

paralegals or lawyers. Lawyers and paralegals set their own fees, based on the services they provide.

Guidelines for choosing a paralegal or lawyer

- Call a few different professionals and ask them if they will take your case.
- Ask them how much they charge, either per hour, or per case.
- Book a time to meet with them.
- Ask them about their experience with your type of case.
- Ask them to estimate how much their services will cost for handling your case.
- Ask whether you will be billed on a monthly basis or at the end of your case.
- Ask if you will have to pay for anything else above and beyond their fees.

Complaints and Compensation

As the regulator of legal services in Ontario, the Law Society reviews and assesses all complaints received about lawyers and paralegals. Information about complaining about a lawyer or paralegal is available on the Law Society website at www.lsuc.on.ca.

If you have a claim regarding the dishonesty of a lawyer or paralegal, you may apply to the Law Society’s Compensation Fund. Information is available on the website.

CONTACT US

Please contact the Law Society at 416-947-3315 or 1-800-668-7380, ext. 3315 if you have further questions. You can also visit our website at www.lsuc.on.ca.



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

The Law Society has a duty to protect the public interest, to maintain and advance the cause of justice and the rule of law, to facilitate access to justice for the people of Ontario, and to act in a timely, open and efficient manner.

**LAWYERS AND
PARALEGALS**

*Helping You With Your
Legal Needs*

The Law Society governs legal service providers in the public interest by ensuring that the people of Ontario are served by lawyers and paralegals who meet high standards of learning, competence and professional conduct.



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

HELPING YOU WITH YOUR LEGAL NEEDS

In Ontario, both lawyers and paralegals are licensed, insured and qualified to help you with your legal needs.

Some legal services can be provided by either a lawyer or a paralegal. In some situations, you must use a lawyer. You may also choose to represent yourself.

This brochure will help guide you in choosing a lawyer or a paralegal – to meet your specific legal needs.

When can a paralegal help me?

Paralegals can represent you in the following types of matters:

- Litigation in Small Claims Court
- Traffic and other offences heard in Provincial Offences Court
- Hearings before tribunals (e.g. the Landlord and Tenant Board or the Workplace Safety and Insurance Board)
- Minor criminal charges under the *Criminal Code* heard in the Ontario Court of Justice

When can a lawyer help me?

Lawyers can help you with all types of legal matters, including the following:

- Family matters – such as divorce, separation agreements and custody issues
- Criminal matters – at all levels of court
- Civil litigation matters – at all levels of court
- Wills, powers of attorney and estate matters
- Real estate matters – including buying and selling residential or commercial property
- Administrative law matters – including hearings before tribunals

GUIDELINES FOR CHOOSING THE RIGHT LEGAL PROFESSIONAL

FAMILY MATTERS

Who can I consult if I am separating or getting a divorce?

LAWYER. You need to consult a lawyer for all issues relating to family law, so that you are fully aware of your rights and obligations. A lawyer will guide you through the process and prepare all the necessary documents, such as separation agreements and those relating to contested or uncontested divorces.

Your lawyer will work with you on issues of child custody, access matters, as well as spousal and child support, and the division and equalization of property.

Paralegals are not permitted to give advice about family matters or represent anyone in Family Court.

If I can't use a paralegal in Family Court, and can't afford a lawyer, what am I supposed to do?

If you cannot afford a lawyer, you may be entitled to assistance from Legal Aid Ontario (LAO). For more information about legal aid, visit www.legalaids.on.ca. As well, Family Law Information Centres are located in every family court location, and provide free information and help about issues related to separation and divorce and other family law matters.

If you don't qualify for legal aid, you may be able to obtain help from duty counsel – lawyers assigned to provide assistance in the courtroom to people who need it. In family courts, duty counsel can give advice, prepare and review documents, represent people on some motions and hearings, and assist with settlement negotiations.

TRAFFIC TICKETS, SMALL CLAIMS COURT AND CRIMINAL CHARGES

Who can I seek assistance from if I have a traffic ticket?

PARALEGAL OR LAWYER. A lawyer or a paralegal can represent you in the Ontario Court of Justice, under the *Provincial Offences Act* for charges like speeding or trespassing. They can also represent you in matters related to:

- *Compulsory Automobile Insurance Act*
- *Liquor Licence Act*
- *Environmental Protection Act*
- *Occupational Health and Safety Act*
- *Blind Persons Rights Act*
- Municipal by-laws

Who can represent me if I have been charged with a criminal offence?

PARALEGAL OR LAWYER. Paralegals can represent you in the Ontario Court of Justice if you are charged with a minor criminal offence, as long as the maximum term of imprisonment for the offence is not more than six months. Examples of this type of offence include causing a disturbance and harassing phone calls. They also include theft under \$5,000, and assault and mischief to private property, if the Crown Attorney elects to proceed by way of summary conviction, which is a less serious method of proceeding. Lawyers can represent you on any criminal matter and **must** represent you if the offence has a maximum penalty of more than six months' imprisonment.

What if I can't afford a lawyer to represent me on a criminal charge?

You may be entitled to assistance from Legal Aid Ontario (LAO) if you cannot afford a lawyer. For more information about legal aid, visit the LAO website at www.legalaids.on.ca.

If you do not qualify for legal aid, you may be able to obtain assistance from duty counsel – lawyers assigned to criminal courts to help people who do not have their

own lawyer. Duty counsel can assist you to ask for bail or seek an adjournment. They can also advise you about the process and about pleading guilty or not guilty.

Who should I consult for help in Small Claims Court?

PARALEGAL OR LAWYER. A lawyer or paralegal can help with all matters in Small Claims Court.

Who should I consult if I have a matter before the Landlord and Tenant Board, or other tribunal?

PARALEGAL OR LAWYER. Either can assist you before most of the tribunals that have been established by the provincial and federal governments. The following are examples of some tribunals:

- Landlord and Tenant Board (for rent disputes)
- Financial Services Commission of Ontario (for Statutory Accident Benefits Schedule claims – car accidents)
- Workplace Safety and Insurance Board (for on-the-job associated injuries)
- Social Benefits Tribunal (if you are entitled to government assistance through programs like the Ontario Disability Support Program)
- Human Rights Tribunal of Ontario.

REAL ESTATE, WILLS & POWERS OF ATTORNEY

Who do I consult if I plan to buy or sell a home or a business?

LAWYER. Lawyers handle all real estate transactions including title searches, document preparation and registration, and the closing of the transaction.

Who do I consult about preparing a will or power of attorney?

LAWYER. A lawyer will work with you to ensure that your wishes regarding the distribution of your estate are protected. You may wish to have a lawyer help you prepare a power of attorney. This document enables you to appoint a trusted loved one or friend to make decisions on your behalf if you become incapacitated.

CAR ACCIDENTS AND LAWSUITS

Who should I consult if I have been injured in a car accident?

PARALEGAL OR LAWYER. Either can assist you with a Statutory Accident Benefits (SABS) claim such as income replacement or medical expenses (chiropractic or physiotherapy treatments, for example). However, you should consult a lawyer if you have been seriously injured.

Who should I consult if I am suing someone or being sued?

PARALEGAL OR LAWYER. If you have a case in Small Claims Court a lawyer or paralegal can represent you. For any civil litigation matter in the Superior Court of Justice, you will need a lawyer to represent you.

GETTING STARTED

How do I find a licensed paralegal or a lawyer?

Visit the Law Society's Lawyer and Paralegal Directory online at www.lsuc.on.ca. The directory is searchable by city, name or postal code. Family members, friends or co-workers are also excellent sources for recommending good legal help. Alternatively, you can search the Yellow Pages of the telephone book.

The Law Society also provides a Lawyer Referral Service (LRS) at 1-800-268-8326 or 416-947-3330 (within the GTA). The service will provide the name and number of a lawyer within or near your community, who will provide a free consultation of up to 30 minutes to help you determine your rights and options.

The Law Society also provides a directory of Certified Specialists – lawyers who have met established standards of experience and knowledge in one or more areas of law. The directory is located on the Law Society's website.

How much does it cost to hire a paralegal or a lawyer ?

Costs vary from paralegal to paralegal and from lawyer to lawyer. The Law Society does not set client fees for

continues...