

Dayman, Marlene JAG:EX

Subject: FW: LSBC ADVANCES SERVICES/VICTIM IMPACT SERVICES

From: Minister, JAG JAG:EX
Sent: Tuesday, December 10, 2013 3:24 PM
To: Green, Greg JAG:EX
Subject: FW: LSBC ADVANCES SERVICES/VICTIM IMPACT SERVICES

Hi Greg,

Information please,
Many thanks,

Candice

From: Ives, Andrew JAG:EX
Sent: December-10-13 3:21 PM
To: Minister, JAG JAG:EX
Subject: RE: LSBC ADVANCES SERVICES/VICTIM IMPACT SERVICES

Information thanks

From: Minister, JAG JAG:EX
Sent: December-10-13 3:21 PM
To: Ives, Andrew JAG:EX
Subject: FW: LSBC ADVANCES SERVICES/VICTIM IMPACT SERVICES

Hi Andrew,

Action please – many thanks,

Candice

From: Peter Smith ^{s.22}
Sent: December-10-13 2:40 PM
To: OfficeofthePremier, Office PREM:EX
Cc: Minister, JAG JAG:EX
Subject: LSBC ADVANCES SERVICES/VICTIM IMPACT SERVICES

Chrissy Clark

LSBC advances plan to merge with notaries, extend use of paralegals

Posted: 10 Dec 2013 09:38 AM PST

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CC: ATTORNEY GENERAL

Mr. Peter Smith Chief Executive Officer
CAVE MAN ENVIRONMENTAL CONSULTING
Bringing rational decision making back to Government
E Mail: ^{s.22}

McDonald, Heather M JAG:EX

From: Heuman, Sheena A JAG:EX
Sent: Thursday, March 19, 2015 11:30 AM
To: Brown, Nancy E JAG:EX; Sandstrom, Kurt JAG:EX
Subject: FW: Designated Paralegals
Attachments: Designated Paralegal letter.pdf; Designated Paralegal Opportunities.pdf

At the Feb. 26th BMC meeting it was decided that this item should be deferred/parked under LOOP. The minutes will indicate that, but I wondered if there should be a formal response to Michael Maitland/ the LSB Paralegal Association. I am also sending this to you to flag for LOOP Projects as well – I am not sure how / where LOOP Projects are being tracked right now. I just didn't want this to get lost in the shuffle.

Sheena Heuman

Executive Coordinator
Office of the Assistant Deputy Attorney General
PO Box 9280, Stn Prov Gov't
Victoria BC V8W 9J7
Phone: (250) 356-8467
Fax: (250) 356-5111
Email: Sheena.Heuman@gov.bc.ca

From: Sandstrom, Kurt JAG:EX
Sent: Saturday, January 24, 2015 10:47 AM
To: Heuman, Sheena A JAG:EX; Brown, Nancy E JAG:EX
Subject: FW: Designated Paralegals

Sheena, we'll need to put this on an upcoming BMC meeting for discussion please.

From: Maitland, Michael JAG:EX
Sent: Wednesday, January 21, 2015 9:36 AM
To: Sandstrom, Kurt JAG:EX
Subject: Designated Paralegals

Hi Kurt;

Please find attached a letter formally asking that BMC review that issue of Designated Paralegals. Also included is a report that was created for BMC by a committee consisting of Ellen Anderson, Maria Constantinescu, Nancy Reimer and myself. It was originally intended to be considerably longer, but the process was cut short about halfway through – it think largely due to delays at the Law Society end of things.

If I recall, it was just this short summary that was sent to BMC. You may or may not have a copy of it so I thought it best to include.

Best,

Michael Maitland
Civil Litigation
LSBPPA

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1) Paralegal Certification

Earlier this year the Law Society adopted the recommendations of the Legal Services Providers Task Force on the regulation of non-lawyers including the creation of a program by which paralegals could be certified by the regulator of legal services (Law Society or otherwise). The Honourable Minister Anton Q.C. described the adoption of the recommendations as a historic step forward.

Question: Will Legal Services Branch support and participate in the development of such a regulatory program and how will this affect LSB paralegals?

2) Designated Paralegals

The Law Society's third recommendation resulting from the recently adopted Legal Service Providers Task states:

(3) That the Law Society develop a regulatory framework by which other existing providers of legal services, or new stand-alone groups who are neither lawyers nor notaries, could provide credentialed and regulated legal services in the public interest.

Mr. Vertlieb thanked the task force members and the Benchers, and expressed the Law Society's appreciation for the encouragement and interest shown by the Ministry of Justice and Attorney General throughout the task force's work.

Question: LSB is the one of the largest single employers of paralegal services in the province. Thus,

- i) Is there a commitment on the part of the government to the introduction of stand-alone groups (Designated Paralegals or otherwise) as part of LSB once a regulatory framework is in place?
- ii) Is there, or will there be, a time frame for the implementation of stand-alone or Designated Paralegal positions within LSB?

3) Work Load and Lack of Resources:

Paralegals are being asked to do more with less. Positions are being left vacant or there is a significant replacement, gap resulting in increased workloads. Anecdotally, stress levels appear to be increasing which in turn is affecting moral, and ultimately, productivity.

Question: Is LSB aware of these issues and if so what plans are being made to address these ongoing workplace issues?

4) Technology/Productivity

Paralegals are expected to be more efficient and productive, yet are being asked to work with antiquated technology, specifically Legal Files and Summation. Delays (the doughnut of doom!), breakdowns, and the time lag for the simplest requests for technological support, add up to increased frustration and is in fact, counterproductive to goal of an efficient LSB.

Question: Is LSB aware of these issues and if so what are the plans to address these ongoing workplace issues?

Kurt Sandstrom
Assistant Deputy Attorney General
Ministry of Justice, Legal Services Branch

Wednesday, January 21, 2015

Dear Kurt:

Re: Law Society of BC - Designated Paralegals

Background

The Delivery of Legal Services Task Force, a committee of the Law Society of BC, was created to advance Strategy 1-1 of its 2009-2011 Strategic Plan which was to *increase the public's access to legal services by developing a new regulatory paradigm that may broaden the range of persons permitted to provide certain legal services*. In June, 2010, the Task Force recommended to the Benchers: *1. Expanded roles for paralegals; 2. Expanded roles for articulated students; 3. Issues relating to Community Advocates*. The majority of the Benchers concluded that both paralegals and articulated students should be able to perform additional duties, but that further details, particularly with respect to paralegals, had to be worked out.

In June 2012, the Law Society implemented a number of changes expanding the role of paralegals. Paralegals certified to be competent by the lawyer with conduct of a file were authorized to have "operational carriage of a file," give legal advice and give and receive undertakings. These paralegals were to be identified as "Designated Paralegals." At the same time, the Law Society and the Courts of BC introduced a 2-year pilot program enabling Designated Paralegals to appear in Family Court on certain uncontested matters. In a *Notice to the Profession* dated December 17, 2014, the Law Society announced that the pilot program would continue in the Provincial Court but end in the Supreme Court as of December 31, 2014. The Court noted that "the general use of designated paralegals is not a pilot project and therefore continues."

The Law Society has amended the Code of Conduct and has approved asking for legislation to reflect these changes. A summary is located at the following Law Society link:

<http://www.lawsociety.bc.ca/page.cfm?cid=2656&t=Appendix-E---Supervision-of-Paralegals>

Implementation

At present, in the private bar, there are many Designated Paralegals in a variety of practice areas. In general, they are not appointed Designated Paralegals related to specific individual tasks; rather, they are appointed generally to their area of practice, perform "senior" or "advanced" tasks on their files and carry the title "Designated Paralegal" on business cards and letterhead.

Legal Services Branch

To date, no paralegal has been certified in Legal Services Branch as a Designated Paralegal.


It is not known whether any consideration has been given to implementing such a program.

The Legal Services Branch Professional Paralegal Association (LSBPPA) posits that access to justice is a major objective of the Province and LSB should be leading the field in implementing measures such as the Designated Paralegal, providing Ministry clients and the taxpayer with the cost and time savings which could be achieved by using Designated Paralegals to conduct tasks otherwise performed by lawyers.

LSBPPA would like BMC to consider implementing a program as soon as it is reasonable possible. This program has been in place in private practice for over two years.

There are many ways the program could be implemented within the Branch. LSMPPA and its members would be willing to offer any assistance it can in the development of such a program.

Thank you for your consideration.



Michael Maitland
President, LSBPPA

PREAMBLE

The purpose of this memorandum is to consider ways in which the Legal Services Branch, ("LSB") might develop designated paralegal positions and to consider what, if any, training beyond the current LSB requirement of certification from a two year college program might be required. As the nature of the work performed by designated paralegals expands, the provincial government's ability to provide client Ministries with competent and cost efficient legal services will be enhanced. To that end, LSB should immediately begin to identify opportunities to increase paralegal responsibilities under the supervision of counsel, with a view to creating designated paralegal positions in the short term.

BACKGROUND

In June 2012, the Benchers of the Law Society of British Columbia approved changes to the Law Society Rules and *Code of Professional Conduct* such that BC lawyers may now choose to supervise a maximum of two designated paralegals. To be 'designated', the lawyer must be confident that the paralegal can perform enhanced duties and effectively handle an increased level of responsibility in connection with a particular file or area of practice. It is important to remember that while the Law Society does not, at the present time regulate or supervise designated paralegals or paralegals generally in BC, it is developing a framework that will permit the regulation and credentialing of non-lawyer legal service providers, including paralegals, in the relatively near future.¹

DEFINITION OF A DESIGNATED PARALEGAL

The "designated paralegal"

In the *Code of Professional Conduct for BC*, a "designated paralegal" is one who can perform additional duties under a lawyer's supervision. These additional duties include, but are not limited to:

- Give legal advice to clients;
- Give and receive undertakings (as of January 1, 2013);
- Make limited tribunal appearances and courtroom appearances (as part of a two year pilot project that commenced January 1, 2013 and concluded December 31, 2014).

¹

<http://www.lawsociety.bc.ca/docs/publications/reports/LegalServicesRegulatoryFrameworkTF.pdf>

The pilot project was set up in the BC Supreme Court and the Provincial Court. The project was not as successful as was hoped; in fact, only four court appearances were made by Designated Paralegals in all of British Columbia throughout the two year period. The pilot has concluded in the BC Supreme Court, but has been extended in the Provincial Court until October 1, 2015.

Designated Paralegals are 'designated' by their supervising lawyer(s) and have enhanced duties as permitted by the Law Society. To become 'Designated Paralegals', certified Paralegals must be designated as such by their supervising lawyer in order to provide enhanced services under the Designated program.

Once a Designated Paralegal leaves the employment of their supervising lawyer, they must be designated by another supervising lawyer in order to use the title. In situations where a paralegal has been Designated for the purposes of a particular file, it is possible that the designation may have to be withdrawn at the conclusion of work on that file.

PARALEGALS IN THE LEGAL SERVICES BRANCH

LSB has approximately 75 paralegals and 230 barristers and solicitors, according to numbers compiled in the fall of 2014. At that time, the Branch had a total of 14 Senior Paralegals, who have at least 10 years paralegal experience, and considerable experience working on complex and high profile files. The majority (38) of the Branch's paralegals are classified as Working Level paralegals, fully certified by Capilano University or an approved equivalent program. Approximately 30% of LSB's paralegals are not yet certified, and are working in the recently created "Growth Paralegal" category. Most are enrolled in the Capilano University paralegal course, and will be certified in the near future. It is not clear how many paralegals who are not enrolled in the Capilano University certification program are working in growth paralegal positions.

Right now LSB has a number of certified paralegals who have developed specialized knowledge and expertise in a particular area of law or type of file and could be given the title of "Designated Paralegal" and supervised as required by a lawyer in the work group. The supervisory requirements are set out in Appendix E to the Code of Conduct.² Among the areas of special expertise that come to mind are: expropriation procedure, challenges to drivers licence suspension pursuant to the *Motor Vehicle Act*, historic sexual abuse claims, exceptional legal research and legal writing abilities, and Court of Appeal, Federal Court or Supreme Court of Canada practice.

It's important to realize that the designated paralegal position is not just about appearing in a court or before a tribunal; LSB does not generally engage in family law matters in the provincial court. With the end of the pilot project in the BC Supreme Court, opportunities are extremely

² <http://www.lawsociety.bc.ca/page.cfm?cid=2656&t=Appendix-E---Supervision-of-Paralegals>

limited for court appearances. Earning the title, 'designated paralegal' should be formal recognition of the hard work, effort, dedication, ability and professionalism exhibited by the paralegal in providing valuable assistance to both the supervising lawyer and the client.

TRAINING

Proper training for designated paralegals will be a necessity going forward for those paralegals LSB lawyers will send to court in their place. The Continuing Legal Education program operated by the BC Law Society has offered courses specifically designed for Designated Paralegals.³ These courses are now available through the Webinar Program and would provide at least some training to those seeking designation.

The Branch has no formal requirement that paralegals pursue any type of continuing education program (although paralegals within LSB are encouraged to attend lunch time Pro-D sessions which often feature speakers from within the branch or a viewing of online CLE's.) At the present time, there is no professional development funding available through LSB for certified paralegals to take courses to keep skills current or acquire new training on a one-off basis. It should be a priority of the Branch to ensure that paralegals have access to continuing education both within and outside LSB so that a paralegal's knowledge of the law and changes to it is kept current and his/her skills are continually sharpened and improved. This ongoing legal education is critical to LSB paralegals being effective in the role of designated paralegal.

LSB paralegals who wish to make appearances before the provincial courts and various administrative tribunals as the opportunities to do so increase, should be required to attend formal advocacy training taught within the Branch. Moot courts and mock hearings should be used as a way to teach, evaluate and improve the skills and abilities of those paralegals whose work will take them before the courts. Successful completion of courses in Legal Ethics and in proper procedure before the courts should also be made a pre-requisite to designation.

LSB's Articled Student Rotation Policy provides articulated students with exposure to several areas of law practiced within LSB and offers the chance to take on increasing levels of file responsibility during the articling period. The principles used by LSB in training articling students and preparing them to be lawyers could be modified to help develop designated paralegals as the scope of practice is increased by the Law Society in the future.

FUNCTIONALITY

The first step in making designated paralegal positions a reality lies in creating a new classification and having the PSA approve it. In developing the new classification, it will be important to clearly distinguish "designated" from "senior". It should be clear that the minimum requirement for a designated paralegal is the successful completion of a two year certification program and at least two years in a full Working Level paralegal position. The difficulty in creating this new classification will be that much of the criteria will vary depending on the area of practice and level of work required on a particular file.

³ <http://online.cle.bc.ca/WebCastsDefault.aspx?IndexLetter=T&CourseId=10108214>

A two stream process for designated paralegals could be quite useful: a temporary appointment stream and a permanent position stream. In this temporary stream, a lawyer (with supervisor approval) would be able to 'designate' a paralegal on a six-month or year long term, with that designation to be reviewed in light of that particular lawyer's or paralegal's practice, with say, a 10% bump in pay during the term. This model gives LSB clients access to more paralegals who are expert in a certain area of practice, for the duration of a file, hopefully lowering the legal fees to the client. By making the appointment reviewable, if the responsible lawyer wasn't satisfied with the designated paralegal's work, then the term wouldn't be renewed. This model also fits into the existing PSA practice of appointing 'acting' positions and is not overly complex.

In the second stream, paralegals would be able to compete for a permanent appointment to a designated paralegal position following the successful completion of the in-house advocacy, ethics and moot court training programs. The benefits of this stream to LSB lies in always having available a pool of specifically trained paralegals available.

January 2015

Legal Services Branch Professional Paralegal Association

Buzbuzian, Andrea JAG:EX

From: Nyvall, Tyler JAG:EX
Sent: Tuesday, September 23, 2014 1:59 PM
To: Carter, Nancy L JAG:EX; Mitchell, Andrew J JAG:EX
Subject: Greetings for 2014 Paralegal and Support Staff Conference-DRAFT_V3
Attachments: Greetings for 2014 Paralegal and Support Staff Conference-DRAFT_V3.docx

Hi Andrew,

I confirmed that in December 2013 the Legal Service Providers Taskforce did release a final report.
http://www.lawsociety.bc.ca/docs/publications/reports/LegalServicesProvidersTF_final_2013.pdf
And I think this was what the message was referencing.

As requested by Nancy s.13
s.13 I focused on the one of the three recommendations that is most relevant to paralegals, the creation
of a "certified paralegal"; s.13 noting that this is only one of many options the ministry
s.13

I hope this helps.

Sincerely,

Tyler



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Message from the Honourable Suzanne Anton Attorney General and Minister of Justice



On behalf of Premier Christy Clark and the Province of British Columbia, I would like to extend greetings to delegates attending the eighth annual Paralegal and Support Staff Conference.

Paralegals and support staff have an important role as a vital link between clients, lawyers and law firms, the judiciary and opposing counsel.

Over the course of this conference, you will be discussing policies and concepts that play a significant role in the administration of justice in our province.

I understand that part of your agenda concerns the latest legislative updates, including the Civil Resolution Tribunal Act. The act preceded development of the new Civil Resolution Tribunal (CRT), which is an important new dispute resolution process scheduled to become operational next year.

It is part of our government's justice transformation plan to encourage a collaborative approach to dispute resolution, rather than the traditional courtroom model. It is our belief that the CRT will save people time and money, as well as providing early dispute resolution tools. I am sure all of you will want to stay informed of the latest developments.

The Legal Service Provider Task Force is another example of how the ministry and our partners are looking at making legal services easier to access for British Columbians.

Last December, s.13 the task force's final report s.13
s.13

s.13

s.13 There is still a lot of work ahead but, with your dedication and perseverance, I know we will get there.

One way that many of you show your commitment to helping British Columbians is through the Amici Curiae Pro Bono Paralegal Program, which has been in operation for more than three years.

The annual mid year report will be released at the conference and will highlight your continuing efforts to help self-represented litigants (SRLs) access legal services. An example is the upcoming publication of The Guide to Civil Litigation for SRLs.

Ministry of
Justice

Office of the
Minister of Justice
and Attorney General

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Victoria BC V8W 9T2
email: AG.Minister@gov.bc.ca
website: www.gov.bc.ca/justice

Telephone: 250-387-1866
Toll-free: 250-387-6411

The legal system can be unfamiliar territory for many people. Thankfully, trusted professionals such as you can help guide British Columbians to follow the right path and ensure justice is served.

I wish you the very best for a successful conference.

Suzanne Anton, QC
B.C. Attorney General and Minister of Justice

Buzbuzian, Andrea JAG:EX

From: Nyvall, Tyler JAG:EX
Sent: Tuesday, September 23, 2014 4:01 PM
To: Mitchell, Andrew J JAG:EX
Subject: RE: Greetings for 2014 Paralegal and Support Staff Conference-DRAFT_V3

Hi Andrew,

Yes that sentence works better.

Cheers,

Tyler

From: Mitchell, Andrew J JAG:EX
Sent: Tuesday, September 23, 2014 4:00 PM
To: Nyvall, Tyler JAG:EX
Subject: FW: Greetings for 2014 Paralegal and Support Staff Conference-DRAFT_V3

Tyler, does this sentence work for you?

Thanks for your help with this!

From: Zeeben, Jim GCPE:EX
Sent: Tuesday, September 23, 2014 3:58 PM
To: Mitchell, Andrew J JAG:EX; Pearson, Nancy JAG:EX
Cc: Mulholland, Lauren GCPE:EX
Subject: RE: Greetings for 2014 Paralegal and Support Staff Conference-DRAFT_V3

Andrew,

Thanks for the quick work today!

Can you run this by Tyler to make sure the language works?

Cheers

Jim

Last December, the task force's final report recommended the creation of prescribed training standards that could be used to designate "certified paralegals."

Buzbuzian, Andrea JAG:EX

From: Nyvall, Tyler JAG:EX
Sent: Thursday, January 16, 2014 11:31 AM
To: Carter, Nancy L JAG:EX
Subject: RE: Issues for DOJ or Ontario

I've thought about it and haven't come up with anything for my initiatives.

I thought perhaps regulation of paralegals, but really that will probably be driven by the Law Society. So, nothing for me.

Cheers,

Tyler

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From: Carter, Nancy L JAG:EX
Sent: Monday, January 6, 2014 4:40 PM
To: Buzbuzian, Andrea JAG:EX; Dempster, Jill JAG:EX; Getz, Russell JAG:EX; Hrenyk, Darryl M JAG:EX; JAG CFLPO Coop Student JAG:EX; Kinney, Michelle JAG:EX; Meier, Julie JAG:EX; Mulligan, Renee JAG:EX; Nyvall, Tyler JAG:EX; Reimer, Neil JAG:EX; Watters, Treena M JAG:EX
Subject: Issues for DOJ or Ontario

Jay is in Ottawa and Toronto end of January and has some time between meetings. Is there any useful information you think he could gather from Ontario or the feds related to any of our initiatives...

Nancy Carter
Executive Director, Civil Policy and Legislation Office
Justice Services Branch
Ministry of Justice
Ph. (250) 356-6182
Fax (250) 387-1189

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s.14;s.13

Buzbuzian, Andrea JAG:EX

From: Buzbuzian, Andrea JAG:EX
Sent: Thursday, November 20, 2014 2:57 PM
To: Chalke, Jay JAG:EX; Carter, Nancy L JAG:EX
Subject: RE: Bencher Minutes re Legal service provider task force

NR

2. Final Report and Recommendations of the Legal Service Providers Task Force

Bruce LeRose, QC addressed the Benchers as Chair of the Legal Service Providers Task Force. He introduced task force members Godfrey Archbold (CEO, Land Title and Survey Authority of BC), Satwinder Bains (Appointed Bencher), John Eastwood (Past-President, BC Society of Notaries Public), Carmen Marolla (Vice-President, BC Paralegal Association, Kerry Simmons, QC (Past-President, Canadian Bar Association, BC Branch) and Vice-Chair Ken Walker, QC (Kamloops Bencher and Second Vice-President of the Law Society). Mr. LeRose thanked the following Law Society staff for their invaluable assistance and support throughout the past year Michael Lucas (Manager, Policy & Legal Services), Doug Munro (Staff Lawyer), Anna Lin (Legal Assistant), Tim McGee (Chief Executive Officer) and Adam Whitcombe (Chief Information & Planning Officer).

NR

d. Creating some method to provide "paralegals" who have met prescribed educational and practical standards with a certification would assist greatly in giving definition to

that function when working under the supervision of a lawyer. Further, the regulation of non-lawyer, non-notary legal service providers of limited scope legal services should be included in the purview of a single regulator of legal services and that the Law Society should move to create a process by which that can take place. Other groups should not be regulated by such a body at this time.

NR

(2) That a program be created by which the regulator of legal services could provide paralegals who have met specific, prescribed education and/or training standards with a certificate that would allow such persons to be held out by regulated legal service providers for whom they work as "certified paralegals." A regulated legal service provider would not be permitted to hold out as a "certified paralegal" any person who had not obtained a certificate.

NR

- Recommendations 2 and 3 both raise complex and sensitive issues warranting further work, analysis, collaboration and consultation by the Law Society with other interested parties

Mr. LeRose commented that much of what the task force is recommending is already being done in other jurisdictions. He referred to the registration and regulation of Ontario's paralegals by the

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Bench Meeting – DRAFT Minutes December 6, 2013

10

Law Society of Upper Canada, and the creation of Washington State's "limited licence legal practitioners", under the authority of the Washington State Supreme Court. Mr. LeRose noted the task force's hope that a "made in BC" approach can be found for executing its three recommendations.

BC Paralegal Association (BCPA) Vice President Carmen Marolla confirmed that that BCPA has been pleased to participate in the Legal Service Providers Task Force, and supports the task force's report and recommendations. Ms. Marolla credited the excellent work done by Staff Lawyers Michael Lucas and Doug Munro (and by Law Society paralegals) in supporting the task force.

NR

(2) That a program be created by which the regulator of legal services could provide paralegals who have met specific, prescribed education and/or training standards with a certificate that would allow such persons to be held out by regulated legal service providers for whom they work as "certified paralegals." A regulated legal service provider would not be permitted to hold out as a "certified paralegal" any person who had not obtained a certificate.

NR

Jay Chalke, QC
Assistant Deputy Minister
Justice Services Branch
Ministry of Justice
Government of British Columbia

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s.14;s.13

Buzbuzian, Andrea JAG:EX

From: Buzbuzian, Andrea JAG:EX
Sent: Thursday, April 16, 2015 10:29 AM
To: Pearson, Nancy JAG:EX
Cc: Carter, Nancy L JAG:EX; Nyvall, Tyler JAG:EX
Subject: RE: Crossin - legal assistance

Hi Nancy. Yes, this likely relates to the December 5, 2014, "Report of the Legal Services Regulatory Framework Task Force". The work of the Legal Services Regulatory Framework Task Force flowed from the recommendations made by the Legal Service Providers Task Force, who issued a "Final Report of the Legal Service Providers Task Force" on December 6, 2013.

The recommendations of the first task force report (Dec. 2013), which were unanimously approved in principle by the Law Society's Benchers, were:

NR

2. That a program be created by the legal services regulatory to provide for certified paralegals.

NR

NR

Andrea

From: Pearson, Nancy JAG:EX
Sent: Thursday, April 16, 2015 10:00 AM
To: Buzbuzian, Andrea JAG:EX
Cc: Carter, Nancy L JAG:EX; Nyvall, Tyler JAG:EX
Subject: FW: Crossin - legal assistance
Importance: High

Hi Andrea,

Below is the request I mentioned. If you're able to assist in Tyler and Nancy's absence, that would be great. Thanks!

From: Pearson, Nancy JAG:EX
Sent: Thursday, April 16, 2015 9:30 AM
To: Nyvall, Tyler JAG:EX; Carter, Nancy L JAG:EX
Subject: FW: Crossin - legal assistance
Importance: High

Good morning,

GCPE is wondering if this CBC story relates to the "Report of the Legal Services Regulatory Framework Task Force." Your thoughts? (A fuller transcript of the interview is being prepared.)

s.3

From: McCray, Lindsay GCPE:EX
Sent: Thursday, April 16, 2015 9:20 AM
To: Pearson, Nancy JAG:EX
Cc: Carwithen, Kelsie GCPE:EX
Subject: FW: Crossin - legal assistance

Hey Nancy,

Please see the media clip below. I believe this has to do with the Dec. 2014 "Report of the Legal Services Regulatory Framework Task Force".

Full transcript of the interview is currently being transcribed. I've listened to it and he references a "report" but I can't tell if he is referencing the 2014 report or a new one. I've searched the Law Society website and can't find anything more recent than the 2014 report.

Are you able to find out through your connections there please and thanks?

Lindsay

From: tno@gov.bc.ca [mailto:tno@gov.bc.ca]
Sent: Thursday, April 16, 2015 7:19 AM
Subject: CBU: Crossin - legal assistance

s.3

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Buzbuzian, Andrea JAG:EX

From: Carter, Nancy L JAG:EX
Sent: Sunday, November 2, 2014 1:13 PM
To: Nyvall, Tyler JAG:EX; Buzbuzian, Andrea JAG:EX
Subject: my thoguhts so far
Attachments: 595094 - 20140034 Final Report Legal Services Regulatory Framework Task Force nc.docx

I've added in my thoughts so far on the task force document...our conference call is at 3 Monday so if you have further thoughts let me know before then.

Page 036 to/à Page 048

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50. Mr. Mossop explained the work CLAS does in the area of mental health, disability, human rights, and most recently, its support of the network of Law Foundation funded community advocates. The work that is most relevant to the review of the Task Force is that performed by paralegals who represent people who are subject to involuntary detainment under the *Mental Health Act*.⁸ Most of these paralegals were either former Legal Services Society paralegals or people with criminology degrees. The paralegals are trained, but they have a fair measure of independence in that they are making submissions directly to a panel that determines whether the detained individual gets released. The detained individuals often

⁸ RSBC, 1996, c. 288.

have limited capacity and their liberty is at stake, so the work is important and challenging. Despite this, Mr. Mossop indicated the paralegals do good work and he felt comfortable that there is room to expand legal services to include non-lawyers providing there is proper education and skills training. Mr. Mossop suggested one possibility is requiring some form of apprenticeship with a lawyer, particularly to impart some of the ethical teachings that are important to the practice of law.

51. The CLAS paralegals who are mental health advocates do important work. The nature of this work is such that, to the extent it occurs, it is performed through social services such as those provided by CLAS or by lawyers acting pro bono. While these are not free-market services, they are legal skills that are transferable and, given that people's liberty is at stake, quite important. The CLAS model involves a team operating under one roof, so lawyers are available to the paralegals as required, but the skills the CLAS trained paralegals possess are not contingent on their being part of a team that involves lawyers.

Consultation with the Law Society of Upper Canada and the Washington State Bar Association

52. The Task Force met with Paralegal Benchers Cathy Corsetti, Brian Lawrie, together with Julia Bass, Policy Counsel from the Law Society of Upper Canada, and also with Paula Littlewood, Executive Director of the Washington State Bar, and Steve Crossland, Chair, Limited License Legal Technician Board.⁹ This consultation was of particular importance because Ontario and Washington State are the only two jurisdictions in North America that have moved to open up legal services by creating new categories of regulated legal service provider.¹⁰
53. In Ontario, since May 2007, the Law Society of Upper Canada has been responsible for licensing and credentialing paralegals. This includes a regulatory scheme for paralegals and the involvement of paralegal Benchers in the governance of the Society. Prior to that, paralegals in Ontario were unregulated and not subject to any credentialing scheme or required to carry insurance.
54. Paralegals in Ontario are permitted to engage in advocacy work in small claims court, criminal matters that carry a maximum sentence of six months incarceration, and before administrative tribunals. Paralegals commonly represent clients in landlord/tenant matters (mostly landlords), and traffic tickets. There are approximately 6000 licensed paralegals in Ontario. They are able to work with a lawyer or independent of a lawyer and do not require supervision by a lawyer if they are providing the services permitted under the Law Society by-laws.

Comment [CNL14]: I might consider adding here that Ontario was primarily concerned with applying a regulatory blanket over an unregulated service which they identified as in need of regulation in the public interest... just because it is a different context from BC.

⁹ Mr. Crossland also chaired the Practice of Law Board, appointed by the Washington State Supreme Court.

¹⁰ California is at the early stages of exploring an approach similar to that in Washington.

55. When the Law Society of Upper Canada undertook to credential and regulate paralegals, it was met with strong resistance from lawyers. Resistance to regulation has generally abated, although efforts to expand paralegal practice into other areas such as family law have met with concentrated opposition from the family bar. This opposition will ultimately have to be considered in light of s. 4.2 of the *Law Society Act* that states "The Society has a duty to facilitate access to justice for the people of Ontario."

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Page 052 to/à Page 053

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76. The Task Force does not, however, suggest it is in the public interest for there to be a completely unregulated market of non-lawyer legal service providers. Public protection arises from ensuring that people who provide legal services are properly trained, regulated, and carry liability insurance in circumstances where the absence of such safeguards create an unacceptable level of risk. The discussions about the types of legal services that new classes

¹⁵ "Non-lawyers" includes non-lawyers currently permitted to practice in some areas of law, other professionals such as accountants or health professionals, family, friends, government offices and the internet. It also likely includes others who would be engaging in unauthorised practice of law.

¹⁶ Pleasance and Balmer *How People Resolve 'Legal' Problems* 2014 pgs 2-3

¹⁷ *Ibid.*, p. 5

of service providers ought to be able to provide are frequently challenged by the absence of having created the education, regulation and liability schemes. A default position for many people is to express concern and suggest limits on what non-lawyer legal service providers ought to be able to do on the basis of matters being too complex for non-lawyers. This was a frequent refrain in previous efforts to credential paralegals.

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Page 056 to/à Page 058

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97. If the Law Society is successful in obtaining the legislative amendment recommended by this Task Force, other work that is underway (such as the potential merger between the Law Society and the Society of Notaries Public), will also play an important role, as will any analysis of the potential to certify paralegals based on educational experience. These issues will be relevant because in considering the training necessary for an expanded scope of services to non-lawyer legal service providers, it is logical to examine the Masters of Applied

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Legal Studies at Simon Fraser University and, for example, the four year paralegal program at Capilano University, and consider what additional courses graduates of those programs might be able to take under the new scheme in order to be able to provide the services contemplated under the new licence. That analysis can only take place once the proposed credentialing scheme is developed, but it has the potential to improve access by expanding what notaries and credentialed paralegals are permitted to do, in addition to developing a new class of service provider.

NR

Page 061 to/à Page 066

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Buzbuzian, Andrea JAG:EX

From: Carter, Nancy L JAG:EX
Sent: Sunday, November 2, 2014 12:25 PM
To: Nyvall, Tyler JAG:EX; Buzbuzian, Andrea JAG:EX
Subject: FW: Draft report and CBA submission
Attachments: 595094 - 20140034 Final Report Legal Services Regulatory Framework Task Force.DOCX; CBABC submissions to LSBC Legal Services October 31 2014.pdf

I am going to have difficulty getting through this material before the Monday 3 pm meeting. Tyler can you look at the word document Monday morning and give me your initial thoughts.

NR



THE CANADIAN
BAR ASSOCIATION
British Columbia Branch

October 31, 2014

BY EMAIL: avertlieb@maclaw.bc.ca

Art Vertlieb, QC, Life Bencher
Chair of the Legal Services Regulatory Framework Task Force
Law Society of British Columbia
845 Cambie Street
Vancouver, BC V6B 4Z9

Dear Mr. Vertlieb:

Re: Legal Services Regulatory Framework Task Force

I write on behalf of the Canadian Bar Association (British Columbia Branch) (the "CBABC").

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Page 069

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The areas of unmet needs for legal services or advice include:

NR

- team delivery of legal services, including increased use of paralegals; and

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Legal service providers (not lawyers or notaries)

Four major trends are seen as providing the impetus for change in the legal profession:

- globalization;
- technology;
- changing client expectations; and
- a growing lack of access to legal services.¹²

We see these trends being applicable as well to legal service providers who are not lawyers or notaries. While there are no measurable data on whom these legal service providers are, we have identified these common legal service providers in British Columbia:

- paralegals;

NR

Page 072 to/à Page 074

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Buzbuzian, Andrea JAG:EX

From: Carter, Nancy L JAG:EX
Sent: Wednesday, November 12, 2014 1:46 PM
To: Nyvall, Tyler JAG:EX; Buzbuzian, Andrea JAG:EX
Subject: FW: Draft Report
Attachments: 595094 - 20140034 Final Report Legal Services Regulatory Framework Task Force.DOCX

I didn't have time to look at the version last week

NR

Page 076 to/à Page 087

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39. Consultations with CLAS, the Law Foundation, and LSS confirmed the vast gap in unmet legal needs that exists between the wealthy and those of modest means who receive some subsidized and pro bono legal assistance. This access to justice gap could be served, in part, by liberalizing restrictions on who can practice law. The consultations provided greater insight into the work that is performed by paralegals at mental health panel reviews and by community advocates throughout British Columbia. In areas that lawyers largely do not now serve, alternative services have cropped up to begin to address some of the unmet legal need. These services, however, do not operate in the free market. In addition to confirming the potential benefit of expanding the free market for legal services, these consultations also cautioned that over-regulation would harm the efficient operation of legal services directed at the poor and disenfranchised.

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63. The Task Force does not, however, suggest it is in the public interest for there to be a completely unregulated market of non-lawyer legal service providers. Public protection arises from ensuring that people who provide legal services are properly trained, regulated, and carry liability insurance in circumstances where the absence of such safeguards create an unacceptable level of risk. The discussions about the types of legal services that new classes of service providers ought to be able to provide are frequently challenged by the absence of having created the education, regulation and liability schemes. A default position for many people is to express concern and suggest limits on what non-lawyer legal service providers ought to be able to do on the basis of the argument that the matters that need to be addressed are too complex for non-lawyers. This was a frequent refrain in previous examinations by the Law Society concerning the credentialing of paralegals.

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Page 094 to/à Page 097

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85. When the Benchers approved the creation of designated paralegals as a class of legal professional who could give legal advice and appear before a court or tribunal (as permitted by those bodies), they did so in part on the basis that the proper question to ask is whether it is better to receive legal advice or advocacy from a designate paralegal or to go without professional legal assistance.²⁵

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²⁵ This recognizes that comparing the designated paralegal to the services of a lawyer is not the right comparator, provided the designated paralegal can provide the services at a competent level.

(f) By Law Infractions – Provincial Court

87. The Task Force also heard from its discussions with the Chief Judge and Associate Chief Judges that non-lawyer advocacy for matters involving by law infractions (including traffic tickets) might also be worth exploring, provided an appropriate education and regulatory scheme could be developed. The Task Force also noted from its discussions with the Law Society of Upper Canada that advocacy in by law matters is an area of practice permitted for paralegals regulated by that Law Society.
88. Surveys that the Task Force has reviewed do not seem to suggest that people in British Columbia raise concerns about a lack of access to legal services in by law enforcement matters, and the Task Force has not researched why this is so. Given however that it is an area of practice that the Provincial Court considers is worth consideration for non-lawyer advocacy, and given that there is an apparently successful model for paralegal advocates in this area of practice in Ontario, the task force considers that it is worth further consideration.

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98. If the Law Society is successful in obtaining the legislative amendment recommended by this Task Force, other work that is underway (such as the potential merger of regulatory functions between the Law Society and the Society of Notaries Public), will also play an important role, as will any analysis of the potential to certify paralegals based on educational experience. These issues will be relevant because in considering the training necessary for an expanded scope of services to non-lawyer legal service providers, it is logical to examine the Masters of Applied Legal Studies at Simon Fraser University and, for example, the four year paralegal program at Capilano University, and consider what additional courses graduates of those programs might be able to take under the new scheme in order to be able to provide the services contemplated under the new licence. That analysis can only take place once the proposed credentialing scheme is developed, but it has the potential to improve access by expanding what notaries and credentialed paralegals are permitted to do, in addition to developing a new class of service provider.

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107. It appears that the licensing of paralegals by the Law Society of Upper Canada has not adversely affected the maintenance of lawyer independence in Ontario, and the Task Force takes some comfort from this.

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Consultation with Community Legal Assistance Society

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26. Mr. Mossop explained the work CLAS does in the area of mental health, disability, human rights, and most recently, its support of the network of Law Foundation funded community advocates. The work that is most relevant to the review of the Task Force is that performed by paralegals who represent people who are subject to involuntary detainment under the *Mental Health Act*.³³ Most of these paralegals were either former Legal Services Society paralegals or people with criminology degrees. The paralegals are trained, but they have a fair measure of independence in that they are making submissions directly to a panel that determines whether the detained individual gets released. The detained individuals often have limited capacity and their liberty is at stake, so the work is important and challenging. Despite this, Mr. Mossop indicated the paralegals do good work and he felt comfortable that there is room to expand legal services to include non-lawyers providing there is proper education and skills training. Mr. Mossop suggested one possibility is requiring some form of apprenticing with a lawyer, particularly to impart some of the ethical teachings that are important to the practice of law.
27. The CLAS paralegals who are mental health advocates do important work. The nature of this work is such that, to the extent it occurs, it is performed through social services such as those provided by CLAS or by lawyers acting pro bono. While these are not free-market services, they are legal skills that are transferable and, given that people's liberty is at stake, quite important. The CLAS model involves a team operating under one roof, so lawyers are available to the paralegals as required, but the skills the CLAS trained paralegals possess are not contingent on their being part of a team that involves lawyers.

³³ RSBC, 1996, c. 288.
DM595094

Consultation with the Law Society of Upper Canada and the Washington State Bar Association

28. The Task Force met with Paralegal Benchers Cathy Corsetti, Brian Lawrie, together with Julia Bass, Policy Counsel from the Law Society of Upper Canada, and also with Paula Littlewood, Executive Director of the Washington State Bar, and Steve Crossland, Chair, Limited License Legal Technician Board.³⁴ This consultation was of particular importance because Ontario and Washington State are the only two jurisdictions in North America that have moved to open up legal services by creating new categories of regulated legal service provider.³⁵
29. In Ontario, since May 2007, the Law Society of Upper Canada has been responsible for licensing and credentialing paralegals. This includes a regulatory scheme for paralegals and the involvement of paralegal Benchers in the governance of the Society. Prior to that, paralegals in Ontario were unregulated and not subject to any credentialing scheme or required to carry insurance. The decision to credential and regulate paralegals in Ontario arose in response to the presence of an unregulated marketplace where paralegals were providing a range of legal services. In this respect the move towards regulation is slightly different than the work the Task Force is engaged in. In Ontario, the emphasis was on protecting the public from an unregulated legal service provider. In British Columbia, the focus is on expanding access to justice in a manner that best serves the public interest.
30. Paralegals in Ontario are permitted to engage in advocacy work in small claims court, criminal matters that carry a maximum sentence of six months incarceration, and before administrative tribunals. Paralegals commonly represent clients in landlord/tenant matters (mostly landlords), and traffic tickets. There are approximately 6000 licensed paralegals in Ontario. They are able to work with a lawyer or independent of a lawyer and do not require supervision by a lawyer if they are providing the services permitted under the Law Society by-laws.
31. When the Law Society of Upper Canada undertook to credential and regulate paralegals, it was met with strong resistance from lawyers. Resistance to regulation has generally abated, although efforts to expand paralegal practice into other areas such as family law have met with concentrated opposition from the family bar. This opposition will ultimately have to be considered in light of s. 4.2 of the *Law Society Act* that states "The Society has a duty to facilitate access to justice for the people of Ontario."

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³⁴ Mr. Crossland also chaired the Practice of Law Board, appointed by the Washington State Supreme Court.

³⁵ California is at the early stages of exploring an approach similar to that in Washington.

Page 115 to/à Page 123

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From: Pearson, Nancy JAG:EX
Sent: Thursday, April 16, 2015 12:46 PM
To: JAG JSB BMC
Cc: Buzbuzian, Andrea JAG:EX; Nyvall, Tyler JAG:EX
Subject: Law Society of B.C. proposes new category of legal professionals

Law Society of B.C. proposes new category of legal professionals

The Law Society says "certified paralegals" would tackle issues in underserved areas of the law

By The Early Edition, CBC News Posted: Apr 16, 2015 11:25 AM PT

The Law Society of British Columbia wants to create a new class of legal service providers who would help increase access to the justice system.

A recent report written by a task force led by the Law Society says "certified paralegals" would be lower-cost, credentialed and regulated professionals who can tackle issues within family law, advocate for clients before administrative tribunals and small claims courts, and handle residential tenancy disputes.

Those are all areas that many lawyers find uninteresting, or where many people end up self-representing because they can't afford a lawyer, said the Law Society's first vice-president David Crossin.

"A lot of lawyers, they spend a lot of time in law school, they think big, they're ambitious, they're not particularly interested in residential tenancy issues," Crossin told *The Early Edition's* Rick Cluff.

"In the large scheme of things, it's not a big thing, but for the single mom who's fighting with her landlord, it is everything and those people need help, they're getting left behind, and we think that legal service providers — not lawyers — can fill that void."

Paralegals already exist in B.C., but they mostly handle minor legal tasks like drafting documents and assisting lawyers, said Crossin. As part of a pilot program that began in 2013, designated paralegals can also appear in court to speak to certain family matters.

However, Crossin wants B.C. to move even further towards Ontario's model, where roughly 6,000 paralegals can handle cases in small claims court or certain criminal matters in provincial court.

How "certified paralegals" will be credentialed and regulated, and the type of education they would need is still to be determined. Crossin said the Law Society is currently framing legislation to bring forward to the

provincial government, asking it to change the Legal Profession Act in order to permit this new class of legal service providers.

Buzbuzian, Andrea JAG:EX

From: Forrest, Cris J JAG:EX
Sent: Thursday, April 16, 2015 2:03 PM
To: Deitch, James JAG:EX; Merner, David JAG:EX; Buzbuzian, Andrea JAG:EX; Nyvall, Tyler JAG:EX; Carter, Nancy L JAG:EX
Cc: Chalke, Jay JAG:EX
Subject: FW: Rick Cluff & LSS

FYI

Cris Forrest
Director | Justice Services Branch | BC Ministry of Justice and Attorney General | Direct: 250-356.6112

From: Carwithen, Kelsie GCPE:EX
Sent: Thursday, April 16, 2015 2:01 PM
To: Forrest, Cris J JAG:EX; Chalke, Jay JAG:EX
Cc: Schollen, Tasha GCPE:EX
Subject: RE: Rick Cluff & LSS

Hi folks – here is the transcript

CBU (CBC Vancouver)
CBC Early Edition
16-Apr-2015 06:42

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Buzbuzian, Andrea JAG:EX

From: McCray, Lindsay GCPE:EX
Sent: Thursday, April 16, 2015 3:11 PM
To: Pearson, Nancy JAG:EX; Carter, Nancy L JAG:EX; Nyvall, Tyler JAG:EX; Buzbuzian, Andrea JAG:EX
Cc: Carwithen, Kelsie GCPE:EX
Subject: FW: CBC Online: Law Society of B.C. proposes new category of legal professionals

FYI, another story.

From: Schollen, Tasha GCPE:EX
Sent: Thursday, April 16, 2015 3:10 PM
To: Forrest, Cris J JAG:EX
Cc: McCray, Lindsay GCPE:EX; Carwithen, Kelsie GCPE:EX
Subject: FW: CBC Online: Law Society of B.C. proposes new category of legal professionals

fyi

From: tno@gov.bc.ca [<mailto:tno@gov.bc.ca>]
Sent: Thursday, April 16, 2015 3:08 PM
Subject: CBC Online: Law Society of B.C. proposes new category of legal professionals

s.3

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Buzbuzian, Andrea JAG:EX

From: Carter, Nancy L JAG:EX
Sent: Friday, July 4, 2014 11:09 AM
To: Buzbuzian, Andrea JAG:EX; Getz, Russell JAG:EX; Hrenyk, Darryl M JAG:EX; JAG CFLPO Coop Student JAG:EX; Knutson, Shannan JAG:EX; Meier, Julie JAG:EX; Mulligan, Renee JAG:EX; Nyvall, Tyler JAG:EX; Reimer, Neil JAG:EX; Roach, Jodi JAG:EX; Watters, Treena M JAG:EX
Subject: FW: COLUMN: You Can't Have It Both Ways

Nancy Carter

*Executive Director, Civil Policy and Legislation Office
Justice Services Branch
Ministry of Justice
Ph. (250) 356-6182
Fax (250) 387-1189*

This message, including any attachments, is confidential and may contain privileged information intended only for the persons named above. Any other distribution, copying or disclosure is strictly prohibited. If you are not the intended recipient, please notify us immediately by reply email and permanently delete the original transmission from us, including any attachments, without making a copy.

From: Forrest, Cris J JAG:EX
Sent: Friday, July 4, 2014 10:54 AM
To: Beresford, Christopher JAG:EX; Carter, Nancy L JAG:EX; Chalke, Jay JAG:EX; Deitch, James JAG:EX; Merner, David JAG:EX; Swift, Sydney JAG:EX; Lavery, Paula S JAG:EX; VanderSluis, Dan S JAG:EX
Cc: Williams, Julie JAG:EX; Goldschmid, Robert JAG:EX; Knutson, Shannan JAG:EX; Hrenyk, Darryl M JAG:EX
Subject: COLUMN: You Can't Have It Both Ways

You Can't Have It Both Ways

by Malcolm Mercer

Either limit the regulatory monopoly or provide for the efficient and effective delivery of legal services for all legal problems

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[i] and regulated paralegals in Ontario and notaries in British Columbia

[ii] I examine this issue for the purposes of this column without examining two other hard access questions namely (i) the source of payment for legal services (i.e. legal aid or pre-paid legal insurance) and (ii) the extent to which the complexity of the administration of justice is part of the access problem.

[iii] The Quantitative Report by Environics states at p. 15 that in the survey, "respondents were asked to volunteer the kinds of issues and problems that they had experienced for which they had sought legal assistance or for which they thought legal assistance might have been helpful even though they did not avail themselves of such assistance".

Cris Forrest | Director | Justice Services Branch | BC Ministry of Justice
8th Floor, 1001 Douglas Street, Victoria BC V8W 9J7 | Telephone: 250.356.6112
URL: www.ag.gov.bc.ca/justice-services/

Buzbuzian, Andrea JAG:EX

From: Carter, Nancy L JAG:EX
Sent: Monday, January 13, 2014 10:07 AM
To: Buzbuzian, Andrea JAG:EX; Nyvall, Tyler JAG:EX
Subject: FW: Self-Regulation and Principled Pragmatism

fyi

From: Forrest, Cris J JAG:EX
Sent: Monday, January 13, 2014 10:06 AM
To: Carter, Nancy L JAG:EX; Chalke, Jay JAG:EX; Deitch, James JAG:EX; Merner, David JAG:EX
Subject: FW: Self-Regulation and Principled Pragmatism

Comparison: Canada vs. US, England and Australia

Interesting Things Happening in a Small Country – Self-Regulation and Principled Pragmatism

Posted: 13 Jan 2014 04:00 AM PST

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Buzbuzian, Andrea JAG:EX

From: lawsociety@lsbc.org
Sent: Wednesday, December 17, 2014 3:31 PM
To: Buzbuzian, Andrea JAG:EX
Subject: Notice to Profession

****Please do not reply to this message. If you cannot properly receive HTML e-mails, go to:
http://www.lawsociety.bc.ca/apps/broadcast/ntp.cfm?msg_id=1007&capvalue=ssamm to view this message. Please add lawsociety@lsbc.org to your address book or to your safe list in your mail settings to ensure delivery to your Inbox.



Family Law Pilot Project to end in the Supreme Court of BC

The purpose of this notice is to alert lawyers who supervise designated paralegals to important dates concerning the Family Law Pilot Project. Details about the pilot project and designated paralegals in general can be found [here](#).

While the Family Law Pilot Project was scheduled to end December 31, 2014, the British Columbia Provincial Court has allowed the project to continue until October 1, 2015. This will allow the Law Society and the court to evaluate the project and discuss its future.

The pilot project will not, however, be extended in the Supreme Court of British Columbia, and will therefore end in that court on December 31, 2014.

The pilot project applies only to the family law appearances by designated paralegals in the court registries identified in the project. The general use of designated paralegals is not a pilot project and therefore continues. In 2015, the Law Society will contact lawyers who have indicated they supervise designated paralegals to ask the lawyers to participate in a voluntary survey to assist the Law Society in evaluating both the pilot project and the use of designated paralegals more generally.

Does your contact information need updating? Three ways to update your information:

1. **Online:** <http://www.lawsociety.bc.ca/apps/members/login.cfm> (Currently, only your email address and email choices can be updated online. You will need to know your password to log in.)
2. **Email:** memberinfo@lsbc.org
3. **Phone:** 604-605-5311

Buzbuzian, Andrea JAG:EX

From: Buzbuzian, Andrea JAG:EX
Sent: Thursday, December 18, 2014 10:37 AM
To: Carter, Nancy L JAG:EX
Subject: RE: Notice to Profession

Hi Nancy. I spoke with Mike this morning about why the designated paralegal pilot program was ending in the Supreme Court:

The pilot programs in both the Provincial Court and Supreme Court were two-year programs, scheduled to end Dec. 31, 2014.

The Law Society contacted the Provincial Court, and it was decided that the program would continue until Oct. 31, 2015, and still be used as it was being evaluated.

It would appear that the Supreme Court pilot program was not being used (*maybe* 3-4 instances), and it was determined that there was little value in continuing it and that the evaluation would be relatively easy given the lack of use. It was thought that it would be more useful to continue discussions in the context of the initiatives relating to permitting others service providers to provide legal services.

From: Carter, Nancy L JAG:EX
Sent: Wednesday, December 17, 2014 4:09 PM
To: Buzbuzian, Andrea JAG:EX; Hrenyk, Darryl M JAG:EX; Kantweg, Rebecca JAG:EX; Knutson, Shannan JAG:EX; Roach, Jodi JAG:EX
Subject: FW: Notice to Profession

Hmmm.....i wonder why the SC pilot is ending. Andrea given that you have a relationship with Mike and Doug could I ask you to follow up to find out about this.....

From: lawsociety@lsbc.org [<mailto:lawsociety@lsbc.org>]
Sent: Wednesday, December 17, 2014 3:38 PM
To: Carter, Nancy L JAG:EX
Subject: Notice to Profession

****Please do not reply to this message. If you cannot properly receive HTML e-mails, go to:
http://www.lawsociety.bc.ca/apps/broadcast/ntp.cfm?msg_id=1007&capvalue=ssamm to view this message. Please add lawsociety@lsbc.org to your address book or to your safe list in your mail settings to ensure delivery to your Inbox.

Notice to the Profession

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2. **Email:** memberinfo@lsbc.org
3. **Phone:** 604-605-5311

Buzbuzian, Andrea JAG:EX

From: Carter, Nancy L JAG:EX
Sent: Monday, September 15, 2014 9:55 AM
To: Buzbuzian, Andrea JAG:EX; Nyvall, Tyler JAG:EX
Subject: Fwd: Meeting, September 22
Attachments: 601763 - 20140034 Consultation Document Courts.DOCX; ATT00001.htm

Could you both look at this and prepare notes for me before Friday

Sent from my iPhone

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The most recent efforts of the Law Society were those advanced by the Unbundling of Legal Services Task Force, the Delivery of Legal Services Task Force, and the Legal Service Providers Task Force. The Legal Service Providers Task Force, based on its research and reflections on feedback received during its consultations, reported to the Benchers in December 2013,¹ making the following recommendations that were unanimously adopted by the Benchers:

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2. That a program be created by which the regulator of legal services could provide paralegals who have met specific, prescribed education and/or training standards with a certificate that would allow such persons to be held out by regulated legal service providers for whom they work as “certified paralegals.” A regulated legal service provider would not be permitted to hold out as a “certified paralegal” any person who had not obtained a certificate.

NR

¹The report is available electronically at: <http://www.lawsociety.bc.ca/page.cfm?cid=99&t=Committee-and-Task-Force-Reports> under the section “Access to Justice / Delivery of Legal Services”.

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Buzbuzian, Andrea JAG:EX

From: Buzbuzian, Andrea JAG:EX
Sent: Thursday, March 19, 2015 11:50 AM
To: Carter, Nancy L JAG:EX
Cc: Nyvall, Tyler JAG:EX
Subject: RE: let's talk about
Attachments: Let's Talk About_Legal Services Regulatory Framework Task Force.pptx

Hi Nancy. We put the attached slides together as a starting point, for your consideration. (Saved in the LPA "Civil/Legislative Projects" folder.)

Thanks. Andrea

From: Carter, Nancy L JAG:EX
Sent: Friday, March 6, 2015 4:07 PM
To: Nyvall, Tyler JAG:EX; Buzbuzian, Andrea JAG:EX
Subject: FW: let's talk about

Can you give me some ideas for PowerPoint slides on this.....it's nt til april 1 but the week i'm back we should discuss

Nancy L Carter

Executive Director, Civil Policy and Legislation Office
Justice Services Branch
Ministry of Justice
Ph. (250) 356-6182
Fax (250) 387-1189

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From: Dyson-Loewen, Jessica JAG:EX
Sent: Friday, March 6, 2015 4:03 PM
To: Carter, Nancy L JAG:EX
Cc: Watters, Treena M JAG:EX
Subject: RE: let's talk about

You can do a PP if you want. You don't have to. And yes, there will be video link.

From: Carter, Nancy L JAG:EX
Sent: Friday, March 6, 2015 3:57 PM
To: Dyson-Loewen, Jessica JAG:EX
Cc: Watters, Treena M JAG:EX
Subject: RE: let's talk about

Am I correct that I shouldn't bother with a powerpoint....i'll just be talking? Am I linked in by video?

Nancy L Carter

Executive Director, Civil Policy and Legislation Office
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From: Carter, Nancy L JAG:EX

Sent: Friday, March 6, 2015 3:56 PM

To: Dyson-Loewen, Jessica JAG:EX

Cc: Watters, Treena M JAG:EX

Subject: RE: let's talk about

In December 2014, the benchers of the Law Society endorsed a recommendation by a task force of the Law Society of BC to request from government an amendment to the Legal Profession Act to permit the Law Society to establish new classes of legal service providers to engage in the practice of law, set the credentialing requirements for such individuals, and regulate their legal practice. Let's talk about the work of the task force, its report and some of the implications for the Ministry and government.

Nancy L Carter

Executive Director, Civil Policy and Legislation Office

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From: Dyson-Loewen, Jessica JAG:EX

Sent: Friday, March 6, 2015 11:07 AM

To: Carter, Nancy L JAG:EX

Cc: Watters, Treena M JAG:EX

Subject: RE: let's talk about

We've moved this to April 1st. Would you be able to provide me a couple sentences on the topic before you leave so that I can send out the meeting invitation?

From: Carter, Nancy L JAG:EX

Sent: Friday, February 20, 2015 1:28 PM

To: Dyson-Loewen, Jessica JAG:EX

Subject: let's talk about

s.22 ...is it possible to move the
let's talk about discussion to give me at least a week back to prepares.22

s.22

Nancy L Carter

Executive Director, Civil Policy and Legislation Office

Justice Services Branch

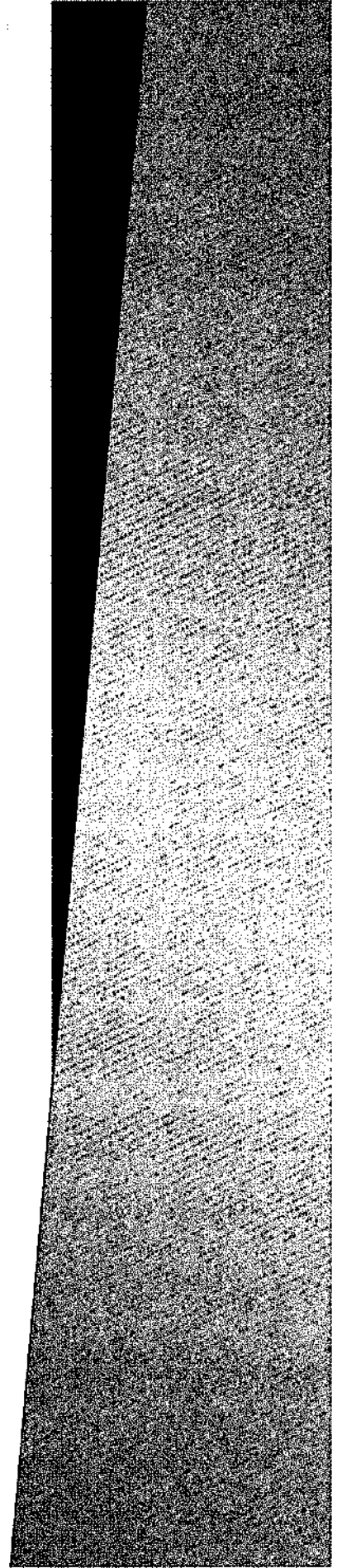
Ministry of Justice

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Legal Services Regulatory Framework Task Force

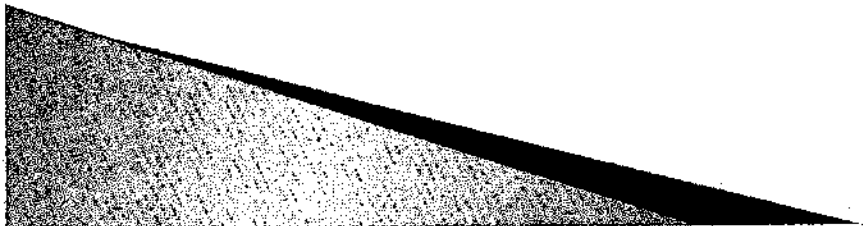


How the Task Force came about

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- ▶ Law Society work
 - Certification and regulation of paralegals

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Legal Service Providers Task Force

Recommendations to Benchers:

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2. Certification of paralegals

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Recommendations unanimously approved in principle by Benchers (December 6, 2013)



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Law Society of Upper Canada: Regulation of Paralegals

- ▶ Regulation of “independent” paralegals since May 2007
- ▶ Context: Services previously unregulated
- ▶ Scope:
 - small claims court
 - administrative tribunals
 - traffic and other offences hear in Provincial Offences Court
 - criminal charges: maximum sentence 6 months incarceration

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