cost-effective manner. Achieving competence requires starting out with smaller tasks completed under the supervision of someone more experienced. Achieving competence requires years of meaningful practice experience which can only be gained by controlled and sustained exposure to increasing amounts and types of cases to know what is really driving a family law dispute and therefore to know how to best bring it to conclusion.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

It takes most lawyers at least three years of law school followed by 10 months of articling to even begin to be competent. Most require years more of mentoring to be viable in practice. They have the advantage of the time they take in their articles (usually 10 months) to gain exposure to as many different file types as they can. It is unrealistic that an FLSP could possibly gain enough exposure to the law from a 6 month or 8 month or even 12 month academic program and a brief placement. A shorter schooling period should require a correspondingly longer period of articles or mentorship from an experienced family law practitioner.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

At the very least, a 10 month articling program following completion of the academic program. Longer if the schooling requirement is only 6 to 12 months in duration. The supervision during the articling program can only be provided by a lawyer having at least 5 years of experience working in family law (similar to the current requirements of articles) because other non-lawyer licensees have not been permitted to practice in family law to date and therefore have no meaningful way to supervise the FLSPs development.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

An extended academic program would be essential. A non-lawyer practitioner being granted licensure as an FLSP on the basis of completion of CPD credits alone would not be advisable.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

There is little practical reasons as to why a paralegal degree (which can be obtained in one or two years from a college course) is better prerequisite for enrolment into the FLSP program than an accountant, doctor, social worker, mediator or indeed any other professional who has undergone years of University education. Law Clerks are a poor example as they do not provide direct representation to the public, so there would be little benefit in them enrolling. The key issue is that obtaining a paralegal degree is a fairly low entry criteria in the first instance so the FLSP program itself (including the subsequent articling) must be very robust.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

The public could be taken in by a lower initial hourly rate, only to end up paying either a higher actual legal cost due to the time taken, or a greater price in general as set out in 1 above.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Technological changes and streamlining of the Court process would have the effect of removing the FLSP as an intermediary between the self-represented person and the court itself. Removing much of the need (if there is a need) for the FLSP in any event.

12. Are any aspects of the proposed licensing framework unfeasible?

There are many critical flaws in the plan. Many of the lines of practice are vague and nonsensical. For example being allowed to draft a separation agreement but not a marriage contract. Many of the other lines of practice are not ascertainable at the outset of a case. For example, requirement for an expert witness. Cases also evolve as they progress. The experience of the service provider is also essential to know what is required of a case during the initial stages. In short, the plan will result in massive wasted legal expense by the public as their representative cannot continue their file. The lines drawn are also confusing and not based on any practice or legal realities we can discern. If the plan is to proceed it would make more sense to have a clear line for what the provider can and cannot do. For example, a distinction along the lines of the old OCJ/SCJ split would be clear. i.e. only dealing with issues in the FLA part 3, and the Children's Law Reform Act. While dealing with crucial issues such as custody and parenting is not ideal for a practitioner with little to no experience, this is likely the demographic the overall plan is attempting to target and such a scope of practice would be far more identifiable from the outset of any case.

13. Is there additional information or are there other factors that should be considered?

We would strongly encourage an alternative approach, in matters proceeding to Court, Paralegals, articling clerks and law students be allowed to practice in family law under the supervision of a lawyer named on the Court record. Out of the Court situation, the FLSP could, without supervision, assist parties in the drafting of domestic contract (as people can draft their own domestic contracts in any event) or the navigation of mediation or ADR routes. This could increase cost effectiveness in many circumstances while ensuring the overall level of service is maintained and it will also avoid unworkable business models.

If the proposed plan proceeds in spite of the concerns being raised, a much more rigorous education and/or articling component is needed, together with a greatly improved and clearer scope of practice that can be determined at the outset of a case. Rather than using the entire Province as a testing ground for the plan, and given the Toronto centric nature of the issues raised in the proposal, we would suggest allowing FLSP to practice in the Ontario Court of Justice for domestic matters only. If that goes well and the stated goals of the proposal are then backed by actual evidence from the OCJ practice, they could progress to practice Province wide in the SCJ in the limited scope of only matters falling under the CLRA and Part III of the FLA (effectively what is practiced in the OCJ domestic Court). We would further suggest that this will best encapsulate the population demographic the proposal is attempting to target. If the practice

in the OCJ does not produce the goals as stated in the proposal, then the FLSP could be effectively phased out by the longer-term Provincial plans to unify the Courts.

#269

Please enter your first and last name	Ian Kirby
Email Address	ikirby@reynoldsobrien.com
Please make a selection below	I am a lawyer
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Medium firm (6-199 licensees)
Practice area focus:	- Family /Matrimonial Law - Real Estate Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	East, including Prescott/Russell (L'Original/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

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Scope

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If the proposed plan proceeds in spite of the concerns being raised, a much more rigorous education and/or articling component is needed, together with a greatly improved and clearer scope of practice that can be determined at the outset of a case. Rather than using the entire Province as a testing ground for the plan, and given the Toronto centric nature of the issues raised in the proposal, we would suggest allowing FLSP to practice in the Ontario Court of Justice for domestic matters only. If that goes well and the stated goals of the proposal are then backed by actual evidence from the OC practice, they could progress to practice Province wide in the SC in the limited scope of only matters falling under the CLRA and Part III of the FLA (effectively what is practiced in the OC domestic Court). We would further suggest that this will best encapsulate the population demographic the proposal is attempting to target. If the practice in the OC does not produce the goals as stated in the proposal, then the FLSP could be effectively phased out by the longer-term Provincial plans to unify the Courts.

I am strongly against the implementation of having paralegals enter into the most critical area of law we have.

I am strongly disappointed that our law society would even entertain such proposal and effectively try and market against it's own members.

FINANCIAL ISSUES

The underlying rationale for the proposal is that the number of self represented parties is too high in the family system.

The presumptive reason for this in the proposal, without any clear evidence, is that the cost of a lawyer is prohibitive and this is the primary factor in the number of self represented parties. A further leap is then made to assume that paralegals can offer a more cost-effective service in family law.

There is no clear evidence to suggest that allowing paralegals to practice family law will offer clients more cost-effective legal representation.

In our geographic area, lawyers typically offer fee structures anywhere between \$120 an hour and \$400 an hour. In addition to the standard up front retainer method of billing we frequently offer limited scope retainers, payment plans and deferred payments (e.g. awaiting sale of a matrimonial home). We do not believe paralegals will be able to offer a cheaper alternative. Even if they can offer a lower hourly rate, for which there is no evidence, our concern is that the public will then pay an overall increased cost in dealing with paralegals as there could be more time spent on their matter offsetting any lower hourly rate benefit. The cost to the client is also more than the hourly rate, including considerations such as

- a. the emotional burden of going through family transition;
- b. the time taken off from work to attend at court or with a lawyer;
- c. the outcomes (both substantive and with respect to costs awarded for or against); and,
- d. the change to their lives as arising from the outcomes.

We do not see it as being realistic to expect that the average paralegal practitioner will offer an overall outcome commensurate with average lawyer representation.

There is a threshold income the paralegal will have to generate in order to be a viable business model. We do not believe that they can offer services at a price lower than lawyers in our area accommodate, either through legal aid or the adjusted fee plans as set out above.

The numbers of paralegals who drop out of practice is comparatively very high to that of lawyers. Combined with the issues with the scope of practice set out below, the number of counsel changes is going to be increased and the overall cost for the consumer will correspondingly increase.

The rationale behind the plan is flawed and the primary benefit the plan hopes to achieve will not be achieved.

SCOPE OF PRACTICE

The plan and scope of practice is very ill conceived, unclear and without logical basis in many parts. For example, the differentiation between a marriage contract and a separation agreement, with the former being more restricted in the proposal than the latter. If anything, a separation agreement is a far more difficult domestic contract due to potential issues with domestic violence, power imbalance between the parties and the high emotions of the parties that are normally intrinsic in a separation.

The plan also completely fails to address that a Family Law lawyer must be adept in multiple areas of the law to provide a complete and adequate service. In addition to parenting and support issues, the areas of law concerning real estate, trust law, civil claims pertaining to domestic violence, estate planning, pensions and employment law can all factor in to a family law case.

Many of the lines of practice are vague and nonsensical. The line in the proposed scope of practice is not ascertainable at the outset of a case. For example, requirement for an expert witness is often hard to determine. Cases also evolve as they progress. The plan will result in massive wasted legal expense by the public as their representative cannot continue their file. The lines drawn are also confusing and not based on any practice or legal realities we can discern. If the plan is to proceed it would make more sense to have a clear and bright line for what the provider can and cannot do that can be easily ascertained at the outset of a case, otherwise the plan will certainly fail.

LEVEL OF EDUCATION AND TRAINING

It takes most lawyers at least three years of law school followed by 10 months of articling to even begin to be competent. Most require years more of mentoring to be viable in practice. They have the advantage of the time they take in their articles (usually 10 months) to gain exposure to as many different file types as they can. It is unrealistic that an FLSP could possibly gain enough exposure to the law from a 6 month or 8 month or even 12 month academic program and a brief placement. A shorter schooling period should require a correspondingly longer period of articles or mentorship from an experienced family law practitioner. At the very least, a 10 month articling program following completion of the academic program is required. Longer if the schooling requirement is only 6 to 12 months in duration. The supervision during the articling program can only be provided by a lawyer having at least 5 years of experience working in family law (similar to the current requirements of articles for lawyers) because other non-lawyer licensees have not been permitted to practice in family law to date and therefore have no meaningful way to supervise the FLSPs development.

OTHER REASONS FOR THE PROPOSAL

When initially consulted on this plan during the term of the last Liberal Provincial Government, our Association was told by the LSO representative that we had to proceed with the plan otherwise the Provincial Government was going to enforce the change upon us in any event via legislation. This is no longer the case, we have spoken to the office of the Attorney General of Ontario and they are not invested in this plan, stating it is an entirely LSO driven plan.

The LSO is looking at heavy investment into a flawed plan that will not produce the stated goals.

All of which is respectfully submitted.

#270

Please enter your first and last name	Veneise Lowe
Email Address	veneiselow@gmail.com
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Sole practice
Practice area focus:	- Civil Litigation – Plaintiff - Employment/Labour Law - Landlord and Tenant Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes, there is an overwhelming number of people who cannot afford lawyers, who are seeking Paralegal assistance only to be turned away because it is out of their scope of practice. I've had many clients come to me asking for help with completing their forms, drafting agreements, or helping them to simply submit their application online but I've had to turn them away.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes, it would. The suggested activities so far are reasonable. At the moment most of the potential clients I've had, have only been seeking assistance via limited scope retainers or unbundled services. The scope of permissible activities that are suggested will allow the lawyers to retain their clientele while allowing paralegals to increase theirs; simultaneously allowing paralegals to cater to low-income families in need of their assistance. This should reduce the delays in the process that is created by un-represented parties.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

The proposed competencies are appropriate however, I think contract drafting should also be included.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

I believe the suggested scope of activities is a good start and can be re-evaluated a few months or years after implementation. This will allow a better review and assessment as to whether or not a revised scope of activities is necessary.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

The proposed training limits paralegals who are currently working full-time from participating as they would be required to stop working for 6-8 months or drastically reduce their workload in order to attend the classes for training. This will also affect their income and family responsibilities, is the law society trying to increase divorce rates or help with access to justice for families?

Also, the requirement for in-person is too restricting. At the moment due to COVID, almost everyone is taking classes online which has proven to be extremely successful and convenient for working individuals and families. The training should be available online as a synchronous or asynchronous course/ program. The length of the part-time program is also a bit too long considering the fact that paralegals who are already licensed have already had to complete a 2-year program as well as prepare for the P1 license. The part-time program should be 8 months and the full-time program should be 6-months.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

None, if licensees are required to do additional training, which will require them to stop working or drastically reduce their workload and therefore their income, then why do they need prerequisite experience? The whole purpose of the training to prepare them for work. In addition to this most of the work, they will be providing will most likely be administrative (completing forms and paperwork etc.)

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

None.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes. This is to be included in the CPD requirements licensees are already required to do to maintain their P1 licenses. This should not be an additional CPD requirement but rather included as a part of the current.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

No, If they are, then they would be required to have more training than paralegals since they would not have had the training in advocacy and other areas that paralegals have.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

I believe the ease of access and the cost would make this appealing to self-represented litigants.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes

12. Are any aspects of the proposed licensing framework unfeasible?

No.

13. Is there additional information or are there other factors that should be considered?

The number of years paralegals have already spent preparing for their roles in the legal field as advocates and the process they've already undertaken to become licensed.

Please enter your first and last name	Brad Comeau
Email Address	bcomeau@countrylawyer.on.ca
Please make a selection below	I am a lawyer
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Sole practice
Practice area focus:	- Real Estate Law - Wills, Estates, Trusts Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	East, including Prescott/Russell (L'Original/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

No it will not support increased access to affordable competent family law legal services. Cheaper is rarely better. More expensive is not always better either. Mostly, one gets what one pays for. There is no quantifiable evidence to suggest the plans will lead to increased access. Even if paralegals can charge a lower hourly rate for the work, which presumption is not substantiated by any evidence that has been presented in support of the plan, the financial barriers to family justice are about more than the simple affordability of a retainer. The upfront legal fees charged to a Family justice participant are only a single part of what they are "paying for". They pay in a number of other ways such as:

- the emotional burden of going through family transition;
- the time taken off from work to attend at court or with a lawyer;
- the effort they spend reviewing and preparing documents;
- the difficulty they experience in researching and navigating procedural rules;
- the outcomes (both substantive and with respect to costs awarded for or against); and,
- the change to their lives as arising from the outcomes.

There has been at least one study that we are aware of which suggested that lawyers actually make the "overall" costs of participation in a family law matter less than what they would otherwise be as lawyers can influence the outcome and move through the dispute resolution process (litigation or otherwise) more quickly.

One of the greatest dangers of the proposed plan is that FLSPs will unwittingly exacerbate the overall cost. While the FLSP may ostensibly present with a cheaper hourly rate, there is no guarantee that family law participants will necessarily experience less overall costs in the end which is what they ultimately care most about.

It takes years of education, controlled and sustained file exposure and mentoring to know how to efficiently and cost effectively address family law problems. This is because in family law more than any other field, people are often unable to identify themselves what is at issue.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

I am deeply skeptical of the viability of FLSP business model. The reality is that in family law the practitioner is almost never dealing with a discrete transaction of events frozen in time (such as some events giving rise to a criminal charge, for example). Rather, events continually unfold as between separating individuals and their children. If the FLSP is not billing for the time taken to continually update on the often-changing facts of the lives of parties and children, then the FLSP will simply go out of business. This is because so much of a practitioner's task in family law is to help individuals learn to live with and manage significant and sometimes radical changes to their lives and the resulting expectations to which family lawyers are subject.

The family law practitioner is paid to take the participant through a process as much as to achieve some outcome or another. If the FLSP is not billing for the process itself, we anticipate business closures and therefore ineffective representation as change in representation will be common.

There is no evidence to suggest that an FLSP would be more likely to engage in a limited scope retainer than would a lawyer. Lawyers have been offering unbundled services for years. If the participant is ineligible for legal aid but does not have enough money to pay a family lawyer to take carriage of a matter from start to finish, that participant already has a number of options to bring matters to a sensible and proportionate conclusion.

The challenge with or without FLSPs and noticeably absent from the proposal about FLSPs is that there is a portion of the participant population that is simply not inclined to either a sensible or proportionate conclusion. The proposal seems to converting that disinclination into an access to justice issue.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

It is completely unrealistic (and unfair to the FLSP) to expect competence after the completion of an academic program alone. Lawyers are thought to need 10 months of supervision after completion of law school and passing of rigorous entry exams. And even then, there are restrictions on what type of family law the candidate can have contact with. Surely, an FLSP having far less formal education and time spent in studying the law than a lawyer, should require a greater period of supervision under which they are under at least similar supervision rather than less or no supervision and no meaningful practice restrictions at all. The notion a paralegal placement of a few months after a very brief course will allow a FLSP to attain competence is illogical.

Competency in family law is hard-earned. It is not acquired by any practitioner merely by an academic program or passing of entry exams. For most lawyers, at least in the early stages of their careers, it is developed by gradually increasing task exposure in multi-lawyer firm environments. However, most non-lawyer practitioners, work as sole proprietors. Therefore, they get no exposure other than from clients "walking through the door". If the FLSP is not meant to conduct legal aid work and also has no task exposure from more experienced practitioners, there is no conceivable manner by which the FLSP can meaningfully "learn on the job" as appears to be the expectation.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

In all family law matters, whether proceeding to Court or not, Paralegals, articling clerks and law students be allowed to practice in family law under the supervision of a lawyer named on the Court record. Out of the Court situation, the FLSP could, with appropriate oversight, assist parties in the drafting of domestic contract (as people can draft their own domestic contracts in any event) or the navigation of mediation or ADR routes. This could increase cost effectiveness in many circumstances while ensuring the overall level of service is maintained and it will also avoid unworkable business models.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

It is unrealistic that any academic program alone would be enough for any practitioner to achieve the requisite level of competence required to bring a family law matter to a fair and just conclusion in a cost-effective manner. Achieving competence requires starting out with smaller tasks completed under the supervision of someone more experienced. Achieving competence requires years of meaningful practice experience which can only be gained by controlled and sustained exposure to increasing amounts and types of cases to know what is really driving a family law dispute and therefore to know how to best bring it to conclusion

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

After at least three years of law school followed by an extensive articling period it still takes a long time to grow a competent lawyer. Most require years more of mentoring to be viable in practice. They have the advantage of the time they take in their articles (usually 10 months) to gain exposure to as many different file types as they can. It is unrealistic that an FLSP could possibly gain enough exposure to the law from a 6 month or 8 month or even 12 month academic program and a brief placement. A shorter schooling period should require a correspondingly longer period of articles or mentorship from an experienced family law practitioner.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

At the very least, a 10 month articling program following completion of the academic program. Longer if the schooling requirement is only 6 to 12 months in duration. The supervision during the articling program can only be provided by a lawyer having at least 5 years of experience working in family law (similar to the current requirements of articles) because other non-lawyer licensees have not been permitted to practice in family law to date and therefore have no meaningful way to supervise the FLSPs development.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

An extended academic program would be essential. A non-lawyer practitioner being granted licensure as an FLSP on the basis of completion of CPD credits alone would not be advisable.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

There is little practical reasons as to why a paralegal degree (which can be obtained in one or two years from a college course) is better prerequisite for enrolment into the FLSP program than an accountant, doctor, social worker, mediator or indeed any other professional who has undergone years of University education. Law Clerks are a poor example as they do not provide direct representation to the public, so there would be little benefit in them enrolling. The key issue is that obtaining a paralegal degree is a fairly low entry criteria in the first instance so the FLSP program itself (including the subsequent articling) must be very robust.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Members of the public will be taken in by a lower initial hourly rate, only to end up paying either a higher actual legal cost due to the time taken, or a greater price in general as set out in 1 above.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Technological changes and streamlining of the Court process would have the effect of removing the FLSP as an intermediary between the self-represented person and the court itself. Removing much of the need (if there is a need) for the FLSP in any event.

12. Are any aspects of the proposed licensing framework unfeasible?

There are many critical flaws in the plan. Many of the lines of practice are vague and nonsensical. For example being allowed to draft a separation agreement but not a marriage contract. Many of the other lines of practice are not ascertainable at the outset of a case. For example, requirement for an expert witness. Cases also evolve as they progress. The experience of the service provider is also essential to know what is required of a case during the initial stages. In short, the plan will result in massive wasted legal expense by the public as their representative cannot continue their file. The lines drawn are also confusing and not based on any practice or legal realities we can discern. If the plan is to proceed it would make more sense to have a clear line for what the provider can and cannot do. For example, a distinction along the lines of the old OCJ/SCJ split would be clear. i.e. only dealing with issues in the FLA part 3, and the Children's Law Reform Act. While dealing with crucial issues such as custody and parenting is not ideal for a practitioner with little to no experience, this is likely the demographic the overall plan is attempting to target and such a scope of practice would be far more identifiable from the outset of any case.

13. Is there additional information or are there other factors that should be considered?

I would strongly encourage an alternative approach, in matters proceeding to Court or not, where Paralegals, articling clerks and law students be allowed to practice in family law under the supervision of a lawyer named on the Court record. Out of the Court situation, the FLSP could, with appropriate oversight, assist parties in the drafting of domestic contract (as people can draft their own domestic contracts in any event) or the navigation of mediation or ADR routes. This could increase cost effectiveness in many circumstances while ensuring the overall level of service is maintained and it will also avoid unworkable business models.

If the proposed plan proceeds in spite of the concerns being raised, a much more rigorous education and/or articling component is needed, together with a greatly improved and clearer scope of practice that can be determined at the outset of a case. Rather than using the entire Province as a testing ground for the plan, and given the Toronto centric nature of the issues raised in the proposal, we would suggest allowing FLSP to practice in the Ontario Court of Justice for domestic matters only. If that goes well and the stated goals of the proposal are then backed by actual evidence from the OCJ practice, they could progress to practice Province wide in the SCJ in the limited scope of only matters falling under the CLRA and Part III of the FLA (effectively what is practiced in the OCJ domestic Court). We would further suggest that this will best encapsulate the population demographic the proposal is attempting to target. If the practice in the OCJ does not produce the goals as stated in the proposal, then the FLSP could be effectively phased out by the longer-term Provincial plans to unify the Courts.

LawPro has a significant number of claims relating to family law. There will be an increase in the number claims if the proposed model is put into action. This will lead to unnecessarily increased costs as LawPro costs to deal with the claims, whether founded or not, increases. It does not make good sense to put a business model that will result in increased insurance costs for everyone into action.

#273

Please enter your first and last name	Inga Ostojic
Email Address	inga.ostojic@hotmail.com
Please make a selection below	Paralegal Graduate
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Other
Practice area focus:	<ul style="list-style-type: none">- ADR/Mediation- Civil Litigation – Defendant- Civil Litigation – Plaintiff- Criminal/Quasi Criminal Law- Employment/Labour Law- Family /Matrimonial Law- Human Rights/Social Justice Law- Immigration Law- Intellectual Property Law- Ontario Court of Justice - Summary Conviction Offences- Small Claims Court matters- Tribunals
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

As a recent Paralegal Graduate, this is the scope of practice I would most definitely be interested in pursuing once licenced. I have had personal experience in the Family Law matter and the costs associated with Lawyer's fees have made it impossible for me to continue with representation. I had to suffer losses as a result. If I had the alternative of seeking legal advice from a Paralegal at a more affordable rate, I would have been able to accomplish more in the end. Access to justice at an affordable cost is everything.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes of course it will. Many individuals are choosing to be self-represented as a result of high lawyer's fees. Being able to start my new Paralegal practice offering Family Law services will most definitely help develop a viable business.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Absolutely. Proper training and Continuing Professional Development courses will only ensure that the competence of a Paralegal is there to deliver Family Law services.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

I would be comfortable representing any party in Family Law services that do not include child custody or anything pertaining to children and their future. I do believe this is a separate matter that may require another level of training and advancement.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

It may be a bit of a challenge to complete in a shorter period of time while working full time. The alternative to it seems like a bit of a long journey to complete over one year. Any other options are welcome for consideration.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

It would have to be a degree in Law through the Paralegal program or Law School. It would most certainly not be of interest to simply grandfather it to someone based on their personal experience as it may be biased.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

6 months to 1 year. Finding a placement would be a challenge as Lawyers may not be welcoming of this change and perhaps may not want to be a part of this change. It would be helpful to have the Law Society of Ontario step in and help with placements.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes absolutely.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Perhaps within a smaller scope of practice, such as assisting with preparing documents for courts?

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

The cost associated with representation.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes, the design is appropriate.

12. Are any aspects of the proposed licensing framework unfeasible?

Not sure at this moment how to respond.

13. Is there additional information or are there other factors that should be considered?

Not at this moment.

#276

Please enter your first and last name	Salauddin Ahmed
Email Address	immigration75@gmail.com
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	Yes
Are you representing an organization or association through your participation?	Yes
If you indicated 'Yes', please tell us which organization or association you are representing:	immigration & Legal Services
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes paralegals are knowledgeable more caring to deal for family law. Paralegal could be less expensive and more people will be able to take their services.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes, because the procedure of having divorce is not a rocket science. Any paralegal can handle divorce case with care and more people will be benefits from it. There are many people who are unrepresented because lawyers are very expensive.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Paralegals are very practical in their field and most of the lawyer's office, paralegals are the one who does all the paper work for divorce.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Yes, Of course. Paralegals are the best fit in this field

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

Yes

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

If possible, please arrange the proper education for the paralegal so that they become more skilled and more competent in this field to serve better to the society

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

Could be 3 months of course

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Could be but it should not be mandatory

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

I believe paralegals are the best fit for this field

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Should be any structure to compete the market price

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

I am not sure

12. Are any aspects of the proposed licensing framework unfeasible?

I do not believe it

13. Is there additional information or are there other factors that should be considered?

Paralegal Should be allowed to practice full range of family law

#279

Please enter your first and last name	Maria DiMauro
Email Address	pictonlaw@gmail.com
Please make a selection below	I am a lawyer
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
Practice area focus:	- Family /Matrimonial Law - Real Estate Law - Wills, Estates, Trusts Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

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The challenge with or without FLSPs and noticeably absent from the proposal about FLSPs is that there is a portion of the participant population that is simply not inclined to either a sensible or proportionate conclusion. The proposal seems to converting that disinclination into an access to justice issue.

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General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

The public could be taken in by a lower initial hourly rate, only to end up paying either a higher actual legal cost due to the time taken, or a greater price in general as set out in 1 above.

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13. Is there additional information or are there other factors that should be considered?

We would strongly encourage an alternative approach, in matters proceeding to Court, Paralegals, articling clerks and law students be allowed to practice in family law under the supervision of a lawyer named on the Court record. Out of the Court situation, the FLSP could, without supervision, assist parties in the drafting of domestic contract (as people can draft their own domestic contracts in any event) or the navigation of mediation or ADR routes. This could increase cost effectiveness in many circumstances while ensuring the overall level of service is maintained and it will also avoid unworkable business models.

If the proposed plan proceeds in spite of the concerns being raised, a much more rigorous education and/or articling component is needed, together with a greatly improved and clearer scope of practice that can be determined at the outset of a case. Rather than using the entire Province as a testing ground for the plan, and given the Toronto centric nature of the issues raised in the proposal, we would suggest allowing FLSP to practice in the Ontario Court of Justice for domestic matters only. If that goes well and the stated goals of the proposal are then backed by actual evidence from the OCJ practice, they could progress to practice Province wide in the SCJ in the limited scope of only matters falling under the CLRA and Part III of the FLA (effectively what is practiced in the OCJ domestic Court). We would further suggest that this will best encapsulate the population demographic the proposal is attempting to target. If the practice in the OCJ does not produce the goals as stated in the proposal, then the FLSP could be effectively phased out by the longer-term Provincial plans to unify the Courts.

#284

Please enter your first and last name	Sue Draper
Email Address	Morningside@live.ca
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	Yes
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Sole practice
Practice area focus:	<ul style="list-style-type: none">- Aboriginal Law- Administrative Law- Human Rights/Social Justice Law- Landlord and Tenant Law- Ontario Court of Justice - Provincial Offences Act matters- Small Claims Court matters- Tribunals
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes - lawyer fees are out of reach for most people - they were for me, personally. A majority of people do not qualify for legal aid. Paralegals offer quality, knowledgeable legal services at a fraction of the cost. This enhances the Access to Justice initiative.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes, the FLSP can be added on to an existing practice, or can be made to be a single-service business model. In addition, it allows solo practitioners to practice as FLSP instead of only under the supervision of a lawyer, which prohibits pursuit of the provision of other legal services. If you, as paralegal, work for a family lawyer, it is generally full time, to the exclusion of any solo-practice you may wish to undertake. FLSP offers a viable business model.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Yes - but only when offered in conjunction with an extant license. Newly licensed paralegals, without experience in teh competencies should have a waiting period before taking on FLSP in order to develop their skills and competencies in the necessary legal services provider areas. The proposed competencies are sound.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

The scope of activities proposed by the working group in Appendix C of the consultation paper are comprehensive and appropriate.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

Yes, although the expectation of 8+ months of full time training is unreasonable. HOw is a solo-practitioner supposed to be able to maintain their business and clients if they are in school full time for an academic year? this is unreasonable. The Immigration course - which is just as complex - does not require that amount of time. The duration is unreasonable and prejudicial against solo practitioners.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Family law is OUTSIDE our current scope of practice. Allowing the "grandfathering in" of Persons working under a lawyer is prejudicial against solo practitioners. All paralegals starting the FLSP competences and training should start at teh same point in order to ensure continuity of educational experience and the development of good habits and adherence to the stipluations required of an FLSP.

The only pre-requisite experience should be an existing paralegal license. This ensures the FLSP has received appropriate training and experience in the core competencies, business modelling and accountability to the LSO. THE FLSP license should be an addition, or adjunct that can only be obtained AFTER a certain level of paralegal career experience.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

Again, expecting an experiential component - a field placement - is unfair. It is unfair to expect solo-practitioners to give up their practices and client base and income in order to do a field placement or training.

A field placement experience should not be a full-time exposure, but rather a part-time in order to facilitate the transition to FLSP.

In addition, the model could be based on the Mentor programme, which is a short coaching time period and specific case-based. Further, it demonstrates a commitment to the FLSP designation if the new FLSP partners with an existing family lawyer to assist with the first, say 2-3 cases the FLSP is retained for.

This also prevents field placements where the FLSP candidate is just stuffed in a back room making phone calls, instead of doing actual work. If teh FLSP provides the client and learns from the family lawyer as the client is moved through the process, this is advantageous to all and enhances the client's experience.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes, but not in addition to the requirements already in place. A certain number of hours (say 1/3?) of CPD which is family law oriented is appropriate.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

No.

Law Clerks do not have the professional standards or experience required by the paralegal profession, nor are they accountable to the Law Society. An FLSP license should be adjunct to a paralegal license, as a specialty.

There is the very real risk that, if law clerks are allowed FLSP designation, they will (purposely or inadvertently) start to act as paralegals in other areas, or take on solo practices. This is not appropriate. There needs to be a high level of governance, as we have, and Law Clerks simply are not accountable as paralegals are. They are not officers of the court as we are.

Having a law clerk become an FLSP negates the competencies one is required to have under the paralegal competencies. It is far better to have the FLSP license as an adjunct. Otherwise, how do you ensure the basic pre-requisite competencies have been met?

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Unbundled services help self-represented litigants. Using a Paralegal FLSP will help because we can assist with only forms, with reduced costs, block fees, flat fees, accessibility and an ability to craft an litigant-driven process as opposed to going to a lawyer and simply following instructions. Often, paralegals have smaller practices which allows us a greater familiarity with our clients which helps them get more detailed and specific services to meet their needs. The most important characteristic is the cost-effectiveness.

Many lawyer services are limited - all or nothing. And many of the free services are available to only a portion of the population. Further, many of the services are only on a limited basis - you can only use the service so many times before they say "get a lawyer". Also, many of the services available have no consistency in lawyer or who you get for representation. A common complaint I have heard is that "new/baby" lawyers cut their teeth in Legal Aid, and then disappear to find something better, and the client is left scrambling for someone who (A) cares; (B) bothers to get to know them/their file (C) will take them on (D) will listen.

FLSP/paralegal providers already do this. It's part of our "poverty law" and "access to justice" mandate.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Absolutely.

The FLSP is needed now, more than ever.

12. Are any aspects of the proposed licensing framework unfeasible?

The expectation that practicing paralegals can take off a full academic year to complete certification is unreasonable. The licensing process should be offered, as the Osgoode Specialist Certificates are offered, over several Saturdays or weekends. It is unfair and unreasonable to expect that a solo practitioner can give up his/her practice for 8 months and then return to it to try to re-build his or her business.

Delivery methods and timelines must be revised as they are unfair as they are currently suggested.

13. Is there additional information or are there other factors that should be considered?

Virtual training has proven to be a successful course content delivery system. Perhaps a combination of virtual and real-time education for the requirements could be adapted.

- Grandfathering in paralegals who work in family law is unfair to solo practitioners, and sets a bad precedent - there must be continuity and consistency of education and expectations

- The Working Paper notes that Legal Aid has lots of experience with paralegals. This is not the case. Paralegals do not qualify to provide services under legal aid, and the only way a paralegal engages with Legal Aid is if they work as a law clerk/assistant with them.

#285

Please enter your first and last name	Kimberley Belanger
Email Address	kimb@bluewaveparalegal.com
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Sole practice
Practice area focus:	- Small Claims Court matters - Tribunals
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Northeast, including Cochrane (Timmins), Algoma (Sault Ste. Marie), Sudbury (Sudbury), Temiskaming (Haileybury), Nipissing (North Bay), Parry Sound (Parry Sound)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

I believe it will be helpful for the reasons stated in the Bonkalo report; fewer self-represented litigants will have a positive impact on the overburdened court system. The report states that Paralegals could reduce the cost to litigants, which is the number one reason litigants are reported to be self-represented.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Absolutely, being able to offer legal advice as well as draft legal documents ect. would reduce the number of self-represented litigants

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

I feel the list of competencies is sufficient to ensure the appropriate level of competence to deliver family legal services.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

legal advice and document drafting

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

I believe it is.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

A Paralegal licence

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

Upon completion of the recommended training program I would suggest a 2-4 week placement provided by a lawyer who has experience in handling family law matters,

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes I believe so.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

A Paralegal licence should be required as a prerequisite to the FLSP licence.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Cost as it is the number one reason listed for self-representation .

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

I am unable to comment

12. Are any aspects of the proposed licensing framework unfeasible?

I don't believe so.

13. Is there additional information or are there other factors that should be considered?

I don't believe so.

#291

Please enter your first and last name	Sharda Bickramsingh
Email Address	shardabickramsingh@gmail.com
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Sole practice
Practice area focus:	<ul style="list-style-type: none">- Administrative Law- Civil Litigation – Defendant- Civil Litigation – Plaintiff- Criminal/Quasi Criminal Law- Employment/Labour Law- Human Rights/Social Justice Law- Immigration Law- Landlord and Tenant Law- Ontario Court of Justice - Provincial Offences Act matters- Ontario Court of Justice - Summary Conviction Offences- Small Claims Court matters
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central West, including Bruce (Walkerton), Grey (Owen Sound), Dufferin (Orangeville), Wellington (Guelph), Peel (Brampton), Halton (Milton)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Absolutely. It is without a doubt that paralegals are more than capable enough to handle family law matters. In the past, I worked as a family law legal assistant for over 8 years. I was able to perform most of the tasks required by a lawyer myself. With specialized training, paralegals would be as efficient as lawyers. With such competence, provided that the scope is expanded, paralegals would be able to provide affordable services (due to lowered billing rates) to individuals who cannot afford a lawyer. Some family law clients are being forced to represent themselves as they cannot afford legal representation. This puts them at a great and unfair disadvantage.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes. By researching and learning of the different policies and procedures in place with respect to family legal services, paralegals can develop and sustain a viable business model. This is the case with any type of law that is already included in the scope of permissible activities.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Yes

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

- Uncontested divorces
- Simple divorces
- Case conferences

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

Yes

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

About 5 years of experience in the legal field

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

I honestly believe CPDs would be sufficient. This response is based on my personal experience. I have worked with many family law lawyers who knew nothing about family law prior to working in the field

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Senior law clerks with over 10 years of experience, whose day to day tasks are more advanced, should be included

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

accessibility, costs, practicality

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

yes

12. Are any aspects of the proposed licensing framework unfeasible?

no

13. Is there additional information or are there other factors that should be considered?

not at this time

Please enter your first and last name	Sheri Thompson
Email Address	sheri@pdtb.ca
Please make a selection below	I am a lawyer
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
Practice area focus:	- Family /Matrimonial Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

There is no quantifiable evidence to suggest the plans will lead to increased access. Even if paralegals can charge a lower hourly rate for the work, which presumption is not substantiated by any evidence that has been presented in support of the plan, the financial barriers to family justice are about more than the simple affordability of a retainer. The upfront legal fees charged to a Family justice participant are only a single part of what they are "paying for". They pay in a number of other ways such as:

- the emotional burden of going through family transition;
- the time taken off from work to attend at court or with a lawyer;
- the effort they spend reviewing and preparing documents;
- the difficulty they experience in researching and navigating procedural rules;
- the outcomes (both substantive and with respect to costs awarded for or against); and,
- the change to their lives as arising from the outcomes.

There has been at least one study that we are aware of which suggested that lawyers actually make the "overall" costs of participation in a family law matter less than what they would otherwise be as lawyers can influence the outcome and move through the dispute resolution process (litigation or otherwise) more quickly.

One of the greatest dangers of the proposed plan is that FLSPs will unwittingly exacerbate the overall cost. While the FLSP may ostensibly present with a cheaper hourly rate, there is no guarantee that family law participants will necessarily experience less overall costs in the end which is what they ultimately care most about.

It takes years of education, controlled and sustained file exposure and mentoring to know how to efficiently and cost effectively address family law problems. This is because in family law more than any other field, people are often unable to identify themselves what is at issue.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

I am deeply skeptical of the viability of FLSP business model. The reality is that in family law the practitioner is almost never dealing with a discrete transaction of events frozen in time (such as some events giving rise to a criminal charge, for example). Rather, events continually unfold as between separating individuals and their children. If the FLSP is not billing for the time taken to continually update on the often-changing facts of the lives of parties and children, then the FLSP will simply go out of business. This is because so much of a practitioner's task in family law is to help individuals learn to live with and manage significant and sometimes radical changes to their lives.

The family law practitioner is paid to take the participant through a process as much as to achieve some outcome or another. If the FLSP is not billing for the process itself, we anticipate business closures and therefore ineffective representation as change in representation will be common.

There is no evidence to suggest that an FLSP would be more likely to engage in a limited scope retainer than would a lawyer. Lawyers have been offering unbundled services for years. If the participant is ineligible for legal aid but does not have enough money to pay a family lawyer to take carriage of a matter from start to finish, that participant already has a number of options to bring matters to a sensible and proportionate conclusion.

The challenge with or without FLSPs and noticeably absent from the proposal about FLSPs is that there is a portion of the participant population that is simply not inclined to either a sensible or proportionate conclusion. The proposal seems to converting that disinclination into an access to justice issue.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

It is completely unrealistic (and unfair to the FLSP) to expect competence after the completion of an academic program alone. Lawyers are thought to need 10 months of supervision after completion of law school and passing of rigorous entry exams. And even then, there are restrictions on what type of family law the candidate can have contact with. Surely, an FLSP having far less formal education and time spent in studying the law than a lawyer, should require a greater period of supervision under which they are under at least similar supervision rather than less or no supervision and no meaningful practice restrictions at all. The notion a paralegal placement of a few months after a very brief course will allow a FLSP to attain competence is illogical.

Competency in family law is hard-earned. It is not acquired by any practitioner merely by an academic program or passing of entry exams. For most lawyers, at least in the early stages of their careers, it is developed by gradually increasing task exposure in multi-lawyer firm environments. However, most non-lawyer practitioners, work as sole proprietors. Therefore, they get no exposure other than from clients "walking through the door". If the FLSP is not meant to conduct legal aid work and also has no task exposure from more experienced practitioners, there is no conceivable manner by which the FLSP can meaningfully "learn on the job" as appears to be the expectation.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

In matters proceeding to Court, Paralegals, articling clerks and law students be allowed to practice in family law under the supervision of a lawyer named on the Court record. Out of the Court situation, the FLSP could, without supervision, assist parties in the drafting of domestic contract (as people can draft their own domestic contracts in any event) or the navigation of mediation or ADR routes. This could increase cost effectiveness in many circumstances while ensuring the overall level of service is maintained and it will also avoid unworkable business models.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

It is unrealistic that any academic program alone would be enough for any practitioner to achieve the requisite level of competence required to bring a family law matter to a fair and just conclusion in a cost-effective manner. Achieving competence requires starting out with smaller tasks completed under the supervision of someone more experienced. Achieving competence requires years of meaningful practice experience which can only be gained by controlled and sustained exposure to increasing amounts and types of cases to know what is really driving a family law dispute and therefore to know how to best bring it to conclusion.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

It takes most lawyers at least three years of law school followed by 10 months of articling to even begin to be competent. Most require years more of mentoring to be viable in practice. They have the advantage of the time they take in their articles (usually 10 months) to gain exposure to as many different file types as they can. It is unrealistic that an FLSP could possibly gain enough exposure to the law from a 6 month or 8 month or even 12 month academic program and a brief placement. A shorter schooling period should require a correspondingly longer period of articles or mentorship from an experienced family law practitioner.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

At the very least, a 10 month articling program following completion of the academic program. Longer if the schooling requirement is only 6 to 12 months in duration. The supervision during the articling program can only be provided by a lawyer having at least 5 years of experience working in family law (similar to the current requirements of articles) because other non-lawyer licensees have not been permitted to practice in family law to date and therefore have no meaningful way to supervise the FLSPs development.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

An extended academic program would be essential. A non-lawyer practitioner being granted licensure as an FLSP on the basis of completion of CPD credits alone would not be advisable.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

There is little practical reasons as to why a paralegal degree (which can be obtained in one or two years from a college course) is better prerequisite for enrolment into the FLSP program than an accountant, doctor, social worker, mediator or indeed any other professional who has undergone years of University education. Law Clerks are a poor example as they do not provide direct representation to the public, so there would be little benefit in them enrolling. The key issue is that obtaining a paralegal degree is a fairly low entry criteria in the first instance so the FLSP program itself (including the subsequent articling) must be very robust.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

The public could be taken in by a lower initial hourly rate, only to end up paying either a higher actual legal cost due to the time taken, or a greater price in general as set out in 1 above.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Technological changes and streamlining of the Court process would have the effect of removing the FLSP as an intermediary between the self-represented person and the court itself. Removing much of the need (if there is a need) for the FLSP in any event.

12. Are any aspects of the proposed licensing framework unfeasible?

There are many critical flaws in the plan. Many of the lines of practice are vague and nonsensical. For example being allowed to draft a separation agreement but not a marriage contract. Many of the other lines of practice are not ascertainable at the outset of a case. For example, requirement for an expert witness. Cases also evolve as they progress. The experience of the service provider is also essential to know what is required of a case during the initial stages. In short, the plan will result in massive wasted legal expense by the public as their representative cannot continue their file. The lines drawn are also confusing and not based on any practice or legal realities we can discern. If the plan is to proceed it would make more sense to have a clear line for what the provider can and cannot do. For example, a distinction along the lines of the old OCJ/SCJ split would be clear. i.e. only dealing with issues in the FLA part 3, and the Children's Law Reform Act. While dealing with crucial issues such as custody and parenting is not ideal for a practitioner with little to no experience, this is likely the demographic the overall plan is attempting to target and such a scope of practice would be far more identifiable from the outset of any case.

13. Is there additional information or are there other factors that should be considered?

We would strongly encourage an alternative approach, in matters proceeding to Court, Paralegals, articling clerks and law students be allowed to practice in family law under the supervision of a lawyer named on the Court record. Out of the Court situation, the FLSP could, without supervision, assist parties in the drafting of domestic contract (as people can draft their own domestic contracts in any event) or the navigation of mediation or ADR routes. This could increase cost effectiveness in many circumstances while ensuring the overall level of service is maintained and it will also avoid unworkable business models.

If the proposed plan proceeds in spite of the concerns being raised, a much more rigorous education and/or articling component is needed, together with a greatly improved and clearer scope of practice that can be determined at the outset of a case. Rather than using the entire Province as a testing ground for the plan, and given the Toronto centric nature of the issues raised in the proposal, we would suggest allowing FLSP to practice in the Ontario Court of Justice for domestic matters only. If that goes well and the stated goals of the proposal are then backed by actual evidence from the OCJ practice, they could progress to practice Province wide in the SCJ in the limited scope of only matters falling under the CLRA and Part III of the FLA (effectively what is practiced in the OCJ domestic Court). We would further suggest that this will best encapsulate the population demographic the proposal is attempting to target. If the practice in the OCJ does not produce the goals as stated in the proposal, then the FLSP could be effectively phased out by the longer-term Provincial plans to unify the Courts.

#294

Please enter your first and last name	Shelby Schafranek
Email Address	schafranekshelby@gmail.com
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Legal Clinic
Practice area focus:	- Ontario Court of Justice - Provincial Offences Act matters - Small Claims Court matters
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Upload a File	Family Law Submissions.docx
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Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Please see attached word document

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

please see attached word document

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Please see attached word document

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

please see attached word document

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

please see attached word document

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

please see attached word document

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

please see attached word document

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

please see attached word document

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

please see attached word document

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

please see attached word document

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

please see attached word document

12. Are any aspects of the proposed licensing framework unfeasible?

please see attached word document

13. Is there additional information or are there other factors that should be considered?

please see attached word document

Family Legal Service Provider: Call for Comment

Summary:

The proposed Family Law Scope for Paralegals encompasses the most common issues that an average family in dispute will encounter. Allowing competent representation, at a more affordable rate, is the definition of access to justice and embodies what the Paralegal profession was designed to accomplish.

As stated above, affordable access to competent representation is imperative when promoting access to justice and protecting public interest. Financially, an average working Canadian struggles to meet their legal needs when faced with conflict. I witnessed my father go through this struggle. He was quoted a price at the onset of his services, which was doubled post trial. My father spent approximately four years paying a debt that he never fully understood the terms of and could not completely afford. Looking through the lens of access to justice, the needs and interests of my father were unfortunately not met in an adequate way. My father made more money than allowable for a Legal Aid certificate (\$45,440.00), but not enough money to pay for both legal services and maintain a decent quality of life.

This is the story of many Ontario families – they cannot realistically afford legal services, but they do not feel like they have an option. Making a choice, when there is only one option, is not a choice. A fundamental component of alternative dispute resolution is expanding the pie before we divide it. By preventing Paralegals from accessing scope in family law, we are cutting away access to justice options and losing track of the bigger picture - the protection of public interest.

There are many questions that expanding a Paralegals scope of practise into Family Law raises and I would like to take the time to address them from my standpoint as a newly Licensed Paralegal.

Cont'd on Page 2...

Questions Regarding Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

The fundamental purpose of the Paralegal profession was to create access to justice specifically in creating cost effective alternatives. Paralegals, if using an hourly rate, charge less per hour in comparison to a lawyer. Paralegals, outside of an hourly rate, often use flat rates as a means to promote access to justice and it is built into our education. These standards of affordability foreseeably would continue and promote access to justice.

2. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

I believe that the proposed competencies go above and beyond the standard needed to give competent legal services. I particularly like that the competencies go beyond statute and case law, advocacy, and the litigation process. They want us to be competent on conflict identification in efforts to help ensure the safety of the public.

Furthermore, the proposed competencies directly correlate to the Paralegal Rules of Conduct and the corresponding Guidelines in a way that expands past Family Law and holds us to the strictest ethics.

Questions Regarding Education/Training

1. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

It is reasonable to assert that Licensed Paralegals need the proper education in efforts to support access to justice and upholding the standard of a competent paralegal as stated in rule 3.01(1) and (4) of the *Paralegal Rules of Conduct*.

Cont'd on Page 3...

Through the reading of the Competencies and the Program Requirements proposed in the Family Legal Services Provider: Call for Comment, encompasses more training outside of advocating. If Family Law becomes a permissible scope of practise for Paralegal's, the educational requirements will allow us to advocate effectively and navigate the litigation process, but it also allows Paralegals to maintain their ongoing accountability in protecting the public interest.

2. Is a CPD requirement focused on family law appropriate for the FLSP?

When looking at CPD's, yes, I believe it is reasonable that, once a paralegal chooses to further their education and take on family law, that there are prescribed professional development. I believe that some of these hours need to be on the different types of abuse and how they present themselves, professional training on how to adequately deal with abuse victims and the professionalism, EDI, and Ethical Requirements. When we are looking at the public interest, this is the primary way that we can ensure competent paralegals in the Family Law sphere.

3. Should law clerks be eligible for the FLSP licence? Are there other groups of professionals who should be considered?

When I think about other groups having access to Family Law, the first thing that comes to mind are the ethical ramifications about non-licensurees providing legal services. I foresee there could be an issue with public interest and their view of legal professionals deteriorating because they are not obligated to hold the same standards we are trained to as Paralegals and Lawyers. There needs to be a balance between access to justice and the need for extensive legal training and licensing.

Cont'd on Page 4...

4. What type of prerequisite experience in legal services provision, if any, should be required for the FLSP?

For a candidate to be eligible to become a Family Law Service Provider program, they should be a Licensed Paralegal in good standing with the Law Society of Ontario and should include professionals that are not providing legal services due to continuing their education so long as their fees are paid and up to date.

#299

Please enter your first and last name	Nurul Zarai
Email Address	nrzarai@gmail.com
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Other
Practice area focus:	<ul style="list-style-type: none">- ADR/Mediation- Civil Litigation – Defendant- Civil Litigation – Plaintiff- Employment/Labour Law- Human Rights/Social Justice Law- Immigration Law- Intellectual Property Law- Landlord and Tenant Law- Small Claims Court matters- Worker's Compensation- Workplace Safety and Insurance Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

The proposed scope of permissible activities support will increase access to affordable, competent family law legal services. With a limited scope retainer, clients will have the freedom to choose the necessary help that is required to their affordability. There are so many people that required family legal services but are unable to afford the legal fees. Due to their inability to afford the legal fees, they are unable to receive a fair legal representation. Some of these people who need help, most of them do not qualify for legal aid due to their income level. Unable to get legal aid and not able to afford legal fees, they are often denied access to proper legal representation or assistance. This as we know usually will result to less than fair outcomes. In my opinion, everyone should have the right to access affordable legal assistance. The LSO should allow Paralegals to get some sort of certification that specializes in Family Law so that it will open more doors for those who need legal help. The hourly rate for Paralegals are much lower than a lawyer and it is more feasible for those who cannot afford the hourly rate of a lawyer. Paralegals go through intense law courses and should be given the opportunity to also practice limited scope in Family Law. LSO and lawyers should recognize that Paralegals do have the necessary legal knowledge and the understanding of the law.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes, the proposed scope of permissible activities will definitely enable the Family Legal Services Provider to develop a viable business model. Since the fees are much more affordable, there will be more demand for it. People are not going to shy away from something that they are able to afford.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

For the sake of competence, it is an utmost importance for Paralegals to undertake a course that is spread for a few months with an exam. By doing this, it will ensure that Paralegals have a proper understanding on Family Law. Only licensed Paralegal should be taking this course and there should be exams for this course. Paralegal should be receiving certification for completing the course.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Scope of activities should include filing up of forms, doing client intake, drafting affidavits and other documents. Paralegals have the capability to draft Affidavits and such in other aspect of our practice and I do not see as to why Paralegal are not capable or competent to draft documents for Family Law.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

Yes there should be a course that would span a few months and allows for an in depth understanding on Family Law. It should allow for current paralegals to do it part time or as an online course if possible. For new students, Family Law can be added to their course material and have a supplemental certification if they wish to pursue a practice in family law.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Minimum requirements to should be P1 licensing or at least a Diploma or Degree in Law/ Paralegal related field.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

Should be a certification that span at least 2 - 3 months part time or full time. There should be an exam at the end of the course and must have a grade of at least 65% by the end of course. As for placements, the school should be responsible for this but the Law Society needs to promote or create awareness for these placements in the legal community. The Law Society should promote and support so that firms would be enticed to host a placement.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?
I do not think CPD would be enough of a requirement to focus on family law unless this course spans a few months. There should be a certification for this so that employer or clients to recognize the knowledge and expertise obtained.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

No Law Clerks should not be eligible. Only Paralegal should be as rules of ethics and legal knowledge need to be applied.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Cost, accessibility, time saved and legal knowledge.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes

#300

Please enter your first and last name	Kelicia Letlow
Email Address	kperoune@kylaw.com
Please make a selection below	I am a lawyer
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Sole practice
Practice area focus:	- Family /Matrimonial Law - Immigration Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

This may not improve access to affordable, competent family law legal services. An examination of the system in place for immigration consultants would show that there are many issues with non-lawyers providing legal services.

What is the guarantee that legal fees will be lower? (immigration consultants' fees are the same and sometimes higher than lawyer fees).

What is the safeguard against fraud- to prevent these persons from pretending to be lawyers. There should be measures to protect the public, especially vulnerable clients such as new immigrants, low income, non-native English speakers etc

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

No it will not.

Competence

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Public Legal Education sessions (can be offered virtually)

Improve the services provided through the legal clinics- generally, family law lawyers at legal clinics provided only limited services- and clients are often referred to the private bar. There is much room for improvement of the family law service offered by legal clinics.

Work with community organizations to educate the public

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

No, Six to eight months of full-time training is not enough.

The program should not be too long to deter persons who are genuinely interested but at the same time, it should not be so short to attract people who are looking for a short course for the primary reason of making money.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

An undergraduate degree with legal studies or legal component

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

One year of full-time study and 8- 10 months placement with a lawyer who has 3 to 5 years post-bar experience

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes- this should be mandatory

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Yes law clerks should be eligible

General

13. Is there additional information or are there other factors that should be considered?

Something similar to Continuing Professional Development should be mandatory
Disciplinary measures, the annual fee should be required

#301

Please enter your first and last name	Carla Graham
Email Address	carlawparalegal@gmail.com
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
Practice area focus:	<ul style="list-style-type: none">- Civil Litigation – Defendant- Civil Litigation – Plaintiff- Construction Law- Criminal/Quasi Criminal Law- Family /Matrimonial Law- Ontario Court of Justice - Provincial Offences Act matters- Ontario Court of Justice - Summary Conviction Offences- Small Claims Court matters- Statutory Accident Benefits Schedule matters (SABS)- Wills, Estates, Trusts Law
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central West, including Bruce (Walkerton), Grey (Owen Sound), Dufferin (Orangeville), Wellington (Guelph), Peel (Brampton), Halton (Milton)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

I believe the proposed scope of permissible activities will support the increased access to affordable, competent family law legal services because I work in an environment where I see persons who are vulnerable due to economic restraints who are in desperate need of legal help.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

The proposed scope of permissible activities will enable the Family Legal Services Provider to develop a business model that is viable because it will promote and increase access to justice.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

The proposed competencies will ensure the appropriate level of competence to deliver legal services because most persons may not know exactly how to prepare and or withstand certain issues without having the proper tools and or resources to do so.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Completing forms, providing legal advice, appearance in court, and preparation for trial custody, access, adoptions, simple and joint divorces, child support and child protection matters.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

I believe so.

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Persons who have worked and or is trained in Family law. For example I know of individuals who have worked as court clerks employed in OCJ and SCJ - family administration and are capable of completing court forms and give legal advice.

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

3-4 month training for persons who are the process of completing a Paralegal program from a post-secondary institution. Grandfather existing paralegals and provide training through the LSO portals.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Yes, law clerks should be eligible.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Billing practices, cost structure, accessibility and the practicality.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

It is appropriate and very much needed due to covid-19 and the changes that were made in 2019 which impacted legal aid access dramatically.

12. Are any aspects of the proposed licensing framework unfeasible?

I do not believe so.

13. Is there additional information or are there other factors that should be considered?

N/A

#302

Please enter your first and last name	Stephanie Anderson
Email Address	andersonlegalservices03@gmail.com
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	Yes
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Sole practice
Practice area focus:	<ul style="list-style-type: none">- Administrative Law- Employment/Labour Law- Human Rights/Social Justice Law- Landlord and Tenant Law- Ontario Court of Justice - Provincial Offences Act matters- Ontario Court of Justice - Summary Conviction Offences- Small Claims Court matters- Tribunals
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes, if there is an educational component to the family law licence. This is help to ensure to the client that paralegals (lawyers, etc) are properly trained in the latest and greatest of the legislation, applicable rules and possible certain software and can provide proper legal advice. It won't be a fly by night type of advice, this clients can be ensured of and rely on.

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes, the proposed scope of activities are general in nature. As a head start this will help self-represented members of the public have some sort of an understanding of what might happen with their particular matter, maybe give them an idea of what the courts might ask or what is expected of them throughout the proceedings. Also for anyone who doesn't write well and would like to produce documents that are both professional and documents that they themselves understand and can follow along with will help them in the proceedings as well.

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Now with covid-19, the educational component will have to be online for the most part, this means that any/all teachers, professors, assistants etc will need to be able to grade and mark the work to show that the person has the necessary skills and can is competent. This might be difficult if there is a software component to it.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Consultations, Being able to discuss and negotiate with the otherside for sure. There may be more.

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

I believe this will need to be tweaked to show how this can be done predominately online, what does the online format look like

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Since the scope is general, the provider should already have say, two (2) years experience as a litigator

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

This might be difficult as we are upon a new day with covid and there may not be any providers, particularly not enough to take on the amount of students needing a placement. This might need to be an extra part of the educational component. Right now only lawyers are practicing family law and there are some lawyers who are against anyone else practicing it, therefore those lawyers will likely not take any students just due to them being so against it. This means less lawyers avail to take on students.

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes, CPD's are necessary as there are always changes to the law and all providers need to keep up to date with the changes.

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

I am not sure about law clerks because, law clerks usually always work under a lawyer. The lawyer may allow them to take in the CPD's and such to keep up to date on current affairs however, the chances of the lawyer allowing their clerks to take over interviewing and meeting with clients probably won't happen. If this is the case then law clerks being able to become a provider does not make any sense since the lawyer they work for will always be at the helm of everything.

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Billing practices, especially if providing unbundled retainers. How the provider talks to them and helps them to understand what might happen throughout the proceeding, what they can expect. Having a sense of someone to contact without feeling like they are signing their life away

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes, if all courts etc begin to find some success online, there are many self-represented who will still need help if not more help because of the software being relied on

#307

Please enter your first and last name	Angela Browne
Email Address	angela@browneandassociates.ca
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Small firm (2-5 licensees)
Practice area focus:	<ul style="list-style-type: none">- Administrative Law- ADR/Mediation- Employment/Labour Law- Human Rights/Social Justice Law- Landlord and Tenant Law- Ontario Court of Justice - Provincial Offences Act matters- Ontario Court of Justice - Summary Conviction Offences- Poverty Law- Property Tax Assessment- Small Claims Court matters- Statutory Accident Benefits Schedule matters (SABS)- Tribunals- Worker's Compensation- education
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)
Upload a File	FLSP Consultation Paper November 30 2020.docx
Scope	
Competence	
Training Program	
Other Components of Licensure	
General	



**BROWNE
& ASSOCIATES**
Legal Services Professional Corporation

**FAMILY LAW SERVICES PROVIDER
Consultation Paper**

November 30th, 2020

**BROWNE & ASSOCIATES LEGAL SERVICES
PROFESSIONAL CORPORATION
71 King Street, Suite 201
St. Catharines, Ontario
L2R 3H7**

Angela L. Browne, Managing Director



INTRODUCTION

About Browne & Associates Legal Services Professional Corporation

While the principal of Browne & Associates has been in private practice as a Paralegal for many years prior to licensing and regulation of the Profession, others that have since joined the firm have become licensed afterwards. As a firm, we provide a broad range of legal services within the permissible slate of a Paralegal License. As its founder, I specialize in human rights, employment, administrative tribunals and disability matters. My associates handle landlord and tenant, small claims, RSLA, summary criminal and provincial offence matters. We manage our work as a team and assist and guide one another when one of needs a second pair of eyes.

We maintain a substantive law library, subscribe to Lexis Nexis Advanced and uLaw, as well as utilize CanLii and numerous other free forms from online sources. I am personally both a member of Ontario Paralegal Association and will be joining the Federation of Ontario Paralegals, as I feel it is important for our Profession to have a voice in matters such as this. I also contribute via the Law Society Referral Service for individuals seeking summary advice on legal questions of general interest within the paralegal scope. I am also Coach and Advisor through the CAN Network and have assisted colleagues on summary legal questions, as well as occasionally assisted them through certain practice challenges. As a grandparented Paralegal and “long hauler” as some would call me, I have also been retained by other members of the professions to assist or mentor on cases that are novel to them.

As a Profession, like Lawyers, paralegals have undergone significant challenges through the COVID-19 pandemic. Many have not been able to maintain their practices and have shut their doors. Others like myself are always looking to new ways to serve our clients, and as such, have taken an interest in the Family Law Services Provider consultation. Prior to regulation, I have had training in family law in my training as a legal assistant and had taken other courses later on. Prior to regulation, many paralegals including myself have provided services in this area with little difficulty, until regulations have passed to put this out of our scope. While this was some time ago, I do remember many of the people who called my office at the time, who expressed a need for lower cost services, such as uncontested divorces, separation agreements (based on one property, agreed upon child custody/access arrangements, etc.), etc. When I advised them we were not able to provide these services, these same individuals would state they had no money to pay for the full legal services of a lawyer and many times, would end up representing themselves. To me, to allow the dichotomy of self-representation and full lawyer representation to continue in this modern age, is to serve as a denial of access to justice. I hereby wish to provide comment to the proposed details in the FLSP Proposal.

Angela Lynn Browne, Managing Director
BROWNE & ASSOCIATES LEGAL SERVICES PROFESSIONAL CORPORATION
71 King Street, Suite 201, St. Catharines, Ontario, L2R 3H7



BROWNE & ASSOCIATES

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Scope

Scope of Permissible Activities

The FLSP will be authorized to offer the following services:

- Legal advice
 - Drafting legal documents
 - Representation in court or before an adjudicative body
 - Negotiating legal interests or rights
- The FLSP will be authorized to offer the above services in the following general areas of family law, with exclusions and limitations to be specified in the applicable by-law:
- Divorces
 - Parenting orders and decision-making (custody and access)
 - Child and spousal support
 - Contempt/enforcement of orders
 - Separation agreements, paternity agreements, and family arbitration agreements provided that the client agrees to obtain independent legal advice from a lawyer
 - Change of name applications
 - Division of property

Out of scope activities include:

- Matters involving income determination
 - Third-party experts or valuers
 - Relocation/mobility
 - Cohabitation agreements and marriage contracts
- Regarding property, the FLSP may not act where there is more than one home, or where there are equitable or trust claims, or claims for unequal division of property. More generally, the FLSP will not, at any time, be allowed to act in the following circumstances:
- Where the client is under the age of 18 or is mentally incapable
 - Child protection matters
 - Adoptions
 - Declarations of parentage Family Legal Services Provider Licence Consultation 8
 - Appeals or motions for leave to appeal
 - Matters involving reproductive/fertility law issues
 - Matters overlapping with an area that is out of scope for the FLSP licence
 - Matters overlapping with an area that is out of scope for paralegals generally under the current By-Law 4



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1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

The answer to this question will depend on a number of factors. Do I believe Paralegals can become competent in these areas and offer them to the public? Of course. These are areas of practice in family law that are often requested of Paralegals and do constitute ninety percent of the “family law” calls that come into my office. Affordability to offer these services will rely on the answers to the following questions. I would assume child custody would also include grandparents seeking rights to seek access and in some cases, custody of their grandchildren. This should also be included within the permissible scope.

2. Will the proposed scope of permissible activities enable the FLSP to develop a business model that is viable? If so, why? If not, why not?

If the FLSP license of supplement is not made too expensive to carry, an FLSP will be able to build a good clientele relying on clients relying on permissible scope of practice. However, I would also like to see it examined where a competent FLSP would also be able to provide coaching and guidance in the area of child protection, where applicable. Many middle class families are faced with false allegations and end up in family court fighting for their children’s rights to remain in their custody. Most would not be eligible to get a legal aid certificate for this and having at least somebody to provide support on the legal process involved would be of benefit to many of these people. At one point in my life, I was self-represented in a case of this nature and I successfully achieved what I needed to achieve by understanding how to address the court, how to complete proper affidavits and how to participate in a mediation, etc.

Competence

1. Ethics and professional responsibility
2. Knowledge of the law
3. Substantive family law
4. Problem, issue identification, analysis, and assessment
5. Alternative dispute resolution
6. Litigation process
7. Practice management issues
8. Prohibitions



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Legal Services Professional Corporation

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

The list of competencies are excellent. I would also add the capacity and ability to build upon the knowledge of family law framework. Sometimes, issues will come up that will require additional knowledge that can be easily researched by a competent practitioner. For example, there are resources for special needs children in the community, as well as some of the other areas of law that many Paralegals are well informed about, e.g. social benefits, pensions, CPP, OAS, education laws, etc. While training may not be necessary for the practitioner in every single one of these areas, a competent practitioner would know how to find what they need. I have learned many of these areas of law without necessarily being taught and have been able to represent people in these various tribunals that deal with these areas of practice, such as education, records management, custodial review, probation.

Paralegals who have been practicing for some time have already developed most of these competencies in their own permissible levels of practice. For example, in taking on a summary criminal offence, almost all of these competencies are put to work. Paralegals newer to practice may need more oversight and mentorship to learn how to apply these competencies. It is hoped that as the paralegal training in the approved colleges continues to be evaluated that more of these skills are tested and enhanced.

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

In my view, if a course of training were to be developed for Paralegals already out of school and licensed, a continuation of the same training should be made available through approved colleges where Paralegals are already trained. Make one semester mandatory and other courses in Family Law Issues electives to enable those that wish to partake further in this area of practice. For those that are already licensed, I do support some type of training and ongoing CPDs.

Attention should be paid to the cost of this training, CPDs, any extra licenses and insurance. If this is too costly, it would defeat the purpose of providing affordable services.



Family Legal Services Provider License Consultation

11 Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D.

I have reviewed the proposed educational requirements and have a number of questions. First, one must ask if this is practicable for those who are in full-time Paralegal Practice.

Hours/Length of Training

Attendance at school on a full-time or even twenty hours a week for any training would interfere with one's ability to maintain their practice and earn money. For many of us, we do not have a second earner in our families to assist us while we receive this training and our practice is what we do to pay the bills. I cannot close my practice for any length of time without putting my family into financial jeopardy.

This is even more the case during this pandemic, where I have been learning from other Paralegals that their income/revenues have dropped significantly and certainly, there are no savings people can draw upon to attend any institution while they are taking these courses.

Location of Training

Which facilities are going to offer this training? Is this training going to be in person, or can one take it online? I do not drive, so I am not able to access any facility outside my local area to attend in person. Should I have to be disadvantaged because of this? It would also be impractical to only have a couple of places where people can attend, whereby people in other parts of the province will be disadvantaged in not being able to access this training if it were required in person attendance. Most post-secondary courses have moved to online learning due to the pandemic and traditional professors have learned how to utilize the technology to their advantage this way, to reach more people and to keep people safe.

The training should be available in evenings, as there are no courts in the evenings and the occasional Saturday. Alternatively, training sessions can be recorded and accessed by those enrolled at any time so they can download and view them later. Quizzes and assignments can be completed and submitted to the professor online for grading.



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Costs of Training, Books

Many Paralegals still have outstanding student loans from when they attended and received their P1 training. To attend and obtain the FSLP, prospects should not be forced to obtain costly student loans that would make it even more difficult to pay off. How is somebody going to provide affordable services if they are still paying back student loans? My son just repaid almost \$50,000 in student loans for his nursing education. Fortunately, he was able to do that because he earns a high salary at the place he works. The same cannot be said for Paralegals, on average. The higher our costs, the more we have to bill for our services.

Experienced/Newer Paralegals

I have been practicing as a Paralegal since 1993; full time since 1998. There are many others who have graduated and hung their shingle since then. Will the training expectations be the same for experienced Paralegals as for newly licensed Paralegals? While training in family law is core to the proposed education, is there a way to enable more experienced Paralegals to acquire the training in a fast-track way without having to close their office for six months to a year to do this? Or to reduce their caseload (thus, take in less revenues) while taking the courses? I cannot afford to do that; again, I am the sole earner for my household.

Course Exemptions

There are Paralegals who have already trained in family law courses in a previous life. For example there are many Paralegals who are also Law Clerks, who have taken the full family law training for ILCO. Others have worked for a period of time under a family law lawyer, assisting with the paperwork and interviewing clients. Other paralegals worked in family law cases, such as completing uncontested divorces, simple separation agreements and assisting people in drafting applications to the family courts prior to our regulation. They stopped doing this when they were told to do so under regulation but, this is also experience worth considering for some other Paralegals. How will course exemptions apply for those seeking them, or who would otherwise qualify? What would be the criteria for this?

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the FLSP?

I am not sure where this would apply. As a long hauler in the Paralegal profession, would this count towards “experience” in this area? How about other forms of experience, such as those who worked in a family law services firm and now are working independently as a Paralegal? There would of course need to be some training or at least CPDs in setting up for family law practice and including family law files as part of what one does in their daily practice.



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7. What length and form of experiential training should be incorporated into the licensing process for the FLSP to support the competencies? If a field placement is required, who will provide the placements?

There is significant evidence of continued antipathy from the family law bar to allow Paralegals to do anything at all independent of their supervision, so it is very difficult to say that a requirement of supervision in this area would be appropriate. If this is imposed as a mandatory requirement, who would be asked to do the supervised placement? Would this be a paid or unpaid placement? Again, many people cannot afford to take time away from their regular paralegal practices to undergo a placement under another firm to gain this credential. I am not sure how this can be done, although if we can find a group of family law practitioners willing to mentor some of us, this might be possible. They would mentor us on family law files, while we work on cases in our private practice.

8. Is a CPD requirement focused on family law appropriate for the FLSP?

A CPD requirement can be reasonably put into place for those practicing in family law. Three hours of the annual take might be appropriate. There can be other CPDs that can provide extra training in specific areas of family law as well, e.g. domestic violence, mediation, children's law. The price for these CPDs should also be reasonable.

9. Should law clerks be eligible for the FLSP license? Are there other groups of professionals who should be considered?

Many Paralegals are also trained as Law Clerks. This qualification might allow some exemptions with respect to the training required particularly if this Law Clerk has experience working in a family law office. However, I would also argue they should also be Paralegals. Training as a Paralegal includes many of the competencies identified above, which Law Clerks have not necessarily established in their own educational background. This would enable the FLSP training to be focused to Paralegals interested in obtaining this supplementary license.

Also, if Law Clerks working under lawyers currently get licensed this way, this does not guarantee that affordability will be enhanced. Their services are often marked up considerably and the overhead and other costs are still present with the law firm.



General

10. What characteristics of an FLSP would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Many self-represented litigants just want support and coaching to make sure they fill out the paperwork correctly and follow the correct procedures in the court. Paralegals are often able to explain things to self-represented litigants to enable this process. Limited scope, coaching and certain types of billing structures would be attractive to self-represented litigants. Training in how to do this (limited scope) might also be an important principle in this training.

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the FLSP design appropriate?

Any type of system that would take as many court processes out of the picture would enable alternative service providers to assist. Mediation, online motions, etc. are something that is becoming more common during the current pandemic. This would also fit into the process to make family law matters more affordable to more people.

12. Are any aspects of the proposed licensing framework unfeasible?

The proposal as a whole is quite feasible. However, the concerns apart from those I already expressed about the educational component are as follows: Should a Paralegal interested in this area of practice have to go through a re-licensing process and obtain a second license and pay for this second license through their annual dues? This again creates more financial barriers. Their insurance would already have to be topped up, as many of our insurance providers did when we notified them of our notary public work. There could be a note on the person's license that they are qualified as a Family Law Service Provider, similar to how lawyers have an indication in the directory that they are carrying the appropriate insurance for real estate practice.

This should eventually find its way into the paralegal training programs offered by the colleges that currently are accredited to offer them today.



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13. Is there additional information or are there other factors that should be considered?

In short, when considering the educational requirements or even the supervised placement requirement, please consider the candidate's years of experience as a practicing paralegal, if they had prior education in family law and if they worked in this area either independently or under a lawyer in the past. Training should enable practitioners to continue in their existing practices with no interruptions (e.g. done in the evenings, online and over selected periods of time). Costs of training should also be set and considered when programs are set up to train interested prospects for this area of practice.

Affordability, competence, availability of limited scope retainers, etc. are always key factors when putting this new service out to the public. If people had to leave their practices and pay for a costly education, the services they end up providing may not necessarily be as affordable as if this was done in the way I am proposing.

Submitted by
**BROWNE & ASSOCIATES LEGAL SERVICES
PROFESSIONAL CORPORATION**

Angela L. Browne

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Please enter your first and last name	Kerl S
Email Address	eksbawks@gmail.com
Please make a selection below	I am a member of the public
Are you a self-represented litigant?	Yes
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Scope
Competence
Training Program
Other Components of Licensure
General

Please enter your first and last name	Hilary Linton
Email Address	hilary@riverdalemediation.com
Please make a selection below	I am a lawyer
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Sole practice
Practice area focus:	- ADR/Mediation
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Upload a File	LSO Submission- Nov. 30, 2020.pdf
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Scope

Competence

Training Program

Other Components of Licensure

General

Access to Justice Committee of the Law Society of Ontario
Response to Consultation Paper on the Family Legal Services
Provider (FLSP) Licence

Hilary Linton, Riverdale Mediation Ltd.
hilary@riverdalemediation.com

November 30, 2020

To: Access to Justice Committee of the Law Society of Ontario
From: Hilary Linton
November 30, 2020

Background

I am a Toronto family lawyer, mediator, arbitrator and trainer. I practiced civil and family litigation from my call to bar in 1987 until 2000, when I took an LL.M. in dispute resolution and focused my practice exclusively in FDR (family dispute resolution) and training.

My firm Riverdale Mediation Ltd. provides family mediation, arbitration and parenting coordination services to clients, many of whom are unrepresented. We also train aspiring family dispute resolution professionals each year, and through our internship program supervise Mediators in Training, with students across Canada and around the world.

Since 2011, I have provided Ministry of the Attorney General-contracted family information and mediation services in Toronto's Superior Court of Justice and its two Ontario Courts of Justice, through mediate393 inc. These clients of these services are predominately unrepresented.

In this way I have, with colleagues, developed procedures for the safe and effective delivery of family dispute resolution services. I have further developed my understandings through roles with the Boards of Directors of Ontario's leading FDR organizations--- first the Ontario Association of Family Mediation and, more recently, the Family Dispute Resolution Institute of Ontario, which I co-founded. I have also been a Director of the US-based Association of Professional Family Mediators and am former chair of the Ontario Bar Association's ADR Section.

My work in the ADR field has been acknowledged with two significant awards; the OBA Award of Excellence in ADR in 2014, and the FDRIO Crowe Soberman Award of Excellence in 2020.

I presented the OBA's Family Law Section deputation before Justice Peter De Cory (*A Framework for Regulating Paralegal Practice in Ontario, 2000*) and was a member of the Advisory Group for the *Family Legal Services Review Committee* led by Justice Bonkalo. Early in my litigation practice, I conducted prosecutions of family law paralegals for unauthorized practice of law, on behalf of the Law Society of Upper Canada.

My CV is attached for reference.

Summary

Family mediation is an affordable access to justice response. Family mediators can help their clients use mediation services more effectively if those clients have legal support. Family mediators who have achieved certification are well-trained professionals who provide legal and

other information, screen for intimate partner violence and provide negotiation support to unrepresented parties.

Mediators also provide clients with neutral legal information including parenting plan resources and templates, financial disclosure assistance, and Divorcemate calculations for child support, spousal support and property division. They review relevant legislation with their clients and draft settlement summary reports, often in the format of Consents or using [Ministry of the Attorney General-approved standard legal](#) clauses for conversion into binding agreements . They assist their clients to be 'legal-advice ready.'

As such the unrepresented clients of certified mediators are likely to stand apart from other unrepresented parties in their legal needs.

There is strong demand for lower-cost legal services to support family mediation. Mediators report that many of their clients are unrepresented, claiming that they cannot afford legal advice. While recognizing that there is no study that demonstrates conclusively that FLSPs will offer lower-cost legal services, adding a new tier of limited-scope legal service provider would logically lead to that result in a private service delivery market.

Family law is an extremely complex area of law. The risk of real harm to vulnerable clients and children arising from advice from unqualified service providers is great. The training, preliminary supervision, mentorship, connections with family lawyers and ongoing education for FLSPs will need to be rigorous for FLSP licencees to credibly and competently provide even limited family law services.

I believe this goal is attainable, leading to creative opportunities for family lawyers, FLSPs and mediators to work together in offering a wider range of accessible and affordable client services.

Family mediation and access to justice

The perspective I bring to this response is that of a family mediator and arbitrator who works regularly with unrepresented clients. Based on my 20 years of experience in this role, I believe that there is considerable access to justice potential in a regulated relationship between FLSPs and Ontario's family mediators in particular.

The perspective of FDR professionals in this discussion is unique and of value for the simple reason that our clients need legal advice. We are not in the legal services business ourselves.

Out-of-court dispute resolution is an important, if under-used, access to justice solution. Family mediation in particular, being a voluntary process of self-determination, is an accessible and affordable process option for separating couples.

In Ontario, government-funded mediation is free for clients using the courts and highly subsidized for all separating couples. Public policy in Ontario therefore supports the use of mediation to resolve family law disputes.¹

Many clients using family mediation services do not have a lawyer. Family mediation cannot achieve its true access-to-justice potential if the parties using it cannot obtain legal advice. As noted in the next section, clients who are able to access legal support as part of their mediation process are found, by mediators, to be better equipped to use the process effectively and successfully.

FDR professionals, though not members of a regulated profession, are often highly trained and qualified. Many are also lawyers or mental health professionals. A great many have taken family mediation training and are certified by one of Ontario's voluntary licencing organizations.²

Requirements for certification include family law training,³ and training in screening for power imbalances and domestic violence.⁴

Mediators providing [government-funded mediation services](#) must be certified by one of Ontario's FDR organizations, carry liability insurance, and attain enhanced annual training in family law, IPV screening, issues impacting indigenous families, and more.

Family arbitrators in Ontario must comply with the requirements of Regulation 134/07 under the Arbitration Act,⁵ which requires them, among other things:

- 1- To have at least 30 hours of family law training if they are not family lawyers.
- 2- To have at least 14 hours of training in screening for power imbalances and domestic violence.
- 3- To refresh that training on a regular basis in accordance with the requirements on the [Ministry of the Attorney General's website](#), and
- 4- To belong to one of Ontario's voluntary FDR organizations.

In summary, professionals providing FDR services in Ontario are likely to be trained, qualified and experienced in family law and in screening clients for power imbalances and domestic violence. They are also likely to belong to an organization that provides a community of ongoing

¹ <https://www.attorneygeneral.jus.gov.on.ca/english/family/divorce/mediation/>

² These organizations set standards for certification with ongoing training requirements. Certified members are subject to complaints processes. See; [Ontario Association for Family Mediation](#); [Family Dispute Resolution Institute of Ontario](#); [ADR Institute of Ontario](#).

³ FDRIO requires 30 hours of family law training; OAFM requires 21 hours. The current FDRIO required course content is [listed here](#).

⁴ Both FDRIO and OAFM require 21 hours of IPV training; [here are the current FDRIO](#) course content requirements.

⁵ <https://www.ontario.ca/laws/regulation/070134>

education, support, mentorship and professional standards that subject them to a complaints policy.

The experience of family mediators

I recently conducted a small-scale survey of family mediators in the Toronto area who work either in private practice or for a court-connected service or both. I received 18 responses. Although this is a very small sample, the responses reflect my own experience and I think are helpful.

- The majority of respondents had one unrepresented client in at least half of their cases, and they all had at one unrepresented client in some matters.
- 44% reported two unrepresented clients in at least half of their cases , with all having some files with two unrepresented clients.
- Most mediators referred their unrepresented clients to the Legal Aid Ontario telephone advice line, which offers 20 minutes of free advice, with many indicating that they believed about half of their clients access this service.
- The issues that clients most commonly need legal advice on were: parenting and mobility, child support and s. 7 expenses, and spousal support.
- Mediators noted the following benefits of legal advice for their clients:
 - Knowing their legal rights
 - They are able to make informed decisions and are not asking for something unrealistic. Mediation time is productive and they do not spend money for mediation to discuss topics that they would know the judge would not consider.
 - They gain understanding and knowledge which leads to them to gain more understanding and insight into the process and impact on their family. It provides an opportunity for client's to feel empowered and more prepared for mediation, with possibly some realistic goals and expectations
 - They can obtain legal advice regarding their personal situation They feel more confident in the decisions made in mediation They can have questions answered; reality checking around what their rights and obligations are.
 - Tempering and setting realistic expectations; clear idea as to the alternatives to mediation; negotiating within bounds of what would be reasonable/acceptable.
 - They know their limitations
 - If clients have legal advice it narrows the range of outcomes so that they can focus on 2 or 3 possible outcomes and reach a resolution. If they have no legal advice they do not know what to agree upon at all. They are basically lost.
 - Better prepared, more confidence about what they are agreeing to or not.

- More certainty about their obligations and entitlements
- Understanding how the law works/the application of the law to their situation, and giving realistic options for choices available, and what may be best options for them. The ability of someone who is not neutral to do reality checking with them
- Explain financial disclosure and legal obligations in greater detail
- They have a chance to consider their options and are informed customers
- The parties are empowered to negotiate; increased confidence; better focus on the issues and options for resolution
- They will know their rights and responsibilities, and will be ready to negotiate from a position of power.
- They are able to negotiate with an understanding of their legal position; and, after a mediation, they are able to understand how the agreements they have arrived at in mediation impact their legal rights/obligations.
- Better understand their position in relation to the law and court outcomes.
- Can make decisions
- Informed decision by clients

- Mediators noted the following disadvantages for unrepresented clients:

- Make wrong assumptions and judgements
- They are asking for things they see on TV, or have been told by other people. This increases conflict between the parents when one party especially does not understand what could happen if they went to court.
- Without legal advice, they are not as informed, if at all, about their rights, their responsibilities, understanding of the process and the legal realm within which they are hoping to resolve issues specific to their children, and finances. the impact on client's ability to participate in mediation, with knowledge and awareness, insight and opportunity, is severely impacted if their understanding of the process is limited at the outset
- Less sure about the decisions made in mediation May not be fully aware of their rights and obligations under the law More reliant on the mediator for legal advice (which the mediator cannot provide) and general information (which the mediator can provide).
- Unable to negotiate as well for themselves, may make agreements but run into a wall when needing to formalize agreement.
- Not informed re: rights or obligations
- The client without legal advice has a misunderstanding of the law and it means that the mediation will take much longer to resolve and we may not resolve very much at all. They think they know the right answer but without a lawyer they really do not know what to agree upon and they are paranoid. They are more aggressive and paranoid without a lawyer.
- If one client has advice and the other doesn't which can create an imbalance. If neither has legal advice they are more likely to ask me to tell them what is right. Less confident about making their own decisions.
- A lack of understanding of what they are entitled to and what their obligations are

- Not understanding how the law works and what are realistic expectations -Not fully understanding their legal rights or obligations -Not receiving advice for the best options for their situation -Not knowing what to expect from the other party -Not knowing what a reasonable settlement looks like -Not considering the details needed for a thorough separation agreement
- Not having an advocate for them
- Feel less supported, frustrated, more stuck in the conflict
- Uncertain and hesitant to generate options; worried about being too nice; not having a clear understanding of what is reasonable can slow the process down; lack of empowerment
- They will never be satisfied of what they achieved. Mediators cannot provide advise and all what mediator can do is to terminate the mediation if mediator feels the parties cannot make an informed decision. The parties will be left with no option but to go to court.
- They are unable to negotiate with an understanding of their legal position; and, after a mediation, they are unable to understand how the agreements they have arrived at in mediation impact their legal rights/obligations.
- They don't understand their BATNA and often take rigid positions.
- Have unrealistic expectations
- Not sure what to accept or disagree

- Most mediators reported that about 30% or fewer of their clients use unbundled legal services through the [Family Law Limited Scope Services Project](#).

- 77% of respondents indicated that the reason given by clients without counsel is that they cannot find a lawyer with an hourly rate they can afford.

- The other main reasons for not having legal counsel were:

- Cannot afford retainer required (50%)
- Do not trust lawyers/too adversarial (44%)
- Had a prior bad experience with a lawyer (44%)
- Need a lawyer who understands their culture/language (22%)

- Respondents advised that the highest hourly rate they felt their clients could afford for legal advice was:

- \$75 (33%)
- \$100 (27.8%)
- \$125 (16.7%)
- \$200 (22%)

- Some other comments included:

- Not all clients are able to communicate over the phone or online. There also needs to be a way that clients can see someone in person in a safe manner for the LAO and client.

- A lot of clients need help filling out their documents and there is nowhere to go for in person service.
- Unrepresented litigants, do not necessarily know what resources are available to them, and/or do not know the questions to ask in order to become educated about resources. Language and culture, can be a huge barrier in this respect. When clients are apprised of the various services that they can access, or attempt to access to gain legal knowledge, they often feel relieved and more hopeful
- Mediation clients need to have skin in the game, they have to pay something reasonable for mediation services; if they do not, or if they pay too little, they are less motivated to resolve issues and may be less likely to obtain ILA
- A lot of clients can't even afford to pay \$75 per hour. The clients really need to pay lawyers based on their income the same way they pay for mediation based on their income. So the hourly rate of the lawyer (someone who may work for the government) has to be subsidized by the government in my view.
- My answers apply to my practice as a whole - my court connected files and my private practice.
- The more legal advice available to participants, the easier and faster it will be for them to settle
- Legal advice is very important, but affordability is a major obstacle. Clients also fear that involving lawyers will inevitably lead to a more adversarial process.
- Most clients in private practice have lawyers. More unrepresented clients in court connected program. The barrier for most is cost of legal services, however as indicated, a good percentage feel they don't need legal advice and want to represent themselves.
- Clients need legal advice before mediation to move forward

Intimate partner violence (IPV)

Family mediators have considerable training to enable them to identify, assess and manage IPV in mediation. Mediators are trained to put safety first and do no harm. Court-connected mediators are governed by strict Ministry of the Attorney General policies and procedures for screening for IPV and power imbalances.

Mediation literature and research continues to demonstrate that family mediation can be both safe and empowering for some IPV survivors.⁶ Mediators who are certified by an Ontario FDR organization must meet each client separately and confidentially and screen them for power imbalances and IPV before accepting the file; to engage in safety planning with clients where risk is identified, and to recommend other process options where they feel mediation is not appropriate. Court-connected mediators use a range of credible IPV screening tools, are

⁶ Organizations that support IPV survivors, such as Toronto's Redwood Shelter, include mediation in the list of options for their clients. [See for example this webinar hosted by the Redwood](#), December 3, 2020. The successful use of family mediation in cases involving IPV has been variously documented [including in this 2020 paper](#) by Amy Holtzworth-Monroe, Connie J. Beck, Amy G. Applegate, Jennie M. Adams, Fernande S. Rossi, Lily J. Jiang, Claire S. Tomlinson and Darrell F. Hale.

experienced with safety planning in high risk cases, and work closely with a wide range of agencies supporting IPV survivors, including family court support workers.

The FLSP proposal incorporates considerable required training in IPV, something that is not currently mandated in law school. This is a significant point. I also agree with other colleagues that the proposed training is insufficient (I note the responses from FDRIO and Luke's Place in particular). I believe there is real potential for safe, effective, affordable and effective family dispute resolution for families experiencing IPV if they are working with certified mediators and appropriately trained FLSPs.

An Arizona pilot project illustrates the potential for this kind of service. As quoted in the [Lawyers Daily](#) :⁷

The Innovation for Justice program, the James E. Rogers College of Law (both at the University of Arizona) and the Arizona Supreme Court (see that court's [Task Force on the Delivery of Legal Services](#)), will jointly launch a two-year pilot project starting in January 2021.

It combines trauma-informed experience of lay legal advocates with legal training specific to domestic-violence related issues. Championed by Karen S. Adam, superior court judge (Ret.), the project seeks to better support victims of violence who are unable to afford the legal help they need.

"This pilot is positioned to be a critical and groundbreaking step in the effort to significantly restructure legal regulation and innovate the delivery of legal services to improve access to justice," said Stacy Butler, director of the Innovation for Justice program.

Training

Given the access to justice potential of mediation-FLSP partnerships, the FDR training component of FLSP education should be enhanced, as should the training in the dynamics of IPV and awareness of the impact of systemic racism in law on Indigenous and Black communities. I endorse the proposed additional training recommended in the FDRIO response.

Limitations

This paper makes no comment on the appropriate role of paralegals appearing in court, nor does it seek to comment on the proposed scope of permissible work for FLSPs. I endorse the views of Prof. Nick Bala and others to the effect that the credibility and success of such an initiative will depend on establishing mutually positive relationships between family lawyers and FLSPs. I believe it would be prudent to require some form of partnership/referral arrangement between them.

⁷ September 24, 2020

Conclusion:

The family law profession is engaging in a time of creative innovation in an effort to meet the needs of diverse clients. Covid-19 has led to an increased demand for affordable and accessible legal services while expediting technological and practical innovation in legal and mediation service delivery. This can serve to expand access to affordable family law advice for mediation clients.

There is a real need in my view for as many types and forms of family law service as can be competently provided. With appropriate training and regulation I see many opportunities for family lawyers and FLSPs to work in partnership to offer more extensive, affordable and diverse family law support to clients using all FDR processes. I see this as a win-win-win if it is done well.

Sincerely,

A handwritten signature in blue ink that reads "Hilary Linton". The signature is fluid and cursive, with a period at the end.

Hilary Linton

Survey questions sent to 22 Toronto-based family mediators: 18 responses received.

We are seeking to hear about your experiences with unrepresented clients so we can better understand their needs in family mediation. We expect your replies to be approximations only.

What percentage of your mediation files have one client who is unrepresented? *

What percentage of your mediation files have both clients who are unrepresented? *

How many of your unrepresented clients use the LAO free advice (20 minute) phone number? *

What is the approximate income below which you find your clients are unable to obtain legal advice? *

What do your clients need advice on? (indicate % of clients) (i.e. income determination, child support, s. 7 expenses, spousal support, property valuation, tax issues, property division, mobility, parenting plans, other)*

What do you find are the main benefits for mediation clients in having legal advice? *

How do you find your clients without legal advice are disadvantaged? *

How often do you help clients settle their issues but they cannot get the advice they need to convert it into a court order or separation agreement? *

What % of your clients use Unbundled Legal Advice Services? (Family Law Limited Scope Services)? *

What are the reasons your clients advise you that do not have lawyers? (check all that apply) *

- cannot find a lawyer with an hourly rate they can afford
- cannot afford the retainer required
- do not trust lawyers/too adversarial
- had a prior bad experience with lawyers
- need a lawyer who understands their culture/language
- Other:

What is the highest hourly rate that you think would be affordable for most of your clients? *

- \$75
- \$100
- \$125
- \$150
- \$175
- \$200

Please add anything else you wish to note based on your experience.

Ms. Linton started her career as a civil litigator in the 1980s, focusing on banking, construction and defamation law. She also conducted prosecutions of the unauthorized practice of law for the Law Society. She eventually specialized in family law, becoming a partner at Chappell Bushell Stewart in Toronto.

In 2000, she left her legal advocacy practice to focus on alternative dispute resolution. She has worked exclusively as a mediator, arbitrator and teacher since 2001 when she founded Riverdale Mediation Ltd.

In 2011 she founded mediate393 inc., which was awarded a contract to provide family information and mediation services in the Toronto Superior Court of Justice and, in 2012, its two Ontario Court of Justice locations. In that capacity she has designed a rigorous and vibrant family mediation service and supervises mediators and family information officers working in and connected to the court.

Ms. Linton has also designed and taught family mediation training programs that have equipped hundreds of professionals to become certified in their fields. She is recognized across Canada and internationally for her expertise and innovation in dispute resolution training. Her contributions have been recognized by the Ontario Bar Association (Award of Excellence in ADR) and by the Family Dispute Resolution Institute of Ontario (Crowe Soberman Award of Excellence.)

Family Mediation and Arbitration

Ms. Linton focuses on empowering couples to resolve their family law matters in a voluntary and informed process of self-determination. Working with counsel and also with unrepresented clients, Ms. Linton provides child-focused dispute resolution processes that allow parties to reach parenting and financial settlements that are good for their children and permit the family to move on.

Ms. Linton also provides mediation-arbitration services, where she adjudicates issues not resolved in mediation.

Teaching and Training

Riverdale Mediation has earned acclaim for its family mediation, arbitration and parenting coordination training programs, which meet the requirements of several accrediting organizations in Ontario.

Ms. Linton is also frequently retained to design and deliver custom workshops. Some projects:

- *Screening for Family Violence, Abuse and Power Imbalances*, Ismaili Conciliation and Arbitration Board (CAB), Toronto, November 2020.
- *Presenter, 14 Hour Training on Screening for Power Imbalances and Family Violence for Family Lawyers, Family Arbitrators and Parenting Coordinators*, Ottawa, ON, May 15 & 19, 2020.
- *Presenter, Identifying, Assessing, and Managing Power Imbalance & Family Violence in Family Dispute Resolution Processes for Collaborative Professionals (14 Hours)*, Patterson Law, Halifax, NS, October 27 & 28, 2019.
- *Negotiation Master Class, 5th Annual Family Law Conference*, Johannesburg South Africa, October 4-5, 2018.
- *Co-presenter (with Dr. Robert Simon, Forensic Psychologist, San Diego, USA), Family Mediation*

Practicum, Cape Town South Africa, September 29, 2018.

- Adjunct Professor, Osgood Hall Law School, J.D. and LL.M. programs in Lawyer as Negotiator (J.D.) and/or Family Dispute Resolution (LL.M.) in Family Law, 2005 – current.
- Civil/Community Mediation training of Police Officers and Community Leaders in various Caribbean countries, for IMPACT Justice (Access to Justice in the Caribbean), *40 Hour Mediation Training*, 2016-2018: Trinidad, Grenada, Dominica, Barbados, Belize, Guyana, St. Kitts, St. Lucia.
- Co-host, *The Inaugural Honour Symposium*, Stratford, April 20-22, 2018.
- *Screening for Family Violence, Abuse and Power Imbalances: A Workshop for Parenting Coordinators and Other Dispute Resolution Professionals*, The Prince Edward Island Parenting Coordination Society, Charlottetown, Prince Edward Island, Winter 2018.
- *Identifying, Assessing and Managing Power Imbalance & Family Violence in Family Dispute Resolution Processes*, The Association of Collaborative Family Law Professionals in Nova Scotia, Spring 2017.
- Family Arbitration for Parenting Coordinators, with Elizabeth Hyde, Government of Prince Edward Island, Winter 2017.
- *Screening for Family Violence, Abuse and Power Imbalances*, Ismaili Conciliation and Arbitration Board (CAB), Edmonton, AB, October 2016
- Family Mediation - Arbitration, FAMAC Facilitation Workshop, Cape Town, South Africa, September 2016.
- *Strategies and Skills for Successful Facilitation*, Durham Children's Aid Society, Winter 2016.
- Negotiation and Mediation, Western University Faculty of Law, Winter Term 2016.
- Advanced Family Mediation training, Family Mediation Canada, Vancouver, Fall 2015.
- Intensive Introduction to ADR training for first year Law Students, with Elizabeth Hyde, Western University Faculty of Law, Fall 2015.
- *Coaching in the ADR Context*, ADR Institute of Manitoba, Spring 2015.
- Mediation-Arbitration, with Felicity Shedden, Woburn, UK, October 2014.
- *Screening for Power Imbalances: Helping Separating Couples Make Appropriate FDR Process Choices*, with Grace Corrigan, Dublin, Ireland, October 2014.
- *Mediation Skills and Screening Training*, with Bill Eddy and Claudette Reimer, Academy of Professional Family Mediators, Seattle, Washington, Summer 2014.
- *Screening for Power Imbalances and Family Violence in Family Mediation & Arbitration*, Ismaili Conciliation and Arbitration Board, Fall 2013.
- Screening for Power Imbalances, and Family Mediation Theory and Skills, Ontario Office of the Children's Lawyer, Spring 2013.
- Mediation Training, with Bill Eddy, Rod Wells and Claudette Reimer, Academy of Professional Family

Mediators, Atlanta, Georgia, Spring 2013.

- Screening for Power Imbalances and Family Violence, multiple sessions, CLEBC, Spring 2013.
- Family Law, Family Arbitration and Screening for Power Imbalances and Family Violence, Ahmadiyya Muslim Jama-at of Canada, Fall 2012.
- Screening for Power Imbalances for Collaborative Lawyers and Mediators, Family Law in Partnership, May 2012.
- Visiting Professor, Dispute Resolution, University of Western Ontario Faculty of Law, 2005, 2009, 2012, 2015 & 2016 (and recipient of the James G. McLeod Professorship in Family Law 2009 & 2012)
- Basic Family Mediation and Screening for Power Imbalances and Family Violence, Legal Services Board of Nunavut, 2011 and 2012.
- Family Arbitration Law and Procedure, Manitoba Bar Association (via webcast) 2011.
- Restorative Justice Conferencing under the Youth Criminal Justice Act, Toronto Advanced Professional Education, 2006-2010.
- Co-Trainer, Family Mediation Theory and Skills, Ismaili Conciliation and Arbitration Board, Toronto, 2006.
- Conferencing under the Youth Criminal Justice Act, Ontario Crown Attorney Summer Training 2004.
- Law Society of Upper Canada Bar Admission Course, Civil Litigation and/or Family Law, 1990-2004.

Appointments

- Ministry of the Attorney General, Family Dispute Resolution Officer, 2018
- Member, Advisory Body, Family Legal Services Review Committee, Justice Annemarie E. Bonkalo, 2016.
- Member, Consular Round Table on Family Mediation and International Parental Child Abductions, Department of Foreign Affairs, 2009-2011.
- Member, Provincial Advisory Committee on Formal Dispute Resolution regarding Special Education Programs and Services, 2007-2010.
- Appointment, by Attorney General of Ontario, as Ontario Bar Association representative to Justice and Media Liaison Committee, 2007-2008.
- Member, T.D.S.B. training team delivering negotiation theory and skills support to educators and parents, 2009-2010.
- Team member designing a restorative justice conferencing process for Toronto's Community Centre 55, 2001-2003.

Speaking & Writing

- Co-Writer, "New Legal Services Providers Are Welcome", The Lawyers Daily, September 24, 2020. Link: shorturl.at/kqEH8

- Author, “Do No Harm: Should I Move Fast or Slow”, *Living Together, Separating, Divorcing: Surviving During a Pandemic*, May 2020.
- “Best Practices for Addressing Power Imbalances and Safety in Family Dispute Resolution Processes: Research, Protocols and the Law”, *Ontario Family Law Reporter*, Volume 33, Issue 10, April 2020.
- Speaker on Virtual Dispute Resolution: Practical Solutions to the Challenges of Online ADR, Ontario Bar Association, June 24, 2020.
- Speaker on Intimate Partner Violence: What Family Lawyers Can Do About it, Law Society of Ontario, November 5, 2019.
- Speaker on Manipulative Questioning, 5th Annual Family Law Conference, Johannesburg South Africa, October 4-5, 2018.
- Speaker on Mediation and Parenting Coordination, 3rd FAMAC Mediation Conference, Cape Town South Africa, September 26-27, 2018.
- What is “Power” in Family Law Dispute Resolution?, OBA Institute Program, ADR Section, Dispute Resolution and Neuroscience, February 9, 2018.
- Foreword, “Guide to Child Protection Mediation”, Paul James Brown, 2018.
- “Can mediation-arbitration reduce clogged courts and improve access to justice?”, *The Lawyer’s Daily*, December 12, 2017: Link: <https://goo.gl/RBSRNp>
- Contributing Author, *Setting Family Law Cases: Practical Techniques for Advocates and Neutrals* (Thomson Reuters, 2017), (Lorne H. Wolfson, ed). “When One or Both Parties are Unrepresented”.
- Presenter, *Mediators Beyond Borders*, UN CSW61, New York, March 2017.
- Plenary (video) panelist on “Legal Professionalism in the Modern Age”, Crown Summer School, Ministry of the Attorney General, June 2016. Link: <https://youtu.be/96m4D1WTBh4>
- Government funded family mediation services in Toronto, Television Rogers TV, June 2016. Link: <https://youtu.be/X5BnpvTt9EM>
- ADR Institute of Ontario 2016 AGM & Professional Development Program, “Med-Arb: Risks and Rewards”, June 2016.
- Radio Interview, Newstalk 1010, on Free & Subsidized Family Mediation, April 2016. Link: <https://goo.gl/rpn6sS>
- Catalyst Conference, New York, “A Question of Ethics: Five Questions Every Mediator-Arbitrator May Need to Answer”, with Felicity Shedden, October 2015.
- Advocates Society fundraiser for family lawyer Maria Mitousis, “Safety and Security for Lawyers”, September 2015.
- *Canadian Arbitration and Mediation Journal*, “Risky Business: Why Family Mediator – Arbitrators Should Take Risk Screening Seriously”, January 2015.
- University of Western Ontario Student Council, “Negotiation and Leadership”, January 2015.

- Six Minute Family Lawyer, “Safety Planning in Family Law Cases: An Emerging Duty of Care for Lawyers?”, Law Society of Upper Canada, December 4, 2014.
- Swedish Forum for Mediation and Conflict Resolution, “Family Mediation”, Gothenberg, Sweden, November 14, 2014.
- Resolution, Dispute Resolution Conference, Nottingham, UK, October 16, 2014: “Mediation-Arbitration - Ethical and Practical Pros and Cons”.
- Association of Family and Conciliation Courts, 51st Annual Conference, Toronto: “Procedural Triage for Lawyers, Arbitrators, Dispute Resolution Officers, PCs and Judges”, 2014.
- Ontario Collaborative Law Federation, Eighth Conference, Kingston, Ontario, 2014: “Continuing the Dialogue on Safety – Family Violence and Screening in Collaborative Practice”.
- International Academy of Collaborative Professionals, Forum, San Antonio, Texas: “Power Imbalances and Family Violence in Collaborative Cases: Balancing Safety and Transparency”, 2013.
- Featured expert in *Mediation for Civil Litigators Issues and Solutions Handbook*, Hollander, J.(Irwin Law), 2013.
- ADR Institute of Canada, Gold Standard Conference, Toronto, Fall 2013: “Negotiation Power in Family Law Dispute Resolution”.
- Academy of Professional Family Mediators Annual Conference, Fall 2013, Denver, Colorado: “Understanding Negotiation Power in Family Mediation”.
- Keynote speaker, County of Carleton Law Association/Annual Civil Litigation Conference. November 2012.
- 5th Annual Fall Conference, Federation of Asian Canadian Lawyers. November 2011.
- Children and the Law, University of Toronto- School of Social Work. November 2011.
- Keynote Speaker, First International Congress on Mediation, Lisbon, Portugal. October 2010.
- AFCC (Ontario Chapter) Annual Conference. October 2010.
- Host-Mediator, ‘The Feud’, (a pilot television programme), CBC Television, 2009.
- Morningstar Canada, Conflict Resolution in the Workplace, 2008.
- Young Lawyers’ Division, Ontario Bar Association. March 2008.
- Annual Institute in Family Law, Ontario Bar Association. February 2008
- “Mandatory or Voluntary Mediation?” ADR Institute of Ontario, December 2007.
- Law Society of Upper Canada program on Family Arbitration, November 2007.
- Young Lawyers Division meeting, Ontario Bar Association, March 2007.
- Osgoode Hall Law School Conference on ADR, February 2007.
- Ontario Bar Association ADR Section, Deputation, Hearings into proposed changes to Ontario’s Arbitration and Family Law Acts, 2006.
- Chair, The Great Debate, Ontario Bar Association, September 2006.

- Ontario Association of Family Mediation AGM, “Family Arbitration”, June 2006.
- Ontario Bar Association, “Income Determination in Family Law (Arbitration)”, May 2006.
- Ontario Bar Association, “Mediation-Arbitration Practice Tips”, November 2005.
- Ontario Association of Family Mediation AGM, “Spousal Support Guidelines”, June 2005.
- ADR Institute of Ontario, “Religious Arbitration in Ontario”, May 2005.
- Ontario Bar Association, “The Youth Criminal Justice Act and Extrajudicial Measures: Keeping Kids Out of Court”, March 2005.
- Co-chair, Annual Institute of Continuing Legal Education; Family Section, Ontario Bar Association, February 2005.
- Osgoode Hall Law School Professional Development Program, “Contemporary Perspectives on Conflict, Disputes and Dispute Resolution”, April 2003.
- Guest expert, three-part Canadian Living Television series on family law and mediation, 2001.
- Ontario Bar Association Deputation, Family Law Section Deputation, to Justice Peter de Cory, *A Framework for Regulating Paralegal Practice in Ontario*, June 2000.
- Family law expert, Separating Smart video series, Toronto's Family Law Centre, 2000.
- Contributing author, *Common Civil Applications in Ontario*, Butterworths, 1999.
- Legal columnist, Beach Metro Community News, 1993-2007.

Awards, Executive Positions, Designations, Appointments and Memberships

- *Crowe Soberman Award of Excellence in Family Dispute Resolution* (FDRIO) 2020.
- Certified Family Mediator, Family Mediation Canada, 2018.
- Chair, Complaints Committee, Family Dispute Resolution Institute of Ontario (FDRIO), 2017-2019.
- FDRP. Med, FDRIO, 2017
- Certified Family Mediator, ADR Institute of Ontario, 2015
- Founding Member, and Director, FDRIO, 2014-2020.
- Director, US Academy of Professional Family Mediators, 2014-2015
- *ADR Section Award of Excellence*, Ontario Bar Association, 2014.
- Family Bench and Bar Committees, Ontario Superior Court of Justice, Toronto, 2011, and Ontario Court of Justice, 2012-
- Chair, ADR Section, Ontario Bar Association, 2007-2008
- Executive, ADR Section, Ontario Bar Association, 2003-2010
- Executive, Family Law Section, Ontario Bar Association, 1996-2004
- Member of the ADR Institute of Canada, 2004-present.

- Founding Member, Toronto Collaborative Law Association, 2001
- Director and Secretary, Ontario Association of Family Mediation (OAFM), 2003-2004
- Member, Governance and Privacy Law Committee, OAFM, 2004-2010
- Accredited Family Mediator, OAFM, 2001
- Member of Law Society of Upper Canada, Canadian Bar Association, Ontario Bar Association, Ontario Association of Family Mediation, ADR Institute of Ontario, Family Dispute Resolution Institute of Ontario (FDRIO), and the Association of Family and Conciliation Courts. (AFCC).

Volunteer Work

- Member and volunteer, Mediators Beyond Borders International.
- Vice-Chair, Family Dispute Resolution Institute of Ontario, 2015-2017.
- Volunteer Judge, Walsh Family Law Negotiation Competition, 2016.
- Co-chair, Inaugural Walsh Family Law Negotiation Competition, 2015.
- Coach, mediator and/or judge for the International Mediation Advocacy Competition, 2009-2015.
- Member of Organizing Committee, Roger Fisher Tribute, September 2007.
- Member, Planned Giving Committee, Toronto East General Hospital, 2007-2016.
- Volunteer facilitator of restorative justice conferences for young offenders, PACT, 2003- 2010.
- Director, East End Community Health Centre, 1999-2005
- Member of Advisory Team for Community Centre 55's Restorative Justice Project, 2002.
- Director, Beach Metro Community News, 2003-2004.
- Founding member, Toronto Beach Rotary Club, 1998
- Director, Regent Park Community Health Centre, 1994-1999.

#205

Please enter your first and last name	Michael Chiddenton
Email Address	mchiddenton@hotmail.com
Please make a selection below	I am a member of the public
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Scope

1. Will the proposed scope of permissible activities support increased access to affordable, competent family law legal services? If so, how?

Yes, more resources to choose from

2. Will the proposed scope of permissible activities enable the Family Legal Services Provider to develop a business model that is viable? If so, why? If not, why not?

Yes. The business model should be very similar to the model used for lawyers

Competence

3. Will the proposed competencies ensure the appropriate level of competence to deliver family legal services as outlined in the proposed scope? Are there other competencies that should be considered?

Yes. Paralegals are already versed in Family Law

4. In your view, what scope of activities would best support increased access to affordable, competent family law services?

Allow Paralegals to represent clients for Family Law issues

Training Program

5. Is the proposed training program of sufficient duration and rigour to enable candidates to achieve the proposed competencies? Education providers are invited to respond to the Request for Information found at Appendix D of the Consultation Paper.

Yes

Other Components of Licensure

6. What type of prerequisite experience in legal services provision, if any, should be required for the Family Legal Services Provider?

Working at a Law firm for 6 months

7. What length and form of experiential training should be incorporated into the licensing process for the Family Legal Services Provider to support the competencies? If a field placement is required, who will provide the placements?

6 months, allow the participants to place themselves

8. Is a Continuing Professional Development requirement focussed on family law appropriate for the Family Legal Services Provider?

Yes. Allow access to the updates that lawyers currently receive

9. Should law clerks be eligible for the Family Legal Services Provider licence? Are there other groups of professionals who should be considered?

Yes and Paralegals of course

General

10. What characteristics of an Family Legal Services Provider would make this provider appealing to self-represented litigants? (billing practices, cost structure, accessibility, practicality, other?)

Assist in form filling out and filing, guidance

11. Given the recent enhancements to accessing family law (i.e. court modernization, Steps to Justice, etc.), is the Family Legal Services Provider design appropriate?

Yes

12. Are any aspects of the proposed licensing framework unfeasible?

No

13. Is there additional information or are there other factors that should be considered?

None

#206

Please enter your first and last name	Naseem Hosein
Email Address	ms.hosein3@gmail.com
Please make a selection below	I am a paralegal
Are you a self-represented litigant?	No
Are you representing an organization or association through your participation?	No
What is the setting of your workplace?	Small firm (2-5 licensees)
Practice area focus:	- Administrative Law - Landlord and Tenant Law - Small Claims Court matters
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)
Upload a File	Family Legal Services Provider Licence Consultation Answers.pdf
Scope	
Competence	
Training Program	
Other Components of Licensure	
General	

Family Legal Services Provider Licence Consultation

Scope

1. ! Yes the proposed scope of permissible activities will support increased access to affordable, competent family law legal services because the services that will be offered are the services that the general public require from legal representation without having to pay too much or having to pay more than they can afford.

In addition, these services offered will always be readily available to the public whether they use it or not. They know there are more legal options for them to access when they need to.

Also, the proposed scope of permissible activities will only focus on the services outlined, which will allow for any and all Family Law Service Providers to be confident and competent to provide the services when they need to for the public.

2. ! Yes, the proposed scope of permissible activities will enable the FLSP to develop a business model that is viable because this particular legal service is not different than the other legal services that FLSP already provide. And FLSP can create a business model that's strictly to their competence level in providing certain services rather than providing all services that they may not fully be competent or confident in doing.

Competence

3. ! The proposed competencies does ensure the appropriate level of competence to deliver family legal services. I strongly believe the detailed list for the FLSP covers all aspects for paralegals and other FLSP to be competent to handle any family legal situation brought before them.
4. ! In my point of view legal advice, Limited Scope Retainers, such as drafting documents or applications, or only in court representation per appearance are the most affordable and competent scope of activities that would best support increased access to family law services.

Training Program

5. ! Yes, it is considering many paralegal programs offered by accredited colleges had programs ranging from 20-25 hours per week full time for 4 months each semester for a 2 year program. And it ranged from different subjects to cover all materials for students to become paralegals.

Whereas this training program will only focus on one major subject, Family Law. This training program is also in-person, which assists many to learn better and receive proper clarification regarding topics that are not clear enough for them.

Other Components of Licensure

6. ! I believe a prerequisite should be a Paralegal program with or without a Paralegal License.
7. ! I think 2-3 months of experiential training involving role-play, case studies and on-the-job training should be incorporated into the licensing process for the FLSP to support competencies.

If field placements are required they should be provided by the Law Society through Family Law firms willing to work together and train licensees.

8. ! Yes, a CPD requirement focused on Family Law is appropriate considering things are constantly changing and case laws are always being changed or heavily relied on.
9. ! I don't think law clerks should be eligible only because their roles are more administrative and in-office versus paralegals who do appear before tribunals, boards and courts. Unless they do have a paralegal program background. I believe mostly paralegals should be considered because of their educational background and licensing and some paralegals, like myself, want to practice family law and be given the opportunity to do so.

General

10. Simple billing practices, self-explained cost structure, easily accessibility and specific services offered within family law of an FLSP would make this provider appealing to self-represented litigants.
11. The FLSP design is 100% appropriate for the general public given the recent enhancements to accessing family law.
12. There are no aspects of the proposed licensing framework that unfeasible.
13. Factors that I think should be considered are a prerequisite long with additional experiential training and a field placement.