



TAB 3

**Report to Convocation
September 24th, 2015**

Paralegal Standing Committee

Committee Members
Michelle Haigh, Chair
Susan McGrath, Vice-Chair
Marion Boyd
Robert Burd
Cathy Corsetti
Janis Criger
Brian Lawrie
Marian Lippa
Malcolm M. Mercer
Barbara Murchie
Baljit Sikand
Catherine Strosberg
Anne Vespry

Purpose of Report: Decision and Information

**Prepared by the Policy Secretariat
Julia Bass 416 947 5228**

TABLE OF CONTENTS

For Decision

In Camera Item **TAB 3.1**

Paralegal Rules respecting Transferring Paralegals **TAB 3.2**

For Information

Paralegal Guideline Amendments: Limited Scope Retainers **TAB 3.3**

Paralegal Annual Report **TAB 3.4**

Reports for Information..... **TAB 3.5**

COMMITTEE PROCESS

1. The Committee met on September 9th, 2015. Committee members present were: Michelle Haigh (Chair), Susan McGrath (Vice-Chair), Marion Boyd, Robert Burd, Cathy Corsetti, Janis Criger, Brian Lawrie, Marian Lippa (by telephone), Malcolm Mercer, Barbara Murchie, Catherine Strosberg and Anne Vespry.
2. Staff in attendance were: Terry Knott, Diana Miles, Lesley Cameron, Allison Cheron, Naomi Bussin, Eric Smith and Julia Bass.

*THIS SECTION CONTAINS
IN CAMERA MATERIAL*

FOR DECISION

AMENDMENTS TO *PARALEGAL RULES OF CONDUCT*: TRANSFERRING PARALEGALS

Motion

24. That Convocation approve the amendments to the Paralegal Rules regarding Transferring Paralegals shown at [TAB 3.2.1](#), to be consistent with the rule changes for lawyers approved by Convocation in June 2015.

Rationale

25. The changes approved in June were developed to accord with changes to the Model Code of Professional Conduct adopted by the Federation of Law Societies of Canada. Convocation has adopted the policy that the Paralegal Rules should be consistent with the lawyers' Rules to the extent possible. These changes were approved for the lawyers' Rules on the basis that they would provide a more principled and straightforward approach to the potential conflict of interest issues raised when a licensee transfer from one firm to another. A clean copy of the proposed amendments is shown at [TAB 3.2.2](#).

DISCUSSION

Principles Underlying Amendments to Lawyers' Rules

26. The guiding principle underlying the redrafted Rules in this area is that there should be no use of confidential information that would prejudice the client. The changes made by the Federation's Standing Committee create a more practical framework for the safeguarding of confidential information, resulting in the deletion of the previous wording and its replacement with a simpler and more principled approach.
27. The Rules make it clear that only actual possession of confidential information is caught by the Rule. Knowledge of confidential information will not be imputed so as to disqualify.
28. The amendments approved by Convocation in June revised both the Lawyers' Rules and the accompanying Commentary. The changes in the rules have been generally followed in the proposed changes to the Paralegal Rules shown at [TAB 3.2.1](#). The accompanying changes to the Commentary will be incorporated into the Paralegal Guidelines – this draft is still being prepared and will be completed in the next few weeks.

Summary of changes to the Lawyers' Rules

29. The amendments to the lawyers' Rules and Commentary approved in June include,
- a. a new rule and commentary providing that when a lawyer transfers from one law firm to another, the lawyer may disclose confidential client information in circumstances where it is necessary in order to detect and resolve a conflict of interest;
 - b. new commentary providing that only actual and not imputed knowledge of confidential information gives rise to disqualification;
 - c. new commentary regarding reasonable measures to be implemented by the new law firm to protect confidential information;
 - d. a reference to disclosure of confidential information in situations where a lawyer is considered for hiring;
 - e. a redrafted Rule providing guidance on lawyer due diligence for non-lawyer staff;
 - f. amendments to the rule providing that the transfer provisions do not apply where the transfer involved is within a government.

Proposed Amendments to Paralegal Rules

30. The Paralegal Rules governing conflicts are generally consistent with the lawyers' Rules. To maintain consistency, the following changes are recommended.

Reasonably Necessary Disclosure

31. The recommended new Rule 3.03, in the provisions governing Confidentiality, would clarify that when a paralegal transfers from one firm to another, the paralegal may disclose confidential client information "to the extent reasonably necessary to detect and resolve conflicts of interest" that may arise as a result of the transfer, provided the disclosure does not prejudice the client.

Reasonable Measures

32. The recommended amendment to Rule 3.05 (2) regarding Law Firm Disqualification would clarify that a firm may not be required to cease representation if all reasonable measures have been taken to ensure that there will be no disclosure of confidential client information.

Due Diligence for staff

33. The recommended new Rule would provide that a transferring paralegal shall exercise due diligence in ensuring that each member and employee of the new firm complies with the rules and does not disclose confidential information.

Government employment

34. A recommended new Rule 3.05 (1.1) would provide that the transfer rules do not apply to a transfer within a government.

Accompanying Provisions to be added to the Paralegal Guidelines

Imputed Knowledge

35. The Commentary to Rule 3.4-18 of the lawyers' Rules was amended to clarify that actual, rather than imputed, knowledge is the subject of the Rule. The Paralegal Guidelines should be amended in the same manner.

Guidance in Hiring

36. Commentary to Rule 3.4-20 of the lawyers' Rules provides guidance intended to assist law firms in determining if a conflict of interest exists when hiring a lawyer from another firm. These matters were previously addressed in the Commentary to Rule 3.4-23. Consistent wording should be incorporated into the Paralegal Guidelines.

PROPOSED AMENDMENTS REDLINED**3.03 CONFIDENTIALITY****Justified or Permitted Disclosure**

(10) a paralegal may disclose confidential information to the extent reasonably necessary to detect and resolve conflicts of interest arising from:

- (a) the paralegal's change of employment or
- (b) changes in the composition or ownership of a paralegal firm,

but only if the information disclosed does not compromise client confidentiality or otherwise prejudice the client.

3.05 CONFLICTS OF INTEREST - TRANSFERS**Interpretation and Application of Rule**

3.05 (0.1) In rule 3.05,

"matter" means a case, a transaction, or other client representation, but within such representation does not include offering general "know-how" and, in the case of a government paralegal, providing policy advice unless the advice relates to a particular client representation.

Application of Rule

3.05 (1) ~~This r~~Rules 3.05 (2) to 3.05 (7) applies where when a paralegal transfers from one paralegal firm ("former ~~paralegal~~-firm") to another ("new ~~paralegal~~-firm"), and ~~either the transferring paralegal or the new paralegal firm is aware at the time of the transfer or later discovers that,~~

(a) the transferring paralegal or the new firm is aware at the time of the transfer or later discovers it is reasonable to believe the transferring paralegal has confidential information relevant to the new firm's matter for its client; or

(b) the transferring paralegal or the new firm is aware at the time of the transfer or later discovers that

(i) the new paralegal firm represents a client in a matter that is the same as or related to a matter in which the former paralegal firm represents or represented its client ("former client");

(b) the interests of those clients in that matter conflict; and

(c) the transferring paralegal actually possesses relevant information respecting that matter.

3.05 (1.1) Rules 3.05 (2) to 3.05 (7) do not apply to a paralegal employed by the federal, a provincial or territorial government who, after transferring from one department, ministry or agency to another, continues to be employed by that government.

Paralegal Firm Disqualification

(2) If ~~athe~~ transferring paralegal actually possesses confidential information relevant to a matter respecting a former client that ~~is confidential and that, if disclosed to a paralegal in the new paralegal firm,~~ may prejudice the former client if disclosed to a members of the new firm, the new paralegal firm shall cease its representation of its client in that matter unless

(a) unless the former client consents to the new paralegal firm's continued representation of its client; or

(b) the new paralegal firm has established that it is in the interests of justice that it continue to represent the client.

(i) taken reasonable measures to ensure that there will be no disclosure of the former client's confidential information by the transferring paralegal to any member of the new firm; and

(ii) advised the paralegal's former client, if requested by the client, of the measures taken.

~~(3) In deciding whether or not it is appropriate to continue to act for a client, the new paralegal firm shall consider all the circumstances including,~~

~~(a) the adequacy and timing of the measures taken to ensure that no disclosure to any paralegal of the new paralegal firm of the former client's confidential information will occur;~~

~~(b) the availability of suitable alternative representation;~~

~~(c) the measures taken to ensure that no disclosure of the former client's confidential information, to any paralegal in the new paralegal firm, will occur;~~

~~(d) the extent of any prejudice to any party;~~

~~(e) the good faith of the parties; and~~

~~(f) issues affecting the public interest.~~

~~(4) If a transferring paralegal actually possesses relevant information respecting a former client but that information is not confidential information as described in subrule (2), the paralegal shall execute an affidavit or solemn declaration to that effect, and the new paralegal firm shall,~~

~~(a) notify its client and the former client, or if the former client is represented in that matter by a licensee, notify that licensee, of the relevant circumstances and its intended action under this rule; and~~

~~(b) deliver to the persons referred to in clause (a) a copy of the paralegal's affidavit or solemn declaration executed under this subrule.~~

Transferring Paralegal Disqualification

~~(35) Unless the former client consents, a~~ transferring paralegal described in subrule (2) or (4) shall not, ~~unless the former client consents,~~

- (a) participate in any manner in the new paralegal firm's representation of its client in that matter; or
- (b) disclose any confidential information respecting the former client.

~~(46) Unless the former client consents, members of the new firm shall not. No paralegal in the new paralegal firm shall, unless the former client consents, discuss the new firm's representation of its current client or the former firm's representation of the former client in that matter with a transferring paralegal described in subrules (2) or (4) except as permitted by rule 3.03. the new paralegal firm's representation of its client or the former paralegal firm's representation of the former client in that matter.~~

~~(75) Anyone who has an interest in, or who represents a party in, a matter referred to in this rule may apply to a tribunal of competent jurisdiction for a determination of any aspect of this rule.~~

Paralegal Due Diligence for non-licensee staff

3.05 (6) A transferring paralegal and the members of the new firm shall exercise due diligence in ensuring that each member and employee of the paralegal's firm, and all other persons whose services the paralegal or the firm has retained

- (a) comply with Rule 3.05; and
- (b) do not disclose confidential information of
 - (i) clients of the firm, or
 - (ii) any other paralegal firm in which the person has worked.

RULE CHANGES: TRANSFERRING PARALEGALS

3.03 Confidential Information

[NEW] (10) A paralegal may disclose confidential information to the extent reasonably necessary to detect and resolve conflicts of interest arising from:

- (a) the paralegal's change of employment or
- (b) changes in the composition or ownership of a paralegal firm,

but only if the information disclosed does not compromise client confidentiality or otherwise prejudice the client.

3.05 CONFLICTS

Conflicts from Transfer between Firms

Interpretation and Application of Rule

[NEW] 3.05 (0.1) In rule 3.05,

“matter” means a case, a transaction, or other client representation, but within such representation does not include offering general “know-how” and, in the case of a government paralegal, providing policy advice unless the advice relates to a particular client representation.

3.05 (1) Rules 3.05 (2) to 3.05 (6) apply when a paralegal transfers from one paralegal firm (“former firm”) to another (“new firm”), and

(a) the transferring paralegal or the new firm is aware at the time of the transfer or later discovers it is reasonable to believe the transferring paralegal has confidential information relevant to the new firm's matter for its client; or

(b) the transferring paralegal or the new firm is aware at the time of the transfer or later discovers that

- (i) the new firm represents a client in a matter that is the same as or related to a matter in which the former firm represents or represented its client (“former client”);
- (ii) the interests of those clients in that matter conflict; and
- (iii) the transferring paralegal actually possesses relevant information respecting that matter.

[NEW] 3.05 (1.1) Rules 3.05 (2) to 3.05 (7) do not apply to a paralegal employed by the federal, a provincial or territorial government who, after transferring from one department, ministry or agency to another, continues to be employed by that government.

Paralegal Firm Disqualification

3.05 (2) If the transferring paralegal actually possesses confidential information relevant to a matter respecting the former client that may prejudice the former client if disclosed to a member of the new firm, the new firm shall cease its representation of its client in that matter unless

- a. the former client consents to the new firm's continued representation of its client; or
- b. the new firm has
 - (i) taken reasonable measures to ensure that there will be no disclosure of the former client's confidential information by the transferring paralegal to any member of the new firm; and
 - (ii) advised the paralegal's former client, if requested by the client, of the measures taken.

Transferring Paralegal Disqualification

3.05 (3) Unless the former client consents, a transferring paralegal referred to in subrules (2) or (4) shall not,

- a. participate in any manner in the new firm's representation of its current client in the matter; or
- b. disclose any confidential information respecting the former client except as permitted by Rule 3.03.

3.05 (4) Unless the former client consents, members of the new firm shall not discuss the new firm's representation of its current client or the former firm's representation of the former client in that matter with a transferring paralegal referred to in subrules (2) or (4) except as permitted by Rule 3.03.

Paralegal Due Diligence for non-licensee staff

[NEW] 3.05 (6) A transferring paralegal and the members of the new firm shall exercise due diligence in ensuring that each member and employee of the paralegal's firm, and all other persons whose services the paralegal or the firm has retained

- (a) comply with Rule 3.05; and
- (b) do not disclose confidential information of
 - (i) clients of the firm, or
 - (ii) any other paralegal firm in which the person has worked.

FOR INFORMATION

PARALEGAL GUIDELINES RE LIMITED SCOPE RETAINERS

37. In June, Convocation approved the addition of new provisions to the Commentary to the lawyers' *Rules of Professional Conduct* regarding limited scope retainers, as recommended by the Professional Regulation Committee. The Paralegal Standing Committee has now approved similar additions to the *Paralegal Guidelines*, at **TAB 3.3.1**. (Unlike the Rules, the Guidelines do not require the approval of Convocation).
38. Limited Scope Retainers, also known as “unbundling” or limited representation, involve a paralegal taking on part of a legal matter without the expectation that the paralegal represent the client for the entire proceeding.
39. The new wording,
 - a. Advises that a paralegal should consider confirming in writing with the client when the limited scope retainer is complete, and consider providing notice to the tribunal of the completion of the retainer;
 - b. Moves the wording regarding the provision of limited scope retainers to a client with diminished capacity;
 - c. Cautions the paralegal to be careful not to mislead a tribunal as to the scope of a retainer, and to consider whether disclosure of the limited nature of the retainer is required by the rules of practice or by the circumstances, and
 - d. Advises the paralegal to consider whether it may be necessary to obtain instructions from his or her client before disclosing the retainer to a tribunal, or to an opposing party or counsel for an opposing party.

Rationale

40. Convocation has adopted the policy that the rules for paralegals should generally be consistent with those for lawyers. The proposed changes are regarded as clarifying the guidance to licensees on the use of limited scope retainers in the advocacy context.

PARALEGAL GUIDELINES – GUIDELINE 6 – BLACKLINE

GUIDELINE 6: COMPETENCE AND QUALITY OF SERVICE

General

Rule Reference: Rule 3.01

Rule 3.02(1)

Rule 3.02(13) & (14)

Limited Scope Retainers

3. A paralegal may provide legal services under a limited scope retainer, but must carefully assess in each case whether, under the circumstances, it is possible to render those services in a competent manner. Although an agreement for such services does not exempt a paralegal from the duty to provide competent representation, the limitation is a factor to be considered when determining the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation. The paralegal should ensure that the client is fully informed of the nature of the arrangement and clearly understands the scope and limitation of the services.

3.1. A paralegal who is asked to provide legal services under a limited scope retainer to a client who has diminished capacity to make decisions should carefully consider and assess in each case if, under the circumstances, it is possible to render those services in a competent manner and in compliance with Rule 3.02 (13) and (14).

Providing Services Under a Limited Scope Retainer

Disclosure of the Limited Scope Retainer

Rule Reference: Rule 3.02(15) – (17)

10. Where a paralegal provides services under a limited scope retainer to a client, it is very important to clearly identify the scope of the retainer, such as identifying the services that the paralegal will and will not be providing to the client. It is advisable that the limits of the paralegal's retainer are clearly stated in a written retainer agreement.

10.1. For greater clarity and to avoid miscommunications, a paralegal should confirm with the client in writing when the limited scope retainer is complete. Where appropriate under the rules of the tribunal, the paralegal may consider providing notice to the tribunal that the retainer is complete.

10.2. Where the limited services being provided include an appearance before a tribunal, a paralegal must be careful not to mislead the tribunal as to the scope of the retainer, and should consider whether disclosure of the limited nature of the retainer is required by the rules of practice or the circumstances.

10.3. A paralegal should also consider whether the existence of a limited scope retainer should be disclosed to the tribunal or to an opposing party or, if represented, to an opposing party's representatives. The paralegal may need to obtain instructions from the client to make the disclosure.

PROPOSED AMENDED PARALEGAL GUIDELINES – GUIDELINE 6

GUIDELINE 6: COMPETENCE AND QUALITY OF SERVICE

General

Rule Reference: Rule 3.01

Rule 3.02(1)

Rule 3.02(13) & (14)

Limited Scope Retainers

3. A paralegal may provide legal services under a limited scope retainer, but must carefully assess in each case whether, under the circumstances, it is possible to render those services in a competent manner. Although an agreement for such services does not exempt a paralegal from the duty to provide competent representation, the limitation is a factor to be considered when determining the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation. The paralegal should ensure that the client is fully informed of the nature of the arrangement and clearly understands the scope and limitation of the services.

3.1. A paralegal who is asked to provide legal services under a limited scope retainer to a client who has diminished capacity to make decisions should carefully consider and assess in each case if, under the circumstances, it is possible to render those services in a competent manner and in compliance with Rule 3.02 (13) and (14).

**Providing Services Under a Limited Scope Retainer
Disclosure of the Limited Scope Retainer**

Rule Reference: Rule 3.02(15) – (17)

10. Where a paralegal provides services under a limited scope retainer to a client, it is very important to clearly identify the scope of the retainer, such as identifying the services that the paralegal will and will not be providing to the client. It is advisable that the limits of the paralegal's retainer are clearly stated in a written retainer agreement.

10.1. For greater clarity and to avoid miscommunications, a paralegal should confirm with the client in writing when the limited scope retainer is complete. Where appropriate under the rules of the tribunal, the paralegal may consider providing notice to the tribunal that the retainer is complete.

10.2. Where the limited services being provided include an appearance before a tribunal, a paralegal must be careful not to mislead the tribunal as to the scope of the retainer, and should consider whether disclosure of the limited nature of the retainer is required by the rules of practice or the circumstances.

10.3. A paralegal should also consider whether the existence of a limited scope retainer should be disclosed to the tribunal or to an opposing party or, if represented, to an opposing party's representatives. The paralegal may need to obtain instructions from the client to make the disclosure.

FOR INFORMATION

2015 PARALEGAL ANNUAL REPORT

41. The 2015 Paralegal Annual Report is shown at [TAB 3.4.1](#) for Convocation's information. The only change from last year's form is the addition of questions incorporating the Law Foundation of Ontario's Form 1.

Background

42. Subsection 5(1) of By-Law 8 requires that every licensee file a report with the Law Society by March 31 of each year, in respect of the licensee's professional business during the preceding year; and the licensee's other activities during the preceding year related to the licensee's practice of law or the provision of legal services.
43. Subsections 57(1) and 57(3) of the Law Society Act require that all interest from money held in a mixed trust account be paid to the Law Foundation of Ontario (LFO). Subsection 2(1) of Regulation 709 of the Revised Regulations of Ontario requires a licensee to file a report (Form 1) with the LFO with respect to every mixed trust account, by March 31 each year.
44. The integration of Form 1 into the annual report process is expected to increase compliance with the Law Foundation's information requirements. Additionally, integration will provide the following benefits:
 - a. Facilitate the ability of licensees to fulfill statutory obligations.
 - b. Reduce the number of follow-up emails and calls that are made each year to licensees who have failed to file a separate Form 1.
 - c. Ease the reporting burden of licensees by eliminating a second mandatory report with partially overlapping information.
 - d. Capture more complete and accurate data while using fewer resources.
 - e. Promote increased compliance by financial institutions.
 - f. Support processes to ensure revenues to the LFO are maximized for access to justice objectives.



2015 Paralegal Annual Report

YOUR 2015 PARALEGAL ANNUAL REPORT IS DUE MARCH 31, 2016.

This report is based on the calendar year ending December 31, 2015, and is due by March 31, 2016. Failure to complete and file the report within 60 days of the due date will result in a late filing fee and a summary order suspending your licence until such time as this report is filed and the late filing fee is paid.

Your responses to Section F, relating to mixed trust accounts, will be shared with the Law Foundation of Ontario (LFO).

GUIDE: For definitions or assistance in completing this report, click the "Guide" button in the "Additional Information Menu" at the top of this page. For quick reference, you can also access relevant parts of the Guide within each section of the report.

FINANCIAL FILING DECLARATION (FFD): Only the Designated Financial Filing Licensee for each firm should submit the Financial Filing Declaration. A single Financial Filing Declaration is required from each firm. The Financial Filing Declaration is available for filing at the end of Section F or by clicking on the "FFD" button in the "Attachments Menu". The FFD will not submit automatically with your report; you must ensure that you submit your FFD once you have completed it.

You do not have to submit the FFD at the same time as your Paralegal Annual Report.

BY-LAWS: To reference the applicable by-law, click on the "By-Laws" button in the "Additional Information Menu" at the top of this page.

BLANK DRAFT FORM: To download a draft reference copy, click on the "Blank Draft Form" button found at the top of this page.

The draft reference copy cannot be submitted.

NOTE: Your session will time out automatically after 45 minutes of inactivity. You must save your changes frequently to avoid losing information you have entered in your report. Use the "Save" button found in the "Navigation Menu" or at the bottom of each section.

To log out of the LSUC Portal, click on "Log Out" at the top of this page. Please ensure you have saved your changes first; or, if you wish to move to a different area in the LSUC Portal, save your changes and then click on the relevant portlet.

If you require filing assistance, contact By-Law Administration Services at (416) 947-3315 or at (800) 668-7380 ext. 3315 or by email at bylawadmin@lsuc.on.ca.



Section A IDENTIFICATION

Populated from Law Society records as at December 2015.

Questions about this section? Click [here](#).

Licensee Information:

Law Society Number:
Year Licensed:

Mailing Information*:

*As at December 2015.

Name:
Address:
City, Province:
Postal Code:
Email:
Assistant/Administrator Email: (optional)

(If you wish your confirmation email to be sent to you and someone else, enter the email address here.)

Phone:
Status:

Is the information above current? If not, update our records online by selecting the Change of Information portlet after you have logged out and/or completed filing your annual report. By-Law 8 requires licensees to notify the Law Society immediately after any change in contact information.

1. Bencher Election Privacy Option (non-mandatory response)

During the bencher election, many candidates want to communicate with voters by email.

Check the box if you give the Law Society permission to provide your email address for bencher election campaigning purposes:

2. Provision of Legal Services in French (non-mandatory response)

a) Can you communicate with your clients and provide legal services to them in the French language?

Yes No

b) Can you communicate with your clients, provide legal services to them, and represent them in the French language?

Yes No



3. Other Languages (non-mandatory response)

- | | | |
|---|------------------------------------|-------------------------------------|
| <input type="checkbox"/> ASL or LSQ (Sign Language) | <input type="checkbox"/> Albanian | <input type="checkbox"/> Arabic |
| <input type="checkbox"/> Bulgarian | <input type="checkbox"/> Cantonese | <input type="checkbox"/> Croatian |
| <input type="checkbox"/> Czech | <input type="checkbox"/> Danish | <input type="checkbox"/> Dutch |
| <input type="checkbox"/> English | <input type="checkbox"/> Estonian | <input type="checkbox"/> Finnish |
| <input type="checkbox"/> French | <input type="checkbox"/> German | <input type="checkbox"/> Greek |
| <input type="checkbox"/> Gujarati | <input type="checkbox"/> Hebrew | <input type="checkbox"/> Hindi |
| <input type="checkbox"/> Hungarian | <input type="checkbox"/> Italian | <input type="checkbox"/> Japanese |
| <input type="checkbox"/> Korean | <input type="checkbox"/> Latvian | <input type="checkbox"/> Lithuanian |
| <input type="checkbox"/> Macedonian | <input type="checkbox"/> Mandarin | <input type="checkbox"/> Norwegian |
| <input type="checkbox"/> Persian | <input type="checkbox"/> Polish | <input type="checkbox"/> Portuguese |
| <input type="checkbox"/> Punjabi | <input type="checkbox"/> Romanian | <input type="checkbox"/> Russian |
| <input type="checkbox"/> Serbian | <input type="checkbox"/> Slovak | <input type="checkbox"/> Slovene |
| <input type="checkbox"/> Spanish | <input type="checkbox"/> Swedish | <input type="checkbox"/> Ukrainian |
| <input type="checkbox"/> Urdu | <input type="checkbox"/> Yiddish | |

Other - Please specify: _____



2015 Paralegal Annual Report

Section B YEAR END STATUS (To be completed by all licensees.)

Questions about this section? Click [here](#).

NOTES ABOUT THIS SECTION:

1. Choose only one status (your status on December 31, 2015) regardless of changes during the 2015 calendar year.
2. **Your response to this question will not be used to change your status.** To review or update your current status, please use the Change of Information portlet in the LSUC Portal.

December 31, 2015 Status (Select only ONE)		Mandatory Sections	Complete if Applicable
A sole practitioner, providing legal services alone (with no other paralegals)	<input type="checkbox"/>	CDEFG	
A sole practitioner, providing legal services with one or more paralegals as employees	<input type="checkbox"/>	CDEFG	
A sole practitioner, providing legal services with one or more paralegals and/or lawyers in shared facilities	<input type="checkbox"/>	CDEFG	
A partner with one or more paralegals only, in a paralegal firm providing legal services	<input type="checkbox"/>	CDEFG	
A partner with one or more lawyers providing legal services for a paralegal firm or law firm	<input type="checkbox"/>	CDEFG	
An employee/associate in a paralegal firm	<input type="checkbox"/>	CDEFG	
In House Paralegal, providing legal services exclusively for your employer	<input type="checkbox"/>	CDEFG	
An employee in a law firm	<input type="checkbox"/>	CDEFG	
Employed by Legal Aid Ontario or a community legal clinic	<input type="checkbox"/>	DEG	CF
Employed in government in Ontario	<input type="checkbox"/>	DEG	CF
Employed in education in Ontario	<input type="checkbox"/>	DEG	CF
Employed other in Ontario (not providing legal services)	<input type="checkbox"/>	DEG	CF
A paralegal providing legal services outside of Ontario	<input type="checkbox"/>	DEG	CF
Employed other outside of Ontario (not providing legal services)	<input type="checkbox"/>	DEG	CF
Not working or on parental leave or unemployed	<input type="checkbox"/>	DEG	CF
Suspended	<input type="checkbox"/>	DEG	CF
In a situation not covered above (specify your status in the area below)	<input type="checkbox"/>	DEG	CF



2015 Paralegal Annual Report

Section C AREAS OF LEGAL SERVICES (To be completed by all paralegals providing legal services in Ontario.)

Questions about this section? Click [here](#).

NOTES ABOUT THIS SECTION:

1. Where exact information is not available to respond to the questions under this heading, provide your best approximation.
2. * Refer to the Paralegal Annual Report (PAR) Guide for definitions.

1. Indicate the approximate percentage of time you devoted in 2015 to the areas of legal services listed below:

Ontario Court of Justice <i>Provincial Offences Act</i> matters	_____ %
Ontario Court of Justice - Summary Conviction offences	_____ %
Worker's Compensation	_____ %
Small Claims Court matters	_____ %
Property Tax Assessment	_____ %
Statutory Accident Benefits Schedule matters (SABS)	_____ %
Human Rights	_____ %
Landlord and Tenant	_____ %
Other Tribunals - Please specify in the area below	_____ %
Total:	_____ %

Question 1 must total 100%.

2. In what primary area do you provide legal services? Choose only one.

Ontario Court of Justice <i>Provincial Offences Act</i> matters	_____
Ontario Court of Justice - Summary Conviction offences	_____
Worker's Compensation	_____
Small Claims Court matters	_____
Property Tax Assessment	_____
Statutory Accident Benefits Schedule matters (SABS)	_____
Human Rights	_____



2015 Paralegal Annual Report

Landlord and Tenant _____

Other Tribunals - Please specify in the area below _____

3. Lawyer Supervision

a) Do you work under the supervision* of a lawyer?

Yes

No

If "Yes" to a):

b) Indicate the percentage of time you spend in the following areas:

Advocacy* _____

Non-advocacy* _____

Total: _____

Question 3b) must total 100%.



2015 Paralegal Annual Report

Section D SELF-STUDY (To be completed by all licensees regardless of status.)

Questions about this section? Click [here](#).

NOTES ABOUT THIS SECTION:

1. Refer to the "Additional Information Menu" above and click on "Guide" for more information about self-study.
2. The annual minimum expectation is 50 hours of self-study.
3. For the purposes of this section, self-study means self-directed reading or research using print materials, electronic or otherwise.
4. CPD hours must be reported in the CPD section of the LSUC Portal by December 31st of each calendar year.

1. Self-Study

a) Did you undertake any self-study during 2015?

Yes No

If "Yes" to a), answer b) to d).

If "No" to a), you may provide an explanation in the area at the end of this section.

b) Approximate total number of self-study hours spent on **file specific** reading or research: _____

c) Approximate total number of self-study hours spent on **general** reading or research: _____

d) Indicate below the tools used, overall, for all types of self-study. Check all that apply:

Printed Material

Internet

Other

If required, use the area below to provide further information about your Self-Study (Section D).



2015 Paralegal Annual Report

Section E INDIVIDUAL PARALEGAL QUESTIONS (To be completed by all licensees regardless of status.)

Questions about this section? Click [here](#).

NOTES ABOUT THIS SECTION:

1. For further assistance in completing this section, refer to The Bookkeeping Guide for Paralegals available on our website at www.lsuc.on.ca.
2. * Refer to the PAR Guide for definitions.

1. Cash Transactions - All paralegals must report on large cash transactions regardless of jurisdiction where legal services were provided.

a) Did you receive cash* in an aggregate amount equivalent to \$7,500 CDN or more in respect of any one client file in 2015? Yes No

If "Yes" to a):

b) Was the cash solely for legal services fees and/or client disbursements*? Yes No

If "No" to b), provide full particulars below with respect to compliance with Part III of By-Law 9, (Cash Transactions).

2. Trust Funds/Property - 2a), 2b), and 2c) must be answered.

a) In 2015, did you receive* trust funds* and/or trust property* on behalf of your firm in connection with the provision of legal services in Ontario? Yes No

b) In 2015, did you disburse* (payout), or did you have signing authority to disburse, trust funds* or trust property* on behalf of your firm in connection with the provision of legal services in Ontario? Yes No

c) In 2015, did you hold* trust funds* or trust property* on behalf of your firm in connection with the provision of legal services in Ontario? Yes No

3. Borrowing from Clients - 3a) must be answered and 3b), if applicable.

Note: If your borrowing was/is from a lending institution, financial institution, insurance company, trust company or any similar corporation whose business includes lending money to members of the public, answer "**No" to a).**

See Rules 3.06(6)(a) and (b) of the *Paralegal Rules of Conduct*.

a) At any time in 2015, were you personally indebted to a client or person who at the time of borrowing was or had been your client or a client of a firm for which you were then providing legal services? Yes No



If "Yes" to a):

- b) Was the client or person a related* person as defined in the *Income Tax Act* (Canada), R.S.C., 1985, c.1? Yes No N/A

If "Yes" to a) or b), provide full particulars below. Include the name of the lender and of the borrower, the amount of the loan, the security provided, and particulars of independent legal advice or independent legal representation obtained by the lender.

4. Client Identification - All paralegals must answer questions 4a) and 4b).

- a) i) In 2015, when you provided professional services to clients, did you obtain and record identification information for every (each) client and any third party, in accordance with Part III of By-Law 7.1? Yes No N/A

If "No" to i), answer ii).

- ii) In 2015, when you provided professional services to clients, were you exempt from the requirement to obtain and record identification information for every (each) client and any third party, in accordance with Part III of By-Law 7.1? Yes No N/A

If "No" to ii), provide an explanation below.

- b) i) In 2015, when you engaged in or gave instructions in respect of the receiving, paying or transferring of funds, did you obtain information to verify the identity of each client, and additional identification information for a client that is an organization, and any third party, in accordance with Part III of By-Law 7.1? Yes No N/A

If "No" to i), answer ii).

- ii) In 2015, when you engaged in or gave instructions in respect of the receiving, paying or transferring of funds, were you exempt from the requirement to obtain information to verify the identity of each client, and additional identification information for a client that is an organization, and any third party, in accordance with Part III of By-Law 7.1? Yes No N/A

If "No" to ii), provide an explanation below.



2015 Paralegal Annual Report

5. Pro Bono Legal Services

(Pro bono legal services means the provision of legal services to persons of limited means or to charitable or not-for-profit organizations without expectation of a fee from the client.)

a) Did you provide pro bono legal services in Ontario in 2015? Yes No

If "Yes" to a), complete b).

b) How many hours did you devote to pro bono legal services in Ontario in 2015? _____

6. Membership in other Regulatory Bodies

a) Are you now a member of another professional/regulatory/governing body in any jurisdiction? Yes No

If "Yes" to a), please identify the professional/regulatory/governing body. _____

If required, use the area below to provide further information about your Individual Paralegal Questions (Section E).



Section F FINANCIAL REPORTING

To be completed by:

- All sole practitioners;
- All partners, employees and associates of paralegal firms or law firms; and
- All other paralegals who held or continued to hold client monies or property from a former legal services business in Ontario.

Questions about this section? Click [here](#).

NOTES ABOUT THIS SECTION:

1. For further assistance in completing this section, refer to The Bookkeeping Guide for Paralegals available on our website at www.lsuc.on.ca.
2. * Refer to the PAR Guide for definitions.

1. Trust and General (Non-Trust) Accounts - 1a) and 1b) must be answered.

- a) During the filing year, did either you or your firm operate a trust* account or mixed* trust account in Ontario? Yes No
- b) During the filing year, did either you or your firm operate a general* (non-trust) account in Ontario? Yes No

If "Yes" to a), proceed to question 2.

If "No" to a) and "Yes" to b), proceed to question 4, and then proceed to Section G.

If "No" to both a) and b), proceed to Section G.

2. During the filing year, were you a sole practitioner, or were you the paralegal responsible for filing the trust* account information on behalf of other licensees in Ontario? Yes No

If "Yes" to 2, proceed to questions 4 through 11.

NOTE about Financial Filing Declaration (FFD): If you are reporting financial information on behalf of other licensees in your firm, you must also submit a Financial Filing Declaration. Your report is not considered complete without the submission of the Financial Filing Declaration.

If "No" to 2, complete the "Designated Financial Filing Option" (question 3) below.



3. Designated Financial Filing Option

This option is available to you if you are not responsible for filing trust account information.

Indicate on lines a) and b) below who will be reporting the firm's financial information on your behalf, then proceed to Section G.

ENTER DESIGNATED FINANCIAL FILING LICENSEE'S NAME & LAW SOCIETY NUMBER

a) **FINANCIAL FILING LICENSEE'S NAME:** _____

b) **Law Society Number:** _____
(e.g. P12345 or 12345A)

The Designated Financial Filing Licensee that you have named is responsible for submitting the Financial Filing Declaration to report the firm's financial information on your behalf. Your report will not be considered complete without the submission of the **Financial Filing Declaration by the licensee you have named.**

4. Firm Records

Were financial records for all your firm's trust* accounts (mixed*, separate*, and other interest generating investments*) and/or general* (non-trust) bank accounts maintained throughout the filing year, on a current basis, in accordance with all applicable sections in By-Law 9? Yes No

If "No" to 4, indicate below which areas were deficient and provide an explanation for each.

**COMPLETE THIS CHART ONLY IF YOU ANSWERED "NO" ABOVE.
COMPLETE ONLY THOSE AREAS WHERE YOU WERE DEFICIENT**

By-Law 9: Financial Transactions and Records	By-Law 9 Sections 18 & 19 (Maintain)	By-Law 9 Section 22 (Current)	Explanation for Deficiency
1. Trust Receipts Journal <i>Subsection 18(1)</i>	<input type="checkbox"/>	<input type="checkbox"/>	
2. Trust Disbursements Journal <i>Subsection 18(2)</i>	<input type="checkbox"/>	<input type="checkbox"/>	
3. Clients' Trust Ledger <i>Subsection 18(3)</i>	<input type="checkbox"/>	<input type="checkbox"/>	
4. Trust Transfer Journal <i>Subsection 18(4)</i>	<input type="checkbox"/>	<input type="checkbox"/>	
5. General Receipts Journal <i>Subsection 18(5)</i>	<input type="checkbox"/>	<input type="checkbox"/>	



2015 Paralegal Annual Report

6. General Disbursements Journal <i>Subsection 18(6)</i>	<input type="checkbox"/>	<input type="checkbox"/>	
7. Fees Book or Chronological Billing File <i>Subsection 18(7)</i>	<input type="checkbox"/>	<input type="checkbox"/>	
8. Trust Bank Comparison** <i>Subsection 18(8)</i>	<input type="checkbox"/>	<input type="checkbox"/>	
9. Valuable Property Record <i>Subsection 18(9)</i>	<input type="checkbox"/>	<input type="checkbox"/>	
10. Source documents including deposit slips, bank statements and cashed cheques <i>Subsection 18(10)</i>	<input type="checkbox"/>	<input type="checkbox"/>	
11. Electronic Trust Transfer Requisitions and Confirmations <i>Subsection 18(11) and Section 12 (Form 9A)</i>	<input type="checkbox"/>	<input type="checkbox"/>	
12. Duplicate Cash Receipts Book for all cash received <i>Section 19</i>	<input type="checkbox"/>	<input type="checkbox"/>	
** Trust comparisons are to be completed within 25 days of the effective date of the monthly trust reconciliation.			



2015 Paralegal Annual Report

5A. Comparison of Trust Bank Reconciliations and Trust Listing of Client Liabilities as at December 31, 2015.

Trust Reconciliation and Comparison To refer to a sample reconciliation in the "Guide" click here.	December 31, 2015 Balances
(i) The total dollar value of mixed* trust bank accounts	\$
(ii) The total dollar value of separate* interest bearing trust accounts or income generating trust accounts/investments*	+ \$
(iii) TOTAL of i) and ii)	=
(iv) Total outstanding deposits (if any)	+
(v) Total bank/posting errors (if any)	+/-
(vi) Total outstanding cheques (if any)	-
(vii) Reconciled Bank Balance	=
(viii) Total Client Trust Liabilities (Client Trust Listing)	-
(ix) Difference between Reconciled Bank Balance and Total Client Trust Liabilities	=
<p><u>If there is a difference</u> between the Reconciled Bank Balance (vii) and the Total Client Trust Liabilities (viii), provide a written explanation below.</p>	



2015 Paralegal Annual Report

5B. Trust Accounts

- This question must be answered if you operated a trust and/or mixed trust account at any time during the filing year (2015 calendar year).
- A licensee who receives money in trust for a client shall immediately pay the money into an account at a chartered bank, provincial savings office, credit union or a league to which the *Credit Unions and Caisses Populaires Act, 1994* applies or registered trust corporations, to be kept in the name of the licensee, or the name of the firm of licensees of which the licensee is a partner, through which the licensee practises law or provides legal services or by which the licensee is employed, and designated as a trust account.
- A mixed trust account is a trust account holding, or intended to hold, trust funds for more than one client. Mixed trust accounts are governed by subsection 57(1) of the *Law Society Act*, which requires any interest payable on a mixed trust account to be paid to the Law Foundation of Ontario.

Financial Institution Name	Transit Number	Trust Account Number	Branch Address	Account Holder Name	Is this a mixed trust account?
<i>SAMPLE</i> Royal Bank of Canada	0652	1234567	123 Main Street Oakville, ON L6J 7M4	Smith Jones LLP	Yes <input type="checkbox"/> No <input type="checkbox"/>
					Yes <input type="checkbox"/> No <input type="checkbox"/>

(i) Has this financial institution (at any time) been directed to pay interest on this account to the Law Foundation of Ontario (applicable to mixed trust accounts only)?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
(ii) Was this account opened during the filing year?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If “Yes” to ii): Date account was opened:	____ / ____ MM / DD
(iii) Was this account closed during the filing year?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If “Yes” to iii): Date account was closed:	____ / ____ MM / DD
(iv) If the account was closed, was the balance of the closed account transferred to the Law Society of Upper Canada’s Unclaimed Trust Fund?	Yes <input type="checkbox"/> No <input type="checkbox"/>
(v) Was there at least one transaction in this account during the filing year?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Law Society Number

Licensee Name

15



2015 Paralegal Annual Report

If you are filing your Lawyer Annual Report by paper and if you have multiple trust accounts, please contact By-Law Administration Services at bylawadmin@lsuc.on.ca or (416) 947-3315 for an additional form, or enter the information in the space provided at the end of this Section.

6. Answer all questions as at December 31, 2015.

- a) What is the total number of mixed* trust bank accounts referred to in 5A(i)? _____
- b) What is the total number of separate* interest bearing trust accounts or income generating trust accounts/investments* referred to in 5A(ii)? _____

7. Overdrawn Accounts

- a) During 2015, did your records at any month end disclose overdrawn clients' trust ledger account(s)? Yes No

If "Yes" to a):

- b) Were the account(s) corrected by December 31, 2015? Yes No

If "No" to b):

- c) The total dollar value of overdrawn clients' trust ledger account(s) as at December 31, 2015 was: \$ _____
- d) The total number of overdrawn clients' trust ledger account(s) as at December 31, 2015 was: _____

8. Outstanding Deposits

- a) During 2015, did your records at any month end disclose outstanding trust account deposits, not deposited the following business day? Yes No

If "Yes" to a):

- b) Were the account(s) corrected by December 31, 2015? Yes No

If "No" to b):

- c) The total dollar value of outstanding trust account deposits as at December 31, 2015 was: \$ _____
- d) The total number of outstanding trust account deposits as at December 31, 2015 was: _____

9. Unchanged Client Trust Ledger Account Balances

- a) Were there client trust ledger account balances that were unchanged* (i.e. had no activity) for the entire year? Yes No



2015 Paralegal Annual Report

If "Yes" to a):

- b) The total dollar value of these account balances as at December 31, 2015 was: \$ _____
- c) The total number of client trust ledger accounts that remained unchanged* for the entire year as at December 31, 2015 was: _____

10. Unclaimed Client Trust Ledger Account Balances

- a) Of the amounts identified in question 9, were any unclaimed* for two years or more? Yes No N/A
(Refer to Section 59.6 of the *Law Society Act*)

If "Yes" to a):

- b) The total dollar value of the unclaimed* client trust ledger account balances was: \$ _____
- c) The total number of unclaimed* client trust ledger accounts was: _____

11. Financial Filing Declaration (FFD)

Will you be filing the above financial information on behalf of any other paralegals and/or lawyers? Yes No

Sole practitioners providing legal services alone in Ontario do not need to file the FFD.

If required, use the area below to provide further information about your Financial Reporting (Section F), including details of any additional trust or mixed trust accounts.



The Law Society of
Upper Canada | Barreau
du Haut-Canada

2015 Paralegal Annual Report

Section G CERTIFICATION AND SUBMISSION (To be completed by all licensees.)

I am the paralegal filing this 2015 Paralegal Annual Report. I have reviewed the matters reported and the information contained herein is complete, true and accurate. I acknowledge that it is professional misconduct to make a false or misleading reporting to the Law Society of Upper Canada.

Signature

____/____/____

DD MM YYYY

REPORTS FOR INFORMATION

45. The Committee received a report from the Working Group on Alternative Business Structures, and the second-quarter Quarterly report from the Professional Regulation Division. These reports are included in the report from the Professional Regulation Committee to September 24, 2015 Convocation.