

GUIDELINES FOR FORMER PARALEGALS WHOSE LICENCES HAVE BEEN REVOKED OR WHO HAVE BEEN PERMITTED TO SURRENDER THEIR LICENCES

GENERAL

1. (1) In this Guideline,
 - (a) “former paralegal” means a paralegal whose licence to provide legal services has been revoked or who has been permitted to surrender his or her licence.
 - (b) “existing client” means,
 - i. a person who is a client of the former paralegal when an order is made revoking the former paralegal’s licence or permitting the former paralegal to surrender his or her licence, or
 - ii. a person who becomes a client of the former paralegal after an order is made revoking the former paralegal’s licence or permitting the former paralegal to surrender his or her licence but before the order takes effect;
 - (c) “former client” means a person who was a client of a former paralegal before an order was made revoking the former paralegal’s licence or permitting the former paralegal to surrender his or her licence, but who was not a client when the order was made;
 - (d) “prospective client” means a person who seeks to retain a former paralegal after an order is made revoking the former paralegal’s licence or permitting the former paralegal to surrender his or her licence but before the order takes effect.

(2) A former paralegal must cease providing legal services as defined by the *Law Society Act* as a result of the order revoking the former paralegal’s licence or permitting the former paralegal to surrender his or her licence, as only those persons licensed by Law Society of Ontario (the “Law Society”) to provide legal services may do so.

MANDATORY ACTIVITIES

2. (1) Before the effective date of the revocation or surrender of his or her licence, the former paralegal shall:

Advertising

- (a) Remove any sign from his or her door, building, premises, window, building directory, property, vehicle or any other location designating it as a “paralegal office,” “law office,” or “legal office” or designating the

former paralegal as being able to provide legal services or to be a “paralegal,” “law clerk,” “court agent,” “Licensee of Law Society of Ontario,” “Licensed by Law Society of Ontario,” or “notary public” or similar words giving the impression, in English or any other language, that he or she is able to provide legal services.

- (b) Remove or cross out the words or terms set out in (a) from all stationery, letterhead, business cards, forms, stamps, accounts, electronic mail forms, internet sites and any other advertisements or publications bearing his or her name.
- (c) Disconnect his or her telephone and facsimile lines or arrange for a voice message to advise callers that his or her professional business is closed and provide callers with the name and number of another licensee to call for information regarding their files.
- (d) Enable an “out of office” email notification advising that his or her professional business is closed and provide the name and telephone number of another licensee to call for information regarding their files.

Notice to Clients

- (e) Notify all existing clients, on whose matters the work will not be completed by the former paralegal before the order revoking the former paralegal’s licence or permitting the former paralegal to surrender his or her licence takes effect, of the order, and that:
 - (i) the former paralegal will be unable to complete the work,
 - (ii) the client will need to retain another licensee of the client’s choosing to complete the work,
 - (iii) the former paralegal, subject to any rights that the former paralegal may have over the client’s file, will transfer the file to the licensee, if any, retained by the client to complete the work, or will return the file to the client; and
 - (iv) notify every existing client and former client for whom the former paralegal performs or has performed the work described in subsection k and the Law Society, of the name and contact information of the licensee to whom the former paralegal has given possession of the clients’ documents and files.

Compliance with clause (e)(i) to (iii) not required

- (f) The former paralegal is not required to comply with the notice requirements mentioned in subclauses (e)(i) to (iii) if the only work remaining to be completed on the client’s matter is work mentioned in subsections (i) or (j) but, in such a case, the former paralegal shall, before the order revoking the former paralegal’s licence or permitting the former paralegal to surrender his or her licence takes effect, notify the client of the name and contact information of the licensee retained by the former paralegal to complete the work.

Notice requirements:

- (g) The former paralegal shall:
 - i. notify all persons who contact the former paralegal's place of business of the order revoking the former paralegal's licence or permitting the former paralegal to surrender his or her licence; and
 - ii. notify any existing client or former client who contacts the former paralegal's place of business, and the Law Society, of the name and contact information of another licensee who has been given possession of the clients' documents and files.

Notice requirements: prospective clients

- (h) The former paralegal, at the time a prospective client seeks to retain the former paralegal, shall notify the prospective client of the order revoking the former paralegal's licence or permitting the former paralegal to surrender his or her licence.

Work remaining on file: final report to client

- (i) If, on the date the order revoking the former paralegal's licence or permitting the former paralegal to surrender his or her licence takes effect, the only work remaining for the former paralegal to complete on a client's matter is a final report to the client, the former paralegal shall, before the order revoking the former paralegal's licence or permitting the former paralegal to surrender his or her licence takes effect, retain another licensee, who is authorized to do so, to review the client's file and to complete and send the final report to the client.

Work remaining on file: fulfillment of undertakings

- (j) If, on the date the order revoking the former paralegal's licence or permitting the former paralegal to surrender his or her licence takes effect, the only work remaining for the former paralegal to complete on a client's matter is the fulfillment of one or more undertakings given by the former paralegal, the former paralegal shall retain another licensee or person, who is authorized to do so, to take all steps necessary to fulfill the undertakings.

Requirement re: original documents

- (k) The former paralegal shall, before the order revoking his or her licence or permitting the former paralegal to surrender his or her licence takes effect,
 - (1) return to the client all original documents; or
 - (2) transfer the client's file, including all original documents, to another licensee who is authorized to

perform any requisite work, and inform the clients and the Law Society of the licensee who has been given possession of the client's documents and files.

Return of photo identification card

- (l) The former paralegal shall, on or before the date the order revoking the former paralegal's licence or permitting the former paralegal to surrender his or her licence takes effect, return to the Law Society any photo identification card issued to him or her by the Law Society.

Trust Accounts

- (m) The former paralegal shall within thirty (30) days of the date on which the order revoking the former paralegal's licence or permitting the former paralegal to surrender his or her licence takes effect:

- (i) withdraw from every trust account kept in the name of the former paralegal, or in the name of the firm of licensees of which the former paralegal was a partner or by which the former paralegal was employed, and, as required, pay to the appropriate person,
 1. money properly required for payment to a person on behalf of a client,
 2. money required to reimburse the former paralegal for money properly expended, or for expenses properly incurred, on behalf of a client,
 3. money required for or toward payment of fees for services performed by the former paralegal, and
 4. all other money that belongs to the former paralegal or to a person other than a client;
- (ii) after complying with clause (i), withdraw from every trust account kept in the name of the former paralegal, or in the name of the firm of licensees of which the former paralegal was a partner or by which the former paralegal was employed, all money belonging to a client and pay the money to,
 1. the client,
 2. another licensee to whom the client has directed the former paralegal to make payment, or
 3. another licensee who has agreed with the former paralegal to accept payment in the event that the former paralegal is unable to comply with subclause 1 or 2;

unless the client transfers their files to another paralegal in the firm of licensees of which the former paralegal was a partner or by which the former paralegal was employed;

- (iii) after complying with clauses (i) and (ii),

1. close every trust account that was kept in the name of the former paralegal, and
2. cancel, or cause to be cancelled, the former paralegal's signing authority on every trust account that was kept in the name of the firm of licensees of which the former paralegal was a partner or by which the former paralegal was employed.

Report to Society

- (n) The former paralegal shall, not later than thirty (30) days after the order revoking the former paralegal's licence or permitting the former paralegal to surrender his or her licence takes effect, complete and file with the Law Society, in a form provided by the Law Society, a report confirming and providing details of the former paralegal's compliance with this Guideline.

Permission to be exempt from requirement

- (o) The former paralegal may apply in writing to the Law Society for an exemption from or a modification of a requirement mentioned in this Guideline, and the Law Society may exempt the former paralegal from or modify the requirement, subject to such terms and conditions as the Law Society may impose.

PROHIBITED ACTIVITIES

3. (1) Subject to subsection 2(1)(m) and 4(1)(f), the former paralegal shall not, after the date on which the order revoking the former paralegal's licence or permitting the former paralegal to surrender his or her licence takes effect, receive from or on behalf of a person or group of persons any money or other property and shall not otherwise handle money or other property that is held in trust for a person or group of persons.
- (2) Effective from the date on which the order revoking the former paralegal's licence or permitting the former paralegal to surrender his or her licence takes effect, a paralegal shall not:
- a) Accept legal work for new clients;
 - b) Accept new legal work for existing clients;
 - c) Notarize documents pursuant to the *Notaries Act*, R.S.O. 1990, c. N.6, or commission affidavits or statutory declarations pursuant to the *Commissioners for taking Affidavits Act*, R.S.O. 1990, c. C.17;
 - d) Report to clients, other than to:
 - i) inform them of the order revoking the former paralegal's licence or permitting the former paralegal to surrender his or her licence; and

- ii) deliver an account for services rendered in the period before the order revoking the former paralegal's licence or permitting the former paralegal to surrender his or her licence took effect;
- e) Give to another licensee or receive on behalf of a client, other individual, corporation or other entity, any undertaking with respect to any legal matter;
- f) Occupy or share office space with a licensee in contravention of Subrule 6.01(6) of the *Paralegal Rules of Conduct* or Subrule 7.6-1.1 of the *Rules of Professional Conduct*;
- g) Provide services to a licensee, in relation to that licensee's professional business in contravention of Subrule 6.01(6) of the *Paralegal Rules of Conduct* or Subrule 7.6-1.1 of the *Rules of Professional Conduct*.

PERMITTED ACTIVITIES

4. (1) After the date on which the order revoking the former paralegal's licence or permitting the former paralegal to surrender his or her licence takes effect, the former paralegal may only:
 - a) See clients for the limited purpose of assisting them in transferring their past or present legal work to another licensee;
 - b) If requested by the client, suggest a referral to a particular licensee to continue work on the client's file. The ultimate choice of who is retained rests with the client and not with the former paralegal;
 - c) Collect accounts receivable;
 - d) Render accounts for work completed before the date on which the order revoking the former paralegal's licence or permitting the former paralegal to surrender his or her licence takes effect;
 - e) Make arrangements with the licensee whom the former paralegal has retained to complete outstanding reporting letters and undertakings for his or her remuneration; and
 - f) Receive from or on behalf of a person or group of persons money:
 - (i) in payment of fees for services performed by the former paralegal for the person or group prior to the date on which the order revoking the former paralegal's licence or permitting the former paralegal to surrender his or her licence takes effect; or
 - (ii) in reimbursement for money properly expended, or for expenses properly incurred, on behalf of the person or group prior to the date on which the order revoking the former paralegal's licence or permitting the former paralegal to surrender his or her licence takes effect.