



FINAL REPORT OF THE LEGAL SERVICES TASK TEAM

**For consideration by the
Minister of Justice and
the Benchers of Law
Society of Saskatchewan**

August 2018

MEMBERS OF THE LEGAL SERVICE TASK TEAM:

- **Gerald Tegart, Q.C.**, Bencher and Former Deputy Minister of Justice (Co-Chair, Law Society of Saskatchewan), Regina
- **Mary Ellen Wellsch, Q.C.**, Former Senior Crown Counsel (Co-Chair, Ministry of Justice), Regina
- **Joy Dobson**, MD and Former Senior Medical Officer and Vice-President of Medicine, Regina Qu'Appelle Health Region, Emerald Park
- **Sandi Kerger**, Legal Assistant/Paralegal and Instructor of Legal Administrative Assistant and Legal Assistant (Paralegal) Programs, Saskatoon Business College, Saskatoon
- **Darren Kraushaar**, Lawyer and Member of Board of Governors of the Saskatchewan Trial Lawyers Association, Regina
- **Laura Lacoursiere**, FCPA, FCMA (non-practicing) and Former Director of Administration, Legal Aid Saskatchewan, Saskatoon
- **Beverley Poitras**, Director of Justice, Restorative Justice Unit, File Hills Qu'Appelle Tribal Council, Peepeekisis First Nation
- **Neil Robertson, Q.C.**, Lawyer and Former President, Canadian Bar Association, Saskatchewan Branch, Regina
- **Marlene L. Rodie**, Former Executive Officer to the Chief Justice of Saskatchewan and Provincial Court Judicial Council, Regina
- **Laura Seigler Zerr**, Legal Assistant/Paralegal, Qu'Appelle
- **Jan Whitridge**, Lawyer and Executive Legal Officer and Registrar of Provincial Court of Saskatchewan, Regina

The Task Team was supported by the Joint Staff Working Group of the Law Society of Saskatchewan and the Saskatchewan Ministry of Justice:

- Janelle Anderson, Ministry of Justice
- Barbra Bailey, Law Society of Saskatchewan
- Kara-Dawn Jordan, Law Society of Saskatchewan
- Stacy Muller, Ministry of Justice
- Katrina Perrault, Law Society of Saskatchewan

TABLE OF CONTENTS

EXECUTIVE SUMMARY	i
SECTION 1: INTRODUCTION	1
SECTION 2: TASK TEAM MANDATE	2
SECTION 3: RATIONALE FOR UNDERTAKING THIS WORK	3
3.1 Access to Justice	
3.2 More Consumer Choice	
3.3 Effective Regulation of Legal Services	
SECTION 4: LEGAL SERVICES IN SASKATCHEWAN	17
4.1 Lawyers	
4.2 Paralegals and Legal Assistants Working Under the Supervision of a Lawyer	
4.3 Notaries Public	
4.4 Aboriginal Courtworkers	
4.5 Students-at-Law	
4.6 Mediators and Arbitrators	
4.7 Workers' Advocates	
4.8 Court Staff	
4.9 Legal Service Organizations	
4.10 Other Professionals	
4.11 Community Service Organizations	
SECTION 5: LEGAL SERVICE PROVIDER EXPANSION IN OTHER JURISDICTIONS	28
5.1 Canada	
5.1.1 Ontario	
5.1.2 British Columbia	
5.1.3 Nova Scotia	
5.1.4 Manitoba	
5.2 United States	
5.2.1 Washington State	
5.2.2 New York State	
5.2.3 Utah	
5.3 Other U.S. States	
5.4 Other Jurisdictions	

SECTION 6: TASK TEAM PROCESS AND DELIBERATIONS	33
6.1 Surveys	
6.1.1 The Public Survey - Summary	
6.1.2 Legal Service Provider Survey - Summary	
6.2 Consultations	
6.2.1 The Nature of Unmet Legal Needs	
6.2.2 Perceptions of Opportunity Associated with New Legal Service Providers	
6.2.3 Perceptions of Risk Associated with New Legal Service Providers	
6.2.4 Considerations for New Service Providers	
6.3 Other Trends	
6.3.1 Court Processes	
6.3.2 Shifting Models of Dispute Resolution	
6.3.3 Administrative Tribunals	
6.3.4 Other Practice Models	
6.3.5 Entity Regulation	
6.3.6 Technology	
6.3.7 Indigenous Legal Traditions and Reconciliation	
6.3.8 Law School Education	
6.3.9 Canadian Centre for Professional Legal Education (CPLED) Program	
6.3.10 Collaborative and Interdisciplinary Approaches	
SECTION 7: CONCLUSIONS AND RECOMMENDATIONS	63
7.1 Underserved and Unrecognized Legal Needs	
7.2 Need for Greater Clarity	
7.3 Deregulation	
7.4 Staff Working Under the Supervision of a Lawyer	
7.5 Exceptions to the Authority to Practice Law Provision	
7.6 Regulated, Unsupervised Group of Alternative Legal Service Provider with a Common Scope Of Practice	
7.7 Limited License to Practice Law	
7.8 Licensing System	
7.9 Pilot Projects	
SECTION 8: SUMMARY OF TASK TEAM RECOMMENDATIONS	90
APPENDIX A - TASK TEAM TERMS OF REFERENCE	92
APPENDIX B - OVERVIEW OF EXISTING MODELS IN OTHER JURISDICTIONS	98
APPENDIX C - RESULTS OF PUBLIC AND LEGAL SERVICE PROVIDER SURVEYS	106
APPENDIX D - COMMON CONSULTATION QUESTIONS	125
APPENDIX E - RESOURCES	127
END NOTES	136

EXECUTIVE SUMMARY

The Legal Services Task Team was appointed to examine whether service providers other than lawyers should be permitted to provide some legal services in Saskatchewan. This paper summarizes the work the Task Team undertook to examine this issue, the conclusions the Task Team reached, and the associated recommendations the Task Team makes for the future of legal services in Saskatchewan.

RATIONALE

The Task Team was asked to examine this issue for three reasons:

1. **Access to Legal Services** - While almost half of Canadians will experience a legal issue in any given three-year period, many people do not resolve their legal issue with the assistance of a lawyer due to being unable to: a) afford the cost of legal services; b) access services in rural and remote communities; c) find a lawyer willing or able to provide services in some processes or areas of law; or d) access services in one's own language or culture. As a result, many people are representing themselves in legal processes without assistance, often with great difficulty.
2. **More Consumer Choice** - In Saskatchewan, only members of the Law Society (lawyers and students-at-law) are authorized to perform and deliver legal services. This has the effect of reducing competition and increasing prices by restricting the supply of legal services. While the public has an interest in ensuring that legal services are competently delivered, a law degree may not be required in order to competently deliver all legal services. In many other professions, services are provided by a range of service providers and consumers are permitted to choose the level of services and amount of associated risk they are willing to tolerate in order to acquire the services they need.
3. **Effective Regulation of Legal Services** - Due to a high demand for legal services, many organizations and individuals try to meet their clients' needs by providing legal information and assistance where it is otherwise not available. Similarly, other professionals regularly provide services that could be classified as legal services. Many of these service providers do not pose a significant risk to the public and, in many cases, are even regulated by another statutory body. *The Legal Profession Act, 1990* contains a broad prohibition against the unauthorized practice of law and provides very little guidance to the public, service providers, and the Law Society about what type of services related to law might be performed by those who are not lawyers. Lack of clarity can stifle innovation and limit the availability of valuable information and sources of support for the public.

WITH THESE REASONS IN MIND, THE TASK TEAM WAS ASKED TO CONSIDER THE FOLLOWING:

- Whether permitting service providers other than lawyers to deliver some legal services would be likely to improve the ability to access legal services for those currently unable to do so;
- Whether it would be appropriate to allow the public to have greater choice in the level of service they desire and the amount of risk they are willing to accept, balancing considerations of protecting consumers from harm with providing more options and increased access to legal services;
- Whether the Law Society and the Ministry of Justice might be able to provide more clarity and guidance about what types of services related to law might be performed by those who are not lawyers; and
- Whether the current system represents the most effective approach to regulation of legal services and, if not, how it might be improved.

THE TASK TEAM'S PROCESS

To examine this issue, the Task Team engaged in a broad range of activities, which are described in further detail throughout this report.

The Task Team reviewed the landscape of legal services and legal service providers in Saskatchewan, including understanding the regulatory structure and activities of lawyers, paralegals and assistants working under the supervision of lawyers, notaries public, Aboriginal Courtworkers, students-at-law, mediators and arbitrators, Workers' Advocates, Court staff, legal service organizations, other professions, and other community service organizations. For more information, refer to section 4.

The Task Team reviewed reports and heard presentations about alternative legal service providers and models in other jurisdictions, including Ontario, British Columbia, Nova Scotia, Manitoba, Washington State, New York State, Utah, and elsewhere in the Commonwealth. For more information, refer to section 5 and Appendix B.

The Task Team reviewed the results of consultation surveys of legal service providers and the public conducted by the Ministry of Justice and the Law Society in spring 2016. For a summary of results, refer to section 6.1. For more detailed results, refer to Appendix C.

The Task Team conducted consultations with a wide range of stakeholders in a variety of formats. For more information about who was consulted, how they were consulted, and the themes arising from the consultations, refer to section 6.2, Appendix C and Appendix D. Themes touch on the nature of unmet legal needs in Saskatchewan, perceptions of opportunity and risk associated with new legal service providers, and considerations impacting the introduction of new legal service providers in Saskatchewan.

The Task Team learned about other trends that are evolving in the legal market and the legal system and how they may intersect with the Task Team’s mandate. For more information, refer to section 6.3. These trends touch on court processes, shifting models of dispute resolution, other practice models, entity regulation, technology, indigenous legal traditions and reconciliation, law school education and training, and collaborative and interdisciplinary approaches.

The Task Team studied the current and trending demographics of the Saskatchewan public and the legal profession. For more information, refer to section 3.1. Themes touch on the distribution of the population compared to the distribution of legal services and the medium income, language, and cultural identity of the population compared to that of the legal profession.

The Task Team reviewed and considered a wide range of reports touching on the provision of legal services, the legal services market, other models of legal service delivery, and public legal needs. For more information, refer to Appendix E.

The Task Team collectively discussed all that they learned, applied it to the Saskatchewan context, and reached consensus on a range of conclusions and recommendations. For more information, including a detailed summary of the discussion and considerations informing the recommendations, refer to section 7.

THE TASK TEAM’S RECOMMENDATIONS

Overall, the Task Team concluded that while there are unmet legal needs in Saskatchewan, it is not yet time to move towards the creation of an entirely separate professional group of legal service providers with a common scope of practice. The conditions in other jurisdictions that supported the creation of a separate professional group do not currently exist in Saskatchewan, but circumstances may change.

However, the Task Team concluded that it was time to move towards greater flexibility in the regulation and delivery of legal services. For this reason, the Task Team recommends that the legislative structure be revised to make space for a different regulatory approach and greater flexibility in its application.

The Task Team concluded that one of the greatest unmet public needs reflected in the consultations was for more ways to obtain legal information about legal frameworks, legal processes, resolution options, and how to navigate the system. For this reason, the Task Team recommends that the provision of legal information be deregulated so that anyone is able provide it. The Task Team also concluded that there was a need for greater clarity between what constitutes legal information and what services would require a license. Accordingly, the Task Team recommends that the ‘practice of law’ be defined in the legislation and that guidelines be created to support the public and potential service providers in understanding what information can be provided without a license.

The Task Team also concluded that some limited legal services currently provided by some professionals and other classes of persons in the scope of their ordinary work do not pose a risk to the public and do not need to be regulated by the Law Society. To reflect this conclusion, the Task Team recommends expanding the list of exceptions to the unauthorized practice of law provisions to include additional circumstances and classes of service providers.

The Task Team also recognized that there are a number of highly competent and experienced legal assistants and staff currently working under the supervision of a lawyer. The Task Team concluded that the current list of tasks that supervised professionals are not permitted to perform is too restrictive. Accordingly, the Task Team recommends that the Law Society review the current restrictions on services that can be performed by supervised professionals to determine where the list of permitted tasks can be expanded. In this way, greater discretion can be granted to supervising lawyers to determine the appropriate scope of services that can be provided by professionals and staff working under their supervision.

The Task Team also concluded that there are a range of needs that would remain unmet despite the above recommendations and was of the view that alternative service providers should be allowed to deliver legal services by some means. However, the Task Team did not feel that there was a common scope of practice that would be appropriate for all alternative service providers in all contexts. Rather, the appropriate scope of practice for a provider has more to do with the individual (or supervising organization) providing the service than with the nature of the service itself. The Task Team concluded that some context-specific needs could be serviced by alternative service providers operating within a specific, individualized scope of practice reflecting the knowledge, training, and experience of the service provider or group of service providers.

Accordingly, the Task Team recommends the creation of limited licenses for the practice of law that can be granted by the Law Society on a case-by-case basis, with appropriate requirements and practice conditions based on the circumstances of the licensee. The Task Team recommends that the licensing structure be application-based, be guided by a set of principles, and take a flexible and tailored approach to defining the qualifications, scope of practice, and practice controls that would be applicable for each licensee. The Task Team believes this approach will enable the supply of legal services to expand incrementally in a controlled, responsible, and sustainable manner in accordance with the capacity of potential service providers. This approach will also create the conditions for a more flexible and responsive structure that makes space for innovation.

Finally, the Task Team recognized that the approach it has taken in response to this issue is distinct from the approach taken in any other jurisdiction. Some guidance may be required to support those interested in applying for a limited license to practice law. Accordingly, the Task Team recommends that the Law Society and the Ministry of Justice should support the creation of pilot projects, in partnership with other organizations, to establish, test, and refine the limited licencing process.

A summary of the Task Team's recommendations can be found in section 8.

A CALL TO ACTION:

The Task Team's recommendations seek to create opportunities, but their success will require several actors to take up the call to innovate. Some of the innovations that could be made possible by the Task Team's recommendations may require public investment, particularly where the target population for increased access to legal services are unable to afford services in the current marketplace. Presently, the demand for publicly-funded legal services is greater than the supply, and some existing services struggle to maintain funding. Difficult fiscal decisions are often made in a context of limited resources, where many compelling programs and innovations compete for funding. The Task Team recognizes that there are a number of public policy decisions to be made in relation to its recommendations and sought to ensure that its recommendations could be flexible enough to support an incremental approach to implementation to reflect this reality. Nevertheless, the Task Team is confident that its recommendations can be implemented in a timely manner.

The Task Team wishes to emphasize that the flexible approach it has recommended creates the possibility for great innovation and entrepreneurship. There is a role for a wide range of players to engage with the opportunities arising from its recommendations, including all levels of government, the private sector, entrepreneurs, educators and educational institutions, students, near-to-law professionals, community service agencies, and private citizens. The Task Team calls for broad consideration of the ways in which current legal actors and those not traditionally associated with the legal system can collectively support the ability of all citizens to have meaningful access to appropriate legal services.

SECTION 1: INTRODUCTION

In Saskatchewan, only members of the Law Society (lawyers and students-at-law) may perform and deliver legal services. For reasons set out in Section 3 of this report, the Law Society of Saskatchewan (the “Law Society”) and the Ministry of Justice (the “Ministry”) have collaborated to examine the possibility of allowing non-lawyers to provide some legal services to Saskatchewan residents. The project’s overall goal is to enhance access to legal services for Saskatchewan citizens while maintaining protection of the public.

In fall 2015, the Law Society and the Ministry began informal discussions with individual paralegals and notaries to better understand the current market of alternate legal service providers. Information was also gathered about the legal services market in other jurisdictions. In May 2016, two surveys were conducted: one of the public and one of legal service providers in the province, which included lawyers, paralegals, notaries, and others working alongside the legal profession. The surveys were aimed at obtaining information about the way that legal services are provided in the province. The survey stated that the results would inform a broader exploration of ways to expand legal services that can be provided by legal professionals other than lawyers in order to improve public access to legal services in Saskatchewan.

The Law Society and the Ministry determined that further study was necessary and determined that an external group, with representation from the public, the profession, and others working in or alongside the profession, should be tasked with that work. The Legal Services Task Team (the “Task Team”) was appointed to study this issue, consider a spectrum of options, and develop recommendations about how the legal services market in Saskatchewan should change, if at all. The recommendations of the Task Team will be considered by the Benchers of the Law Society and the Minister of Justice.

This document describes the process followed by the Task Team to fulfill its mandate and sets out the recommendations of the Task Team.

SECTION 2: TASK TEAM MANDATE

The Mandate of the Task Team, as stated in the Terms of Reference (attached as Appendix A) was as follows:

The Legal Services Task Team shall examine the issue of allowing non-lawyers to provide legal services to Saskatchewan residents. If the Task Team recommends that non-lawyers may provide legal services, it shall also make recommendations as to the services that could be delivered by those service providers. The primary focus of the Task Team shall be enhancing access to legal services in Saskatchewan while maintaining protection of the public.

The Terms of Reference also set out the key responsibilities of the Task Team, as follows:

- to examine the issue of allowing non-lawyers to provide some legal services in Saskatchewan;
- to consider a wide range of possible approaches to allowing non-lawyers to provide legal services to Saskatchewan residents to varying degrees;
- to keep the public interest (including protection of the public) central in the consideration of a greater scope of legal service providers;
- to make recommendations to the Benchers and the Minister of Justice about the appropriate role (if any) of non-lawyers in the provision of legal services based on the findings of the Task Team; and
- to consider the advisability of making incremental changes to the categories and services of non-lawyer legal service providers in Saskatchewan.

Finally, the Terms of Reference provided that the Task Team should consider a broad range of possibilities for allowing individuals other than lawyers to provide some legal services.

SECTION 3:

RATIONALE FOR UNDERTAKING THIS WORK

Professional regulation with respect to legal services has been undergoing a great deal of change around the world, prompting the question of who may provide legal services. The Law Society and the Ministry have agreed that being proactive with respect to this issue will result in the best possible outcome for the Saskatchewan public, the legal profession, and other service providers. If we do not engage with the questions surrounding the authority to provide legal services, they are likely to be resolved by the courts, the legislature, or the marketplace in ways that might not consider all stakeholder interests and concerns.

This section explores the reasons that the Ministry and the Law Society have decided to explore this issue.

3.1 ACCESS TO JUSTICE

Access to justice or access to legal services, which is within the scope of legal services regulation, has been widely identified as an issue affecting the Canadian legal system today. Many individuals find they are unable to: a) afford the cost of legal services; b) access services in rural and remote communities; c) find a lawyer willing or able to provide services in some processes or areas of law; or d) access services in one's own language or culture. In some cases, individuals facing legal problems may need to represent themselves, in which case they are referred to as self-represented litigants.

Many prominent national organizations have written high profile reports on the issue of access to justice in Canada, and many of these reports encourage those in the legal profession to consider expanding the scope of legal service providers. The Law Society and the Ministry share a common interest in improving access to justice for the benefit of the public.

The Action Committee on Access to Justice in Civil and Family Matters, chaired by former Supreme Court Justice Thomas Cromwell, is a national network that seeks to provide national leadership to advance civil and family justice in Canada. In its report entitled, *Access to Civil & Family Justice - A Roadmap for Change* (October 2013)¹, the Action Committee calls for modernizing and expanding the legal services sector:

Many everyday problems require legal services from legal professionals. For many, those services are not accessible. Innovations are needed in the way we provide essential legal services in order to make them available to everyone. The profession – including the Canadian Bar Association, the Federation of Law Societies of Canada, law societies, regional and other lawyer associations – will, together with the national and local access to justice organizations ... take a leadership role in this important innovation process.

Specific innovations and improvements that the Action Committee recommends include increased opportunities for paralegal services; increased legal information services by lawyers and qualified non-lawyers; and programs that match unmet legal needs with unmet legal markets.

The Canadian Bar Association (CBA) is a national membership and advocacy association for the legal profession. In its report entitled, *Reaching Equal Justice: an invitation to envision and act*, the CBA suggests that ‘team delivery’ of legal services could enhance access. They describe this approach at pages 95 and 97:

Recognizing the value of a continuum of legal services approach means recognizing the importance of increased diversity and specialization among legal service providers and enhanced capacity to provide comprehensive, cost-efficient services through teams of lawyers, other legal service providers (like paralegals) and providers of related services (like social workers). Teams can deliver more comprehensive and holistic services tailored to people’s needs.

...

... The Committee proposes that as a profession and legal community we increase the diversity and range of services available to clients through the integrated team delivery of legal and related services, so that by 2030 the vast majority, in the range of 80%, of [personal legal] services are provided through a team approach. To smooth the way for team delivery of legal and related non-legal services, licensing, insurance and professional and ethical issues such as confidentiality and solicitor-client privilege, have to be resolved.²

Dr. Julie Macfarlane of the University of Windsor has conducted extensive research on self-represented litigants in Canada. In her report, *The National Self-Represented Litigants Project: Identifying and Meeting the Needs of Self-Represented Litigants*, she reports that the most consistently cited reason for self-representation was the inability to afford, to retain, or to continue to retain legal counsel.³ She also explains that in several cases, paralegal work with appropriate restrictions could greatly benefit self-represented litigants in light of the public need for less costly legal services.⁴ The report advocates examining the extent to which paralegal assistance could be utilized to assist self-represented litigants, either by reducing costs, or by creating greater access to legal services in underserved markets and locations.

The Canadian Forum on Civil Justice is a national non-profit organization dedicated to advancing civil justice reform through research and advocacy. In 2016, the Canadian Forum on Civil Justice (CFCJ) released a report entitled, *Everyday Legal Problems and the Cost of Justice in Canada: Overview Report*. The report includes an overview of the data from a major Canadian study conducted between September 2013 and May 2014. The research included interviews with a national random sample of 3,051 Canadians aged 18 and older. The study found that 48% of Canadians over the age of 18 will experience at least one ‘everyday’ civil or family justice problem over any given three-year period. ‘Everyday legal problems’ are problems arising out of the normal activities of people’s daily lives that have a legal aspect and a potential legal solution.⁵

The CFCJ study also found that only 19% of people surveyed obtained legal advice from a lawyer (including lawyers working at legal aid and pro bono clinics). Of the remaining respondents, 7% represented themselves, 28% received assistance from a non-legal advocacy organization such as a union, 33% consulted the internet, 75% contacted the other party in the dispute directly, and 61% obtained advice from friends and family.⁶ Of those respondents who took no action in their legal matter, 21% reported that cost was a factor. Of the respondents whose problem had reached resolution, 46% felt the outcome was unfair and 70% said the outcome was not what they had expected. Of those that did not receive advice from a lawyer or an advocacy organization, 42% felt their outcome would have been better if they had obtained some assistance.⁷

The following areas of law are commonly identified in the literature as the areas with the greatest need for additional services:

- Debtor/Creditor and consumer law
- Employment
- Discrimination
- Family
- Estates/Guardianship
- Health/Disability
- Housing
- Personal injury
- Benefits
- Immigration⁸

These examples represent common problems that can be very disruptive to the people who experience the problems and have adverse ripple effects into communities and society at large.⁹

There are limited studies that focus specifically on the legal needs of Saskatchewan residents. However, Statistics Canada conducts an annual, national survey of family and non-family civil court cases at both the superior and provincial/territorial court levels from 10 reporting provinces and territories (Prince Edward Island, Nova Scotia, New Brunswick, Ontario, Saskatchewan, Alberta, British Columbia, Yukon, Northwest Territories and Nunavut). The Civil Court Survey provides data on civil court caseload, type and length of case, and type of court activity, among other measures. The 2016-17 Civil Court Survey data was released on April 19, 2018. In 2016-17:

- 37% of civil cases in Saskatchewan involved family law disputes, while the remaining 63% of cases in Saskatchewan were classified as ‘general civil actions’;
- Of the general civil actions, 64% were unclassified, 24% involved probate, 8% involved contract disputes, and 5% involved bankruptcy;
- Of the family law cases, 56% involved divorce. Of the divorce cases, 63% were uncontested, while 37% involved one or more issues of access, custody, or support;
- Of the non-divorce family law cases, 65% involved a claim for child support;

- Family law cases, on average, involve more court involvement (i.e. pre-trial hearings, adjournments, and trial hearings) than other civil court cases. They accounted for nearly half of civil court events in 2016-17, including 72% of adjournments and 87% of trial hearings, despite only representing 37% of all civil court cases;
- 50% of family law cases move from initiation to first disposition within three months and 71% of family law cases move within six months. General civil actions move quicker, with 70% of these cases being moved from initiation to first disposition within three months and 81% within six months.¹⁰

Census data from Statistics Canada for the year 2016 provides some additional insight into reality of Saskatchewan residents. The median income for individuals in Saskatchewan (before tax) was \$38,299. Further, 26.1% of the population, or 224,160 people, earn less than \$20,000, compared to the national rate of 29.9%. As of March 2018, the unemployment rate in Saskatchewan was 6.4% (compared to the national rate of 6.3%).¹¹

While the cost of legal services is often the primary focus of the access to justice discussion, another aspect of this issue is the ability to access the required legal services in one's own community, language, and/or culture. In 2016, 82.4% of Saskatchewan residents listed English as their mother tongue and 1.4% listed French; both of these percentages decreased slightly from 2011. Many non-official languages have been increasing rapidly due to immigration, making up 14.5% of reported mother tongues in 2016. The immigrant and non-permanent resident population rose from 52,770 in 2006 to 124,745 in 2016. In addition, 28,345 people reported having an Aboriginal language as their mother tongue. Saskatchewan has the second-highest proportion of Aboriginal population among the provinces in Canada, at 16.3% of the population, or 75,020 people, compared to the national rate of 2.8%. Of those who self-identified as being members of First Nations, 47.5%, or 54,460 people, lived on reserve.¹² These are a few examples of cultural attributes that the public may wish to see reflected in those providing legal services.

The Law Society of Saskatchewan recently began collecting information about its members, on a voluntary basis, respecting attributes such as language. Approximately 50% of members voluntarily self-identified with these attributes on the first collection. Of those responses, 6.5% identified as being First Nations, Métis or Inuit and 7% identified as being part of a visible minority. With respect to language, 0.5% identified French as being their first language, with an additional 1% stating that they were fluent in both French and English. A further 2% stated that their first language was something other than French or English. These statistics, while not representative of the entire legal profession, provide some indication that the cultural attributes of the profession do not reflect the proportions found in the general population.

The Law Society also recently provided members with the opportunity to indicate the languages in which they are able to offer legal services, which will be added to the lawyer search function on the Law Society website to help consumers identify lawyers who deliver services in their language. The chart on the following page provides a breakdown of the number of lawyers in Saskatchewan who have indicated they offer legal services in each of the languages listed. This list does not represent all lawyers in the province, as lawyers are not required to submit this information, but it provides some insight into the services that are available in Saskatchewan.

NUMBER OF LAWYERS OFFERING LEGAL SERVICES IN LANGUAGES OTHER THAN ENGLISH¹³

Afrikaans	2	Farsi	2	Italian	2	Russian	2
Arabic	1	French	73	Japanese	1	Spanish	5
Bengali	2	German	5	Korean	1	Ukrainian	5
Chinese	3	Greek	1	Mandarin	4	Urdu	7
Cree	2	Hindi	9	Polish	1	Vietnamese	1

The Law Society has collected statistics on age, gender, practice type, and geographic location from all members for decades. Statistics for the year 2016 indicate that lawyers in Saskatchewan are aging and becoming concentrated in urban areas. Approximately 43% of lawyers practising in Saskatchewan are over the age of 50.

LAWYERS BY AGE AND GENDER (NOT INCLUDING STUDENTS-AT-LAW)¹⁴

BETWEEN AGES	MALE	%	FEMALE	%	TOTALS	%
24 - 30	99	9%	92	14%	191	11%
31 - 40	250	23%	220	32%	470	27%
41 - 50	191	18%	182	27%	373	21%
51 - 60	248	23%	123	18%	371	21%
60 & up	296	27%	60	9%	356	20%
TOTAL:	1,084	100%	667	100%	1,761	100%

When the statistics are broken down further by practice type and geographical location, they show that 28% of the 192 lawyers in private practice in smaller centres are over the age of 60. Overall, fewer lawyers are practising in rural settings, with 78% of lawyers and students-at-law working in either Regina or Saskatoon.¹⁵ This rate is not proportionate with the overall population distribution for Saskatchewan, as 42% live in Saskatoon and Regina according to the most recent census data from 2016.¹⁶

LAWYERS BY GEOGRAPHIC LOCATION AND TYPE OF PRACTICE (THOSE WHO DELIVER SERVICES TO THE PUBLIC)¹⁷

COURT POINTS/ URBAN CENTRES	TOTAL LAWYERS (INCL. STUDENTS- AT-LAW)	PRIVATE PRACTICE	% OF LAWYERS IN CENTRE	LEGAL AID	% OF LAWYERS IN CENTRE
Battlefords	45	24	53%	6	13%
Estevan	17	15	88%	2	12%
Lloydminster	25	20	80%	0	0
Meadow Lake	19	6	32%	7	37%
Melfort	16	9	56%	3	19%
Moose Jaw	28	21	75%	3	11%
Prince Albert	78	52	67%	11	14%
Regina	664	426	64%	21	3%
Saskatoon	721	549	76%	24	3%
Swift Current	30	27	90%	2	1%
Weyburn	9	9	100%	0	0
Yorkton	30	21	70%	3	10%
Rural/All other centres	90	76	84%	5*	6%
TOTAL:	1,772	1,255		87	

* All are in the North (La Ronge)

These statistics can be further broken down to determine the ratios of lawyers who deliver legal services to the public (as opposed to those working in-house with corporations or the government) to the general population in various geographic locations in Saskatchewan. The average ratio is one lawyer for every 818 Saskatchewan residents. In stark contrast, the ratio for rural Saskatchewan is one lawyer for every 5,559 residents.

These numbers indicate that certain areas of the province have an inadequate supply of legal services for their population, when one considers that the findings of the CFCJ study indicates the prevalence of 'everyday legal problems' that impact all citizens, regardless of income or status.

RATIO OF LAWYERS DELIVERING SERVICES TO THE PUBLIC TO GENERAL POPULATION BY GEOGRAPHIC LOCATION

CENTRES	LAWYERS (INCL. STUDENTS-AT-LAW) DELIVERING SERVICE TO PUBLIC ¹⁸	% OF LAWYERS IN PROVINCE	GENERAL (PROVINCIAL) POPULATION ¹⁹	% OF PROVINCIAL POPULATION	RATIO OF LAWYERS: POPULATION
Battlefords*	30	2%	18,744	2%	1:625
Estevan	17	1%	11,483	1%	1:675
Lloydminster**	20	1.5%	31,410*	3%	1:1,571
Meadow Lake	13	1%	5,344	0.5%	1:411
Melfort	12	1%	5,992	0.5%	1:499
Moose Jaw	25	2%	33,890	3%	1:1,356
Prince Albert	63	5%	35,926	3%	1:570
Regina	447	33%	215,106	20%	1:481
Saskatoon	573	43%	246,376	22%	1:430
Swift Current	29	2%	16,604	1.5%	1:573
Weyburn	9	0.5%	10,870	1%	1:1,208
Yorkton	24	2%	16,343	1.5%	1:681
Rural/All other centres	81	6%	450,264	41%	1:5,559
TOTAL:	1,343	100%	1,098,352	100%	1:818

* Includes both Battleford and North Battleford populations

** Includes both Saskatchewan and Alberta populations

As the concept of ‘access to justice’ is broadly defined, it is difficult to measure. While there is no way to guarantee that a new category of legal service providers would increase access by offering services at a lower cost, the Law Society of British Columbia’s Paralegal Task Force, which examined the same issue, concluded the following:

There is no certainty that a single-model regulator of a number of different groups of legal service providers will improve access to justice, and it is uncertain that one would be able to create empirical evidence to prove this end. There is no way to find the answer without trying it, and the Task Force therefore concludes that it should be tried.²⁰

With this in mind, the Task Team was asked to consider whether they thought that expanding the services that can be provided by alternative service providers would be likely to improve access to legal services.

3.2 MORE CONSUMER CHOICE

Closely related to increasing access to legal services is increasing consumer choice in the legal services market.

In many other professions, the customer is permitted to choose the level of services required. Consumers can choose the amount of risk they wish to tolerate in order to acquire the services they need. The average person is extremely disadvantaged in facing the legal system; someone with training and experience to help could be of significant value. At present, many individuals who find themselves unable to afford or retain a lawyer attempt to deal with their legal issue on their own, often with great difficulty. These individuals might be prepared to accept some risk and receive assistance from an alternate service provider rather than go it alone. In fact, a study conducted by the Canadian Research Institute for Law and the Family in Alberta revealed that self-represented litigants have unrealistically high expectations for the outcome they are likely to achieve, are more likely to go to trial than to settle, encounter problems in court due to unfamiliarity with court processes, and overall achieve worse results than litigants with counsel.²¹

Restricting the provision of legal services to those who are granted a license by the regulator (in the Saskatchewan case, lawyers) may have the effect of reducing competition and increasing price by restricting the supply of services. At pages 2-4 of a journal article entitled “Access to Justice: Is Legal Services Regulation Blocking the Path?” Noel Semple, Assistant Professor at the University of Windsor, opines that a multiple licensing approach could mitigate the anticompetitive effects of occupational licensing. He writes that, while licensing may not be an accurate predictor of service quality in all cases, it does provide some protection against incompetent and fraudulent practice. Therefore, instead of abolishing licensing regimes, some commentators have advocated for multiple licensing approaches, which would allow more than one class of licensee to provide legal services. They have opined that this approach has the potential to increase competition and reduce prices while maintaining quality assurance and therefore protection of the public.²²

Legal services exist on a spectrum and it is reasonable that some services do not need to be provided by a lawyer. On one end of the spectrum is routine commoditized legal work while on the other is high-level strategic advice. At present, many legal assistants routinely complete significant work on real estate, wills and estates, corporate, and family law matters.

In “Towards the Law of Legal Services,” Andrew Perlman, Dean of Suffolk Law School in Boston, writes that, while the public has an obvious interest in ensuring that legal and law-related services are competently delivered, there are services which require a formal legal education, services that could be performed competently with training short of a law degree, and services which do not need any specialized training at all. In some cases, this will be easy to identify, but in others, the line is not clear. Perlman goes on to say that, where it is not clear what level of training is necessary to perform a service, regulators should generally defer to the market by allowing people to make their own choices. In doing so, the public can take into account a number of relevant considerations, such as cost, the provider’s training and experience, and consumer reviews.²³

Perlman acknowledges there are potential problems with consumer choice in the legal context, most notably that the public is not always going to be able to assess the risk of choosing between types of providers because for many kinds of legal and law-related services, quality is difficult to measure or assess. Perlman cautions that regulators must consider the extent to which the public can reasonably assess the quality of the services, the extent to which regulations could address any problems with such assessments, the existence of reasonably likely and significant externalities (i.e. effects on other parties or aspects of the legal system), and whether any regulatory remedies exist to address these possible externalities.²⁴

Semple cautions that there is no guarantee that occupational groups will compete aggressively enough to seize jurisdiction from each other and drive prices down. The groups might come to an arrangement about their respective scopes of practice to avoid competition. Semple concludes, however, that while there is no guarantee that new service providers would fill gaps in services in certain areas of law or geographical areas, simply increasing the number of eligible service providers increases the likelihood of services being provided in those areas.²⁵

The legal profession has faced some criticism from the Competition Bureau of Canada about restricting the scope of practice of those qualified to provide certain legal services. A 2007 study titled, *Self Regulated Professions: Balancing Competition and Regulation* stated that, “the range of activities that is reserved for lawyers must be justified by a clear social benefit. An overly broad scope of practice for lawyers only raises costs for consumers by prohibiting alternative low cost providers (such as paralegals and title insurers) from offering certain legal services.” The Competition Bureau recommended that law societies should neither prohibit related service providers from performing legal tasks, nor limit their ability to do so, unless there is compelling evidence of demonstrable harm to the public.²⁶

As such, the Task Team was asked to balance considerations of protecting consumers from harm and allowing consumers to choose the level of risk they are willing to accept if it means they will have increased access to legal services.

3.3 EFFECTIVE REGULATION OF LEGAL SERVICES

In Saskatchewan, the legal profession is self-regulated through the Law Society of Saskatchewan, which is mandated to regulate the legal profession in the public interest in accordance with the *The Legal Profession Act, 1990*²⁷ (the “Act”). The Law Society is governed by a board of lawyers and some members of the public, collectively called the Benchers. The Benchers create policy for the Law Society and carry out the adjudicative operations of the Law Society’s member discipline process.

The Law Society is also tasked with ensuring that those who are not members of the Law Society are prevented from delivering legal services, through the ability to prosecute or seek an injunction to prevent unauthorized practice. This authority is governed by the Act, which states:

UNAUTHORIZED PRACTICE

30(1) No person, other than a member who holds a certificate, shall:

- (a) practise at the bar of any court of civil or criminal jurisdiction in Saskatchewan;
- (b) advise, do or perform any work or service for fee or reward, either directly or indirectly, in matters pertaining to the law of Saskatchewan or of any jurisdiction outside Saskatchewan;
- (c) sue out any writ or process; or
- (d) commence, carry on or defend any action or proceeding in any court.

(2) A person, other than a member who holds a certificate, who commences, prosecutes or defends an action or proceeding in a court of civil or criminal jurisdiction or acts as counsel or lawyer in an action or proceeding is:

- (a) incapable of recovering any fee, reward or disbursement on that account; and
- (b) deemed to be guilty of a contempt of the court in which the proceeding has been commenced, carried on, defended or prosecuted, and may be proceeded against for contempt before the Court of Appeal or a judge of the court sitting in chambers.

EXCEPTIONS RE UNAUTHORIZED PRACTICE

31 Section 30 does not apply to:

- (a) an articulated student-at-law or any other person required to serve under articles who, while serving under articles:
 - (i) appears as counsel in proceedings before a judge of the Provincial Court of Saskatchewan, justice of the peace or a judge of the court sitting in chambers;

(ii) acts as counsel in proceedings in which a student-at-law is authorized by The Queen's Bench Rules to act; or

(iii) performs under the supervision of a member any acts, not related to court appearances, that are prescribed in the rules;

(b) a person authorized to practise in accordance with the rules made pursuant to clause 10(i) while the person is acting within the scope of that authorization;

(c) a member of a police force appearing for the Crown before a judge of the Provincial Court of Saskatchewan or justice of the peace;

(d) an employee of the Government of Saskatchewan or the Government of Canada prosecuting summary conviction cases for the contravention of an Act or an Act of the Parliament of Canada, or a regulation made pursuant to an Act or an Act of the Parliament of Canada;

(e) a sheriff with respect to proceedings taken for:

(i) relief pursuant to provisions relating to interpleader;

(ii) payment out of court of funds belonging to an execution debtor; or

(iii) directions of a court with respect to a seizure made or requested to be made by the sheriff; or

(f) a person who is a plaintiff or defendant in proceedings and who commences, prosecutes or defends in the person's own name an action or proceeding in a court of civil or criminal jurisdiction.

FALSE PRETENCES

32(1) No person, other than a member who holds a certificate or a person who is authorized to practise in accordance with rules made pursuant to clause 10(i), shall:

(a) pretend or hold himself or herself out to be a lawyer or a barrister and solicitor; or

(b) take, assume or use any name, title, addition or description other than one that the person actually possesses and is legally entitled to or that implies or is calculated to lead people to infer that the person is a lawyer or member or is recognized by law as a lawyer qualified and entitled to practise law or do business as a lawyer in Saskatchewan, or in any way publish or advertise himself or herself as such.

(2) No person who is not a member in good standing shall use the designations "barrister", "solicitor", "barrister and solicitor", "lawyer" or "attorney".

Subsection 30(1)(b) prohibits any person who is not a lawyer from advising on or performing any work or service in matters pertaining to the law. That subsection also provides that a person other than a lawyer cannot receive any payment, directly or indirectly, for performing work pertaining to the law of Saskatchewan. There are some exceptions to that prohibition, set out in section 31. Section 32 provides title protection for terms that are synonymous with "lawyer."

Section 80 of the Act states that every person who contravenes the unauthorized practice provisions of the Act is guilty of an offence. Sections 81 and 82 of the Act authorize the Benchers to prosecute any person who contravenes the Act and to seek a court injunction preventing a person from contravening the Act, respectively. The Saskatchewan Court of Queen's Bench has characterized the exercise of these powers as they relate to unauthorized practice as being part of the Law Society's statutory obligation to protect the public and to regulate its members, quoting a case from Ontario to explain this responsibility as follows:

9 The Law Society has an important role in protecting the public from the activities of unlicensed and unregulated persons holding themselves out to be lawyers and paralegals. The Respondent, for example, is not required to carry professional liability insurance, keep books and records for inspection by the Law Society, or maintain a trust account for client funds that can be audited by the Law Society. Indeed, the Law Society would have no right or ability to carry out a spot audit or any other kind of check in relation to the activities of the Respondent, as it would for a licensed legal professional. That is why the Law Society has a duty to seek remedies against unauthorized persons practicing law or holding themselves out as legal professionals.²⁸

While it is clear that only lawyers in Saskatchewan may perform certain services, such as appearing in court, section 30 of the Act provides very little guidance to the public, service providers, and the Law Society about what type of services related to law might be performed by those who are not lawyers. In some occupations, the lines are blurred and the Law Society is aware that there are non-lawyers providing services related to law in many areas. For example, accountants analyze tax law and make recommendations to clients and prepare documents that have legal implications, such as tax returns. Other examples include human resource managers who analyze and apply employment law and financial planners who offer estate planning advice. Many of these service providers do not pose a significant risk to the public and in many cases, are even regulated by another statutory body.

For this reason, the Law Society does not pursue criminal prosecution or seek an injunction against every individual carrying on unauthorized practice. Instead, the Law Society exercises discretion to pursue only those individuals or organizations who pose a clear risk to the public due to factors such as a lack of training, misleading the public about qualifications or status with the Law Society, or the complexity of the matters they are handling.²⁹

Greater clarity as to what constitutes 'matters pertaining to the law' for the purposes of the prohibition in the Act would be beneficial to the Law Society, the public, and non-lawyers who wish to provide law-related services. This question is sometimes framed as being a distinction between providing legal information and providing legal advice or legal services. Unlike 'legal services,' which has been defined in some jurisdictions, legal information is not defined by any Canadian statutes or regulations, nor is there statutory guidance as to who can provide legal information or in what circumstances it can be made available.

Legal information is often characterized as being general information about the law, for which there is only one correct answer, while legal advice is tailored to an individual's specific circumstances and advises the individual to select one particular course of action over another. For example, a person providing legal information short of legal advice might be permitted to help the client understand when a problem is a legal problem, discuss options without making recommendations, and discuss possible next steps, such as whether the client should seek legal advice from a lawyer.³⁰ Due to a high demand for legal services, many organizations and individuals, such as the Public Legal Education Association (PLEA) of Saskatchewan, provide what we will refer to as legal information despite the lack of clear guidance on the permitted scope of this type of service.³¹

In their paper, "The Cost of Uncertainty: Navigating the Boundary Between Legal Information and Legal Services in the Access to Justice Sector", Jennifer Bond, David Wiseman, and Emily Bates outline the problem posed by the uncertainty of this boundary as follows:

While these two concepts can be clearly distinguished and applied in some circumstances, many projects are not easily categorized according to this dichotomy—which is simultaneously strictly applied and poorly defined. These complexities have particular relevance in the context of the access to justice crisis because of the emphasis on finding innovative ways to provide meaningful legal assistance to mitigate deficits, often via legal support service models that assist with the consumption of legal information. However, as this information becomes less static and general and more dynamic and contextualized—or, in other words, as it becomes more useful to an individual and more effective as an access to justice resource—it may also begin to take on some characteristics of legal services.³²

Research conducted by students at the College of Law at the University of Saskatchewan revealed that many individuals and organizations providing legal support in Saskatchewan did not understand the distinction between legal information and legal advice as being derived from the Act. Many defined the distinction as being contingent on their level of expertise in each subject area.³³ The uncertainty about the distinction caused some of the individuals interviewed for this study to express a concern that, "people either may be overly cautious in the information and assistance they provide to the public or else may exceed what they are competent and potentially legally able to provide, thereby potentially disadvantaging the person they are assisting."

Bond, Wiseman & Bates write that the lack of clarity and guidance available to organizations seeking to comply with unauthorized practice provisions often results in service providers in the access to justice sector favouring a very cautious approach, which has the potential to stifle innovative opportunities for addressing the access to justice crisis. They write that there are significant costs related to ensuring compliance in a time of prolonged crisis and resource scarcity. They call upon regulators and lawmakers to provide clarity to this issue.³⁴

The lack of a clear distinction between legal information and legal advice also creates uncertainty for court staff working on the court counters and in information services. These people interact with many self-represented litigants and both groups have stated a need for clarity. Greater clarity would provide the court staff with the comfort of knowing what services they are permitted to provide, and self-represented litigants would be able to receive more assistance.

Dr. Julie Macfarlane has conducted extensive consultations with these groups and writes that the present situation “places an unfair burden on court staff who are required to make constant determinations of how much information they can provide to frustrated and even angry self-represented litigants.” Dr. Macfarlane believes this leads to inconsistent application and creates a barrier between self-represented litigants and basic information. With respect to court staff, she writes they work under enormous pressure due to the growing self-represented litigant population and constantly changing court forms and procedures, all with little training.³⁵

Dr. Macfarlane recommends that the conventional distinction between legal information and legal advice be re-examined and that court staff and other providers of legal information be provided with more and clearer guidelines to help them to determine—consistently and fairly - what they may and may not provide as information and in response to questions from self-represented litigants.³⁶

In March 2017, the Ontario Ministry of the Attorney General released a report authored by Justice Annemarie Bonkalo containing recommendations for expanding the scope of paralegals in Ontario to include some family law services (the “Bonkalo Report”). In it, Justice Bonkalo also reported feelings of frustration amongst both self-represented litigants and court staff over “arbitrary and poorly understood distinctions between legal information and legal advice” which prevent court staff from providing assistance despite their extensive knowledge of the practical and procedural issues that self-represented litigants need assistance with.

Justice Bonkalo writes that clarifying what staff can do is not sufficient; rather, further consideration should be given to changing the limitations on court staff and providing better training so that court staff can differentiate between legal information and legal advice and ultimately provide more legal information, such as helping clients understand legal terminology used on court forms, indicating where documentation is incomplete, and explaining what needs to be provided. She further recommends that the Law Society ensure that the unauthorized practice rules be amended to clearly distinguish between legal advice and the legal information.³⁷

The Ontario Ministry of the Attorney General recently completed a two-courthouse pilot project intended to help court staff and court users better understand the distinction between legal information and legal advice. The goals of the pilot were to better support court staff in providing assistance to self-represented litigants and manage litigant expectations regarding the type of service court staff can provide.³⁸ The pilot was evaluated through pre- and post-pilot surveys of the participating court staff, with a focus on comparing their perceived ability to assist self-represented litigants prior to and after participating in the pilot. This evaluation indicated that the materials were well-received by court staff, which has led to a decision to expand the training to the rest of the province. The Ontario Ministry of the Attorney General is in the process of implementing this new training to family and small claims court staff throughout Ontario.³⁹

The Task Team was asked to consider how the Law Society and the Ministry might be able to provide more clarity about the issues mentioned above to members of the Law Society and the public, including those who might be providing services related to the law. They were also asked to consider whether the current system represents the most effective approach to regulating legal services and, if not, how it might be improved.

SECTION 4: LEGAL SERVICES IN SASKATCHEWAN

4.1 LAWYERS

To become a lawyer in Saskatchewan, applicants must have a three-year common law degree with at least two years of undergraduate study, a civil law degree from Quebec, or a Certificate of Qualification from the National Committee on Accreditation (for those who received their legal training outside of Canada). Following university, prospective lawyers must complete the bar admission course that includes skills-training and evaluation, which is provided in the prairie provinces by the Canadian Centre for Professional Legal Education (CPLED). Finally, prospective lawyers must complete a 12-month articling period and apply for admission to the Law Society in order to practise law. The requirements for admission include completing the educational requirements listed above, demonstrating good character, and paying the annual membership fee and an admission fee.

Lawyers are not required to specialize in certain areas of law, although many select one or two areas as their primary areas of practice. Once admitted to the Law Society, lawyers are entitled to practice in all areas of law, subject to a requirement outlined in the *Code of Professional Conduct* for lawyers to perform all legal services undertaken on a client's behalf to the standard of a competent lawyer.⁴⁰ It is up to lawyers to ensure they are competent to provide the required services, through education or on-the-job training. Anyone may make a complaint against a lawyer with the Law Society if they believe the lawyer was not competent to perform a certain service.

Among other things, lawyers can advise clients on legal matters, represent clients before bodies such as administrative boards and tribunals, draft legal documents such as contracts and wills, and plead cases and conduct prosecutions in all levels of court. The majority of lawyers in Saskatchewan (64%) practise in private law firms, generally as a partner, an associate (employee), or a sole practitioner. The second largest group (25%) work in public service, including the provincial and federal governments, the courts, Legal Aid, and Crown corporations. Another 9% work as in-house counsel in private corporations. Most of the remainder work at organizations such as universities and non-profit organizations.⁴¹

As part of its mandate to protect the public, two of the core functions of the Law Society are: 1) to assess applications for admission into the profession to ensure that lawyers are qualified and of good character; and 2) to ensure that lawyers deliver legal services competently and with integrity throughout their careers. The Law Society fulfills these duties through several different measures, including:

- A special fund – an assurance fund to compensate clients for losses suffered as a result of theft or misappropriation by a lawyer (paid for by lawyer licensing fees);

- Admission standards – including education, articling (practical experience under the supervision of a lawyer in good standing), bar admission course, and good character requirement;
- Code of Conduct – which sets out the ethical obligations of lawyers and provides the basis for much of the complaint and discipline process;
- Complaint and discipline process – complaints about lawyers from members of the public or other lawyers are investigated and adjudicated for the protection of the public;
- Insurance – all lawyers in Saskatchewan are required to carry a minimum amount of coverage to cover claims of professional negligence;
- Continuing education requirements – which provides quality assurance; and
- Trust accounting supervision – all lawyers who will be holding money in trust for clients (money paid to a lawyer that is not intended to immediately become the property of the lawyer) are required to have a trust account which is subject to monitoring and being audited by the Law Society.

There are some additional protections for clients of lawyers that are derived from the common law. For example, solicitor-client privilege protects from disclosure communications between lawyers and their clients regarding legal advice.

There are approximately 1,800 members of the Law Society who are entitled to practise in Saskatchewan.

4.2 PARALEGALS AND LEGAL ASSISTANTS WORKING UNDER THE SUPERVISION OF A LAWYER

In Saskatchewan, there is no official designation of ‘paralegal’, but those working under the supervision of a lawyer may refer to themselves as paralegals. Similarly, there are no formal educational requirements for those working as paralegals under the supervision of a lawyer, although education programs of varying scope and length are offered throughout Canada. There are no organized groups of non-lawyer legal service providers in Saskatchewan; therefore, it is not possible to know precisely how many people work in this category in Saskatchewan.

The *Code of Professional Conduct* (the “Code”) for lawyers in Saskatchewan includes an obligation to “directly supervise staff and assistants to whom the lawyer delegates particular tasks and functions.” The appropriate supervision depends on the type of legal matter, the experience of the non-lawyer completing the task, the degree of standardization of the matter, and the particular matter in question. The lawyer must review the non-lawyer’s work at frequent intervals and ensure that no unauthorized person working under their supervision gives legal advice. The lawyer must make determinations about the appropriate level of supervision in each case, but the Code does provide some further guidance in the areas of real estate, corporate and commercial law, wills and estates, and litigation.⁴²

The Code also sets out the following list of services that a non-lawyer must not do, regardless of the factors mentioned above:

DELEGATION

6.1-3 A lawyer must not permit a non-lawyer to:

- (a) accept cases on behalf of the lawyer, except that a non-lawyer may receive instructions from established clients if the supervising lawyer approves before any work commences;
- (b) give legal advice;
- (c) fix fees;
- (d) give or accept undertakings or accept trust conditions, except at the direction of and under the supervision of a lawyer responsible for the legal matter, providing that, in any communications, the fact that the person giving or accepting the undertaking or accepting the trust condition is a non-lawyer is disclosed, the capacity of the person is indicated and the lawyer who is responsible for the legal matter is identified;
- (e) act finally without reference to the lawyer in matters involving professional legal judgment;
- (f) be held out as a lawyer;
- (g) appear in court or actively participate in formal legal proceedings on behalf of a client except as set forth above or except in a supporting role to the lawyer appearing in such proceedings;
- (h) be named in association with the lawyer in any pleading, written argument or other like document submitted to a court;
- (i) be remunerated on a sliding scale related to the earnings of the lawyer, unless the non-lawyer is an employee of the lawyer;
- (j) conduct negotiations with third parties, other than routine negotiations if the client consents and the results of the negotiation are approved by the supervising lawyer before action is taken;
- (k) take instructions from clients, unless the supervising lawyer has directed the client to the non-lawyer for that purpose and the instructions are relayed to the lawyer as soon as reasonably possible;
- (l) sign correspondence containing a legal opinion;

- (m) sign correspondence, unless
 - (i) it is of a routine administrative nature,
 - (ii) the non-lawyer has been specifically directed to sign the correspondence by a supervising lawyer,
 - (iii) the fact the person is a non-lawyer is disclosed, and
 - (iv) the capacity in which the person signs the correspondence is indicated;
- (n) forward to a client or third party any documents, other than routine, standard form documents, except with the lawyer's knowledge and direction;
- (o) perform any of the duties that only lawyers may perform or do things that lawyers themselves may not do; or
- (p) issue statements of account.⁴³

4.3 NOTARIES PUBLIC

Notaries public are governed by *The Notaries Public Act*, which authorizes them to:

- prepare certain commercial documents;
- administer oaths;
- take or receive affidavits, declarations and affirmations; and
- perform all other tasks historically associated with notaries public.⁴⁴

Notaries public are appointed by the Minister of Justice upon meeting the application requirements prescribed by the Ministry, which include:

- eligibility: Canadian citizenship, Saskatchewan residency, and over the age of 18;
- criminal record check;
- online education and exam; and
- appointment fee of \$200.

Appointments expire after five years and may be revoked where a notary public has contravened *The Notaries Public Act*, made a material misstatement in the application process, or is found guilty of misrepresentation or fraud.⁴⁵

There are approximately 3,200 appointed notaries public throughout the province. All lawyers who are active members of the Law Society are also notaries public.

4.4 ABORIGINAL COURTWORKERS

Saskatchewan Aboriginal Courtworkers provide services to Aboriginal people appearing before criminal courts in approximately half of the court points in Saskatchewan. In addition, Courtworkers provide services to Aboriginal families appearing before courts in child protection matters in Saskatoon, Regina, and Prince Albert. Collectively, there are 19 full- and part-time Courtworkers in Saskatchewan.

The Courtworker program in criminal matters is jointly funded by the Federal and Provincial Government, while the Courtworker program in family matters is exclusively funded by the Provincial Government. All Courtworker services are delivered through First Nations, Tribal Councils, Métis organizations, and other Aboriginal community-based agencies contracted by the Provincial Government.

In criminal matters, Courtworkers assist clients by

- providing information about
 - the nature and consequences of the criminal charge;
 - the accused person's rights, responsibilities and options under the law, including restorative justice processes;
 - court procedures; and
 - the court's directions or sentence;
- referring the accused to appropriate legal resources, and assisting them with Legal Aid applications;
- referring the accused to other appropriate programs and services in areas such as health, education, employment, and social services;
- assisting the court and criminal justice officials with becoming familiar with local community-based justice processes and services;
- arranging interpreter or translation services, if needed;
- assisting the accused speak to the court about sentencing;
- acting as a 'friend of the court' to speak on behalf of the accused, where appropriate;
- liaising with the police, defence counsel, the court, and the Crown prosecutor, to ensure they have information to deal fairly with the accused;
- informing justice officials about the cultural traditions, values, languages, socioeconomic conditions, and concerns of the accused and the Aboriginal communities; and
- promoting understanding with the Aboriginal community about the criminal justice system, restorative justice, and other services.

In child protection matters, Courtworkers assist clients by:

- helping clients to access Legal Aid or court-appointed counsel;
- reviewing documentation (disclosure/affidavits) with the client to ensure that they understand rights, responsibilities, consequences and options;
- facilitating dialogue between the client and child protection services at the earliest possible stage;
- assisting with organizing circles, family group conferences, principle-based mediation, and collaborative restorative justice and Aboriginal justice approaches as appropriate, in an effort to resolve cases and support early case resolution;
- providing information on family law and court processes including terminology, roles, responsibilities, participation, and potential case outcomes;
- assisting clients to prepare to speak to court (including swearing affidavits);
- maintaining up-to-date knowledge of resources and services in the community to make appropriate referrals; and
- developing and sustaining a network of service providers and key decision-makers who can assist clients and families and resolve issues that arise in relation to the case.

The Aboriginal Courtworker Program is a Community Justice Program pursuant to *The Community Justice Program Regulations*.⁴⁶ *The Justice and Attorney General Act* extends solicitor-client privilege to courtworkers and excludes courtworkers from liability for any of their work performed in good faith.⁴⁷

4.5 STUDENTS-AT-LAW

Law school graduates are required to complete a one-year period of articling prior to being granted full membership in the Law Society as lawyers, during which they are referred to as students-at-law. Students-at-law deliver legal services under the supervision of a designated lawyer, referred to as their principal. Students-at-law are excepted from the unauthorized practice of law by section 31 of *The Legal Profession Act, 1990* and are subject to specific rules and regulations under the Rules of the Law Society of Saskatchewan. Under supervision, a student-at-law can perform any legal services that his or her principal is personally competent to perform and assesses the student-at-law to be competent to perform.

4.6 MEDIATORS AND ARBITRATORS

Mediators and Arbitrators act as neutral third parties to assist people in conflict reach mutually agreeable or binding resolution of their disputes. Some mediators and arbitrators are also lawyers or judges and are current or former members of the Law Society. Most mediators and arbitrators in Saskatchewan are members of the ADR Institute of Saskatchewan (ADR SK), which is an affiliate of the ADR Institute of Canada (ADRIC). ADRIC is a national, non-profit organization that provides national accreditation for mediators and arbitrators, unified standards of practice, a code of conduct and ethics, and a complaints and discipline process.⁴⁸

4.7 WORKERS' ADVOCATES

The Office of the Workers' Advocate (OWA) provides legal advice and representation services for individuals with claims before the Workers' Compensation Board (WCB). OWA advocates are not lawyers but are specialized subject matter experts trained in administrative law and in the interpretation of WCB legislation, policies, procedures, and appeal processes. In the course of their work, OWA advocates assist clients by:

- reviewing WCB claims and giving advice to clients on how to proceed;
- explaining the claims and appeal process;
- assisting clients in preparing for an appeal, including analyzing legal issues, identifying and preparing legal arguments, and assembling relevant evidence; and
- providing representation at all levels of the appeal process, including speaking to the WCB, providing written submissions, and representing clients at an appeal hearing.

OWA has a Competency Model that identifies the set of competencies required by all advocates. OWA advocates are required to obtain Certificate of Tribunal Administrative Justice training from the Foundation of Administrative Justice.⁴⁹

The OWA is authorized to provide advocacy services pursuant to section 161 of *The Workers' Compensation Act, 2013*.

4.8 COURT STAFF

Local Registrars, Managers and Clerks are employed to support the administration of the courts in Saskatchewan. They administratively support all sittings of the court and maintain the Court Registrar Offices at courthouses across Saskatchewan, where court documents are received, issued, and filed and records of proceedings are kept. Court staff perform their work as officers of the court, pursuant to section 6 of *The Court Officials Act, 2012*. Court staff work directly with the public to process all interactions of the public with the court. In doing so, court staff regularly field questions about court forms and procedures from individuals who are self-represented, but they are unable to deliver tailored legal information or give legal advice about the substance of any particular matter that is before the court due to the conflict of interest as the officers of the court.

4.9 LEGAL SERVICE ORGANIZATIONS

4.9.1 LEGAL AID

Legal Aid Saskatchewan (Legal Aid) provides free legal representation services to youth and qualifying low-income adults in Saskatchewan in criminal and non-property family matters (including divorce or separation, child custody or access, child or spousal support, and paternity matters).⁵⁰ Eligibility for Legal Aid is tied to eligibility for social or band assistance.⁵¹

Legal Aid is governed by the Saskatchewan Legal Aid Commission, which was created through *The Legal Aid Act*. In contrast to the model in other jurisdictions, Legal Aid uses a salaried staff delivery model for most of its clients, through which it employs lawyers, legal assistants, and administrative staff located in offices operating in fifteen communities throughout the province. In some cases, Legal Aid may also use the services of private practice lawyers.

Legal Aid is primarily funded by the Provincial Government, with the Federal Government providing funding for expenditures on some criminal and Youth Criminal Justice Act matters.

4.9.2 PUBLIC LEGAL EDUCATION ASSOCIATION OF SASKATCHEWAN (PLEA)

The Public Legal Education Association of Saskatchewan (PLEA) is a non-profit organization that exists to educate, inform, and empower through law-related education.⁵² PLEA provides general legal information online and in print to the public about the law in Saskatchewan and Canada.

PLEA is primarily funded through the Law Foundation of Saskatchewan, and also receives support from the Department of Justice (Canada), the Saskatchewan Ministry of Justice, the Law Society of Saskatchewan, the Canadian Bar Association (Saskatchewan Branch), the College of Law, the Saskatchewan Legal Aid Commission, the Saskatoon Public Library and public libraries and regional colleges throughout the province.

4.9.3 PRO BONO LAW SASKATCHEWAN (PBLs)

Pro Bono Law Saskatchewan (PBLs) is a non-profit organization that facilitates and promotes opportunities for lawyers to provide volunteer pro bono (free) legal services to low income individuals throughout Saskatchewan who are ineligible for Legal Aid.⁵³

PBLs operates the following programs:

- 1) The Clinic Program consists of 12 Free Legal Clinics located throughout Saskatchewan, including a Small Claims Clinic at the Provincial Court in Regina, in which lawyer volunteers provide free legal assistance and summary advice in all areas of the law for up to a one-hour period. Lawyers do not represent clients in court but do provide ongoing legal advice and help clients prepare for court.
- 2) The Panel Program consists of a roster of lawyers who agree to provide pro bono representation in all areas of law except for family law or matters through which clients are seeking to claim a large sum of money. There are a number of specific panel programs, as follows:
 - a) The Solicitor Program consists of a roster of lawyers who agree to provide legal services to charitable and non-profit community organizations of limited means. Lawyers may provide legal advice and assistance to community organizations in all areas of non-profit law, including incorporation and by-laws, registrations for charitable status, employment matters, contracts, and lease agreements.
 - b) The Seniors Legal Assistance Panel Program is for seniors (65+) who require legal assistance and are receiving the Federal Guaranteed Income Supplement are eligible to apply to this program.
 - c) The Immigration & Refugee Panel Program is for individuals involved in the immigration and refugee process who are low-income.

- d) The Residential Tenancies Panel Program is for low-income individuals with residential tenancies matters. Students-at-law advise and assist clients under the supervision of their principals.
- e) The Criminal Appeals Panel Program provides legal services to individuals without legal counsel who have criminal sentence or conviction matters before the Court of Appeal.
- f) The Inmates Legal Assistance Panel assists inmates with their legal matters within the institution, including but not limited to, discipline charges within the institution, appealing segregation time, matters relating to access to medication or healthcare professionals, applications to transfer to another institution, dealing with limitations on their communication privileges, or complaints in general about the institutional environment.

4.9.4 COMMUNITY LEGAL ASSISTANT SERVICES FOR SASKATOON INNER CITY (CLASSIC)

Community Legal Assistant Services for Saskatoon Inner City (CLASSIC) is a non-profit organization that provides free legal services for low-income residents of Saskatoon that are ineligible for Legal Aid.⁵⁴ CLASSIC is a student-run clinic that offers services from law students under the supervision of lawyers, in compliance with regulatory requirements of the Law Society of Saskatchewan.

CLASSIC operates the following programs:

- 1) The Walk-In Advocacy Clinic provides clients with legal information and/or basic legal representation services in all areas of law except for family law and serious criminal matters.
- 2) The Legal Advice Clinic allows clients who have legal issues in the areas of criminal, family, civil, or employment law to speak to a practicing lawyer for a half-hour appointment.
- 3) The Systemic Initiatives Program works in partnership with community organizations to tackle the systemic inequities that create legal problems through projects that empower marginalized community members and address barriers to accessing justice.

4.10 OTHER PROFESSIONALS

There are other professionals who are not lawyers or licensed to practice law in Saskatchewan but provide services in the ordinary course of their work that could be classified as legal services. For example, accountants interpret and advise their clients on tax law and real estate agents draft purchase and sale contracts and advise their clients on contractual terms. Some of these professionals have membership in and are regulated by their own professional organizations that provide standards for conduct, insurance, and accountability. In some cases, such as with estate services provided by banks or other large financial institutions, quasi-legal services are provided without this type of oversight.

4.11 COMMUNITY SERVICE ORGANIZATIONS

There are many community service organizations in communities across the province with a range of mandates to support the public in different ways. Other than the ones identified above, these community service organizations do not provide direct legal services to the public. However, many community service organization encounter clients with legal issues, and will try to assist them in navigating their legal issues in various ways, including advocating on their behalf, offering assistance with filling out forms, and making referrals to other legal service organizations and programs. Most of these organizations do not have the benefit of having lawyers or other legally-trained professionals on staff, so they are limited in the extent of support they can provide for legal issues.

SECTION 5: LEGAL SERVICE PROVIDER EXPANSION IN OTHER JURISDICTIONS

There are a number of jurisdictions that are exploring or have made changes to the authority of alternative providers to deliver legal services, representing a range of outcomes. Both Ontario and British Columbia began considering expanding the scope of paralegals in the early 1990s but have only recently taken steps to regulate paralegals. The states of Washington and New York have implemented alternative legal service provision on the opposite ends of a regulatory spectrum. Other jurisdictions have established regulatory regimes with various categories of service providers. A brief overview is provided below, with more details included in Appendix B.

5.1. CANADA

5.1.1 ONTARIO

The Law Society of Ontario (LSO), formerly known as the Law Society of Upper Canada (LSUC), assumed responsibility for the regulation of paralegals in 2007.⁵⁵ Approximately 2,230 people operating as unregulated legal service providers were grandfathered into the LSO's new regulation regime.⁵⁶ New applicants are required to graduate from one of 24 accredited college programs, pass an entrance exam, and demonstrate good character. For quality assurance, paralegals are subject to virtually the same regulatory requirements imposed on lawyers.⁵⁷

In accordance with subsection 6(2) of the LSO's By-law 4, licensed paralegals may represent someone in small claims court matters, traffic and other provincial offences, landlord-tenant and other matters handled by tribunals and administrative bodies, and minor matters under the *Criminal Code*. Within the course of authorized proceedings, a licensed paralegal may:

- give legal advice concerning legal interests, rights, or responsibilities with respect to a proceeding or the subject matter of a proceeding;
- draft or assist with drafting documents for use in a proceeding; and
- negotiate on behalf of a person who is a party to a proceeding.

Any other legal services, such as drafting wills or handling real estate transactions or estates, must be provided under the supervision of a lawyer.⁵⁸ In December 2017, the Benchers of the LSO voted to expand the scope for licensed paralegals to allow them to provide some services in family law.⁵⁹ That scope has not yet been determined.

As of November 2017, the Law Society of Ontario projected they would have approximately 5,600 active paralegals licensed in Ontario.⁶⁰ Around 50% work as sole practitioners, while the rest work in firms of varying sizes.⁶¹

5.1.2 BRITISH COLUMBIA

British Columbia has a Society of Notaries Public that regulates notaries who are permitted to provide certain legal services. In addition to traditional notarial services, notaries in B.C. can prepare and execute a host of legal documents, including powers of attorney, advanced health care directives, affidavits, instruments relating to property and commercial transactions, and wills or other testamentary instruments. Notaries have existed in B.C. since Confederation.⁶²

Since July 2012, the *Code of Professional Conduct for British Columbia* has allowed paralegals supervised by a lawyer, called ‘designated paralegals,’ to give legal advice to clients in any area of law where a supervising lawyer deemed a designated paralegal competent and to make appearances at family law arbitrations and before tribunals and courts, as permitted by the court or tribunal.⁶³ The supervising lawyer is responsible for the conduct of the designated paralegal and designation is an active process whereby the supervising lawyer must decide whether a paralegal has the skills, training and good character to perform the enhanced functions allowed for designated paralegals.⁶⁴

The Law Society of British Columbia is also exploring the potential to create and credential new classes of legal service providers to provide certain legal services, subject to regulation by the Law Society.⁶⁵

5.1.3 NOVA SCOTIA

In 2016, the Legal Information Society of Nova Scotia (LISNS) established the Public Navigator Program, based on New York’s Court Navigator Program, which is described below. LISNS has developed training materials⁶⁶ for volunteer non-legal community members, called Public Navigators, who are trained to provide basic legal information and support to self-represented litigants considering an action in Small Claims Court or the Nova Scotia Supreme Court, General Division. The key components of the program are identifying issues and exploring alternate methods of dispute resolution. The goals of the project are to help self-represented litigants better understand their legal issues and options; to divert self-represented litigants from the formal court process, where appropriate; and to ensure self-represented litigants use proper documentation when proceeding with a court-based action. A partnership with mediators in Nova Scotia will support the diversion aspect away from the court-based process where appropriate.⁶⁷

Nova Scotia has recently begun to explore the possibility of further expanding the categories of providers authorized to deliver legal services in that province.

5.1.4 MANITOBA

The Benchers of the Law Society of Manitoba recently approved recommendations from a President’s Special Committee on Alternative Legal Services Providers, tasked with exploring the possibility of allowing alternative service providers to deliver legal services. The Committee concluded that there were “significant unmet legal needs” in Manitoba, particularly in rural areas and in the area of family law. The Benchers accepted the Committee’s recommendations that the Law Society seek to amend its governing legislation to allow:

- further exceptions to the unauthorized practice of law provisions;
- the provision of prescribed legal services by those acting under the supervision of a lawyer and others with a limited license; and
- the delivery of legal services through entities such as civil society organizations, including charities and non-profits.

The Law Society of Manitoba plans to pursue these changes to their legislation and commence consultation with stakeholders in the legal system in Manitoba with respect to unmet needs and the appropriate scope of services that could be undertaken by alternative legal service providers, especially in the area of family law.⁶⁸

5.2 UNITED STATES

5.2.1 WASHINGTON STATE

The Washington Supreme Court adopted Admission and Practice Rule (APR) 28 in 2012 to create a new class of service providers called Limited License Legal Technicians (LLLTs) following a 2003 study by the Task Force on Civil Equal Justice Funding which found that, despite a high frequency of civil legal problems in low-income households, over 85% did not have any legal assistance. Washington’s APR 28 states that the purpose of APR 28 is to ensure that legal services are rendered only by qualified trained legal practitioners, which includes LLLTs who may provide limited legal assistance “under carefully regulated circumstances in ways that expand the affordability of quality legal assistance which protects the public interest.”⁶⁹

Applicants to the LLLT program must demonstrate fitness to practice, be of good moral character, and have an associate level degree or higher. To acquire a license, applicants must meet stringent educational requirements. Among other continuing licensing requirements, licensees are required to pay an annual license fee, complete continuing education requirements, and demonstrate proof of ability to respond in damages resulting from acts or omissions in the performance of services.⁷⁰ APR 28 sets extensive lists of tasks that LLLTs are permitted to perform, tasks that are explicitly prohibited, and conditions under which LLLTs may provide services.⁷¹

Washington distinguishes between LLLTs and paralegals. LLLTs are authorized to engage in the limited practice of law in approved practice areas of law (currently limited to family law) without the supervision of a lawyer but cannot represent clients in court proceedings or negotiation. Paralegals are employed or retained by a lawyer, law office, corporation, governmental agency, or other entity and perform specifically delegated substantive law-related work for which a lawyer is responsible.⁷² The State also created Limited Practice Officers (LPOs) under APR 12 to authorize certain lay persons to assist with documents in the sale of property, closing a loan, or extending credit.⁷³

5.2.2 NEW YORK STATE

In February 2014, New York State launched a ‘Court Navigator’ Program to assist unrepresented litigants during court appearances in landlord-tenant and consumer debt cases. The program operates in partnership with several not-for-profit organizations. Court Navigators are specially trained and supervised college students, law students, and other persons deemed appropriate by the Program to provide general information, written materials, and one-on-one assistance to eligible unrepresented litigants. In addition, Court Navigators provide moral support to litigants, help them access and complete court forms, assist them with keeping paperwork in order, assist them in accessing interpreters and other services, and otherwise explain the courtroom process.

Court Navigators are permitted to accompany unrepresented litigants into the courtroom in some courts and, while they cannot address the court on their own, they are able to respond to factual questions asked by the judge. Court Navigators do not give legal advice or get involved in negotiations or settlement conferences, nor do they give out legal information unless they have the approval of the Chief Administrative Judge of the Courts.⁷⁴

5.2.3 UTAH

In December 2015, the Utah Supreme Court signalled that it will allow licensed paralegal practitioners (LPP) to help clients navigate the legal system, although the new professionals will not be allowed to appear in court. LPPs will be able to help clients fill out legal forms, prepare settlements, and represent clients in mediated negotiations in the areas of family law, eviction, and debt collection. They may advise clients about their rights and obligations, about which court forms to use, and communicate with another party about matters raised in court forms. The Utah State Bar will oversee licensing and discipline of LPPs and are in the process of developing the framework.⁷⁵

5.3 OTHER U.S. STATES

Several other U.S. states have alternative service provider categories. Arizona⁷⁶, California⁷⁷, Florida⁷⁸, and Nevada⁷⁹ have a class of service providers called legal document preparers. The admission requirements and regulatory regimes for this class vary from State to State. Generally speaking, they have authority to provide general legal information, prepare documents and supporting documents, and submit documents on behalf of a client to a court or administration agency. Colorado is considering a model based on the New York Court Navigator Program.⁸⁰ California⁸¹ and Oregon⁸² are in various stages of exploring the potential of creating a limited license to practice law for legal technicians.⁸³

5.4 OTHER JURISDICTIONS

Other Commonwealth countries, such as England, Scotland, Ireland, Australia, and New Zealand, have multiple-licensing legal professions. All of these countries distinguish barristers from solicitors. In Australia, New Zealand, Scotland, and Ireland, licensed conveyancers make up a third category. Scotland also has solicitor-advocates, which are regulated by the solicitor's regulatory body. Finally, in addition to barristers, solicitors, and conveyancers, England and Wales have five other categories of independently regulated licensees, including patent attorneys, trademark attorneys, costs lawyers, and notaries. Each profession has a set of reserved legal activities (with some overlap), set out by *The Legal Services Act 2007*.⁸⁴

In addition, offering legal advice without preparing any documents or providing representation does not require a license in England and Wales. Organizations like the Citizens Advice Bureaux offer legal advice among many other types of advice for free. That organization is staffed by volunteer service providers, including non-lawyers who have relevant expertise in legal or quasi-legal matters.⁸⁵

SECTION 6:

TASK TEAM PROCESS AND DELIBERATIONS

The Task Team was comprised of members of the public, lawyers, and other individuals working in or alongside the legal profession and was supported by staff from the Law Society and the Ministry.

The Task Team's work took place over the course of approximately one year and nine full-day meetings. Their work included, but was not limited to, the following:

- reviewing the results of stakeholder consultations;
- reviewing reports and hearing presentations about alternative legal service provider models in other jurisdictions;
- studying the current demographics of the Saskatchewan public and legal profession;
- reviewing information about the current legal and justice systems;
- hearing presentations about various ways the provision of legal services and legal information in Saskatchewan might be expanded;
- reviewing academic studies on the topic of the provision of legal services by non-lawyers;
- reviewing reports about access to justice in Canada; and
- discussing all that they had learned and applying it to the Saskatchewan context.

6.1 SURVEYS

As part of its consultation process on this review, the Ministry and the Law Society launched two online surveys in April 2016 to assess the views of the public and members of the legal profession on the prospect of other individuals being permitted to deliver legal services. Two surveys were created: one for the general public and one for the legal community (including lawyers and other non-lawyers who provide legal service to the public). The surveys were intended to gather as many perspectives and voices on the topic as possible.

6.1.1 THE PUBLIC SURVEY - SUMMARY

The public survey received 317 responses. Below is a short summary of the results. A detailed summary of the results can be found in Appendix C.

- Most participants (85%) indicated that they needed legal assistance at some point in their lives.
- The most common type of service where assistance was needed was with the preparation of documents such as a will, real estate document, or contract.
- The most common areas of law where assistance was needed were (i) real estate, (ii) wills and estates, and (iii) family law matters.
- Most participants (89%) indicated that they had received some form of assistance with their legal matter. Of those respondents, most (94%) had received assistance from a lawyer.
- Other than lawyers, individuals had sought assistance from a notary public, paralegal, aboriginal courtworker, friends, online resources, free legal courses and materials, mediators, Legal Aid, government staff, and/or court staff.
- For those who did not receive assistance from a lawyer, the primary reason indicated by participants was cost.
- The majority of participants indicated that if a new group of trained individuals were established, that such a group could assist with the following legal services: providing legal information, creating legal documents, completing forms, and in some cases acting in court on their behalf.
- The majority of participants also indicated that such a group could assist in the following areas of law: real estate, family law, small claims, and traffic matters.
- Many participants indicated that they wanted a less expensive option for resolving their legal problems.

6.1.2 LEGAL SERVICE PROVIDER SURVEY – SUMMARY

The Legal Service Provider Survey received 907 responses. Of those responses, 470 came from lawyers and 437 came from non-lawyer service providers. Below is a summary of the results. A detailed summary of the results can be found in Appendix C.

- Participants who took the survey worked in a wide variety of legal service areas. However, most participants (both lawyers and non-lawyers) worked in either private practice or with the government.
- 79% of lawyer participants provided legal services directly to the public, while only 46% of non-lawyer service provider participants indicated the same.
- Most of the lawyer participants either work in large law firms (with 20 or more lawyers: 36%) or small law firms (with two to five lawyers: 26%).
- The majority of participants worked in either Regina or Saskatoon.

- The majority of lawyer participants (77%) indicated that they have non-lawyer staff assist them in their work.
- The majority of both lawyer participants (72%) and non-lawyer service provider participants (92%) indicated that public access to legal services was either important or very important.
- 60% of non-lawyer service provider participants indicated that a new group of trained legal service providers could improve access to justice to a great extent while only 18% of lawyer participants indicated the same.
- The majority of both lawyer participants and non-lawyer service provider participants indicated that with the appropriate training, it could be appropriate or very appropriate for a group of trained legal service providers to provide legal services in small claims matters (57% and 76% respectively) and traffic matters (67% and 70% respectively).
- The majority of non-lawyer service provider participants also indicated that real estate (81%) and wills & estates (76%) would be appropriate or very appropriate for a group of trained legal service providers, while 55% of lawyer respondents indicated that wills & estates would be 'not appropriate' or 'not at all appropriate.'
- The majority of both lawyer participants and non-lawyer service provider participants indicated that it would be not appropriate or not at all appropriate for a group of trained legal service providers to provide services in criminal law (62% and 51% respectively).
- 97% of non-lawyer service provider participants and 84% of lawyer participants indicated that assisting a client with filling out forms would be an appropriate type of service for a group of trained service providers.
- 85% of lawyer participants indicated that a new group should provide services primarily in a law office under lawyer supervision, while 65% of non-lawyer service provider participants indicated that a new group could provide services independently (without lawyer supervision).
- 98% of non-lawyer service provider participants and 96% of lawyer participants indicated that some sort of assessment of competence should be required for a new group of legal service providers. Similarly, 91% of non-lawyer service provider participants and 94% of lawyer participants indicated that a license should be required for a new group of legal service providers.
- Most of non-lawyer legal service provider participants (65%) indicated that they would be willing to take additional education/training, and 27% more indicated that they would take training depending on the education requirements and topics covered.
- 75% of lawyer participants indicated that they would support their staff in taking additional education/training.

6.2 CONSULTATIONS

In addition to the information gathered through the surveys, the Task Team undertook a broad set of consultations to further inform its deliberations.

The Task Team received presentations from the following individuals:

- Christine Hanson-Chad, on behalf of Saskatchewan Trial Lawyers' Association
- Brian Lawrie, founder of POINTTS (Provincial Offence Information and Traffic Ticket Service) and a Paralegal Bencher with the Law Society of Ontario and Sunny Kwon, Justice Policy Development Branch, Ontario Ministry of Attorney General regarding the Ontario Paralegal experience
- Steve Crossland, Chair, Washington Supreme Court LLLT Board and Paula Littlewood, Executive Director, Washington State Bar Association, regarding the Washington State Limited License Legal Technician Program
- Gina Alexander, Executive Director, Community Safety and Wellbeing, Saskatchewan Ministry of Justice; Barbara Tomporowski, Senior Policy Advisor, Saskatchewan Ministry of Justice; and Tracy Desjarlais, former Courtworker, Piapot First Nation regarding the Saskatchewan Aboriginal Courtworker Program

Representatives of the Task Team met with the following individuals:

- Provincial Court Administrative Judges, including Chief Judge Plemel, Associate Chief Judge Hinds, Judge Anand, Judge Bauer, Judge Beaton, Judge Henning, and Judge Harradence
- Judge Demong, on behalf of Provincial Court, Civil Division
- Melissa Wallace, Supervising Justice of the Peace, and Sheila Hart, Justice of the Peace
- Kyla Shea, Director of Planning and Administration, and Dona Jones, Director of Human Resources, Legal Aid Saskatchewan
- Anthony Gerein, Q.C., Assistant Deputy Attorney General, and Elizabeth Hilts, Director of Prosecutors, Public Prosecutions, Saskatchewan Ministry of Justice
- Saskatchewan Administrative Tribunal Association: Karen Smith (Better Business Bureau), Jody Hallady (Better Business Bureau), Glen Berger (Crow MacKay LLP), Allison Schmidt (Disability Claims Advocacy Clinic), Ken Love (Labour Relations Board), Denise Klotz (Office of the Workers Advocate), Colette Juchacz (Office of the Workers Advocate), Paul McIntyre (Saskatchewan Municipal Board), Chad Boyko (Saskatchewan Municipal Board), Dianne Ford (Saskatchewan Municipal Board), Kris Pennete (Saskatchewan Municipal Board), Jessica Sentes (Saskatchewan Municipal Board), Bert Ottenson, Charita Ohashi (Office of Tribunal Counsel), Graeme Mitchell (Labour Relations Board), Phil Cupial (Office of the Workers'

Advocate), Nadine Johnson (Office of Residential Tenancies), Barry Heath (Automobile Injury Appeal Commission), Joni MacKay (Automobile Injury Appeal Commission), James Mitchell (Conversation Consulting), Marlene Weston (MEKW Dispute Resolution Services)

- City Solicitors Offices: Patricia Warwick (City of Saskatoon), Byron Werry (City of Regina), and Jim Toye (City of Prince Albert)
- Mike Tomka, Associate General Counsel, and Jane Wootten, Senior Counsel, Saskatchewan Government Insurance
- Rachelle Verret Morphy, VP Corporate & Regulatory Affairs and General Counsel, SaskPower
- Local Bar Associations: Ryan Armstrong (Lloydminster), Shelley Cannon (Prince Albert), Bill Cannon (Prince Albert), Lindsay Gates (Swift Current), Kathryn Gilliss (Estevan), Chantelle Lefebvre (Lloydminster), Justin Mescall (Rosetown), Talon Regent (Moose Jaw), Mike Riou (Unity), Karen Roden (Saskatchewan Trial Lawyers Association), Dave Rusnak (and 8 other lawyers in Yorkton), and John Will (Humboldt)
- Carolyn Hoffman, Executive Director/Registrar of the Saskatchewan Registered Nurses' Association
- Lynsay Nair, Executive Director/Registrar of the Saskatchewan Association of Licensed Practical Nurses
- Ray Joubert, Executive Director/Registrar, and Jeanne Ericksen, Deputy Registrar, of the Saskatchewan College of Pharmacy Professionals
- Kellie Watson, Executive Director of the Saskatchewan Dental Hygienists Association
- Susan Anholt, Executive Director/Registrar of the Saskatchewan Association of Dental Assistants

The Task Team sent requests for written submissions to a wide range of private and community-based organizations. Please see Appendix D for a list of common consultation questions. Not all organizations answered the call. The Task Team received written submissions from the following individuals, groups, and organizations:

- ADR Institute of Saskatchewan
- Canadian Bar Association - Saskatchewan Branch
- Community Legal Assistance Services for Saskatoon Inner City Inc. (CLASSIC)
- Court Services, Ministry of Justice, Government of Saskatchewan
- The Saskatoon Downtown Youth Centre Inc. (EGADZ)
- Community Safety and Wellbeing, on behalf of the Aboriginal Courtworker Program
- Elizabeth Fry Society
- Family Matters Program, Ministry of Justice, Government of Saskatchewan
- John Howard Society
- Legal Aid Saskatchewan

- Pro Bono Law Saskatchewan (PBLs)
- Public Legal Education Association (PLEA)
- Judge Demong, on behalf of Provincial Court, Civil Division
- Salvation Army Saskatoon
- Saskatchewan Municipal Board
- Saskatchewan Trial Lawyers' Association
- Workers' Advocate
- Workers' Compensation Board
- YWCA Regina

In addition, the Task Team hosted two town halls open to the public in Saskatoon and Regina. Twenty-two people attended the Saskatoon town hall and 14 people attended the Regina town hall. The Task Team also invited written submissions from members of the public through a dedicated email address, promoted through media outlets, and posted a consultation paper on the Government of Saskatchewan public consultation page and on the Law Society website. Twelve written submissions were received from members of the public.

The following subsections outline the themes that arose from the consultations.

6.2.1 THE NATURE OF UNMET LEGAL NEEDS

COST OF LEGAL SERVICES

A financial barrier is the most-cited reason why people are unable to access legal services. There is a significant portion of the population that is 'working poor'—meaning they are employed and therefore ineligible for Legal Aid but are still unable to afford a lawyer's services at market rates. Many of these people may be willing to purchase and able to afford legal services at a lower rate. It was also expressed that some people would be unable to afford legal services regardless of the cost, and that more public investment in Legal Aid or other publicly funded programming was necessary in order to meet those unserved legal needs. Some consultees suggested that a sliding-scale, partially-subsidized funding model could be explored alongside considerations around expanding the types of service providers.

Some expressed that obtaining legal services from a lawyer is not cost-effective when compared against the monetary value of the legal matter (for example, in the case of matters before Small Claims Court, Provincial Offence or Bylaw Courts, or administrative tribunals). Others expressed that legal needs often arise at times of crisis when financial resources are either most scarce or required for other needs. The Task Team heard a general desire for free or less expensive options for accessing legal services. Some expressed that the ability to meaningfully participate in a system that binds and governs everyone should not be variable or dependent on income.

Others expressed that the fact that some members of our community are unable to afford legal services does not mean that legal services are overpriced. There are other services that people are unable to afford and go without. The legal services market is competitive and many lawyers, particularly sole practitioners in small communities, struggle to keep their practices afloat. The complexity of the law and the legal system is a significant driver of the cost of service. In addition, there is a strong ethic of pro bono service within the legal community, and many lawyers are willing to adjust their fees in order to serve people who are unable to afford their services. Due to the general perception that lawyers are expensive, many members of the public do not explore whether such options may be available to them.

For those that hire lawyers, there is often a lot of mystery surrounding the charging of fees. It is common for a client to have limited understanding of the true cost of legal services at the onset of a matter and how various options could impact the cost. For this reason, it is difficult for the public to meaningfully ‘shop around’, compare prices between different service providers, or make an informed choice about the legal services they purchase. The fear of uncertainty and unpredictability can cause some people to choose not to engage a lawyer, regardless of whether they may be able to afford the service.

NAVIGATING PROCESS AND OPTIONS

One of the biggest needs that were identified was for information and support to help navigate the legal system and its various processes. When someone encounters a legal issue, they need help to be able to identify the governing legal framework, legal process, and what they will need in order to participate. Many people do not know their rights or entitlements, how the law applies to them, or how to engage the law to achieve their desired outcome. It is common for people to be uncertain about whether a legal remedy may be available to them. Sometimes, there is more than one process option available to an individual, and they need support to help evaluate their matter at the onset in order to make an informed decision about which process to choose.

The Task Team also heard that the legal system can be scary, intimidating, and full of complex and confusing procedures. The general public does not have the benefit of understanding ‘insider’ customs and procedures in the courtroom (language and terminology, where to stand, the order of proceedings, etc.). Many steps in most processes have a right or wrong way — doing things the wrong way can have real and significant consequences. Trying to navigate the process without assistance can cause significant anxiety. Sometimes, support is needed with aspects that have nothing to do with the law or legal implications: emotional and moral support, building trust and confidence, and being able to anticipate next steps or how an experience will unfold. In addition, many legal issues involve a high degree of emotion for the parties — it can be difficult for someone who is representing themselves to present or evaluate their case without being influenced by their emotions. In such cases, there is a need for support from a neutral third party.

LEGAL INFORMATION

The Task Team heard a desire for more sources of free or low-cost legal information, and in more formats. In particular, there was strong desire expressed for the ability to consult with a live person in a conversational format. While there is a lot of legal information online, many people struggle to discern the accuracy of the information and how it applies to their circumstances. The Task Team heard that there are generational, geographic, language, and literacy issues that can limit the utility of online information. Young people living in urban areas often consult the internet for information, but the older generation is less comfortable with technology and those living in rural areas do not have reliable internet access. Language barriers are common among newcomers and many people in our province struggle with low literacy levels. It is apparent that the current sources of legal information and support are not serving everyone, and that many people are falling through the gaps in trying to navigate the legal system on their own.

The Task Team heard that basic legal information about the legal framework and procedure should be accessible to everyone without a market or cost barrier, and that such information should not be considered legal advice unless recommendations are made about which of several options to choose or how a choice is likely to affect the outcome. The Task Team also heard that it can be difficult in practice to recognize the distinction between legal information and legal advice.

FRAMING ISSUES IN LEGAL TERMS

The Task Team heard that there are many people who try to represent themselves in a court or tribunal process without first having the benefit of assistance to help them evaluate the strength of their case or to frame their issues in legal terms. Judges and hearing officers expressed that it can be difficult to understand what a self-represented person is seeking when they are unable to articulate their claim within a legal framework. Judges and tribunal officers often intervene to try to explain the process, standard, or legal framework to someone representing themselves, but this can create the potential for a perception of bias, lack of neutrality, or unfairness between parties. Without support, these people often have difficulty achieving their desired objective. The Task Team heard a desire for more support at the onset of a matter to help people representing themselves to frame and present their issue in legal terms.

UNDERSTANDING RULES OF EVIDENCE

For matters that appear before court or tribunals, the Task Team heard that people who represent themselves often struggle to understand the rules of evidence and how to get evidence before the court to prove their case. This issue is often connected to the issue that such individuals do not understand the legal framework and what needs to be proven in order to succeed with their claim. It is common for such individuals to approach presenting their case by personally recounting their story and appealing to the concept of fairness. They do not understand that it is difficult for a judge or hearing officer to accept such an account as credible without supporting

documentation or corroborating evidence. Similarly, a judge or hearing officer is bound by the law and cannot render a decision solely upon the principle of fairness. When someone representing themselves tries to incorporate supporting evidence, it is common for them not to understand how to properly introduce the evidence, what types of evidence can be admitted, or how evidential rules can prevent the court from accepting or considering some types of evidence. As a result, many such cases fail to be proven because there is insufficient evidence upon which to base a favorable decision.

Managing evidential and procedural issues at trial is expensive and inefficient for everyone involved, and often leads to lengthy and costly trials. The Task Team heard a need for early support with assessing the strength of a case based on the available evidence and the legal framework. For matters that proceed to trial or a hearing, people who represent themselves need support to understand how to properly get evidence before the court and what they need to prove in order to succeed.

FORMS, PAPERWORK, AND DOCUMENT DRAFTING

Many legal processes are commenced or advanced through the completion of various forms and documents. The Task Team heard that for many people, even if they are able to identify the appropriate legal framework, forum, or next step, they struggle to identify the appropriate form or process to take to advance that step. Then, once identified, many people struggle to understand how to properly fill out or complete a legal form or document. The Task Team heard that many forms are needlessly complex or repetitive, which is an aspect of the problem that could be addressed outside of the Task Team's mandate. The Task Team heard a desire for the ability to have someone who was familiar with the legal framework review completed forms to assess them for completeness and to identify any legal implications.

The Task Team further heard that the completion of legal forms is not simply a rote administrative task that could be performed by anyone — rather, a reviewer or adviser must be familiar with the legal framework and understand the legal implications that could arise from the various choices that can be made. This was confirmed by the experience expressed by many community-based organizations that try to assist their clients with completing legal forms but are concerned about giving wrong advice and causing bigger issues or delay. The Task Team also heard that self-help kits and online platforms to assist with the completion of legal forms require a literacy level that some people do not possess.

The Task Team heard that other unmet legal drafting needs included assistance with preparing affidavits, assistance expressing interests or arguments using legal terminology, and assistance drafting consensual agreements in legally enforceable terms following mediation or otherwise outside of the court process.

DISCERNING THE RELIABILITY OF LEGAL INFORMATION

The Task Team heard that there are many sources of legal information that can be found online, but many people struggle to discern whether the legal information they have located is relevant, accurate, or reliable. Laws and processes vary significantly between jurisdictions, so legal information that is not specific to Saskatchewan will not be relevant, accurate, or reliable. Similarly, the law is subject to constant change and evolution through statutory reform, procedural change, or developments in the common law. Information specific to Saskatchewan can also be inaccurate and unreliable if it is not regularly updated. In this way, the Task Team heard that there is a need for better public education on how to determine whether a source of information is relevant to Saskatchewan, up to date, and reliable.

INTERPRETING ‘LEGALESE’

The Task Team heard that many people struggle to understand legal terminology and need help to interpret the meaning of their legal documents. This need can often arise in commercial transactions or consumer or business settings where parties to a contract do not fully understand the legal implications of their contract until something goes wrong. This can also arise where someone is trying to understand a piece of legislation or a policy document. In addition, some written or online legal information can be difficult for a member of the general public to navigate, understand, or interpret. Although outside of the Task Team’s mandate, part of the solution is for more legal information and documentation to be expressed in plain language. This need could also be addressed through additional forms of support for interpreting legal documents.

GREATER DEMAND THAN SERVICES AVAILABLE

The Task Team heard that there is a range of existing forms of free support for many legal issues, including written legal information, forms software, self-help kits, drop-in or appointment-based legal consultations, *pro bono* legal representation, and telephone help lines. Many of these are useful resources, but the organizations offering them can be limited in scope by area of law or geographical coverage. Further, such organizations are often underfunded and at or beyond capacity and are unable to service all of the needs in the communities they serve.

Many community-based organizations are aware of the range of supports available to their clients and provide appropriate referrals, but there are still many legal needs that are not met through the existing complement of services. Such needs often go unaddressed or unresolved and can cascade into bigger problems. Without a referral source, the general public can struggle to identify services and supports that may be available to them. The Task Team heard a desire for more options of low-cost legal supports. The most commonly cited areas where the current supply of services does not match the demand are criminal law, family law, administrative law (including social housing and landlord/tenant), consumer/debtor law, immigration law, and small claims matters.

In particular, many consultees called for greater public funding for Legal Aid services, both to increase the eligibility threshold and to service more areas of law. Similarly, many consultees expressed high regard for the Aboriginal Courtworker Program and called for the Courtworker model to be expanded to service all members of the public and to service more areas of law.

UNDERSERVED RURAL AND REMOTE COMMUNITIES

The Task Team heard that there is a particular need for more legal services in rural areas. Some rural communities do not have a dedicated legal service provider in town and must travel to the nearest large center to access service. This issue can be particularly challenging for seniors or others with limited mobility, particularly now that there is no longer a rural bus service. For towns that do have a resident lawyer, conflicts of interest between residents can restrict that lawyer from providing services to everyone. The Task Team also heard a desire for more legal service options in rural areas – rural residents expressed a desire to be able choose from a range of service options rather than being limited to the sole practitioner who is willing to set up shop in town.

COMMUNITY KNOWLEDGE AND TRUST

The Task Team heard that it is difficult for some people to engage and trust a legal service provider, particularly if there is a cultural divide or lack of community connection. Due to historical experience, trauma, and racial divisions in the province, the Task Team heard that Indigenous persons often distrust the legal system and those who operate within it, including judges and lawyers. Similarly, many newcomers distrust the legal system due to their experience with corrupt systems in their home countries. The Task Team heard that it is less likely that someone will seek assistance if they are required to go out of their comfort zone in order to obtain it, considering such factors as the location of service delivery, the language of service delivery, and the life experience and culture of the service provider. Similarly, many lawyers are not trauma-informed or do not know how to adapt their services to meet the needs of marginalized people. For these reasons, the Task Team heard a call for more services to be delivered in trusted spaces, by or in collaboration with other service providers that have earned the trust of the community, and in a way that is responsive to the needs of marginalized people.

LANGUAGE BARRIERS

The Task Team heard that language barriers are increasingly becoming an issue in Saskatchewan. Most legal information and documentation is only provided in English. Most legal processes are conducted in English. Many newcomers cannot speak or read English at a literacy level necessary to effectively engage with the existing sources of legal information or support, legal service providers, or legal processes.

DISABILITY AND MENTAL HEALTH CONCERNS

The Task Team heard that the members of our community suffering with various forms of disability do not have sufficient sources of legal support. Existing sources of legal information and support are not able to adequately or appropriately serve the needs of this community.

The Task Team heard that mental health issues are increasingly present in the courtroom and in other processes. The existing processes and professionals involved are often not able to effectively manage the needs associated with mental health issues. There is a need for mental health professionals to be involved in the process to ensure the safety and sense of security for all involved and to support the person suffering from mental illness to effectively engage in the process.

APPRECIATING THE VALUE OF LEGAL ADVICE

The Task Team heard concern that the recent increase in the number and nature of supports for people to engage in legal processes without legal representation sends the message to the public that it is possible to effectively represent oneself in a legal process, when in reality it is preferable to obtain legal advice and representation from a lawyer. The Task Team heard that there is a need to better communicate to the public the importance and value of obtaining legal advice, the type of services lawyers can provide, and the options that may be available to offset the cost (including pro bono service, limited scope retainers, legal coaching, and working on contingency). The Task Team further heard that regulatory restrictions on advertising limit the ability of lawyers to effectively market their services to underserved markets.

IMBALANCE OF POWER

The Task Team heard that the fundamental implication of inaccessible legal services and other forms of support is that it creates an imbalance of power. Practically speaking, someone who is unable to access the necessary information to understand the law and how it applies to them, how to navigate legal procedures, how to frame their case in legal terms, and what is required to prove their case, is not on a level playing field with someone who is able to access these things. As a result, the perception is that our legal system is not capable of producing just and fair results when power is unevenly distributed from the onset. The Task Team heard that the need to create better and new ways to connect the public with the information and supports they need is fundamentally about redistributing power and improving trust in the administration of justice.

6.2.2 PERCEPTIONS OF OPPORTUNITY ASSOCIATED WITH NEW LEGAL SERVICE PROVIDERS

POTENTIAL TO REDUCE SERVICE COSTS

The Task Team heard that introducing new service providers to perform some tasks typically performed by lawyers, either in partnership with a lawyer or on their own, could have the effect of reducing the overall cost of service. The Task Team also heard that finding ways to connect people representing themselves in court or tribunal processes with additional sources of assistance could have the effect of reducing the cost of the proceedings for the opposing party, due to fewer adjournments and more efficient and focused proceedings.

LAWYERS CAN FOCUS ON AREAS REQUIRING THEIR EXPERTISE

The Task Team heard that there are many services currently being performed by lawyers that may not require their level of expertise at their hourly rate, and that clients bear the cost of this inefficiency. Permitting legal services to be performed by other types of service providers could have the effect of enabling lawyers to focus on more complex matters that require their level of expertise and training. A lawyer working in partnership with a lesser-trained individual and allocating service providers to legal issues based on training and experience required would lead to a more cost-efficient form of service delivery.

POTENTIAL TO PROMOTE TEAM APPROACH TO SERVICE DELIVERY WITH RELATED PROFESSIONALS

The Task Team heard that there could be benefits to promoting a team approach to service delivery among related professionals. Many clients have legal needs that occur alongside other needs that can be serviced by professionals in related fields, including mediators, counsellors, mental health professionals, financial planners, social workers, health care providers, teachers, and others. If the legal market were to expand to other types of service providers, interactions could be improved between professionals with these types of skills and those with legal skills. It could also be possible for a professional with a range of skills in one or more of these areas to service a broader spectrum of their clients' needs. Greater promotion of wrap-around service delivery incorporating a range of skills can promote greater cross-professional learning and understanding.

POTENTIAL TO STIMULATE THE ECONOMY

The Task Team heard that creating a new class or classes of legal service providers could develop a new legal market, create new jobs and job opportunities, and stimulate the economy. Given the size of the underserved market of legal needs, creating space in the market for other professionals could spur innovation that could lead to new business models and modernizing the practice of law.

POTENTIAL TO INCREASE OPTIONS AND AVAILABILITY OF SERVICES IN RURAL AREAS

The Task Team heard that introducing new types of legal service providers could create a greater supply of services in rural areas, which would assist rural residents who otherwise have to travel to larger centers for services and would provide rural residents with additional consumer choice.

POTENTIAL TO REDUCE RISK FOR SELF-REPRESENTED LITIGANTS

The Task Team heard that people representing themselves experience significant risk when they proceed without legal advice or support. Additional forms of support from additional service providers could have the effect of reducing that risk by enabling the individual to understand the legal framework applicable to their matter, assess the strength of their case, select the appropriate process or forum for optimal resolution, undertake legal paperwork and processes correctly, and present their case in accordance with proper procedure and rules.

POTENTIAL TO IMPROVE EFFICIENCY AND REDUCE DELAY IN SERVICE DELIVERY

The Task Team heard that having additional sources of legal service for people who are representing themselves in court could help the process run more smoothly and efficiently, which would help to reduce court delays. Further, such sources of support could help to clear out weak cases from the system or divert them to consensual dispute resolution processes.

For community-based organizations engaged in the delivery of legal services, the Task Team heard that it would be more efficient if legally-trained intake workers and front-line staff could provide summary information and advice to clients without requiring the client to wait for an appointment with a lawyer.

POTENTIAL TO IMPROVE PUBLIC PERCEPTION OF THE JUSTICE SYSTEM

The Task Team heard that many members of the public have a negative perception of the justice system and perceive that regulatory and procedural structures are in place primarily to maintain a market for lawyers and judges rather than to protect or serve the public. Introducing changes that could open up the market to other forms of service providers could have the effect of improving the public's perception of the system and who it is in place to serve.

POTENTIAL TO INCREASE CONSUMER CHOICE

The Task Team heard that currently many people face a choice between full representation from a lawyer at significant expense or trying to proceed without much or any support at all. Additional forms of service providers could have the effect of increasing consumer choice and the options available to meet legal needs. The Task Team heard that, particularly in small or rural communities, residents desire additional options for service providers.

POTENTIAL TO REDUCE PRESSURE ON COURT STAFF

The Task Team heard that in the current state, many people who represent themselves in court seek assistance from court staff for a range of supports, including procedural information and legal advice. Court staff are employed to ensure the administrative functioning of the court. Due to their association with the court, as the decision-making body, court staff do not feel comfortable with providing information or advice to individuals that could introduce a perception of bias, unfairness, or limit the neutrality and impartiality of the court. Nevertheless, court staff routinely do what they can within these parameters to provide assistance in response to such requests. As the incidence of people representing themselves has increased, so too has the volume of these requests, which has the effect of diverting court staff time and resources from their primary functions. The Task Team heard that introducing additional service providers could provide the court with more referral options and help to reduce the pressure on court staff.

6.2.3 PERCEPTIONS OF RISK ASSOCIATED WITH NEW LEGAL SERVICE PROVIDERS

INCREASE RISK OF MISINFORMATION

The Task Team heard concerns about the potential for an increased risk that the public would receive incorrect legal information or advice as a result of insufficiently trained or knowledgeable service providers being permitted to provide legal services. Those with this concern suggested that incomplete legal knowledge could lead to mistakes being made that would need to be fixed by a lawyer at greater overall expense. Some consultees suggested that it might be difficult for someone trained in a narrow area of law to identify issues or implications that may arise in related areas of law. Some consultees suggested that anything short of comprehensive legal training akin to a law degree would be insufficient to mitigate this risk. Others suggested this risk could be mitigated through appropriate training, including training that supported service providers in identifying issues that were outside of the scope of their knowledge and experience.

The Task Team heard that endorsing alternative legal service providers could give the public a false sense of security that they are receiving comprehensive advice. A consumer may not know how to recognize the limits of a service provider's training or expertise, and convenience or profit motivation could lead to alternative service providers purposefully or inadvertently delivering advice beyond their knowledge or expertise.

Areas expanded to alternative service providers could create the perception that they are simpler or lower risk, which could encourage more people to believe they can do it on their own without support. A perception that a task is simple or low-risk could encourage less attention to detail and more mistakes being made. Many seemingly simple actions have significant consequences that may not be apparent to someone with limited training. Many legal errors are either not reversible or only reversible at significant expense.

POTENTIAL TO INCREASE SERVICE COSTS

The Task Team heard that expanding the market to other service professionals might not decrease the cost of legal services; rather, increases to service costs could result. If new service providers worked in the context of a law office, additional costs associated with training, insurance, and higher wages of a more qualified staff member would be passed on to clients. If new service providers were to offer services in a specialized area of law, often specialists can command higher rates than generalists, so such services could be offered at comparable or higher rates than lawyers. In the current market, lawyers are able to provide some services at low cost or *pro bono* by subsidizing from other areas of service; however, competition could remove the option or frequency of such lower cost offerings. In the current market, law firms tend to utilize the lower hourly rates of junior lawyers, articling students, or legal assistants to keep costs down, so it may not be possible to further reduce the cost by incorporating other service providers. Many real estate, estate planning, and corporate matters are offered as fixed-fee services in a competitive market environment, so it is unlikely a different group of service providers would or could offer the services at a lower cost than lawyers.

RISK TO CONTINUED VIABILITY OF EXISTING LEGAL SERVICES IN RURAL AREAS

The Task Team heard concerns about the potential impact competition could have on the provision of service in rural areas. In the current market, it is difficult to attract or retain lawyers in rural communities — increasing competition in these settings would make it even more difficult to do so. There is no indication that other legal service providers would be more likely to offer services in rural areas; indeed, a more limited scope of practice would require a larger market pool to remain viable. As a result, only institutional actors (large banks or accounting firms) would be likely to enter the market. Rural lawyers tend to keep their practices viable through real estate transactions, wills and estates matters, and corporate or commercial matters. Reliance on fees from these areas of law enables them to provide service to the community in areas of law that are less lucrative or viable. Rural practitioners expressed concern that competition in their core business areas, particularly from institutional actors, could impact their ability to stay viable. If rural practitioners had to pull out of rural communities, then the community may have more service options in some areas of law, but service in other, less viable areas of law would no longer be available to the community.

RISK OF INCREASING LITIGATION AND OVERBURDENING COURTS

The Task Team heard that the cost of legal services plays an important role in controlling the demand on the courts. If increased competition decreased the cost of legal services, then people may elect to pursue trivial or vexatious litigation. Further, the frequency and severity of litigation involving mistakes made by alternative service providers could increase. If more matters were before the courts, then court delays could increase and the public cost to maintain the court infrastructure could also increase.

MAY NOT MEASURABLY IMPROVE ACCESS TO JUSTICE

The Task Team heard concern that opening the market to other service providers may not improve access to justice. Introducing a secondary market with requirements for training, insurance, professional fees, and other infrastructure costs will create barriers to entry. Any new professional will tend towards financial recovery or viability, which will likely focus their offerings in areas that are lucrative and already well served in the current market. Unless publicly-funded, areas that are currently underserved by the private market will likely remain underserved because the client is unable or unwilling to pay for the service. As such, a broader spectrum of service providers is unlikely to be a stand-alone solution to the problem of access to justice without additional systemic changes and investment. Many barriers to access to justice cannot be resolved through a greater supply of service providers alone: language, culture, trust, systemic complexity, etc. Access to justice is not only about access to legal services but also quality of outcome and experience.

RISK OF DE-VALUING LAWYERS AND LEGAL ADVICE

The Task Team heard that the law is complex and that the training required to provide proper legal advice is extensive and ongoing. Lawyers achieve this training and expertise at great personal cost, which is incorporated in the pricing structure of legal fees. Legal advice is valuable because it affects rights and issues of significant importance for individuals. The Task Team heard that suggesting that a limited version of this training and expertise is acceptable and endorsing the delivery of legal services by lesser-trained individuals sends the message to the public that legal advice is not necessary and de-values the important service that lawyers provide.

6.2.4 CONSIDERATIONS FOR NEW SERVICE PROVIDERS

TRAINING AND COMPETENCE

The Task Team heard a general consensus from all consultees that it would be inappropriate to enable any service providers to deliver legal services to the public without some level of training or assurance of competency.

While there are general legal concepts that all service providers should know, a one-size-fits-all approach to training would be inadequate. Someone permitted to work in a limited and general sense would not be capable of providing adequate service without context-specific training. For example, being able to help someone fill out court forms is not useful unless you know the legal framework and implications of what is included in the form. For this reason, service providers operating within a limited scope of service would need to receive specialized, context-specific training tailored to the type of service to be provided. There would also need to be training on common issues that could arise in related areas of law, the limits of their scope, and when a lawyer would need to be engaged.

For advocacy work, training on universal advocacy skills would be important, including how to identify issues, present evidence, frame issues in legal terms, conduct legal research, and cite legal authorities. Consideration would also have to be made for continuous education and keeping service providers trained on ongoing changes to the law. Some consultees emphasized that more training is needed for new and existing professionals on the social aspects of law: understanding poverty, cultural sensitivity, mental health issues, community trust and relationship building, truth and reconciliation, Indigenous traditions, and being trauma-informed. Some consultees suggested that, depending on practice area, there might be a need for understanding or background in related fields, such as business, insurance, or specialized industries.

For some consultees, there is a recognition that legal theory is important, but the emphasis should be on practical supports and understanding law and systems in context. In this way, training could have components that are formal through an educational institution or program and experiential through an apprenticeship or on-the-job training. Indeed, some consultees suggested that recognizing existing knowledge earned from on-the-job experience could lead to an increase in the initial uptake for service providers.

Many consultees suggested that training would need to be reasonable in cost, length, and level of commitment if the purpose is to provide the public with more affordable options. Training requirements that were too onerous would create barriers to entry that would result in the existing gaps not being filled. For example, the cost of training could be a barrier for some government programs or community-based organizations. Similarly, some suggested that there would need to be a significant increase in the volume or value of work that could be performed by new service providers in order for law firms to see the value of investing in additional training for their staff.

Many consultees had specific practical suggestions for training opportunities and considerations. For example, some suggested that the College of Law at the University of Saskatchewan might want to be involved in the training of new service providers because they have the expertise and the activity may help them sustain other programs or objectives. Similarly, regional colleges may wish to adapt the curriculum for existing legal assistant programs or develop new programs to train specialized service providers.

Others suggested that the existing Canadian Centre for Professional Legal Education (CPLED) program used to train articling students could be adapted and offered by the Law Society to train or certify interested service providers. Similarly, the Law Society could offer access to their Continuing Professional Development resources to a broader section of service providers. Others identified the training offered through the Foundation of Administrative Justice certificate program as a potential source or model for training service providers in the administrative law context. Others suggested that it would be beneficial to recognize existing sources of professional training, including mediation, collaborative law, administrative justice, and on-the-job training for programs such as the Aboriginal Courtworker Program, Family Service Officers, and Young Offender Probation Officers.

SUPERVISION

The Task Team heard a range of opinions in relation to this item. Some consultees felt that any new service providers should only be permitted to practice under the supervision of a lawyer or in association with a firm of lawyers in which there was an opportunity for a lawyer to review and approve of the service provider's work. Others felt that new service providers should be permitted to be self-employed and operate independently of lawyers within a specified scope of practice.

Some felt that new service providers should be permitted to do some tasks on their own, but others only under the supervision of lawyers. Others felt that lawyers should be permitted to make a context-specific determination as to whether any given service provider under his or her supervision has the necessary skill and experience to perform a task. Some felt that due to the interplay between different areas of law, a limited scope service provider should not be permitted to provide legal advice or make representations in court unless it was first vetted by a lawyer. Others felt that new service providers should generally be able to operate independently but have access to a lawyer to consult in the event a need arose that was beyond their knowledge or expertise.

PROFESSIONAL ETHICS AND STANDARDS OF SERVICE

The Task Team heard that any new service providers should be subject to clear standards of service and ethical obligations similar to lawyers, addressing issues of confidentiality, privilege, conflicts of interest, marketing, accounting, trust obligations, and fee practices. Consultees were concerned about the potential profit motivation and the corresponding risk that vulnerable populations could be taken advantage of if alternative service providers were permitted to operate without ethical obligations. Consultees expressed a concern that the introduction of alternative service providers could negatively impact the integrity of the profession as a whole or erode the high standard to which lawyers are held, as a lesser-trained and experienced service provider would presumably be held to a different standard of care than a lawyer.

INSURANCE AND ACCOUNTABILITY

The Task team also heard a range of opinions in relation to insurance. Some consultees suggested that any service providers acting under lawyer supervision should do so subject to the insurance of the supervising lawyer, and that only service providers acting independent of lawyer supervision should be insured. Other consultees suggested that all service providers should be independently insured, regardless of whether or not they acted under lawyer supervision, because it would be unfair to require a lawyer to be held accountable for the actions or mistakes of another person. Other consultees suggested that an insurance requirement for independent service providers should vary depending on the nature of services to be provided and the extent of associated risk for the public.

Some consultees suggested that requiring staff to obtain insurance would increase overhead and the cost of services for clients. Similarly, requiring insurance could be a cost-prohibitive barrier for community-based organizations or serve as a deterrent for potential service provider candidates.

Most consultees felt that there was a need for some form of accountability for all service providers, including ethical obligations and codes of conduct. Some consultees suggested that insurance might not be a sufficient accountability scheme because legal decisions are often final and it may not be possible to adequately remedy mistakes through financial compensation. Any insurance scheme should contain similar restrictions as lawyers are subject to with respect to limiting liability to clients through contract or incorporation. Similarly, some consultees suggested that other service providers should have no or highly limited and regulated involvement with trust funds. Some consultees felt that all service providers should ultimately be accountable to the Law Society.

Some consultees suggested that a separate group of service providers should operate under a separate insurance pool so that claims against non-lawyers do not cause insurance rates for lawyers to increase. Some consultees suggested that variance in training among service providers could create cost-prohibitive insurance rates, as an insurance provider may not underwrite someone or a group with too much liability risk.

OVER-REGULATION AS BARRIER

The Task Team was cautioned by some consultees against an overly-protectionist approach to regulation, which they suggested could actually cause more harm to the public if services were overly restricted and those who need services continue to be unable to access them. These consultees suggested that if the goal is to provide more affordable options for the public, then the barriers to entry must not be set too high. These consultees suggest that too much regulation would deter potential service provider candidates from participating and result in the current service gap not being filled because the unserved portion of the market is not sufficiently lucrative to support burdensome entrance barriers.

ECONOMIC VIABILITY

Given Saskatchewan's relatively small and dispersed population, many consultees felt that a separate, independent profession of service providers with a specialized or limited scope would be unable to find enough demand from clients willing to pay for the service to make it economically viable. This concern was particularly pronounced when consultees considered the cost of establishing a new infrastructure for an independent profession, including training, insurance, regulation, and certification. If the cost of establishing independence were to be recovered from those certified to practice within it, it could create an insurmountable barrier to entry, particularly if there is not a sufficiently large and lucrative market for the new professionals to enter. New professionals would have to have some level of certainty that a market exists for them in order to bear the risk of investing in training and certification. Overall, there was a lack of support for an entirely separate, independent profession of service providers on this basis.

However, some consultees recognized that there is a large proportion of the population that is currently underserved by the existing market of legal services. There could be potential for viable markets within that sector of the population by employing innovative business models if the existing regulatory structure could make space for it. Others saw greater potential for the viability of publicly-funded legal service programs with non-lawyer legal service providers due to the anticipation that a lesser-trained professional would mandate a lower salary than a lawyer, thereby reducing the overall investment required to operate the program. In this way, some consultees called for a broad perspective on economic viability and consideration for the potential impact of such investment on user outcomes and the corresponding reduction in demand that could be anticipated in other areas, such as Corrections and Policing, Social Services, Health, or other human services.

SCOPE CLARITY

The Task Team heard a call for clarity in defining the scope of practice for any new service providers, such that both the service provider and those he or she worked with would be clear on the boundaries of their permissible practice and when they would need to refer the matter to a lawyer. Many consultees found that it was difficult to identify a general scope of practice that would be appropriate for all such service providers, given the potential variance in experience. Some consultees recommended against a scope of practice that was based on the concept of simplicity or complexity, as it can be difficult to recognize the complexity of a legal matter without the full appreciation of the law that lawyers possess. Some consultees discouraged against a scope that was too narrowly defined, as the potential utility of their involvement for the client could be diminished if they were unable to provide a full service based on arbitrary restrictions. Some consultees were supportive of a range of potential scopes of practice based on the skill and training of the service provider.

PUBLIC AWARENESS

The Task Team heard that with any potential introduction of new service providers, it would be important to attend to how they are presented to the public in order to create public confidence and to ensure the public understands the limitations of the services that can be delivered. Some consultees expressed that it was important not to give the public a false sense of security with a limited service provider and to ensure the public understands the risk they are assuming if they choose a limited service provider over the full service of a lawyer.

6.3 OTHER TRENDS

The Task Team acknowledges that its mandate is limited and that its recommendations cannot independently solve the problem of access to justice. Indeed, there are many programs, organizations, and collaborators working concurrently on addressing the issue of access to justice. As a result, the legal landscape is in a state of constant evolution as innovations are explored and implemented in a variety of ways.

The Task Team recognizes that there is potential for multiple concurrent changes to the legal landscape. This reality serves as both a challenge and opportunity. Such an environment can create new and further opportunities for innovation, which the Task Team welcomes and seeks to support by ensuring that its recommendations can complement and create space for other innovations. However, the shifting environment creates a level of uncertainty that calls for a flexible and incremental approach in order to be sustainable. As the Task Team cannot predict how, when, and where innovations will occur, it sought to ensure that its recommendations did not create an overly proscriptive or rigid approach that could not adapt to changing circumstances or take advantage of emerging opportunities.

Below is a brief discussion of trends in a range of areas where innovations may emerge in the coming years that could have some impact on the Task Team's recommendations or how they are implemented.

6.3.1 COURT PROCESSES

Justices of the Saskatchewan Court of Queen's Bench and Saskatchewan Court of Appeal have the statutory power to create rules of court governing the processes and procedures for matters appearing before them. Justices in both levels of court have indicated their awareness of the challenges experienced by individuals who do not have sufficient legal supports to navigate processes and procedures that were designed for trained professionals. Indeed, justices have indicated that they struggle to perform their role as a neutral and fair arbiter of legal issues in a context where one or both parties is/are not represented by counsel and may not be aware of their procedural rights and responsibilities. As a result, justices in both levels of courts are engaged in finding ways to simplify and streamline legal processes.

To this end, *The Queen's Bench Rules* were updated in 2013, introducing several procedural changes. One of the most significant changes introduced by the updated rules was to extend the application of a summary judgment process to a broader set of matters. The summary judgment process enables the court to make a decision on a legal issue or the entire legal matter at an earlier stage of the litigation process. In seeking summary judgment, the parties can dispense with the need for many procedural steps in the traditional litigation process that increase the duration and cost of litigation, such as disclosure, examinations for discovery, pre-trial conferences, and formal trials. The court has encouraged greater use of this procedural mechanism to support timelier and cost-efficient litigation.

Many matters that appear before the court require the completion and filing of specified forms that identify particular information required by the court in relation to a claim. Many forms are prescribed by statute and are located in legislative regulations that are published online.⁸⁶ Self-represented litigants often struggle to identify and locate the appropriate form required for their situation. Once found, many self-represented litigants struggle to complete the information required of the form, which can often be complex and confusing.

The processes and procedures for Small Claims Court are determined by *The Small Claims Act, 2016*. Historically, the Small Claims Court has been designed with procedures that are more flexible and simplified than the higher-level courts to enable a dispute resolution process that is proportional to the value and nature of the claims. For example, a case management process led by a judge or justice of the peace is used in many cases to collectively discuss the dispute, give the parties an opportunity to identify and better understand the legal issues in dispute, and to consider settlement outside of the more formal trial process. Many matters are resolved at this stage. For those matters that continue to trial, many litigants continue to struggle with presenting their case and evidence to the court, despite simplified procedures. In 2016, the threshold for matters appearing before the Small Claims Court increased from \$20,000 to \$30,000. As claims with more significant value increasingly appear before the Small Claims Court, the court may feel pressured to grant more procedural protections to the litigants appearing before it, which could impact the accessibility of the process for those who are not represented.

Over time, we can anticipate that the courts will continue to respond to the desire and need for simplified and streamlined processes, including simplified forms that both trained professionals and laypersons can effectively navigate. In the interim, procedural navigation supports will continue to be needed. This could be an area of opportunity arising from the Task Team’s recommendations.

6.3.2 SHIFTING MODELS OF DISPUTE RESOLUTION

While many legal disputes are resolved in a courtroom setting, many legal disputes are resolved outside of court in other processes. Such alternative processes are being taken up and applied in a greater number of contexts, and there is reason to believe that this trend will continue.

MEDIATION AND EARLY DISPUTE RESOLUTION

The use of mediation as an alternative conflict resolution process has been developing for several decades. Mediation is a process that involves a solution-oriented discussion of a conflict between two parties, facilitated by a neutral third party. The process is designed to help parties reach a mutually-agreeable and mutually-beneficial settlement of their dispute. In contrast to litigation processes, mediation can lead to faster resolution, be more cost-effective, create more durable outcomes, and reduce the emotional impact of the dispute on the parties. In Saskatchewan, mediation services are available through the government funded Dispute Resolution Office and from a range of private contract mediators across the province.

Mediation can be applied in a wide range of disputes, including consumer, contract, and family matters. Due to a growing recognition of its potential benefits, the application of mediation and other forms of early dispute resolutions processes is growing. In Saskatchewan, a mandatory mediation process is required in all civil matters that are filed with the Court of Queen’s Bench, with some exceptions. Most recently, greater use of mediation and other forms of early dispute resolution is being encouraged for family law disputes. In spring 2018, two Bills were passed in the 2nd Session of the 28th Saskatchewan Legislature⁸⁷ that will amend several pieces of legislation to require parties in targeted family law proceedings to make efforts to resolve issues through an approved alternate dispute resolution process either before or immediately after the close of court pleadings. This shift may create opportunities in the dispute resolution sector for trained professionals other than lawyers.

COLLABORATIVE LAW

Collaborative law is an out-of-court settlement process for parties in a dispute.⁸⁸ Each party in a dispute has representation and legal advice from a lawyer, but everyone in the process agrees to work in a collaborative, non-adversarial manner to resolve the matter outside of court. Lawyers who work in a collaborative process do not continue to represent the client if the settlement process breaks down and the parties decide to resolve the matter in court. To support settlement and address all of the needs and interests of the parties, the collaborative process often involves other professionals,

including mediators, accountants, psychologists, business valuers, social workers, appraisers, family counsellors, and financial planners. In Saskatchewan, collaborative law is increasingly used to support the out-of-court resolution of family law issues. This may be an area of opportunity arising from the Task Team’s recommendations.

ONLINE DISPUTE RESOLUTION

Another alternative method of dispute resolution that is gaining traction and interest in a number of jurisdictions is Online Dispute Resolution (ODR). ODR platforms use technology to help facilitate the resolution of disputes through online forms of negotiation, mediation, and/or arbitration. It can also involve the provision of plain language legal information to guide a user through the process and support with case management and document exchange. Such platforms are designed to be easier for laypersons to navigate without professional assistance. As an online service, it can be available to users to interact with when and where it is convenient for them to do so.

Canada’s first publicly administered online tribunal is the Civil Resolution Tribunal (CRT) in British Columbia. The CRT uses ODR technology to support the resolution of condominium disputes and Small Claims matters under \$5,000. It launched in 2016 with the intention of incrementally expanding its jurisdiction to replace many court-based and administrative tribunal mechanisms altogether over the next five to ten years.

Similar systems are being developed, tested, or explored in other jurisdictions, including the United Kingdom, the Netherlands, Singapore, and several states, including New York, Michigan, Utah, and Ohio. Most areas have explored the application of ODR to legal matters of high volume, low value, and limited complexity, such as small claims, traffic infractions, and landlord tenant disputes. As Saskatchewan responds to this trend, legal disputes in these areas may be resolved in entirely different ways in the future than they are today. This may be an area of opportunity arising from the Task Team’s recommendations.

6.3.3 ADMINISTRATIVE TRIBUNALS

Administrative tribunals are independent, specialized agencies established by federal or provincial legislation to carry out a delegated authority. Some administrative tribunals perform an adjudicative function to make decisions regarding a number of regulatory matters or to resolve disputes between individuals or individuals and the government. In this way, administrative tribunals are dispute resolution forums that are separate from the courts, although some decisions of administrative tribunals can be appealed to a court or judicially reviewed by a court. Over time, the delegation of dispute resolution authority over specialized areas to administrative tribunals has increased. Saskatchewan presently has 55 administrative tribunals performing an adjudicative function (for example, the Office of Residential Tenancies and the Saskatchewan Labour Relations Board). Tribunals are often created for matters of law that are complex or require specialized, technical expertise to resolve. Increasing complexity and technicality in many areas of law could result in the dispute resolution function being delegated to administrative tribunals rather than the courts for a growing number of areas.

Administrative tribunals are often granted the authority to determine their own process and procedures. Many administrative tribunals have a hearing process and adjudicative powers similar to a court (such as the ability to take evidence under oath or to summon witnesses), but the procedures tend to be less formal than in a court. Processes and procedures can vary across tribunals, which can be difficult for the public to determine and navigate.

A 2007 report of the Saskatchewan Ombudsman⁸⁹ made a number of recommendations to improve Saskatchewan's system of administrative tribunals in order to be more timely and understandable, including, among other things, common and clearly defined procedures and more public information and support about the process. The Saskatchewan Administrative Tribunal Association was formed in 2012 to, among other things, help coordinate the implementation of the Ombudsman's recommendations. As the recommendations continue to be implemented, tribunal structures and processes may evolve. Responding to the need for support to help the public navigate administrative tribunal processes could be an area of opportunity arising from the Task Team's recommendations.

6.3.4 OTHER PRACTICE MODELS

Many lawyers in Saskatchewan practice law following a traditional model that involves providing services at an hourly rate on a full retainer, often within a law firm or partnership setting. However, there is a growing trend of lawyers in Saskatchewan and elsewhere that are taking up different practice models, including limited scope retainers, legal coaching, and alternative billing arrangements.

These innovations suggest that the standard model of legal practice is shifting and there is room for more innovative approaches. The Task Team wants to ensure that its recommendations do not result in practice regulations that are overly restrictive or proscriptive, in order to ensure that innovations that include collaborations with non-lawyers can continue to evolve and be properly supported. As these innovations continue to evolve, it may be useful for the Law Society to develop informational guidelines in order to support greater uptake of these innovations by lawyers or other professionals and greater awareness of these options for the public.

LIMITED SCOPE REPRESENTATION/UNBUNDLING

Limited scope representation involves lawyers providing a pre-determined, limited set of services in the context of a legal matter. By unbundling a client's legal issues and providing assistance at strategic intervals or on discrete tasks, a lawyer working under a limited scope retainer represents a middle ground between full representation and no representation. The Law Society approved the use of limited scope retainers in 2014 through amendments to the *Code of Professional Conduct*.⁹⁰

LEGAL COACHING

Legal coaching is an emerging practice model that is closely related to unbundling.⁹¹ It involves lawyers working in partnership with a client to offer behind-the-scenes guidance and mentorship on the strategies and tools needed for the client to present their own case. It differs from unbundling in two key ways: 1) it involves an ongoing relationship for the duration of the client's matter, rather than providing discrete assistance at limited intervals; and 2) it involves the client performing the work under the guidance and mentorship of a lawyer-coach. Legal coaching can also work in conjunction with unbundled services if the client wants a lawyer to perform discrete tasks.

ALTERNATIVE BILLING ARRANGEMENTS

Increasingly, lawyers are responding to client concerns regarding lack of price certainty by exploring methods of billing that are alternative to the traditional billable hour. Many lawyers are willing to work with a client to determine an arrangement that suits his or her needs. These methods provide examples of different ways lawyers can structure their business that responds to client needs and leverages opportunities to create efficiencies in how the work is performed, including working in potentially new and expanded ways with supporting professionals.

FIXED OR FLAT FEES: This approach involves a pre-determined fee for a pre-determined scope of work, which does not vary with the result or how much time the lawyer spends on the work. These are often used for routine legal services, such as real estate and some corporate matters. This approach gives the client price certainty and encourages lawyers to find efficiencies in the delivery of services.

CONTINGENCY OR PERCENTAGE FEES: This approach involves a fee that is calculated as a percentage of the value recovered for the client as a result of the lawyer's services. It is often used in personal injury matters where the client may not have the up-front fees to retain the lawyer but the likelihood of recovering damages is high.

BLENDED HOURLY RATE: Through this approach, a single hourly fee is charged regardless of whether a senior lawyer with a high rate or a junior lawyer with a lower rate works on the matter. This approach provides the client with a more predictable price and creates an incentive for the firm to delegate work.

SUBSCRIPTION RETAINER: This approach involves a fixed fee for unlimited services within a fixed time cycle. This can be attractive for clients who have a project with a large scope of work with a fixed timeline and want to ensure the availability of a lawyer, or for corporate clients who do not require in-house counsel year-round.

PREMIUM PRICING: This approach involves a lower base rate for the matter with an additional premium charged if the matter is successful or the results exceed client expectations. Premium pricing can create an incentive for the lawyer, who would have a stake in the outcome, but also provide the assurance of a minimum fee even when the result is unsuccessful.

VALUE BILLING: This approach involves fees being attached to items of value or benefit to the client rather than time or outcome, such as priority appointments, personalized service, or prompt return of phone calls or emails. This can be useful for a client that wants to ensure a high level of service and creates an incentive for a lawyer to attend to client needs.

6.3.5 ENTITY REGULATION

The Act was amended in 2014 to include firms as members of the Law Society, allowing the Law Society to regulate the business entity through which legal services are delivered, in addition to the lawyers operating within that entity. This change was driven by recognition that the environment in which a lawyer practises can play a significant role in determining professional conduct, yet the entities through which lawyers provide services are largely unregulated.

The Law Society has been working with the Law Societies of Alberta and Manitoba to develop a regulatory framework for law firms, using a proactive model that focuses on education, prevention and risk management. This model sets objectives for firms and allows each firm to meet them in a manner appropriate to their circumstances (size, location, practice type, etc.). The Law Society will support firms in meeting these objectives, which include asking firms to consider how they might enhance access to legal services, by first assisting them to assess the robustness of their practice management systems and firm culture and then providing support where firms have identified opportunities for improvement.

Effective practice management at the entity level can improve the way lawyers provide services to their clients, reduce complaints, better protect the public, and increase public confidence in the legal profession. Entity regulation has the potential to allow both law firms and the Law Society to be more responsive to a diverse and profoundly changing environment and to foster innovation in legal services. Once the regulatory framework is firmly in place, entity regulation may allow the Law Society to regulate new business models, including those that use novel delivery models (through the use of technology, alternative service providers, etc.) which could lead to more options for affordable legal services.

6.3.6 TECHNOLOGY

As with any industry, law is not immune to the disruptive ability of technology and trend of technological innovation overhauling previously stable structures, institutions, and ways of doing things. The CBA Legal Futures Initiative has followed the trends in technology that are on the horizon or are already beginning to make a mark on the legal world.⁹² The impact of technology on the legal industry will likely take many forms, and the potential application of artificial intelligence,⁹³ blockchain technology and smart contracts,⁹⁴ automation, data driven analytics, and virtual delivery of legal services⁹⁵ has the power to disrupt law's current business models, legal processes, and ways services are delivered and performed. As these changes emerge and evolve, there may be opportunities for collaboration with other professionals arising from the Task Team's recommendations.

6.3.7 INDIGENOUS LEGAL TRADITIONS AND RECONCILIATION

A process of reconciliation is underway between Canadians and Canada's First Nation, Métis, and Inuit peoples. The Truth and Reconciliation Commission of Canada issued 94 'Calls to Action' for all levels of government and other organizations to work together to change policies and programs to help redress the legacy of residential schools and support the process of reconciliation. Calls to Action 25-42 address changes needed within the justice system. Specifically, Calls to Action 27 and 28 identify a need for legal service providers to receive additional skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism and Call to Action 42 calls for recognition of aboriginal legal systems and traditions. As these Calls to Action are addressed, we may see shifts in our legal system and processes and the way legal services are delivered. There may be opportunities arising from the Task Team's recommendations to expand the complement of service providers to ensure that culturally appropriate services are available that are reflective of the life experience and legal traditions of Canada's First Nation, Métis, and Inuit peoples.

6.3.8 LAW SCHOOL EDUCATION

Legal education is seeing a growing shift towards courses and programs that support practical legal education and experiential learning. While all law schools attend to curriculum that satisfies the core competencies established by the Federation of Law Societies⁹⁶, law school programs are responding to the need for greater practical skills that prepare graduates for an evolving marketplace, including new and emerging career opportunities distinct from traditional legal practice. For example, a proposal for a new law school at Ryerson University in Ontario has an innovative curriculum that will focus on a range of non-traditional skills, including courses on technology and process innovation, coding and its application in law, legal project management, legal analytics, Indigenous law, the business of law, and personal skills for working in diverse contexts with diverse people.⁹⁷ As law schools continue to distinguish themselves and seek innovative ways to provide legal education, there may be opportunities to expand the scope of program offerings to support different types of practice or legal skills for a broader range of students, including those who may seek opportunities arising out of the Task Team's recommendations.

6.3.9 CANADIAN CENTRE FOR PROFESSIONAL LEGAL EDUCATION (CPLED) PROGRAM

The CPLED Bar Admission program was established by the prairie provinces in 2004. A new CPLED Board is leading a comprehensive review and update of the program in accordance with developments in professional credentialing. The Law Society has advised that the goal is to have the new program ready to launch in 2020. The CPLED program will remain a skills-based training program and there may be opportunities to consider how CPLED training materials could be used to support other service providers.

6.3.10 COLLABORATIVE AND INTERDISCIPLINARY APPROACHES

Increasingly, those working in human service sectors are acknowledging the interconnection between the services they provide with services provided by others in addressing the complex and interrelated needs of the public. For example, a person may experience a crisis in their life that impacts on their physical or mental health, their housing security, their financial security, their job security, and their legal rights. Traditionally, each of these needs was serviced and addressed independently. There is a growing trend towards collaboration between and among human service sectors to share information and perspectives, coordinate services, and collectively work towards improving the range of circumstances that impact the wellbeing of the public. This trend enables sectors to take interdisciplinary approaches and develop learning across disciplines that can help identify service gaps, preventative interventions, and address public needs earlier to improve outcomes. As the provision of legal services evolves, there may be opportunities for greater collaboration between legal service providers with other sectors to support client needs in a holistic manner.

JUSTICE AND HEALTH PARTNERSHIPS

The Justice and Health Partnership Community of Interest is a collaboration between The Centre for Research, Evaluation, and Action Towards Equal Justice (CREATE Justice) of the College of Law and the Social Accountability Division of the College of Medicine at the University of Saskatchewan.⁹⁸ The proposed objectives of the community of interest are to establish a platform for the exchange and development of knowledge on the intersection between justice and health, foster collaboration and partnership among justice and health practitioners and community-based organizations, inspire interdisciplinary learning and teaching opportunities, identify and promote best practices, and build capacity for interdisciplinary services. There may be opportunities for interdisciplinary collaboration arising from the Task Team's recommendations.

SASKATCHEWAN ACCESS TO LEGAL INFORMATION PROJECT (SALI)

The SALI Project is an initiative spearheaded by the CREATE Justice research center at the College of Law in partnership with the Law Society Library, the Public Legal Education Association of Saskatchewan (PLEA), the Saskatoon Public Library and various regional libraries, the University of Saskatchewan Library, the Ministry of Education Provincial Library and Literacy Office, and the Ministry of Justice Innovation and Legislation Division.⁹⁹ The objective of the SALI Project is to explore how public librarians, as trusted information providers, could help increase public access to legal information in Saskatchewan by connecting patrons with relevant and credible legal information and making appropriate referrals to legal services. The project recognizes the value of existing library infrastructure across the province and seeks to support librarians with the information and resources they need to appropriately serve their patrons' legal information needs.

SECTION 7: CONCLUSIONS AND RECOMMENDATIONS

The Task Team was charged with examining whether there was a need for some legal services to be provided by non-lawyers in Saskatchewan and, if so, to determine the appropriate approach. The Task Team considered both the different types of providers and the types of services that might be appropriate. The Task Team considered a broad range of possibilities, from deregulation of some services or areas of law, to the establishment of a new type of regulated provider, and other possibilities in between. The Task Team reached the following conclusions and makes the following associated recommendations.

7.1 UNDERSERVED AND UNRECOGNIZED LEGAL NEEDS

As discussed in Section 3 of this report, many studies have documented that there are underserved and unrecognized legal needs in Canada. The Task Team reviewed these studies, as well as the information available about the Saskatchewan context, to determine whether changes to the status quo were warranted.

CONCLUSION:

There are underserved needs relating to the law and legal service gaps in Saskatchewan. Currently, only lawyers may provide legal services, and some people cannot afford a lawyer. In other instances, legal needs are unrecognized in society because members of the public either do not realize they have a legal need, do not attempt to access legal services, or both. Both underserved and unrecognized needs are difficult to measure, especially the latter.

The legal services landscape is changing and will continue to change in ways that may be difficult to predict or control. The current regulatory framework is rigid, overly proscriptive, and cannot easily adapt to changing circumstances. Changes to the status quo are necessary to address the underserved needs and service gaps.

RECOMMENDATION #1

Modernize the legislation regulating the provision of legal services so that it is flexible enough to accommodate future circumstances and needs, as well as opportunities and innovations for addressing same.

DISCUSSION:

The Task Team reviewed several reports conducted by other regulators, such as the Law Societies of British Columbia and Ontario (formerly the Law Society of Upper Canada) and by academics respecting underserved need for legal services in Canada.

The Task Team also reviewed the results of the surveys conducted in Saskatchewan in 2016 and the results of the stakeholder consultations. The consultation results set out in Section 6.2.1 of this report provide further insight into the Task Team's conclusions about legal needs in Saskatchewan. In particular, the submissions received from members of the public and non-profit organizations indicated that there is a high demand for legal services. Many people often do not even attempt to see a lawyer because they have very little, if any, discretionary income and/or they are intimidated by the idea of speaking to a lawyer or interacting with the legal system. Many of these organizations are willing to provide some assistance but are limited by the restrictions in the Act with respect to the assistance they can provide.

Submissions received from lawyers indicated that they do not have the same perception about unmet legal needs in Saskatchewan, as they do not often turn people away. The suggestion from non-profit organizations that many clients do not attempt to engage a lawyer may account for this discrepancy. Many lawyers indicated that they are willing to be flexible in the way they provide legal services and bill for those services. The submissions also indicated, however, that some lawyers are hesitant to provide certain types of alternative services, such as limited scope representation, because they are unsure about the extent of their ethical obligations or liability implications associated with this type of service. It is also apparent that many members of the public are not aware that some lawyers are willing to provide alternative options. Please see Section 6.3.4, regarding trends and factors outside the scope of the Task Team's mandate for more on alternative practice models.

7.2 NEED FOR GREATER CLARITY

The results of consultation revealed that the legal and justice systems are confusing and intimidating to many people. A large portion of the underserved need in Saskatchewan relates to the need for entry-level information about these systems and about legal rights and responsibilities. In many cases, the provision of legal information may be all that is necessary, but the provisions of the Act are unclear as to who may provide legal information. As set out in Section 3.3 of this report, this lack of clarity was one of the driving forces for undertaking this review.

CONCLUSION:

There is a need for greater clarity about:

- a. the distinction between legal advice and legal information;
- b. who is entitled to provide legal information; and
- c. what services would constitute unauthorized practice of law if provided by an alternative service provider.

RECOMMENDATION #2

- a) Define “practice of law” in the legislation and provide that only lawyers, and those otherwise authorized by the legislation and the Law Society Rules, may practice law. State in the legislation that any person may provide legal information (which should not be included in the definition of “practice of law”). Provide the Law Society with the authority to define “legal information” in the Law Society Rules.
- b) Create guidelines to help the public better understand when legal services are needed, the difference between legal information and legal advice, the options available for obtaining legal services, and the value associated with each option.

DISCUSSION:

The Task Team reviewed the resources summarized in Section 3.3 of this report pertaining to the need for greater clarity about the distinction between generalized legal information and case-specific legal advice. In addition, the Task Team heard a presentation by American legal scholar John Greacen about the distinction between information and advice. The call for allowing anyone to provide legal information came up many times in both consultation and Task Team discussions.

While individuals are permitted to represent themselves in court, they are expected to adhere to the same rules and processes in which lawyers have been trained. The Task Team is of the view that information about relevant rules and processes, and some assistance navigating them, could make a significant impact. However, without clear guidance about what constitutes legal information and what constitutes legal advice (which is considered to be reserved to lawyers), alternative service providers are less likely to provide assistance to those who are not able to access a lawyer. The Task Team concluded that there is a need for clear guidance on what constitutes legal information and how to determine when a provider might be crossing the line into providing legal advice.

The line between legal information and legal advice is not always easily discernible. Determinations about legal information often start with determinations about what constitutes the ‘practice of law.’ While the Task Team did not feel that the practice of law should be reserved for lawyers exclusively, as will be discussed in Recommendation #7, they felt that a common understanding of what it means to practice law was necessary before other determinations could be made. As stated in Section 3.3 of this report, the Act currently contains an unauthorized practice provision, which states broadly that that only a lawyer may appear in court or provide advice or services in matters pertaining to the law.¹⁰⁰ The Task Team is of the view that a more precise definition of the services reserved for lawyers would provide guidance to those wishing to provide legal information or legal services with a limited scope.

The Task Team reviewed definitions developed in other jurisdictions for guidance. Most legal profession legislation in Canada, other than Saskatchewan and Alberta, includes a definition of either the ‘practice of law’ or the ‘provision of legal services,’ although the terminology and nature of the restrictions varies from province to province and, in many instances, the definition remains quite broad.¹⁰¹ Attempts to create a more precise definition have been met with frustration in some jurisdictions. The Law Society of Alberta abandoned attempts to define the ‘practice of law’¹⁰² and while the Nova Scotia Barristers Society has developed a new definition of ‘legal services,’ it does not delineate any specific services.¹⁰³

In many American states, State Courts are the regulating bodies for the legal profession. The Washington State Court Rules define the practice at law as “the application of legal principles and judgment with regard to the circumstances or objectives of another entity or person(s) which require the knowledge and skill of a person trained in the law.”¹⁰⁴ The Rule includes legal advice, selecting or drafting legal documents, representation, and negotiation as the primary categories of the practice of law. The Task Team found this definition to be an appropriate foundation for the framework for legal services in Saskatchewan because the services included in the definition are services that the Task Team commonly heard, during their review of this issue, are considered to be the core services that should be reserved to lawyers to perform, due to the training they have received and the degree of regulation they are subject to.

Therefore, the Task Team recommends that Washington’s definition be used as the reference point for determinations about who may practise law in Saskatchewan, with a couple of distinctions. First, the Task Team did not want to include a reference to ‘selection’ of documents, as they felt that sometimes the selection of legal documents could be considered legal information rather than advice, and giving legal advice is already included in the definition. Second, the Task Team recommends that Saskatchewan’s definition be free of any reference to whether the services were provided for a fee. The Washington definition included a reference to legal advice provided for a fee but did not make that distinction for the other services considered to be the ‘practice of law.’ The Task Team felt it made more sense to define the services and allow decisions about whether the work was done for a fee to be dealt with in subordinate legislation, as appropriate (meaning the Law Society Rules, a separate set of Law Society Rules or regulations pursuant to the Act). The payment of a fee does not necessarily change the nature of the service provided and the Task Team felt it would be an artificial distinction.

As this recommendation will serve as a base for the remainder of the Task Team's recommendations, it has proposed draft wording for the definition of 'practice of law,' as follows:

PRACTICE OF LAW

30 The practice of law is the application of legal principles and judgment with regard to the circumstances or objectives of another entity or person(s) which require the knowledge and skill of a person trained in the law. This includes but is not limited to:

- (a) Giving advice or counsel to others as to their legal rights or responsibilities or the legal rights or responsibilities of others.
- (b) Drafting, or completion of legal documents or agreements which affect the legal rights of an entity or person(s).
- (c) Representation of another entity or person(s) in a court, or in a formal administrative adjudicative proceeding or other formal dispute resolution process or in an administrative adjudicative proceeding in which legal pleadings are filed or a record is established as the basis for judicial review.
- (d) Negotiation of legal rights or responsibilities on behalf of another entity or person(s).

The Task Team also felt it was appropriate to recommend a provision respecting the authority to practice law, as those two provisions must work in tandem. For the Law Society to continue to regulate in the public interest, it must have the ability to prosecute those who are not permitted to practise law in accordance with the Act and the Rules, where exceptions and limited licenses can be provided. In addition, to make it clear that any individual or organization may provide legal information without the need for a license, the Task Team felt it was important to include a statement to that effect in the Act. Defining both the 'practice of law' and 'legal information' in the Act carries the risk of omitting something; therefore, the Task Team felt that it would be more appropriate for the Law Society to have some discretion to make determinations about what constitutes legal information. To allow for this to happen and to allow for that understanding to evolve, the Act should also provide the Law Society with authority to define that term in the Rules.

The Task Team recommends the following provision, which incorporates language from the current provision in the Act respecting unauthorized practise:

AUTHORITY TO PRACTISE LAW

31(1) Subject to this Act and the rules, no person other than a member in good standing shall:

- (a) practise law in Saskatchewan; or
- (b) hold themselves out as, or represent themselves to be, a person who may practise law in Saskatchewan.

(2) A person, other than a member in good standing, who commences, prosecutes or defends an action or proceeding in a court of civil or criminal jurisdiction or acts as counsel or lawyer in an action or proceeding is:

(a) incapable of recovering any fee, reward or disbursement on that account; and

(b) deemed to be guilty of a contempt of the court in which the proceeding has been commenced, carried on, defended or prosecuted, and may be proceeded against for contempt before the Court of Appeal or a judge of the court sitting in chambers.

(3) Nothing in this rule shall affect the ability of a person or entity to provide information of a general nature about the law and legal information of a general nature about the law and legal procedures to members of the public.

As it can be difficult to determine the distinction between legal information and legal advice in some cases, the Task Team also recommends that guidelines be created to assist the public and those providing legal information in recognizing this distinction. Finally, Andrew Perlman writes that if consumers are given a greater range of options for obtaining legal services, it is reasonable to insist that they also have access to adequate information to make an informed choice about which provider to choose.¹⁰⁵ To that end, the Task Team recommends that guidelines be created for the public to help them identify when they might have a legal issue and to explain their options for obtaining legal services.

7.3 DEREGULATION

The Task Team considered whether there are some services currently regulated by the Act that could be deregulated completely, such that any person or organization could provide them without the supervision of a lawyer. Under this model, the cost of services would likely be reduced but none of the protections provided by regulation would be applicable to the legal services provided.

CONCLUSION:

The purpose of regulation is to both ensure a degree of quality in the service provided to the public and to provide avenues of recourse in the event of incompetent, unethical, or negligent service. Therefore, deregulation carries some inherent risk to consumers. It is difficult to completely deregulate specific services because any given service can vary in complexity across areas of law depending on the specific context and factual circumstances.

RECOMMENDATION #3

Other than the provision of legal information, continue to regulate all other legal services to some degree.

DISCUSSION:

The Task Team discussed the possibility of deregulating various services that might be thought of as being ‘simple’ or ‘uncontested.’ For example, the Task Team discussed whether an unregulated individual could provide assistance in completing legal forms, creating a simple will, or carrying out an uncontested divorce. However, the Task Team concluded that each of these services had the potential to become complicated or contested, and that an untrained or unexperienced provider might not be able to recognize the point at which the matter had gone beyond their scope or knowledge of the relevant legal issues at play. There is always a risk that the provider might miss something critical that could prejudice the client’s rights or legal position.

Another risk is that consumers may not be aware of the distinction between regulated and unregulated legal service providers and therefore may not be able to make a fully informed choice about the appropriate provider. Consultation results, described in detail in Section 6.2.1 of this report, reflected this concern from lawyers, courts, non-profit organizations, and members of the public. Almost everyone felt that some regulation was necessary to ensure that members of the public are protected.

Keeping in mind that the goals of increasing access to justice and consumer choice should be balanced with protection of the public, the Task Team did not feel they could conclusively recommend that any services, other than the provision of legal information, could be completely deregulated. This does not mean that the Task Team felt that some services could not be provided by alternative providers, but that those providers should be subject to some measure of regulation.

7.4 STAFF WORKING UNDER THE SUPERVISION OF A LAWYER

The Task Team discussed whether staff who work under the supervision of a lawyer, whether in a law firm or other organization, should be permitted to carry out certain tasks without direct supervision.

CONCLUSION:

Lawyers currently make subjective determinations about the scope and capacity of staff working under their supervision.

RECOMMENDATION #4

Examine the restrictions on direct supervision requirements for staff working under the supervision of a lawyer and consider where, subject to some parameters and limits, such as the lawyer's liability and insurance obligations, this ability could be expanded.

DISCUSSION:

Currently, the *Code of Professional Conduct* for lawyers in Saskatchewan allows lawyers to delegate some tasks to a staff person working under their supervision. It also sets out an extensive list of things that non-lawyers, even under the supervision of a lawyer, must not do (please see Section 4.2 of this report). Under the supervision model, there is some ability to build in consumer protection through the regulation of the supervising lawyer. The Task Team considered whether expanding the scope of practice and degree of independence for supervised staff could enable lawyers to charge less for services provided by staff, thereby increasing access to legal services and consumer choice.

The Task Team learned that the training and expertise of staff working under the supervision of a lawyer can be highly varied in Saskatchewan, since there are no formal education requirements to work in this capacity and education programs vary widely across Canada. Some legal staff have the equivalent of a baccalaureate degree in legal administration, while others may be hired with no education or experience and are trained on-the-job.

The Task Team also heard that the amount of independence granted to staff by their supervising lawyer varies according to the skillset and level of experience of the staff person. While some legal administration staff carry the title of 'paralegal' or 'paraprofessional,' these are not protected titles in Saskatchewan and, as such, may be used by anyone working in legal administration. Typically, the term 'paralegal' is applied to legal administrators who possess a higher degree of competence or training.

The Task Team discussed the parameters of the Law Society of British Columbia's approach to 'designated paralegals,' described in Section 5.1.2 of this report. A survey of lawyers and clients about the use of designated paralegals indicated that the cost of legal services was lowered in those cases and that clients were satisfied with the service they received.

The Task Team felt that the following attributes of British Columbia’s approach were appropriate for staff working under the supervision of lawyer in Saskatchewan:

- The Law Society does not directly credential or regulate the supervised staff persons; they regulate the supervising lawyer, who is responsible for the conduct of the staff persons under their supervision.
- The parameters of the staff person’s scope and independence are specific to the staff person’s level of skill and training and may not be the same as the parameters of another staff person’s scope and degree of independence.
- Similarly, the parameters of the staff person’s scope and independence do not automatically transfer with the staff person from job to job or from supervising lawyer to supervising lawyer; delegation is an active process whereby the supervising lawyer must decide whether a staff person has the skills, training, and good character to perform the enhanced functions.

The Task Team concluded that each lawyer supervising staff in Saskatchewan should be permitted to make their own determinations about the staff person’s qualifications, knowing that they would ultimately be responsible for that work. Under this approach, the Task Team did not think it was appropriate to give certain staff performing additional functions a protected title such as ‘designated paralegal,’ as that would suggest a common and defined scope of practice.

The Task Team determined that it had not received enough guidance through consultation to recommend specific parameters for an expanded set of functions that could be delegated to staff persons. They also considered the fact that changes such as these may have implications for lawyers’ liability coverage. Accordingly, they felt that the Law Society was in a better position to determine the appropriate parameters and the associated adjustments that would need to be made to the *Code of Professional Conduct*, lawyers’ liability coverage, and any other requirements that might be necessary to implement these changes.

The Task Team learned that the Law Society is currently considering a framework for regulating legal entities and discussed the possibility that the Law Society could monitor which individuals provide services according to these proposed changes through entity regulation.

7.5 EXCEPTIONS TO THE AUTHORITY TO PRACTICE LAW PROVISION

The Task Team considered whether it would be appropriate to expand the class of individuals who are currently excepted from the prohibition against unauthorized practice.

CONCLUSION:

There are some service providers who are not lawyers but have been granted a limited scope of legal practice, which indicates a degree of risk tolerance for allowing other providers to deliver some legal services

RECOMMENDATION #5

- a) Expand the list of exceptions to the prohibition against practicing law.
- b) Amend the Act to relocate the list to the Rules so that the Law Society can amend the list in accordance with changing circumstances.

DISCUSSION:

While the Act currently provides that only lawyers may deliver legal services, it also includes some limited exceptions to that provision, which apply to specific types of professionals. That list is as follows:

- a) an articulated student-at-law or any other person required to serve under articles who, while serving under articles:
 - i. appears as counsel in proceedings before a judge of the Provincial Court of Saskatchewan, justice of the peace or a judge of the court sitting in chambers;
 - ii. acts as counsel in proceedings in which a student-at-law is authorized by The Queen's Bench Rules to act; or
 - iii. performs under the supervision of a member any acts, not related to court appearances, that are prescribed in the rules;
- b) a person authorized to practise in accordance with the rules made pursuant to clause 10(i) while the person is acting within the scope of that authorization;
- c) a member of a police force appearing for the Crown before a judge of the Provincial Court of Saskatchewan or justice of the peace;
- d) an employee of the Government of Saskatchewan or the Government of Canada prosecuting summary conviction cases for the contravention of an Act or an Act of the Parliament of Canada, or a regulation made pursuant to an Act or an Act of the Parliament of Canada;
- e) a sheriff with respect to proceedings taken for:
 - i. relief pursuant to provisions relating to interpleader;
 - ii. payment out of court of funds belonging to an execution debtor; or
 - iii. directions of a court with respect to a seizure made or requested to be made by the sheriff; and
- f) a person who is a plaintiff or defendant in proceedings and who commences, prosecutes or defends in the person's own name an action or proceeding in a court of civil or criminal jurisdiction.

There are also provisions in other statutes that allow specific providers to deliver some legal services within a very limited scope, such as Workers' Advocates and Aboriginal Courtworkers. In all cases, the service providers work in areas related to the law or have expertise in a limited area of the law.

The list of exceptions to the unauthorized practice provision in the Act led the Task Team to consider whether it might be appropriate for other specific categories of service providers to be excepted from the prohibition against providing legal services, within a limited scope. The Task Team learned that there are many other individuals who provide services that have a legal component but are not exclusively legal services. The current list of exceptions in the Act is very specific, which implies that many current service providers could be caught by the unauthorized practice definition even if they pose little risk to the public. Effective legal regulation is one of the goals of this initiative, so the Task Team concluded that more guidance regarding what should not be considered unauthorized practice would benefit the Law Society, the public, and service providers.

The Task Team did not feel comfortable purporting to recommend an exhaustive list of exceptions because it recognized that the Law Society is in a better position to make such determinations on an ongoing basis. However, there were a number of exceptions that the Task Team would like to propose, arising from specific things the Task Team heard in consultations or reviewed in exceptions listed in other jurisdictions. The Task Team identified these as being low-risk to the public and felt that expanding the list of exceptions would provide for more effective regulation and greater clarity for the Law Society when making determinations about who to prosecute for unauthorized practice. Most of the proposed exceptions are tied to specific categories of people, rather than specific services.

The Task Team recommends that, in addition to the exceptions listed above, the section in the Act that prohibits anyone but a lawyer from practicing law should not apply to the following classes:

- g) a person preparing a document for his or her own use or for an action or matter to which he or she is a party;
- h) a person serving in a neutral capacity as a mediator or conciliator;
- i) a person participating in labour negotiations, arbitrations, or conciliations arising under collective bargaining rights or agreements;
- j) a person exercising an adjudicative function pursuant to statutory authority;
- k) a person acting as a legislative lobbyist;
- l) a public officer acting within the scope of his or her authority as a public officer;
- m) a person employed by the government to act as a lay representative before administrative agencies or tribunals;
- n) a notary public exercising the powers conferred on the notary public by law;
- o) a person whose regulated profession or occupation is not the provision of legal services or the practice of law, who acts in the normal course of carrying on that profession or occupation, excluding representing a person in a proceeding before an adjudicative body;

- p) a person who is employed by a practising lawyer, a law firm, a law corporation, or the government and who acts under the supervision of a practising lawyer;
- q) a person who delivers courtworker services to Aboriginal people through an Aboriginal delivery agency that has contracted with the Government of Saskatchewan or the Government of Canada to deliver courtworker services as part of the Aboriginal Courtworker Program;
- r) a person authorized to practice law in accordance with any provincial or Federal statute;
- s) an officer or employee of an incorporated or unincorporated organization preparing a document for the use of the organization or for an action or matter to which the organization is a party; and
- t) a university law student in respect of services permitted to be provided by that student in accordance with the rules.

Most of the proposed exceptions already have some form of oversight associated with them and do not pose much risk to the public at large. While the Law Society may be unlikely to prosecute many of these providers, the Task Team felt that it was important to enumerate additional general categories in accordance with its overall determination that more clarity is needed regarding the unauthorized practice of law. The Task Team was of the view that, if there is to be a list of exceptions, that list should include all providers that the Law Society has determined will not be prosecuted for unauthorized practice. The proposed list better reflects this reality and actively acknowledges the providers as providing a valuable and legitimate service.

The Task Team felt that it would be appropriate for this list to appear in the Law Society Rules, rather than in the Act. As the legal landscape changes, the Law Society should have more flexibility to determine which service providers pose a risk to the public, and which may be able to provide a benefit. The Law Society may wish to add to the proposed list or to add more detail to the suggested categories. The Law Society may also need to develop further guidance for some of these exceptions elsewhere in the Rules, as it sees fit. The Task Team also thought it would make sense to contain all of the exceptions in one place, and that it would not be desirable to have a lengthy, prescriptive list in the Act. If it is not possible to relocate all of the exceptions to subordinate legislation, the Task Team recommends that the Law Society have some ability to add further exceptions, as it is likely that some experimentation and adjustment will be necessary.

7.6 REGULATED, UNSUPERVISED GROUP OF ALTERNATIVE LEGAL SERVICE PROVIDER WITH A COMMON SCOPE OF PRACTICE

In some jurisdictions in North America, legal regulators are creating an additional category of membership for trained legal service providers with a common, delineated limited scope of practice who are regulated in much the same way as lawyers and are permitted to deliver legal services without any association with a lawyer. Ontario and Washington have the most established regulatory regimes for these alternative providers, each with a different limited scope of practice. The Task Team considered whether it would be appropriate for a new category of legal service providers to be permitted to either perform specific tasks in all areas of law or provide unlimited services within restricted areas of law.

CONCLUSION:

With appropriate supports and oversight, alternative service providers could provide specific legal services independent of a lawyer.

RECOMMENDATION #6

- a) Amend the Act to allow for the creation of new categories of membership in the Law Society through the enactment of subordinate legislation.
- b) Enact subordinate legislation to create new categories of membership whenever circumstances arise to support those changes.

DISCUSSION:

The Task Team reviewed reports from several jurisdictions that are exploring the creation of a new category of regulated legal service provider. They studied the models used in Ontario and Washington most closely, including receiving presentations from representatives of the bodies that created and regulate alternative services providers in those jurisdictions.

In both Ontario and Washington, there are requirements to become a licensed paralegal. In Ontario, these requirements include:

- Admission requirements (application fee, education, licensing exam, demonstrate good character, experience providing authorized legal services, and swearing an oath of office);

- Annual licensing fee;
- Liability insurance;
- Annual fees to pay for the maintenance of a compensation or assurance fund;
- Continuing Legal Education;
- Trust accounts and audit program; and
- Code of Professional Conduct.¹⁰⁶

Through conversations with representatives from Ontario and Washington, the Task Team concluded that with appropriate training and regulatory measures, a new class of legal service providers might be able to offer a limited or full range of activities within their areas of specialization. It is conceivable that the Law Society or another regulatory body could regulate non-lawyer legal service providers in the same way the Law Society regulates lawyers, with appropriate modifications. However, the Task Team felt that there were factors distinguishing the Saskatchewan context from these other jurisdictions that would make it difficult to conclude confidently that establishing a similar group of service providers at this time would have the same level of success.

The Task Team studied statistics about the general demographics of Saskatchewan, as well as the number and distribution of lawyers in Saskatchewan. Both Ontario and Washington have much bigger populations than Saskatchewan (Washington is approximately seven times bigger and Ontario is approximately 13 times bigger than Saskatchewan).

In Ontario, a group of alternative service providers had won the ability, through the courts, to provide some legal services. The provincial government and the Law Society determined that these service providers should be regulated and established the current paralegal regulatory structure knowing that there were over 2,000 people who would support the cost of regulation. Through consultation, the Task Team learned that there is some interest from legal administrative staff in setting up a new regulated profession in Saskatchewan, but there is no organized group demonstrating that there would be a critical mass to support the establishment of a new regulatory structure, nor is there existing infrastructure to support the training of a new group. As the possibility for the development of a new professional group to be self-funded by the members of that group does not seem to exist at this time, the cost to develop the infrastructure would have to be funded through other means.

The Washington Bar Association advised the Task Team that it was bearing the cost to establish a new regulatory structure for alternative legal service providers called LLLTs. Washington has approximately 32,000 lawyers to bear that cost, compared to Saskatchewan's approximately 1,800 lawyers. LLLTs are currently limited to practising in family law (short of advocacy) and have rigorous entrance requirements. While it is expected that additional areas of law will be added to the scope of practice, the Task Team learned that it takes approximately two years to establish the training curriculum for each new area of law. While the Washington Bar Association expects the number of LLLTs to increase steadily and they estimate that there are approximately 200 people at various points in the process of becoming licensed, there are currently only 27 people who have completed the training and are working in Washington.

The Task Team also reviewed some information provided by consultees and gathered through research about the median wages of paralegals working in Ontario, which indicated that entry-level paralegals make roughly the same amount as legal assistants.¹⁰⁷ While there

may be potential for an increase in earnings for more experienced providers, the Task Team also learned that the membership fees in Ontario amount to just over \$1,200 per year (about half the cost of lawyer membership fees), plus the cost of maintaining mandatory liability coverage and continuing professional development. With the additional cost of training or initial licensing fees, the cost of overhead, and the much smaller population, the Task Team concluded that it would be difficult for a legal service provider akin to an Ontario paralegal to earn a living in Saskatchewan, let alone be able to offer legal services at a lower cost to the public.

The Task Team hoped to learn whether the introduction of a new professional group in Ontario and Washington had increased access to legal services. As the Washington program has only been operating for about three years and only a handful of LLLTs have been added to the market each year, they have not had the opportunity to measure whether there has been an improvement in access, although they advised that they plan to study this. While the Law Society of Ontario recently decided to expand the scope of practice for paralegals to include family law in recognition of access to justice issues in that area of law, Ontario's paralegal regulatory structure was not created with the goal of increasing access to legal services or consumer choice. It was put in place in 2007 to regulate an existing group of providers who had gradually increased in number over a period of roughly 20 years. As such, there has not been an evaluation as to whether access has improved since the new group was formally recognized.

SASKATCHEWAN CONTEXT

Due to Saskatchewan's population size and distribution, uncertainty about whether there would be sufficient interest in pursuing entry into a new profession, and the cost associated with the regulatory infrastructure required, the Task Team was not able to conclude that the circumstances currently exist in Saskatchewan to support establishing a new, unsupervised, regulated group of legal service providers. However, the Task Team was also not able to conclude that the creation of a new professional group would not be appropriate in the future, particularly as it had concluded that there are unmet legal needs in Saskatchewan.

For this reason, and because the Task Team was of the overall view that the regulatory scheme for legal services should be better able to adapt to changing circumstances, they recommend that the Act should be amended to allow for the creation of a new professional group, should the circumstances call for it. For example, if a group of individuals approaches the Law Society and is willing to be subject to regulatory requirements in order to have a broader scope of practice, the Law Society could pursue that possibility when it presents itself, rather than having to go through the lengthy process of amending the Act. It would also allow the Law Society to make such changes in a short period of time in response to other events, such as an increase in demand for legal services due to the retirement of Baby Boomer lawyers or some other shift in demographics or economics.

Through a review of reports and consultation feedback from other professional regulators, both for the legal profession in other jurisdictions and other professional regulators in Saskatchewan, the Task Team considered various options for a regulator for a new professional group. The Task Team heard that competing regulatory frameworks could cause confusion for the public and promote greater tension between providers. A single regulator would be able to apply consistent standards for regulating in the public interest and be more efficient and economical. The Task Team concluded that the Law Society would be the appropriate regulator if a new group were to be established, due to its well-established experience in

legal regulation. However, the Task Team felt it would be appropriate for the Law Society and the government to jointly determine whether to create a new group and its associated scope of practice. This could be done in a number of ways, but the Task Team felt that requiring Ministerial approval of such proposed changes would be appropriate.

As the Task Team was not prepared to recommend that a group of this type be established at this time, it has not made any conclusions about the appropriate scope of practice for such a group, should it be established in the future. For the time being, the Task Team felt that there were other ways to achieve some of the same goals of establishing a new professional group with a less complicated solution. These alternatives, including further discussion about the appropriate scope of practice for alternative providers generally, will be explained further below.

7.7 LIMITED LICENSE TO PRACTICE LAW

While the Task Team was not prepared to recommend the creation of a new professional group with a robust regulatory structure at this time, it considered whether it would be appropriate to extend a limited authority to practise law to alternative providers through other approaches.

CONCLUSION:

There are context-specific needs that could be serviced by alternative service providers operating within a specific, individualized scope of practice reflecting the knowledge, training, and experience of the service provider or group of service providers. However, there is not one scope of practice that is appropriate for all alternative legal service providers.

RECOMMENDATION #7

- a) Amend the Act to:
 - i) allow service providers to practise law with a limited license on a case-by-case basis; and
 - ii) provide the Law Society with licensing authority.
- b) Enact principles to guide licensing.

DISCUSSION:

Having concluded that there are unmet legal needs in Saskatchewan, the Task Team was of the view that alternative service providers should be allowed to deliver legal services by some means. The Task Team reviewed reports respecting the appropriate scope of practise for alternative legal service providers prepared by other legal regulators and academics and found that the conclusions varied widely with regard to both area of law and type of service. For details, please refer to Appendix B.

According to the Law Society of British Columbia Task Force report, the following are the type of discrete tasks that have commonly been identified as being appropriate for non-lawyer legal service providers, and where there is a high need:

- providing basic, entry-level legal information and advice;
- preparing pleadings, forms, and some other simple documents (simple wills, powers of attorney, corporate returns, simple incorporations, etc.);
- assisting with correspondence;
- advocating before administrative tribunals, small claims court, traffic court, and in mediations and arbitrations; and
- mediation.

The same report concludes that the following are the areas of law commonly identified as the areas with the greatest need for additional services:

- Debtor/Creditor and other consumer law matters
- Employment
- Discrimination
- Family
- Estates/Guardianship
- Health/Disability
- Housing
- Personal injury
- Benefits
- Immigration¹⁰⁸

Because these areas are so broad, the jurisdictions that have developed programs for alternative legal services have chosen a narrow focus. Models such as those in Ontario and Washington allow for a broader scope with regard to tasks that may be performed but constrict the scope of practice to one or more areas of law. This allows for the development of specific, in-depth training. The area of law is usually chosen either because there is an unmet need (for example, family law) or because the process related to that area of law is less complex (for example, traffic court matters). Models in other jurisdictions, such as Nova Scotia and New York, have used an approach that focuses on one task (court navigation) but could apply to several areas of law.

The Task Team considered whether these models could work in the Saskatchewan context. They determined that the Ontario and Washington models were too complex and would be too costly and difficult to develop without assurances that a sufficient number of service providers would result. But the models that had a very narrow focus did not seem to go far enough to meet the need for access to legal services the Task Team had identified in Saskatchewan. The Task Team determined that there was no existing model that seemed appropriate for what they hoped to achieve in Saskatchewan, so they began discussing a unique approach that might land somewhere in the middle.

GRANTING LIMITED LICENSES ON A CASE-BY-CASE BASIS

American legal scholar Andrew Perlman suggests that legal services should be viewed as a continuum or a pyramid, rather than a distinction between those that can be provided by a lawyer and those that cannot. He proposes that, instead of identifying certain services that should be reserved exclusively to lawyers, regulators should define who should be ‘authorized’ to provide a particular service, even if providing that service might be considered ‘practising law.’ This allows consumers to choose which provider is most appropriate in their circumstances. Perlman states that we should ask whether the public’s interests will be served by permitting someone without a law degree to provide a particular service (whether or not it is the practice of law) and, if so, determining what kinds of oversight or licensing might be necessary.¹⁰⁹

With this in mind, the Task Team concluded that the appropriate scope of practice for a provider has more to do with the individual or organization providing the service than with the nature of the service itself. This led to a determination that instead of trying to design a ‘one-size-fits-all’ structure, the Law Society could grant limited licenses to practise law on a case-by-case basis. This would be in contrast to the exceptions outlined in Recommendation #5, which represent a determination that the general categories listed could be excepted without further review or regulation. Limited licenses can be much more flexible and could be customizable for each provider, depending on the circumstances of each case, including type of service, area of law, and prospective clients. The licenses can be customizable both with respect to scope of practice and regulatory requirements.

Throughout the course of their work, the Task Team learned about many service providers who have a great deal of experience and knowledge about certain areas of the law or certain legal processes. Sometimes their area of expertise was so specialized that most lawyers would likely not have much experience with the subject matter; for example, providing assistance applying for disability benefits and appealing denials of assistance. Through consultation, the Task Team heard that these providers are delivering a much-needed and accessible service that is not being provided by lawyers. Many of these providers could enhance the services they are delivering through a limited license to practise law.

Others might be refraining from providing services despite being qualified because there is no regulatory structure that allows them to do so. The Task Team heard from people with a variety of experiences that would be interested in being able to provide some legal services. For example, people who have acted as patient advocates, appeared in small claims court on behalf of their own company, or worked as a paralegal for years, among other things. The Task Team heard that there is a need for people to act as court navigators, form fillers, legal coaches, and in other roles that likely require less training than a law degree. Developing a regulatory structure for limited licenses can provide flexibility to tailor regulatory requirements to the contextual circumstances of each applicant or group of applicants. A flexible regulatory structure of this nature may encourage more people to offer the type of entry-level services that are not being provided by lawyers, or for which a more accessible option is needed.

While there would be no guarantee that there would be uptake on applications for limited licenses, this approach allows for that uptake to take place at a pace that makes sense for both the Law Society and potential applicants. It does not require as many resources to be expended at the front-end, when there is uncertainty about the level of interest and viability

of establishing a comparable regulatory structure for an entirely new profession. It also allows service providers to be innovative in the ways that legal services are provided. Non-profit organizations in particular have a history of innovating with limited resources and are adept at thinking outside of the box. Lawyers are trained to approach legal problems in a certain way, but there may be alternatives that are just as effective in certain circumstances and a limited licensing system allows service providers to tell the Law Society what they are in a unique position to offer.

GUIDING PRINCIPLES

As the proposed licensing framework would aim to meet a wide variety of needs through a diverse collection of service providers, the Task Team felt it would be appropriate to develop a set of principles to guide determinations about granting licenses. Consistent with the overall objectives of increasing access to legal services, consumer choice and effective regulation, the Task Team also discussed the following:

- proportionality between the licensing requirements, the services to be provided, and associated risks;
- flexibility;
- promoting the public interest;
- promoting access to legal services;
- addressing areas of need;
- minimizing risk to the public (perhaps guided by considerations such as the monetary amount likely to be involved in disputes associated with the services provided, whether vulnerable people would be involved, severity of consequences if the services were negligently performed, etc.);
- recognizing different types of expertise and qualifications;
- sustainability; and
- encouraging innovation

The Task Team felt that a flexible licensing system would allow for many different types of alternative legal service providers to enter the market place in a manner that had a proportionate degree of oversight and regulation. While the Task Team felt that some regulatory measures should be in place for the protection of the public, they felt strongly that these measures should not create too great a barrier to becoming licensed, as increased access to legal services and consumer choice should be the primary objectives for this framework. The Task Team also felt that the Law Society might be required to offer some support to limited licensees at the outset of this undertaking, in order to allow this novel approach to develop.

In particular, the Task Team felt it was important to ensure that obtaining a limited license was attainable for non-profit human services organizations that stand to benefit from this framework by allowing knowledgeable and dedicated staff to expand the scope of services

they can provide. This group of providers also has a great deal of potential to impact the accessibility of legal services. For organizations that already deliver legal services, allowing some staff to take on an expanded role could enable an organization to triage clients and enable the lawyers involved to focus on clients who need more in-depth assistance on a more timely and efficient basis. There are other organizations that could begin offering some limited legal services for the first time, allowing them to service a whole new client base that is currently without assistance. Accordingly, the Task Team discussed the possibility of having a sliding scale for licensing fees that could reflect factors such as risk to the public, ability to impact access, and non-profit status.

The Task Team discussed whether non-profit organizations should instead be excepted from the unauthorized practice provision, which does not impose any licensing barrier. In recognition of the fact that these providers may wish to pursue a variety of services with varying levels of oversight, the Task Team concluded that it would be more appropriate for them to apply for a limited license, as long as the fee and other requirements were not too burdensome. The Task Team also felt that the Law Society would be better able to provide support to non-profit organizations if they were licensed. The providers may also find it attractive to be able to say that they have a license from the Law Society.

Throughout the course of their review, the Task Team learned about the potential for artificial intelligence, technology, globalization, and other trends to impact the way legal services are delivered. The growing use of these delivery models and the pace at which technology develops means that the legal market place might change drastically over a short period of time. The Task Team felt that the unpredictability of the way legal service delivery might develop was another reason that the licensing framework should not be overly proscriptive. The Task Team recognized that it will be difficult to foresee all the different types of providers that that might apply for a limited license, and it did not want to preclude any opportunities that might further the objectives of this initiative.

The Task Team discussed whether a lawyer who has been suspended, disbarred, or has otherwise ceased to be a member as a result of disciplinary proceedings should be prohibited from being granted a limited license. This prohibition exists in other jurisdictions but applies to unauthorized practice provisions generally. The Task Team determined that, because the limited license framework provides the Law Society with the ability to make determinations about the appropriateness of granting a limited license to such individuals on a case-by-case basis, an absolute prohibition is not necessary. The Task Team recognized that there could be many reasons for disciplinary proceedings and not all would mean an automatic determination that the individual was not fit to provide legal services under a limited license. If that individual's training and experience would allow them to provide a much-needed service without posing a significant risk to the public, the Law Society should have the ability to grant that person a limited license and impose regulatory requirements as appropriate.

TITLE FOR PROVIDERS WITH A LIMITED LICENSE TO PRACTISE LAW

The Task Team discussed whether it should recommend a title to apply to all alternative service providers working under a limited license to practise law but could not reach a consensus on this issue.

Those that advocated for a title felt that it might be confusing for the public who would be making determinations about choosing a provider if they could not clearly identify people as belong to a new, licensed group. This was in recognition of the likelihood that the public tend to give things titles and might begin referring to these providers in various ways, and that the providers might be better able to advertise their services if there was a common understanding about the nature of their license. There was also a concern that declining to give these providers a title could have the effect of minimizing the services they are able to provide. If a title were used, it would be reserved to those granted a limited license (known as title protection).

In contrast, there were others who felt that creating a title would be inconsistent with the conclusion that a new, independent group with a common scope of practice should not be created at this time. Because both the qualifications and the services offered by those practising under a limited license could vary widely from one provider to another, there was concern that it could be misleading to the public to give them all the same title. Due to the limited nature of the license, some applicants may already have another title and want to expand the scope of services they can provide through their current role. In that case, they likely would not be advertising on their own, either; it would be more likely that their organization would advertise the service. Instead, these members of the Task Team felt that alternative legal service providers could simply be referred to as having a 'limited license to practise law' or 'limited licensees.'

In particular, the Task Team discussed whether to use the title 'licensed paralegal,' since the term 'paralegal' is known to the public. However, there was disagreement over whether the fact that paralegal is a familiar term was a good reason to use that title. Some felt it would make sense for limited licensees working with a lawyer to be called a licensed paralegal, since most people who currently use the title 'paralegal' work alongside lawyers; but the public may think that having the word 'paralegal' in the title means there will be a lawyer supervising, which would not be the case for all limited licensees.

The fact that there are licensed paralegals in Ontario who are regulated by the Law Society and have stringent education and licensing requirements may also lead the public to think that providers called licensed paralegals in Saskatchewan would be subject to those same requirements. Because the education programs for paralegals in Canada vary widely from jurisdiction to jurisdiction, some misconceptions already exist among the public about the level of training required. Adding 'licensed' to the already vague 'paralegal' title in Saskatchewan may lead the public to believe that the limited licensee has much more training than they do; while most will have some measure of legal training, the nature and scope of training will not be consistent. There was also concern about creating tension between those who currently refer to themselves as paralegals and the new group of limited licensees, especially since the former might have more training than the latter in some cases.

The other consideration discussed by the Task Team was the possibility that the Law Society might create a new regulated professional group in the future that might be more suited to the name 'licensed paralegal,' as is the case with the similar group in Ontario. Because one of the approaches considered by the Task Team was to create a new regulated group similar to licensed paralegals in Ontario, many members of the Task Team were concerned that giving a different type of provider (who would not be part of a homogenous group) the title 'licensed paralegal' would create confusion.

The Task Team considered recommending that the title ‘licensed paralegal’ could be reserved for any future group of regulated paralegals that might be developed and select another name of for limited licensees at this time; but there remained the issue that the licensing system will be created by the Law Society (see Recommendation #8) and the Task Team does not know how that scheme might develop. Instead, the Law Society could be granted the authority to reserve a name for limited licensees, if it is determined that creating a title would be appropriate.

7.8 LICENSING SYSTEM

The Task Team next considered options for the appropriate licensing body and framework for granting limited licenses to practice law.

CONCLUSION:

As the granting of limited licenses to practice law would be a novel approach to legal regulation, a new licensing system, guided by the objectives of the Task Team’s mandate, will need to be designed.

The Law Society should be the licensing body for all limited licenses, as it has the necessary expertise to assess competency and appropriate scope of practice. It may be appropriate, however, for some decisions to be shared by the Minister and the Law Society. To allow the Law Society to develop an appropriate licensing system, the details should be set out in subordinate legislation.

RECOMMENDATION #8

Enact Rules, subject to Ministerial approval, to create a limited licensing process with appropriate and proportional licensing requirements.

DISCUSSION:

The considerations that led to a determination by the Task Team that the Law Society should be the licensing body should there be a new professional group established in the future also apply to the oversight of a licensing system to grant limited licenses to practice law. The Task Team felt that the Law Society was best suited, based on its experience and expertise, to oversee the regulation of all legal services in Saskatchewan. Under a unified model, the Law Society would continue to be the body that would prosecute instances of unauthorized practice of law, which could include a person with a limited license to practice law or a person excepted from the unauthorized practice provision who had exceeded the scope permitted by that license or exception.

FRAMEWORK

The starting point for a limited license to practice law is the definition of ‘practice of law’ outlined in Recommendation #2. The definition includes giving legal advice, drafting legal documents, representing another person in court or other adjudicative proceeding, and negotiating legal rights or responsibilities on another’s behalf. Under the proposed framework, applicants for a limited license to practise law would be required to indicate which of those services they wished to perform and outline any relevant information about their qualifications, oversight measures, and practise setting.

The Law Society would then make a determination as to whether it would be appropriate to grant each applicant a limited license to practise law and impose regulatory requirements as appropriate, in keeping with the guiding principles of the framework. Those granted a limited license to practise law would be restricted to practising in the scope associated with their license, which might be limited to certain areas of law, practise settings with oversight conditions, and/or certain tasks.

While the Task Team felt it would be appropriate for the Law Society to determine the details of the licensing process, taking into account the necessary resources to develop and maintain the system and to carry out the mandate of the Law Society, it did discuss some details it hoped the Law Society would consider:

- **APPLICATION FORM:** The Law Society might develop an application form to obtain the information it needs to make a determination whether to grant a license, but the form should allow applicants to describe the attributes that would be unique to their license. References from employers about expertise and the practise setting the applicant seeks to work in might provide some assistance.
- **QUALIFICATIONS:** The proposed framework would take into account different types of qualifications. Some examples include: experience and on-the-job training received working in a legal organization, a human justice degree, or experience working in a position related to the delivery of legal services (for example, a police officer, a probation officer, a court clerk, or a justice of the peace).
- **REGULATORY REQUIREMENTS:** Depending on the circumstances of each case, the Law Society may wish to impose requirements on a licensee, such as a requirement to provide a periodic report to the Law Society (whether from the limited licensee or the supervisor, if applicable), obtain insurance, or to take specified training in order to provide the legal services they have applied for. Each application should be viewed through a lens of the guiding principles to determine appropriate requirements. The following are some considerations respecting the different degrees of regulation or oversight that limited licensees may be subject to:
 - **TRAINING:** Training might be delivered through a CPD program that the Law Society has developed, on-the-job through a supervisor, or through another established institution such as the Foundation of Administrative Justice. The Law Society might develop some basic training modules or written resources on various topics that might be applicable for certain licensees, or all licensees (for example, in administrative law, court procedure, legislative framework, or entering evidence).

There may also be some potential to create partnerships with organizations that have developed similar resources in the past, such as PLEA, CPLED, and the Saskatchewan Aboriginal Courtworker program. The Task Team heard a great deal of praise for the resources and training provided by these institutions through consultation. Established educational institutions, such as the University of Saskatchewan College of Law, the University of Regina Department of Justice Studies, or Saskatchewan Polytechnic may also wish to develop training programs or offer courses to support limited licensees in satisfying their training requirements.

- **INSURANCE:** The Law Society might determine that some licensees will be required to have insurance. Some licensees may be eligible for insurance coverage through their employer. For those without coverage, the Law Society may wish to conduct some research or negotiations with insurance providers to determine some approved providers or arrange for limited licensees to receive coverage through the Saskatchewan Lawyers' Insurance Association, which provides mandatory coverage for all lawyers in the province.
- **SUPERVISION:** Under the proposed framework, it would be possible for a limited licensee to practise independently, without the supervision of a lawyer, but this might not be appropriate or necessary in all cases. Some applicants may work in an organization where a lawyer will supervise them, and the Law Society may wish to set parameters for that supervision. Others might be required to be indirectly supervised by a lawyer at the outset, similar to lawyers working under practise conditions, but eventually may not require any supervision. The degree of supervision will likely be tied to scope of practice.
- **REPORTING:** As an alternative to supervision, limited licensees might be required to report to the Law Society periodically to determine whether they require support or any adjustments to their practise conditions. The Law Society might also require a limited licensee to demonstrate that they have completed a regulatory requirement, such as obtaining insurance or completing training.
- **ANNUAL RENEWAL:** If licenses were granted on an annual basis, requiring renewal, it would allow the Law Society to monitor the licensees and adjust the framework as appropriate. This might involve an annual statutory declaration respecting the scope of practice and conditions of licensure. The renewal process should not be too onerous or costly.
- **SEARCHABLE DATABASE:** The Task Team also thought it would be prudent to have a searchable public registry of people who have been granted a limited license to practise law, along with their permitted practise conditions. This would allow members of the public to search for providers who deliver the services they require or to confirm the qualifications of legal service providers.

The Task Team was not prepared to recommend that alternative legal service providers be permitted to operate trust accounts. This practice is currently restricted to lawyers and includes the ability to impose and accept trust conditions, oversight by the Law Society’s audit program, and obligations to pay interest to the Law Foundation. While it might be appropriate to allow this at some point in the future, the Task Team did not see an overwhelming need to allow alternative providers to operate trust accounts at this time, and due to the complicated infrastructure in place for lawyers, the Task Team did not feel it was appropriate to include this as one of the potential features of the licensing framework for limited licenses.

In order for the Law Society to develop an effective licensing framework, the Task Team felt that it would be necessary for the details to be set out in subordinate legislation, rather than in the Act. This would allow the Law Society to take the time needed to put a new regulatory system in place and to make adjustments over time as it is developed. The Act would need to be amended to include provisions that enable the Law Society to create and administer a framework for granting limited licenses to practise law. The Task Team considered that it might be prudent to involve the government in some of these determinations, but that if there were Rules that were subject to Ministerial approval, there would need to be a separate set of Rules pertaining to limited licenses, so as not to interfere with the Benchers’ rule-making ability generally.

7.9 PILOT PROJECTS

Over the course of its deliberations, the Task Team discussed several ideas for how organizations or individuals might use a limited license to practise law to address the areas of need identified through consultation. The Task Team also felt it would be important for the Law Society and the Ministry to encourage the use of the option to apply for a limited license to practise law in some way.

CONCLUSION:

Individuals and organizations interested in applying for a limited license to practice law may require guidance and support as this would be a novel and unique approach to alternative legal service providers. The Law Society and the Ministry are in the best position to set the tone and pace for granting limited licenses.

RECOMMENDATION #9

Conduct or support pilot projects to experiment with certain types of limited licenses.

DISCUSSION:

Creation of a new licensing system may require some experimentation or adjustments over time. There may be hesitancy to try something new where factors like cost and sustainability are uncertain. In order to encourage this work, the Task Team determined that the Law Society and the Ministry should create and/or support a number of pilot projects.

Pilots could be guided by the principles established for the limited licensing system. They could allow for incremental change while focusing on key areas of need. While the Task Team believes there are some limited licenses that could be granted without much hesitancy (for example, where there is an experienced staff member working in an office with a lawyer present), it recognizes that it may be more difficult to establish appropriate parameters for novel applications. Accordingly, the Law Society and Ministry may wish to oversee some pilots first, which could allow them to experiment with the appropriate level of oversight, training, or other measures.

Some of the needs that the Task Team identified through consultation are very context-specific. For example, the Task Team heard that there is a need for assistance in Small Claims court and for appeals from administrative tribunal decisions, particularly with respect to understanding evidentiary rules. Targeted pilot projects supported by the Law Society and the Ministry could help to address these needs. This may require resources from one or both of the organizations. However, there are successful models that the Law Society and the Ministry can replicate to maximize efficiency and effectiveness. For example, the Task Team heard from many different stakeholders that the Aboriginal Courtworker program and the Office of the Workers' Advocate were well-regarded and effective. The Law Society and the Ministry could study these programs and determine ways to replicate or expand upon the services they offer.

The Law Society and the Ministry might determine a number of objectives or areas of need and put out a call for proposals from individuals or organizations as to how to meet those needs. The Law Society and the Ministry could then support those selected to participate in pilot projects, either through funding or administrative support. For example, the Task Team has identified family law as an area of need. If the Law Society and the Ministry determined that they wanted to provide support for a pilot that addressed needs in family law and called for proposals to do so, they might receive proposals from a variety of potential providers, such as PBLs, the YWCA and legal assistants with family law experience. The Law Society could then assess the capability of each to meet the identified need.

Another method could be to approach various stakeholders to determine if any are willing to partner with the Law Society and/or the Ministry and then determine an appropriate project. Potential partners might include the courts, the College of Law, the Native Law Centre, the Department of Justice Studies, CLASSIC, PBLs, Legal Aid, law firms, and administrative tribunals. For example, with the appropriate support, the courts might be willing to work with the Law Society and Ministry to establish a court navigator program, where people independent from the court could assist self-represented litigants navigating the court process and filling out court forms. An administrative tribunal might wish to work with the Law Society and the Ministry to develop training for advocates who could appear before that tribunal.

Some partnerships might involve more than one stakeholder, with one providing structure and/or funding and another providing service providers. For example, the Department of Justice Studies may wish to establish a practicum program for a student focusing on a specific area of need, in partnership with the Law Society and the provincial court. There may also be opportunities to incorporate some of the approaches or programs listed in Section 6.3 of this report, respecting other trends in the legal landscape.

Whatever approach the Law Society and the Ministry take, the Task Team felt that the focus of the pilot projects should be on trying to support something new while learning from or utilizing existing successful programs and structures to the extent possible.

SECTION 8:

SUMMARY OF TASK TEAM RECOMMENDATIONS

The Task Team makes the following recommendations:

	RECOMMENDATION	RESPONSIBILITY	ACTION REQUIRED
1	Modernize the legislation regulating the provision of legal services so that it is flexible enough to accommodate future circumstances and needs, as well as opportunities and innovations for addressing same.	Government	Amendments to <i>The Legal Profession Act, 1990</i>
2	a) Define “practice of law” in the legislation and provide that only lawyers, and those otherwise authorized by the legislation and the Law Society Rules, may practice law. State in the legislation that any person may provide legal information (which should not be included in the definition of “practice of law”). Provide the Law Society with the authority to define “legal information” in the Law Society Rules.	Government	Amendments to <i>The Legal Profession Act, 1990</i>
	b) Create guidelines to help the public better understand when legal services are needed, the difference between legal information and legal advice, the options available for obtaining legal services, and the value associated with each option.	Law Society	Creation of guidelines regarding: when to seek legal assistance regulatory details about each type of legal service provider
3	Other than the provision of legal information, continue to regulate all other legal services to some degree.	Law Society	Creation of guidelines regarding what constitutes legal information
4	Examine the restrictions on direct supervision requirements for staff working under the supervision of a lawyer and consider where, subject to some parameters and limits, such as the lawyer’s liability and insurance obligations, this ability could be expanded.	Law Society	Changes to the Law Society’s <i>Code of Professional Conduct</i>

	RECOMMENDATION	RESPONSIBILITY	ACTION REQUIRED
5	a) Expand the list of exceptions to the prohibition against practicing law.	Law Society	Establish a list of exceptions
	b) Amend the Act to relocate the list to the Rules so that the Law Society can amend the list in accordance with changing circumstances.	Government	Amendments to <i>The Legal Profession Act, 1990</i>
6	a) Amend the Act to allow for the creation of new categories of membership in the Law Society through the enactment of subordinate legislation.	Government	Amendments to <i>The Legal Profession Act, 1990</i>
	b) Enact subordinate legislation to create new categories of membership whenever circumstances arise to support those changes.	Government/ Law Society	None at this time
7	a) Amend the Act to: i) allow service providers to practise law with a limited license on a case-by-case basis ; and ii) provide the Law Society with licensing authority .	Government	Amendments to <i>The Legal Profession Act, 1990</i>
	b) Enact principles to guide licensing.	Government/ Law Society	Adopt principles to guide licensing decisions
8	Enact Rules, subject to Ministerial approval, to create a limited licensing process with appropriate and proportional licensing requirements .	Government/ Law Society	Law Society to create licensing system, including Rules, policies and procedures, for limited licenses to practice law
9	Conduct or support pilot projects to experiment with certain types of limited licenses.	Government/ Law Society	Create, monitor, and evaluate pilot projects in partnership with other stakeholders

APPENDIX A - TASK TEAM TERMS OF REFERENCE

TERMS OF REFERENCE FOR THE JOINT TASK
TEAM OF THE LAW SOCIETY OF SASKATCHEWAN AND THE
SASKATCHEWAN MINISTRY OF JUSTICE

respecting Legal Services

established April 13, 2017

I. PURPOSE

The Legal Services Task Team (the “Task Team”) shall examine the issue of allowing non-lawyers to provide legal services to Saskatchewan residents. If the Task Team recommends that non-lawyers may provide legal services, it shall also make recommendations as to the services that could be delivered by those service providers. The primary focus of the Task Team shall be enhancing access to legal services in Saskatchewan while maintaining protection of the public.

II. TASK TEAM COMPOSITION AND GOVERNANCE

The Task Team is established pursuant to the authority of the Minister of Justice to recommend amendments to Saskatchewan legislation pursuant to *The Justice and Attorney General Act*.

a) OVERSIGHT

Oversight and governance for the Task Team will be provided by the following:

- i. The Ministry of Justice (the “Ministry”); and
- ii. The Law Society of Saskatchewan (the “Law Society”).

A working group consisting of:

- i. Barbra Bailey, Policy Counsel, Law Society;
- ii. Janelle Anderson, Crown Counsel, Ministry of Justice, Innovation Division; and
- iii. Stacy Muller, Director, Ministry of Justice, Dispute Resolution Office;

(the “Staff Working Group”) will support the work of the Task Team.

b) MEMBERSHIP

It will be recommended to the Minister that the Co-Chairs of the Task Team be Mary Ellen Wellsch, Senior Crown Counsel, Legislative Services, Ministry of Justice and Gerald Tegart, Q.C., Bencher of the Law Society and Chair of the Law Society’s Access to Legal Services Committee. The Co-Chairs are voting members of the Task Team.

The remaining Task Team members shall be appointed by the Minister of Justice after consultation with the Law Society and shall consist of:

- i. Lawyer representatives;
- ii. Non-lawyer legal service provider representatives; and
- iii. Public representatives.

Membership in the Task Team shall be based on the participants’ experience, skills and interest in the topic of expanding the scope of legal services in Saskatchewan. Efforts will be made to appoint members who represent a broad range of demographics.

c) ROLE OF CO-CHAIRS

The role of the Co-Chairs of the Task Team is to:

- i. manage the work of the Task Team and its meetings;
- ii. work with assigned Law Society and Ministry of Justice staff to schedule meetings and develop agendas;
- iii. report as necessary to the Law Society Benchers and the Ministry of Justice;
- iv. ensure the Task Team fulfills its duties as outlined in these terms of reference; and
- v. address Task Team member issues.

d) ROLE OF STAFF

The role of the Staff Working Group in supporting the Task Team is to:

- i. assist the Co-Chairs with scheduling meetings and developing agendas;
- ii. attend Task Team meetings and take minutes;
- iii. draft Minutes for review by the Co-Chairs;

- iv. identify issues and initiatives (the “Issue Identification Paper”) for review by the Task Team;
- v. prepare a report of the results of the legal service provider and public surveys conducted by the Ministry (the “Survey Results Report”);
- vi. prepare a report on the results of consultation with stakeholders carried out by the Task Team and the Staff Working Group (“Stakeholder Consultation Report”);
- vii. keep the Task Team advised of relevant national and international issues and initiatives;
- viii. undertake research on specific issues as directed by the Task Team;
- ix. support development of Task Team recommendations;
- x. provide administrative support; and
- xi. carry out any other operational duties required to support the functions of the Task Team as may be assigned to them.

The Task Team will receive and review the following reports from the Staff Working Group:

- a) Issue Identification Paper;
- b) Survey Results Report; and
- c) Stakeholder Consultation Report.

III. KEY RESPONSIBILITIES & AUTHORITY

The Task Team has the following responsibilities:

- To examine the issue of allowing non-lawyers to provide some legal services in Saskatchewan.
- To consider a wide range of possible approaches to allowing non-lawyers to provide legal services to Saskatchewan residents to varying degrees.
- To review and consider, among other things, the following (collectively, the “Resource Information”):
 - o academic studies on the topic of the provision of legal services by non-lawyers;
 - o the Survey Results Report;
 - o the Stakeholder Consultation Report;
 - o the Issue Identification Paper;
 - o research and feedback regarding non-lawyer legal service provider regimes considered or developed in other jurisdictions; and
 - o any other materials provided by the Law Society and the Ministry.
- To keep the public interest (including protection of the public) central in the consideration of a greater scope of legal service providers.

- To make recommendations to the Benchers and the Minister about the appropriate role (if any) of non-lawyers in the provision of legal services based on the findings of the Task Team;
- To consider the advisability of making incremental changes to the categories and services of non-lawyer legal service providers in Saskatchewan.

The Task Team may:

- Provide input and guidance to the Staff Working Group with respect to stakeholder consultations.
- Participate in stakeholder consultations.
- Invite and receive submissions or presentations from interested parties as deemed appropriate by the Task Team.
- Follow up on any consultation results carried out by the Staff Working Group or submissions made by interested parties.

The Task Team will operate by consensus, rather than by unanimous or majority recommendations.

IV. PROJECT WORK PLAN

The following is a Work Plan with an outline of tasks to be completed by the Task Team before June 23, 2018:

STEP	ACTIVITY	WHO	EXPECTED OUTCOMES
1	Create a plan for division of Task Team work, meeting schedule and target dates as appropriate.	Task Team Co-Chairs	Division of labour as appropriate and setting target dates for completion of Task Team tasks.
2	Task Team reviews terms of reference, Issue Identification Paper, survey results and stakeholder consultation list.	Task Team	Task Team develops understanding of the issues that led to this project.
3	Update stakeholder consultation plan.	Task Team and Staff Working Group	Ensures that feedback from the initial on-line survey is considered in the further consultation to be undertaken. Ensures that appropriate questions are asked, and feedback obtained from stakeholders to enable the Task Team to make recommendations.
4	Consultation with stakeholders.	Staff Working Group and Task Team members, to the extent they wish to be involved	Task Team and Staff Working Group develops an understanding of the gaps in legal service delivery in Saskatchewan as well as potential issues that could arise from allowing non-lawyers to provide legal services.

STEP	ACTIVITY	WHO	EXPECTED OUTCOMES
5	Task Team reviews consultation results and Resource Information.	Task Team with support from the Staff Working Group	Task Team develops a robust understanding of the issues relating to allowing non-lawyers to provide legal services.
6	Task Team receives presentations from subject area experts.	Organized by Task Team Co-Chairs, the Staff Working Group or at the invitation of the Task Team	Task Team develops a robust understanding of the issues relating to allowing non-lawyers to provide legal services and the considerations and challenges faced in other jurisdictions.
7	Task Team members conduct further research as needed to reach determinations about the appropriate role of non-lawyer legal service providers in Saskatchewan.	Task Team with support from Staff Working Group	Task Team develops a robust understanding of the issues relating to allowing non-lawyers to provide legal services.
8	Task Team drafts a report with recommendations about whether the role of non-lawyer legal service providers in Saskatchewan should be expanded, and if so, in what areas or ways, to be reviewed by the Ministry and the Law Society (the “ Task Team Report ”).	Task Team with support from Staff Working Group	
9	Present the draft Task Team Report to Benchers and the Government for review and comment.	Task Team with support from the Staff Working Group	Receive Bencher and Government feedback.
10	Make revisions to the draft Task Team Report as necessary.	Task Team with support from the Staff Working Group	Final draft of Task Team Report.
11	Present revised Task Team Report to Benchers and the Government.	Task Team/ Staff Working Group	Bencher and Government approval.

Depending on the recommendations of the Task Team and the outcomes approved by the Ministry and the Law Society, further work may be required. For example, if the Task Team recommends that non-lawyers could play an expanded role in the provision of legal services in Saskatchewan, further review and recommendations will be necessary regarding the appropriate regulatory scheme (such as training, admission standards, supervision, etc.) for those service providers, if any. This further work will not be the responsibility of the Task Team.

V. MEETINGS & RESOURCES

The Task Team shall meet as required in order to complete the steps outlined in the Work Plan, and may meet in person, by telephone or by other communication methods.

Members will volunteer their own time. Expenses incurred by Task Team members for travel, food, and accommodation incurred in connection with the work of the Task Team will be reimbursed by the Ministry.

VI. REPORTING

In conjunction with each Convocation of the Benchers, and as otherwise required, the Task Team shall provide a report to the Law Society and the Ministry on its activities and progress on the Work Plan.

APPENDIX B - OVERVIEW OF EXISTING MODELS IN OTHER JURISDICTIONS

This section provides greater detail about the scope of practice for non-lawyers and the process used to arrive at that scope in some of the jurisdictions reviewed in section 5 of this report.

1. CANADA

1.1. ONTARIO

When the Law Society of Ontario (LSO), assumed responsibility for the regulation of paralegals in 2007, its goal was to make legal services available in an accessible and cost-effective way, while maintaining the confidence that those providing legal services to the public are knowledgeable, ethical and competent. In undertaking this work, the LSO was guided by a consideration of the public interest.¹¹⁰ The LSO reports listed in the Bibliography provide an extensive analysis on the rationale for creating an independent paralegal industry, the framework for regulation and the appropriate scope of practice for independent paralegals.

As of December 31, 2014, there were approximately 7,000 paralegals licensed in Ontario. 51% of those were working as sole practitioners, while the rest were in firms of varying sizes. Only 29% of paralegals at that time had more than five years in practice.¹¹¹

Approximately 2,230 people operating as unregulated legal service providers were grandfathered into LSO's new regulation regime.¹¹² New applicants are required to graduate from one of 24 accredited college programs, pass an entrance exam and demonstrate good character. For quality assurance, paralegals are subject to:

- rules of professional conduct;
- rules respecting trust accounts;
- requirements relating to insurance coverage, continuing professional development, payment into a compensation fund, payment of annual fees and filing an annual report;
- a practice audit program; and
- investigative and disciplinary processes.

The LSO provides resources, CPD programming and practice management mentoring to further support quality assurance.¹¹³

To help ensure that paralegal regulation was implemented successfully, Ontario's development process required that two progress reviews be conducted after five years and delivered to Ontario's Attorney General: one by the LSO and another by a person who is neither a lawyer nor a paralegal. Mr. David Morris, a professional writer, communicator and strategist, was appointed to lead the second review.¹¹⁴ Mr. Morris found the first five years of LSO paralegal regulation to be a "remarkable success." His review found that the legal community in Ontario felt that regulation of paralegals had elevated the reputation of the paralegal sector and that the LSO was the appropriate regulatory authority. Members of the public who had used the services of a paralegal found those services to be satisfactory, although the LSO acknowledged a need for more public awareness of the scope of practice for paralegals.¹¹⁵

In Ontario, LSO's By-law 4 differentiates between those permitted to "practise law as a barrister and solicitor" and those permitted to "provide legal services," which pertains to regulated paralegals. The authorized activities for a paralegal in Ontario are as follows:

- Give a party advice on his, her or its legal interests, rights or responsibilities with respect to a proceeding or the subject matter of a proceeding.
- Represent a party before,
 - i. in the case of a proceeding in the Small Claims Court, before the Small Claims Court,
 - ii. in the case of a proceeding under the *Provincial Offences Act*, before the Ontario Court of Justice,
 - iii. in the case of a proceeding under the *Criminal Code*, before a summary conviction court,
 - iv. in the case of a proceeding before a tribunal established under an Act of the Legislature of Ontario or under an Act of Parliament, before the tribunal, and
 - v. in the case of a proceeding before a person dealing with a claim or a matter related to a claim, before the person.

- Anything mentioned in subsection 1(7) of the Act, provided the activity is required by the rules of procedure governing a proceeding.
- Select, draft, complete or revise, or assist in the selection, drafting, completion or revision of, a document for use in a proceeding.
- Negotiate a party's legal interests, rights or responsibilities with respect to a proceeding or the subject matter of a proceeding.
- Select, draft, complete or revise, or assist in the selection, drafting, completion or revision of, a document that affects a party's legal interests, rights or responsibilities with respect to a proceeding or the subject matter of a proceeding.

“Proceeding” includes a proceeding or intended proceeding,

- a) in the Small Claims Court,
- b) in the Ontario Court of Justice under the *Provincial Offences Act*,
- c) in a summary conviction court under the *Criminal Code* (Canada),
- d) before a tribunal established under an Act of the Legislature of Ontario or under an Act of Parliament, or
- e) before a person dealing with a claim or a matter related to a claim, including a mediator, a person performing an evaluation, an arbitrator or the Director acting under section 280, 280.1, 282 or 283 or 284, respectively, of the *Insurance Act*;¹¹⁶

The LSO is currently assessing the possibility of expanding the scope of regulated paralegals to include some family law matters.¹¹⁷ The Bankalo Report, released in March 2017, recommends that the LSO create a specialized licence for paralegals to provide specified legal services in family law with the following features:

- Part of the education and training for the specialized license should include gender-based violence, family dynamics, client counselling, forms completion, ethics and professionalism, substantive and procedural family law and indicators that a client requires referral to a lawyer.
- The specialized license should include a practical, experiential component in family law.
- Specialized paralegals in family law would still be subject to regulation and oversight by the LSO and would require insurance for their services.

Justice Bonkalo stated in her report that family legal services providers should be trained and regulated, due to the complexity of family law and the vulnerability of clients dealing with family law matters. However, she recommended that, after a five-year review of instituting the specialized family law license for paralegals, the LSUC should consider whether it would be appropriate to allow others, such as mediators, law clerks and community legal workers, to undertake various forms of training to independently provide legal services in family matters with appropriate safeguards.¹¹⁸

The Bankalo Report recommends that the scope of practice for paralegals in family law matters be limited to providing legal services in the following areas of law: custody, access, simple child support cases, restraining orders, enforcement, and simple and joint divorces without property. It further recommends that paralegals be excluded from providing services for Hague Convention applications, child protection, property, spousal support, complex child support, and relocation.

The types of services recommended in the Bonkalo Report as being appropriate for paralegals include: conducting client interviews, completing forms and advising clients how to use them, obtaining and filing documents, communicating with the opposing party, providing representation in mediation and court proceedings other than trials, and advising clients generally about rights and obligations.¹¹⁹ The LSO is developing an action plan with the Attorney General, informed by consultation with members, to expand the scope of paralegals in the area of family law.¹²⁰

1.2. BRITISH COLUMBIA

Since July 2012, the *Code of Professional Conduct* for British Columbia has allowed paralegals supervised by a lawyer, called ‘designated paralegals,’ to give legal advice to clients in any area of law where a supervising lawyer deemed a designated paralegal competent and to make appearances at family law mediations and before tribunals and courts, as permitted.

The Law Society of British Columbia does not directly credential or regulate designated paralegals; they regulate the supervising lawyer, who is responsible for the conduct of the designated paralegal. The title, ‘designated paralegal’ does not transfer with the paralegal from job to job or from supervising lawyer to supervising lawyer; designation is an active process whereby the supervising lawyer must decide whether a paralegal has the skills, training and good character to perform the enhanced functions allowed for designated paralegals. The supervising lawyer must consider, on a case-by-case basis, whether a particular matter is suitable to delegate to the designated paralegal. Participating lawyers are permitted to supervise a maximum of two designated paralegals.¹²¹

In January of 2013, the Law Society of British Columbia began a pilot project in which the scope of practice for paralegals supervised by a lawyer was expanded. Designated paralegals were permitted to accept undertakings and to make limited courtroom appearances to deal with uncontested procedural family law matters and some contested matters.¹²² The British Columbia Provincial and Supreme Courts granted designated paralegals a limited right of audience in family law matters for the duration of the pilot project.¹²³

The Supreme Court project lasted for two years while the Provincial Court project ended just short of the three-year mark. The participation by lawyers willing to supervise the designated paralegals who were appearing in court was very low and once the pilot project ended the court appearance aspect of the designated paralegal scope of practice was discontinued, with the Law Society concluding that it would not pursue that course of action further.

Designated paralegals are still permitted to provide the legal services described above while under the supervision of a lawyer.¹²⁴ At present, although the British Columbia Code permits designated paralegals to appear in court as permitted by the court, the courts do not currently permit appearances. The courts have exclusive discretion to permit appearances by designated paralegals in the future.¹²⁵

In March 2016, the Law Society of British Columbia invited the 481 lawyers who supervise designated paralegals in British Columbia to take part in a voluntary survey. A majority (72%) of the 54 respondents said that using designated paralegals helped them deliver legal services at a lower cost to their clients, though 56% said that using a designated paralegal had not helped them take on matters they would otherwise turn down due to the client's inability to pay. With respect to services provided, 70% said that they have permitted their designated paralegal to give legal advice directly to a client and that they believe there can be an effective role for paralegals in court. With respect to feedback from clients who had been served by designated paralegals, 44% of respondents described it as being 'very favourable,' 30% as 'favourable,' 24% as neutral and 2% as 'unfavourable.'¹²⁶

The written comments in the Law Society of British Columbia survey were generally positive. The respondents who expressed concern about the designated paralegal initiative centred on concerns about having to compete with designated paralegals and concerns about using designated paralegals for complex matters. Many indicated they did not participate in the family law pilot project because they do not practice family law. Others stated that they would have sent their designated paralegal to court but either they did not have an appropriate opportunity to do so, or the paralegal was not comfortable going to court.¹²⁷

The Law Society of British Columbia is also exploring the potential to create and credential new classes of legal service providers to provide certain legal services without the supervision of a lawyer and subject to regulation by the Law Society.¹²⁸ The British Columbia Law Society's Legal Services Regulatory Framework Task Force preferred the approach of focusing on discrete areas of the law with a broader license for the types of services provided rather than on a broader focus of areas of law with a more restricted license for the types of services provided, as they believed that the former approach would lead to a greater improvement in access to legal services.¹²⁹ Despite this, British Columbia still identified general services where there was a high need: advocacy before administrative tribunals, small claims court and traffic court, and mediations and arbitrations.¹³⁰

British Columbia's Task Force was comfortable with a new class of regulated paralegals being permitted to provide legal information and advice, assist in drafting, fill out forms, coach clients, interpret substantive and procedural law, and with some limitations, be permitted to provide advocacy services (the full scope of which they plan to determine in consultation with the courts, administrative tribunals, lawyers, notaries and law schools) within the permitted areas recommended by the Task Force (family law, employment law and debtor/creditor law) and in accordance with credentialing requirements.¹³¹

2. UNITED STATES

2.1. WASHINGTON STATE

In Washington, LLLTs are authorized to engage in the limited practice of law in approved practice areas of law without the supervision of a lawyer but cannot represent clients in court proceedings or negotiation.¹³² Admission and Practice Rule (APR) 28 sets extensive lists of tasks that LLLTs are permitted to perform, tasks that are explicitly prohibited, and conditions under which LLLTs may provide services.¹³³ The Rule further provides that LLLTs will be held to the standard of care of a Washington state lawyer and to the ethical standards of the LLLT Rules of Professional Conduct. Finally, it provides that the laws of attorney-client privilege and a lawyer's fiduciary responsibility to the client in Washington apply to LLLT-client relationships to the same extent as an attorney-client relationship.¹³⁴

LLLTs may undertake the following:

- obtain relevant facts, and explain the relevancy of such information to the client;
- inform the client of applicable procedures for and the anticipated course of the legal proceeding;
- inform the client of applicable procedures for proper service of process and filing of legal documents;
- provide the client with approved self-help materials which contain information about relevant legal requirements, case law basis for the client's claim, and venue and jurisdiction requirements;
- review documents or exhibits that the client has received from the opposing side, and explain them to the client;
- select, complete, file, and effect service of: forms that have been approved by the State or the content of which is specified by statute; federal forms; forms prepared by a lawyer; and advise the client of the significance of the selected forms to the client's case;
- perform legal research and draft legal letters and documents beyond what is permitted in the previous paragraph, if the work is reviewed and approved by a lawyer;
- advise a client as to other documents that may be necessary to the client's case, and explain how such additional documents or pleadings may affect the client's case; and
- assist the client in obtaining necessary documents, such as birth, death, or marriage certificates.¹³⁵

LLLTs are prohibited from:

- representing a client in court proceedings, formal administrative adjudicative proceedings, or other formal dispute resolution process, unless permitted by unauthorized practice exemptions, described below;

- negotiating the client’s legal rights or responsibilities, or communicating with another person the client’s position or conveying to the client the position of another party, unless permitted by unauthorized practice exemptions;
- providing services to a client in connection with a legal matter in another state, unless permitted by the laws of that state to perform such services for the client; and
- representing or otherwise providing legal or law related services to a client, except as permitted by law, this rule or associated rules and regulations.¹³⁶

Before providing any services or receiving any fees, LLLTs are required to enter into a written contract with the client, signed by both the client and the LLLT, that includes the following provisions:

- an explanation of the services to be performed, including a conspicuous statement that the LLLT may not appear or represent the client in court, formal administrative adjudicative proceedings, or other formal dispute resolution process or negotiate the client’s legal rights or responsibilities, unless permitted under General Rule 24(b);
- identification of all fees and costs to be charged to the client for the services to be performed;
- a statement that upon the client’s request, the LLLT shall provide to the client any documents submitted by the client to the LLLT;
- a statement that the LLLT is not a lawyer and may only perform limited legal services. This statement shall be on the first page of the contract in minimum twelve-point bold type print;
- a statement describing the LLLT’s duty to protect the confidentiality of information provided by the client and the LLLT’s work product associated with the services sought or provided by the LLLT; and
- a statement that the client has the right to rescind the contract at any time and receive a full refund of unearned fees. This statement shall be conspicuously set forth in the contract.¹³⁷

2.2. UTAH

The Utah State Bar is in the process of creating the regulation scheme for Licensed Paralegal Practitioners (LPP) in that state. The Utah State Bar will administer all aspects of the LPP program and regulate LPPs in a manner very similar to the regulation scheme for lawyers. The latest meeting of the Steering Committee states some basic assumptions for how the program will be designed.

First, there will be three designated practice areas:

1. landlord-tenant law;
2. debt collection law; and
3. family law (limited to temporary separation, divorce, paternity, cohabitant abuse and civil stalking, custody and support, and name change).

Second, LPPs will be required to seek separate licensure in each and will not be permitted to represent corporations.

Third, training will be required to become licensed in each practice area; this training is still being developed but the current recommendation is that all LPPs will be trained in basic knowledge of substantive law, legal ethics, rules governing unauthorized practice of law, client intake and interviewing, providing appropriate information to clients, reading and analytical skills, research and writing skills, negotiation and mediation skills, general knowledge of the legal system and legal terminology, knowledge of the court system and administrative tribunals and procedures. In each designated practice area, LPP training will include general knowledge of that area of the law and understanding the relevant forms. Core competencies for each area of law are being developed.¹³⁸

The Utah State Bar has approved the Task Force recommendations with respect to scope of practice. An LPP will be permitted to:

- establish a contractual relationship with a client who is not represented by a lawyer;
 - conduct client interviews to understand the client's objectives and to obtain facts relevant to achieving that objective;
 - complete court-approved forms on the client's behalf;
 - advise which form to use; advise how to complete the form; sign, file and complete service of the form; obtain, explain and file any necessary supporting documents; and advise the client about the anticipated course of proceedings by which the court will resolve the matter;
 - communicate on behalf of the client with the other party
 - represent a client in mediated negotiations;
 - represent clients in non-mediated negotiations, but limited to matters raised directly related to or included in the forms;
 - prepare a written settlement agreement in conformity with the mediated agreement; and
 - advise a client about how a court order affects the client's rights and obligations.¹³⁹
-

APPENDIX C - RESULTS OF PUBLIC AND LEGAL SERVICE PROVIDER SURVEYS

A. THE PUBLIC SURVEY

There were 317 respondents to the public survey.

1. NEED FOR LEGAL ASSISTANCE

Participants were asked if they have ever needed assistance with a legal matter from someone who provides legal services. Most participants (85%) responded yes, and only a few (15%) answered no.

2. TYPE OF LEGAL ASSISTANCE NEEDED

TYPE OF LEGAL ASSISTANCE	PERCENT
Preparation of documents (such as a will, real estate document, or contract)	80%
Legal advice (but not representation in court, tribunal, mediation or arbitration)	57%
Representation in court, tribunal, mediation, or arbitration	41%
Other	7%

Participants were asked to indicate what type of legal assistance they required and were allowed to check all types that may apply. 80% of participants indicated that they had needed assistance with preparation of documents such as a will, real estate document, or a contract. 57% of participants indicated that they had needed legal advice, and 41% of participants required assistance with appearing before a court, tribunal, mediation or arbitration. Participants who selected 'other' in this question chose to specify the type of assistance they needed, which included assistance with a divorce, immigration matter, business licensing, corporate law issue, or information from the Better Business Bureau.

3. AREAS OF LAW REQUIRING LEGAL ASSISTANCE

AREA OF LAW	PERCENT
Real Estate	60%
Wills and Estates	58%
Family	45%
Small Claims	20%
Criminal	18%
Corporate Commercial	15%
Other	12%

Participants were asked to mark all the categories of areas of law in which they required assistance with legal services. More than half of the participants indicated that they had needed assistance with a real estate transaction (60%) and with creating a will or dealing with an estate matter (58%). Almost half of participants (45%) indicated that they needed assistance with a family law issue.

Participants answering this question appeared to struggle with classifying what areas of law their legal issues fell under, and several of the answers provided in the 'other' category could have been sorted into the prescribed categories. Participants who selected the 'other' for this question indicated that other areas of law where they required legal services included: assistance with a municipal government/bylaws dispute; civil law suits; employment, labour or workers compensation issues; administrative tribunal/discipline matters; human rights issues; and tax law issues.

4. RECEIPT OF ASSISTANCE

Participants were asked if someone assisted them with their legal matter, and if so to select all of the service providers who may have assisted them. 89% of participants received assistance and only 11% received no assistance.

a) THOSE WHO RECEIVED ASSISTANCE:

Of the 89% of participants who received assistance, 94% were assisted by a lawyer, 18% were assisted by a notary public, 16% were assisted by a paralegal, and only 1% was assisted by an Aboriginal Courtworker. 10% of participants selected 'other' for this question and indicated that they received assistance from friends, a free course at the Public Library, online materials, Public Legal Education Association (PLEA), Association des juristes d'expression française de la Saskatchewan (AJEFS), Information Services Corporation (ISC) staff, Free law, Family Justice Services (government), a judge, Legal Aid, a mediator, a trustee, the police, and/or a court clerk.

b) THOSE WHO DID NOT RECEIVE ASSISTANCE:

For the 11% of participants that indicated they did not receive any assistance, the survey asked them to indicate what they did instead. 50% of participants indicated they had represented themselves and 29% indicated that they abandoned their legal matter. Those who selected 'other' were still waiting to resolve the situation.

5. WHY SERVICES OF A LAWYER WERE NOT ENGAGED

31 participants provided qualitative information on why they did not use the services of a lawyer. Overwhelmingly, the majority of responses indicated that the cost of retaining a lawyer was the primary factor. Participants stated “the cost was too much” and that lawyers are “too expensive”. One participant stated the following:

“ Legal fees, even for consultations are expensive. In the end, I felt that even though I should have pursued legal action, I couldn't really afford it. Legal Aid wasn't available as my dispute wasn't criminal or family-law-related. CLASSIC wasn't an option as it's really for people from the inner city, which I am not.

~ Public survey participant

”

6. NATURE OF ASSISTANCE NEEDED

All participants were asked what other assistance they would have found useful in dealing with their legal matter. Although 177 participants skipped this question, 140 participants provided qualitative responses.

Here are a few of the quotes from participants:

“ It would be nice to be able to talk to someone just to get an idea of whether it would be worthwhile trying to resolve my problem legally. Many people don't know much about the legal system and have no idea if trying to resolve a certain issue through the courts is even possible

~ Public survey participant

”

“ It would have been nice to have someone meet or tell us what documents we would need before the lawyer met us. It would also have been nice to be able to get pricing information ahead of time, and perhaps a place to compare fees. It would have been nice to avoid seeing an actual lawyer because our commercial question was simple to answer and did not need to have an actual lawyer [to answer] our questions.

~ Public survey participant

”

“ Legal advice from someone who’s only purpose is not to maximize their income, but to help me resolve my dispute. Particularly in writing documents for the court without having them to be re-written several times by a lawyer at \$500/hr.

~ Public survey participant

”

Below is a brief summary of what participants indicated they would have found useful:

SUMMARY: WHAT OTHER ASSISTANCE WOULD YOU HAVE FOUND USEFUL?	
General information on how law courts work	To do more myself/understand the process (online or free classes)
Other professionals (accountants) to perform some business dealings	Someone to help draft documents or a template letter
Access to a legal professional at a reasonable cost	Someone to help me before I see a lawyer
Mediation	A transparent explanation of options and costs/risks before proceeding
More legal information (PLEA) and advice about the process in plain language/translated	Someone to clarify process and give preliminary advice
Someone to help me get the right documents	A less expensive option
Someone to review documents	A hotline (like 811) for legal information

7. TYPES OF SERVICES A NEW GROUP COULD PROVIDE

Participants were asked, “If we established a new group of trained individuals who were not lawyers but could provide some legal services, what types of services you think they should provide?” Participants were encouraged to mark all the responses they felt were appropriate. 247 people answered this question.

- 82% felt this new group could provide legal information;
- 81% felt this new group could help create legal documents (such as wills);
- 78% felt this new group could provide assistance in completing forms; and
- 50% felt this new group could act on their behalf in court

Of the participants that selected ‘other’ for this question (13%), it was suggested that this new group could act as a guide or helper, do some advance preparation for review by a lawyer, help navigate when dealing with larger entities (like ISC), or help get access to qualified mediators/arbitrators.

8. AREAS OF LAW WHERE A NEW GROUP COULD ASSIST

We asked participants to select all the areas of law that they felt a new group of trained individuals who were not lawyers could provide some legal services. Participants were permitted to mark more than one area of law. 244 participants responded to this question.

AREA OF LAW	PERCENT
Wills and Estates	79%
Real Estate	71%
Family Law	71%
Small Claims	70%
Traffic	57%
Immigration	33%
Criminal	32%
Corporate/Commercial	24%
Other	12%

The most popular areas of law indicated by participants were wills and estates, real estate, family law, and small claims. These areas of law could be considered everyday legal problems or ‘consumer’ legal areas of law. It is not uncommon for people to draft a will, buy or sell property, have a family law issue, a small claims matter, or receive a ticket for a traffic violation.

Participants who chose “other” for this question suggested that other areas of law may include debtor/creditor (bankruptcy, tax collection), condominium law, guardianship, estate law, powers of attorney, landlord/tenant, employment/workplace, civil cases, insurance, personal injury, medical negligence, labour law, appeals, tribunals, mediation, small business, and community/neighbour disputes.

B. THE LEGAL SERVICE PROVIDER SURVEY

The Legal Service Provider Survey was created for the legal community, specifically for those who provide some form of legal services to the public. In total, there were 907 responses. 470 of those responses came from lawyers, and 437 came from non-lawyer legal service providers.

Below are the highlights of the Legal Service Provider Survey. Please note that for many of the questions, the results of the Legal Service Provider Survey have been broken out into the responses of lawyers (approximately 52% of survey participants), and the responses of all other non-lawyer legal service provider participants (approximately 48% of survey participants).

1. TYPE OF LEGAL SERVICE PROVIDER

Most of the Legal Service Provider Survey participants were lawyers (52%). Another large group of survey takers were notaries public (26%). This is likely due to the fact that the survey was sent to these groups by email through mailing lists provided by the Law Society or Ministry of Justice. Only 6% of participants self-identified as a ‘paralegal’. Since this survey was also provided online, a broad range of legal service providers and others also participated.

Participants who selected ‘other’ for this question self-identified as a legal assistant, retired lawyer, court manager, judicial officer, court registrar, justice of the peace, court clerk, student-at-law, certified financial planner, income-tax-preparer, human resource manager, tribunal chairperson, Public Legal Education Association (PLEA) information provider, Community- Based Organizations (CBO) employee, government employee, arbitrator, executive/manager, social worker, college-level instructor, legal profession regulator, librarian, realtor, immigration consultant, farmer, and even a pet-sitter.

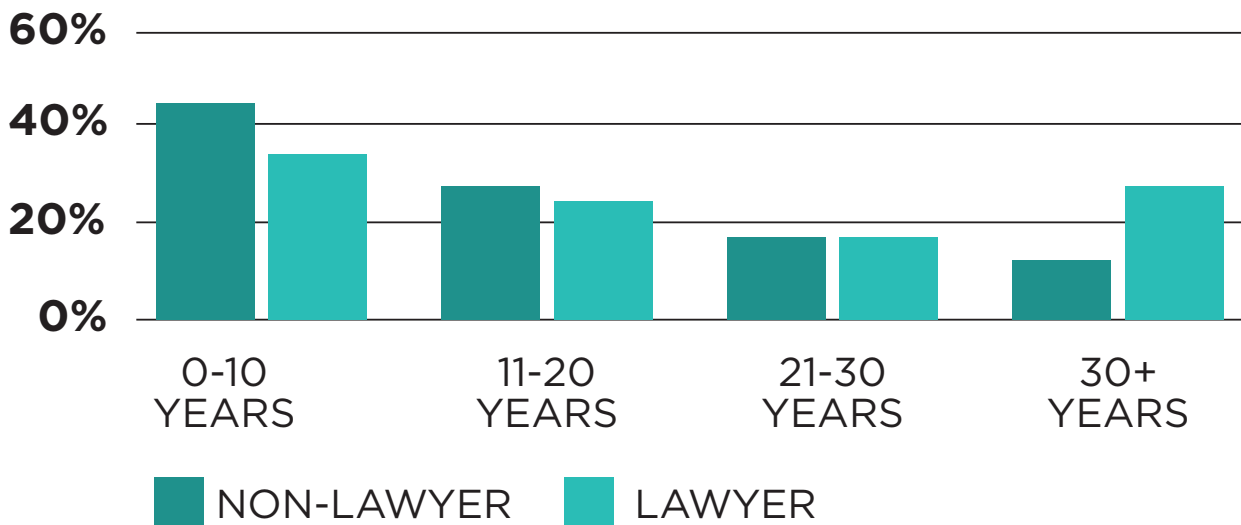
TYPE OF LEGAL SERVICE PROVIDER	PERCENT
Lawyer	52%
Notary Public	26%
Paralegal	6%
Mediator	1%
Community Advocate	1%
Other	14%

2. NON-LAWYER STAFF ASSISTING WITH LEGAL WORK

For those who self-identified as lawyers (470 participants) the survey asked whether participants had non-lawyer staff that assist in specific areas of work. 77% of lawyers indicated yes, and only 23% indicated no.

3. LENGTH OF TIME PROVIDING LEGAL SERVICES

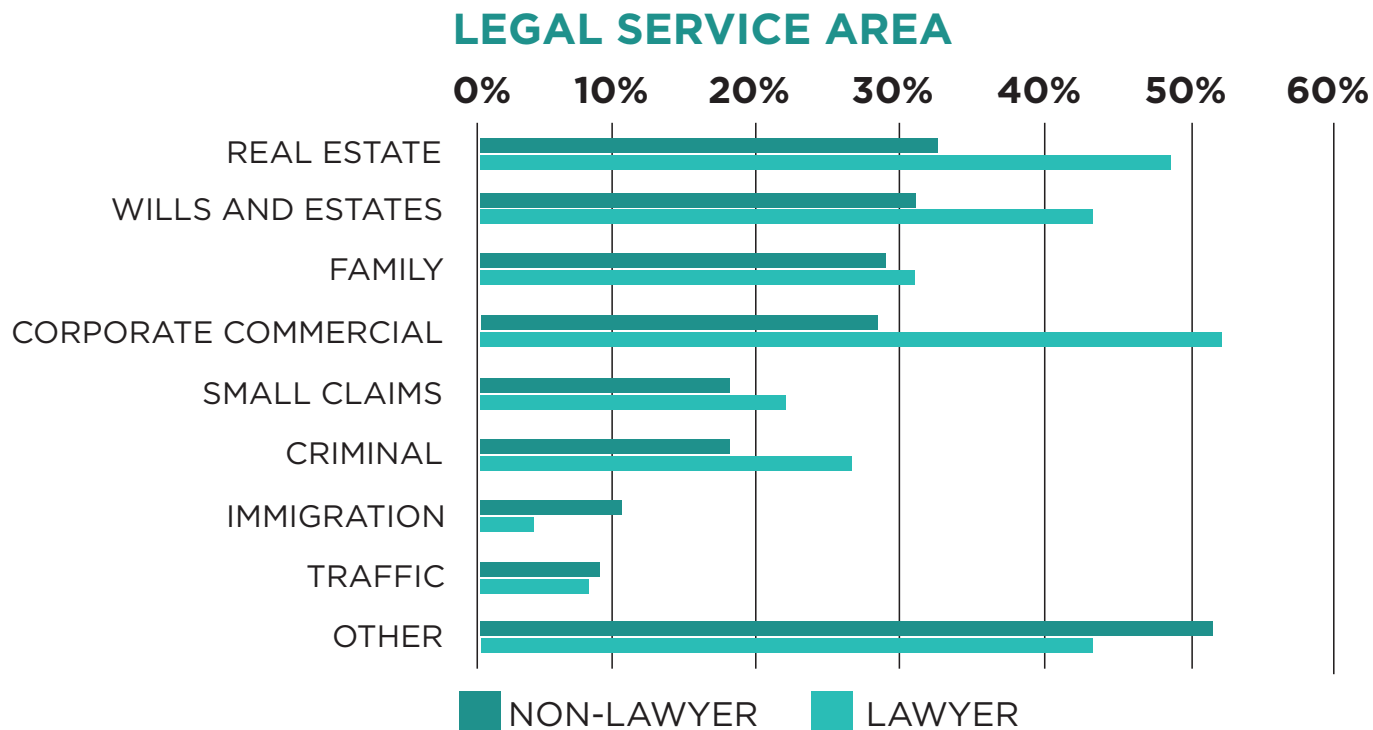
LENGTH OF TIME PROVIDING LEGAL SERVICES



All participants were asked how long they have been providing legal services. Most participants had only been providing legal services for 10 years or less (45% of non-lawyer legal service providers and 34% of lawyers, respectively). The number of individuals providing legal services appears to decline over time, with fewer participants providing service for more than 30 years, with the exception of lawyers. Over one quarter (27%) of lawyers indicated that they had been providing legal services for 30 years or more.

4. AREAS OF LAW

Participants were asked to indicate all the areas of law that they worked in. The categories provided include real estate, wills and estates, family, corporate/commercial, small claims, criminal, immigration, traffic, and 'other'. The top three listed areas indicated by lawyers were corporate/commercial, real estate, and wills and estates. The top three areas indicated by non-lawyers were real estate, wills and estates, and family law.

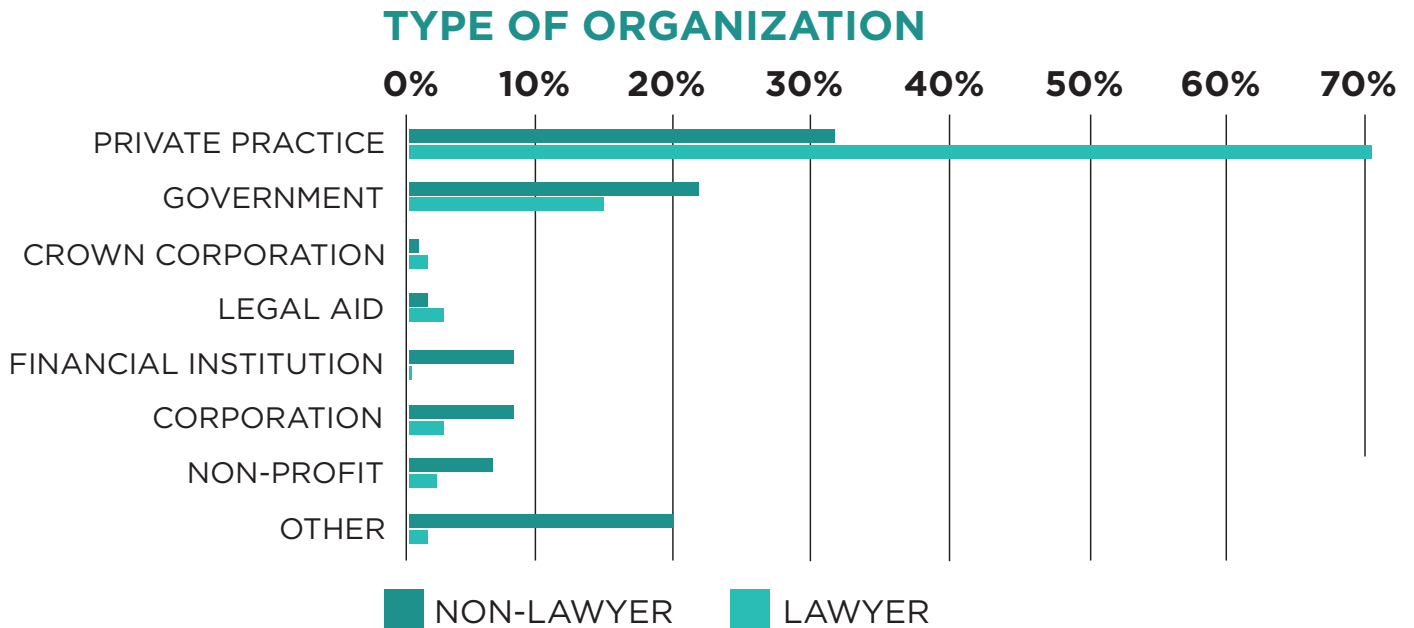


Over half of non-lawyers (51%) and just under half of lawyers (43%) selected 'other' for this question, indicating that the choices may have been too limited. The responses represent a wide spectrum of legal areas and services that are currently being provided in the province. Below is a summary of the areas identified by participants who selected the 'other' category.

NON-LAWYER (198 'OTHER' RESPONSES)	LAWYERS (196 'OTHER' RESPONSES)
<ul style="list-style-type: none"> • Notarize/sign a variety of documents • Rural administrator • Chartered professional accountant • Government litigation • Uncontested divorces - Swearing affidavits and homestead declarations and estates where property is joint • Financial lending/Credit Union 	<ul style="list-style-type: none"> • Civil litigation • Aboriginal Law • Tax • Municipal • Contracts • Property assessment • Crown Law • National security law

NON-LAWYER (198 'OTHER' RESPONSES)	LAWYERS (196 'OTHER' RESPONSES)
<ul style="list-style-type: none"> • Land titles registrations/interest registration • Office manager • Insurance claims – proof of loss • Queen’s Bench general – adoptions • Appeals of assessment, provincial taxes, planning road maintenance • Process server • Dissolution of corporations • Represented an employer at human rights hearing • Mediation • Municipal government • Education • Sheriff services • Abusive relationships/ youth justice • Health care/ College of Medicine • Elder law • Child welfare • Power of attorney law • Construction law • Administrator for rural and urban municipality • Debtor/Creditor • Litigation – Class Action • Transcript services • Natural resources • Insurance • Aboriginal law • Audit • Trademark law • Income tax • Land Sale/ISC land transfers • Administrative tribunals 	<ul style="list-style-type: none"> • Constitutional Law • Risk, compliance, governance • Privacy • International Trade • Collections • Adjudication, mediation, alternative dispute resolution • Mental health • Retired • Employment • Oil and Gas • Government • Intellectual property • Corporate Commercial • Securities • Ethics • Professional regulatory body • Municipal • Child protection • Professional regulation • Administrative Law • Landlord/Tenant • Indian residential schools • Procurement • Banking • Insurance • International transactions • In-house counsel • Police • Debtor/creditor • Class actions

5. TYPE OF ORGANIZATION



Participants were asked to indicate what type of organization they worked in, and were given the options of private practice, government, crown corporations, legal aid, financial institutions, corporations, non-profit organizations, or other. For both lawyers and non-lawyer service providers, the majority indicated that they worked in private practice (71% of lawyers and 33% of non-lawyer service providers) or government (16% of lawyers and 22% of non-lawyer service providers).

About 20% of non-lawyer service providers selected 'other'. There were a wide variety of areas identified: municipal government, benefit plans, the health region, were retired, were self-employed, at a land survey company, a small business, an insurance company, as a commissionaire, in education, at an agriculture dealership, at a naturopathic health centre, with an administrative tribunal, at CAA, at an accounting firm, with a university, as a funeral service provider, in tax preparation, as a real estate/insurance broker, and at a travel agency.

Nine comments were left in the other category by lawyers adding that some lawyers worked at a university, the Legislative Assembly, Pro Bono Law Saskatchewan, in legal consulting, at a trade union, or as a professional regulator.

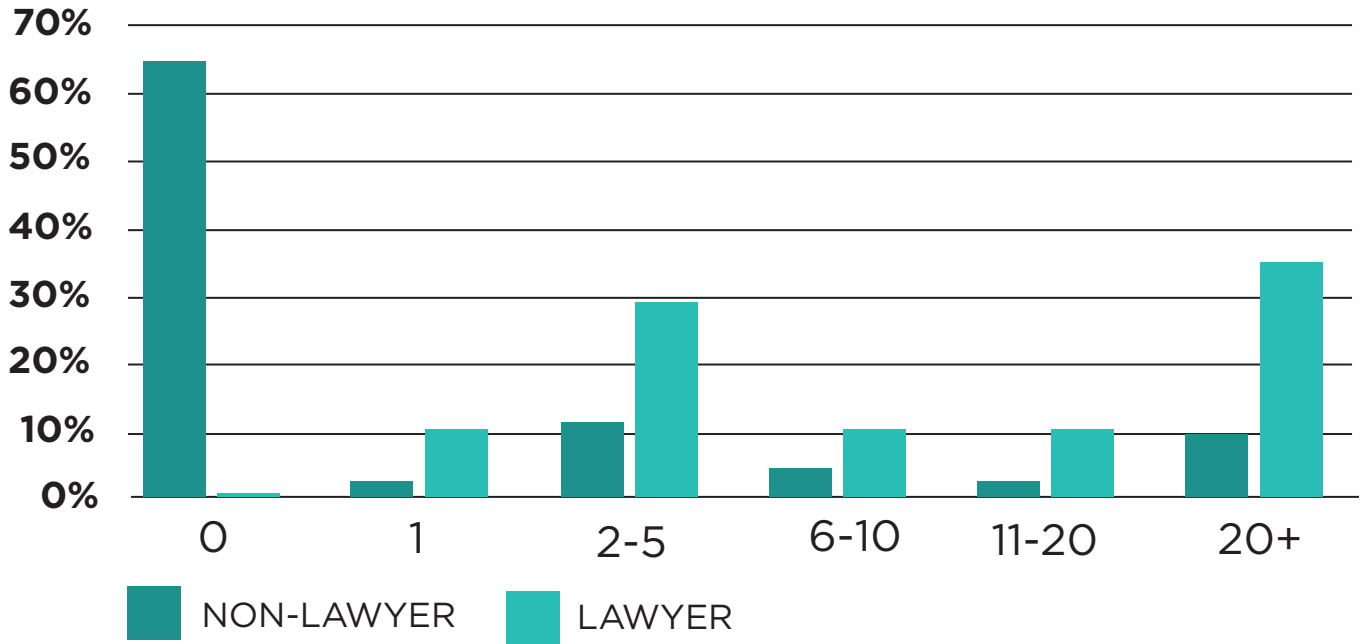
6. LEGAL SERVICES PROVIDED TO THE PUBLIC

Participants were asked whether their organization provided legal services to the public. 79% of lawyer participants indicated that their organization provided service to the public, whereas just under half of non-lawyer service providers (46%) indicated the same.

7. NUMBER OF LAWYERS IN ORGANIZATION

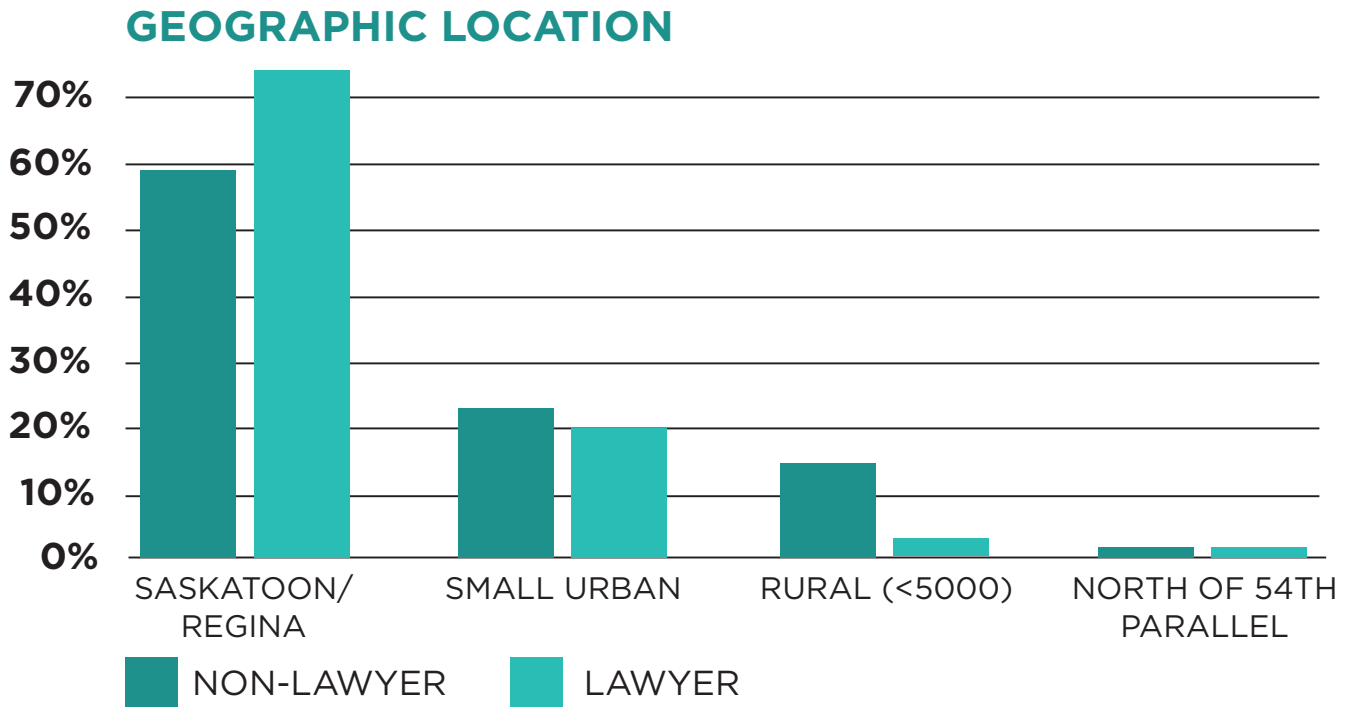
Participants were asked to indicate how many lawyers worked in their organization. Most non-lawyer service providers (65%) indicated that there were no lawyers working in their organization. Most lawyers indicated that they either work in small law firms with two to five lawyers or in a larger firm with 20 or more lawyers.

NUMBER OF LAWYERS IN ORGANIZATION



8. GEOGRAPHIC LOCATION

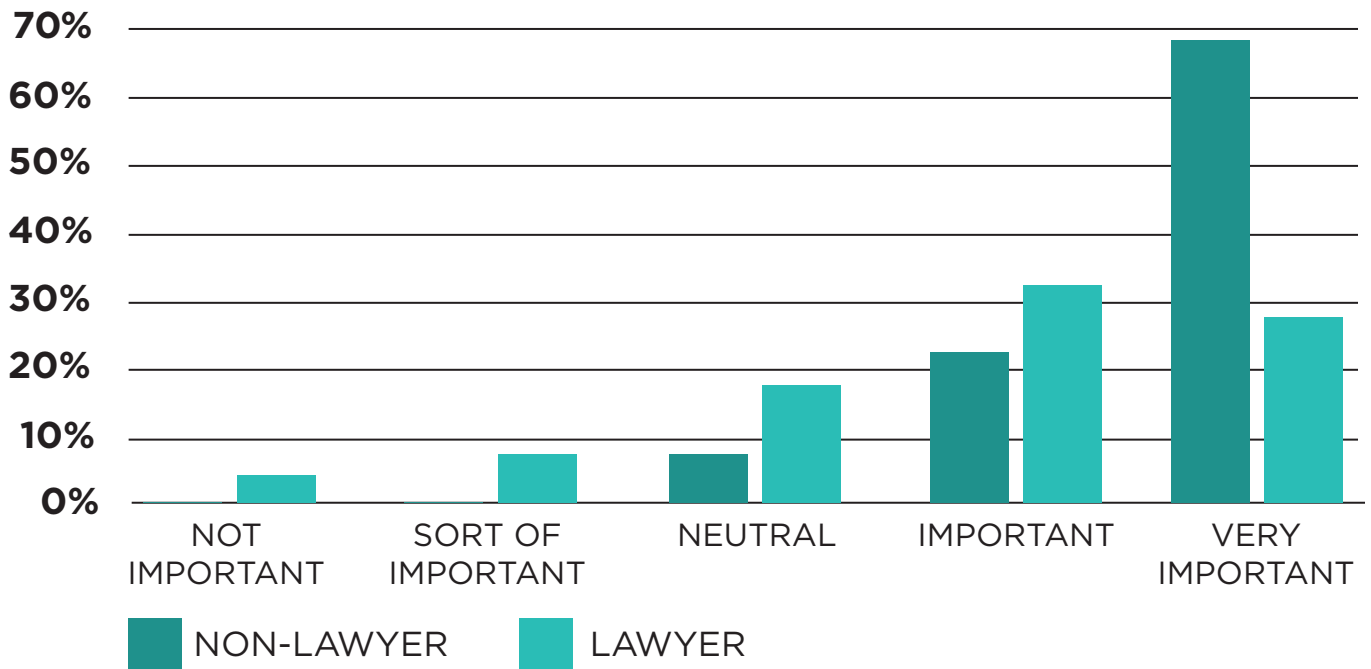
The largest number of responses to the survey came from participants working in either Regina or Saskatoon. Fewer responses were received outside the larger urban areas. In Regina and Saskatoon, more lawyers that took the survey than non-lawyer service providers. The reverse was true in small urban and rural centers where more non-lawyer service providers that took the survey than lawyers. More research would be needed to determine whether the survey responses are representative of the volume of lawyers/service providers in those areas, or if it just indicates an interest level in the subject matter of the survey.



9. IMPORTANCE OF IMPROVING ACCESS TO LEGAL SERVICES

Participants were asked to provide their opinion on how important it was to improve public access to legal services. A large majority of both lawyers (72%) and non-lawyer service providers (92%) indicated that public access to legal services was either important or very important.

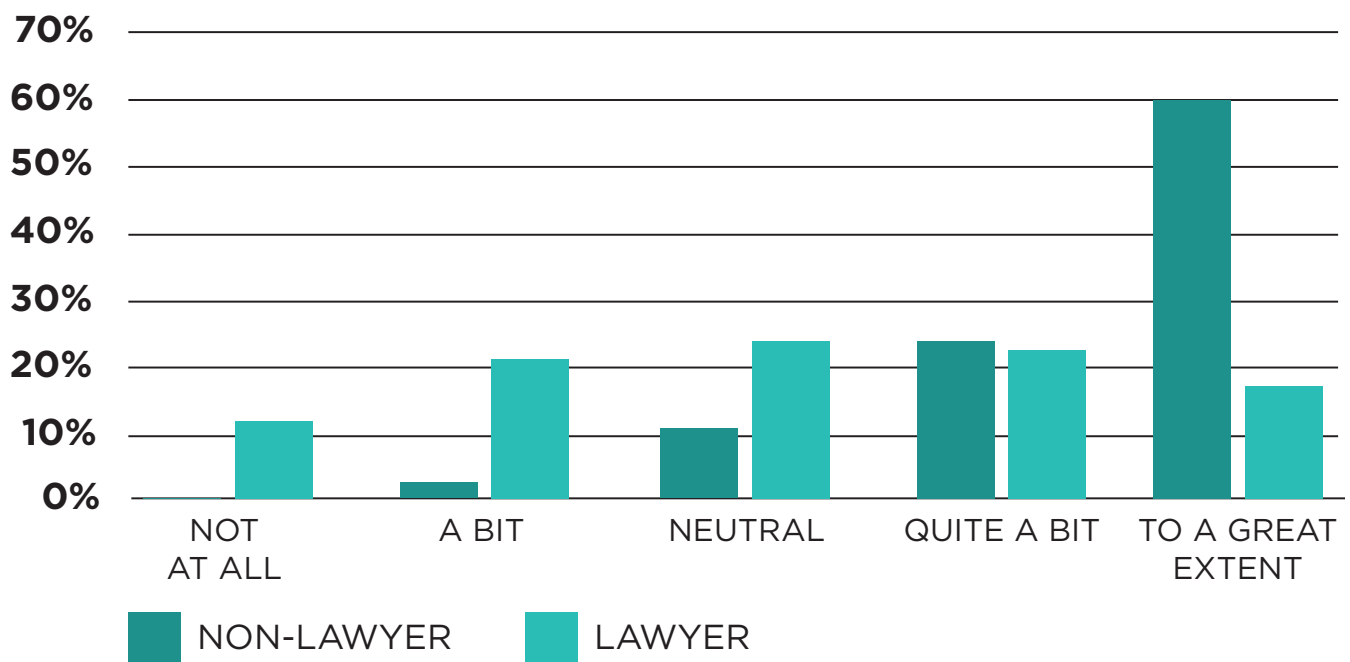
IMPORTANCE OF IMPROVING ACCESS TO LEGAL SERVICES



10. NEW SERVICE PROVIDERS - IMPROVE ACCESS TO LEGAL SERVICES

Participants were asked “to what extent could the establishment of a new group of trained legal service providers (e.g. legal technicians/paralegals) improve public access to legal services”. 60% of non-lawyer service providers indicated that a new group of trained legal service providers could improve access to justice to a great extent, and very few indicated that a new group would not improve access at all. Responses from lawyers were more dispersed across the categories with the highest response category being neutral.

IMPROVE ACCESS TO LEGAL SERVICES



11. AREAS OF LAW FOR NEW SERVICE PROVIDERS

The respondents to the legal service provider survey were also asked to rate the appropriateness for a group of trained legal service providers to work in seven listed areas of law on a five-point scale ranging from 'not at all appropriate' to 'very appropriate.' Respondents could also select 'other' as an answer and provide an explanation.

	APPROPRIATE OR VERY APPROPRIATE	NOT APPROPRIATE OR NOT AT ALL APPROPRIATE
LAWYERS	1. Traffic 67%	1. Criminal 62%
	2. Small claims 57%	2. Wills and estates 55%
	3. Real estate 43%	3. Other 55%
	4. Immigration 42%	4. Family 46%
	5. Family 32%	5. Immigration 41%
	6. Other 32%	6. Real estate 36%
	7. Wills and estates 22%	7. Small claims 23%
	8. Criminal 20%	8. Traffic 17%
NON-LAWYER SERVICE PROVIDERS	1. Real estate 81%	1. Criminal 51%
	2. Other 80%	2. Immigration 27%
	3. Wills and estates 76%	3. Family 23%
	4. Small Claims 76%	4. Traffic 13%
	5. Traffic 70%	5. Wills and estates 11%
	6. Family 53%	6. Other 11%
	7. Immigration 50%	7. Small Claims 8%
	8. Criminal 29%	8. Real estate 5%

All participants ranked criminal law as the highest for areas that would not be appropriate for non-lawyer legal service providers. Immigration and family law were also rated consistently as being inappropriate for non-lawyers. The biggest discrepancy appears to be with wills and estates, which non-lawyer legal service providers ranked as being very appropriate for non-lawyers while lawyers ranked it as being one of the most inappropriate areas.

Respondents who chose 'other' for this question were asked to explain their answer. The most commonly stated areas of law indicated as being appropriate for non-lawyers pertained to:

- administrative law;
- some aspects of corporate law, such as preparing incorporation and dissolution documents for corporations;
- collections and enforcement of money judgments; and
- municipal law (attending bylaw hearings).

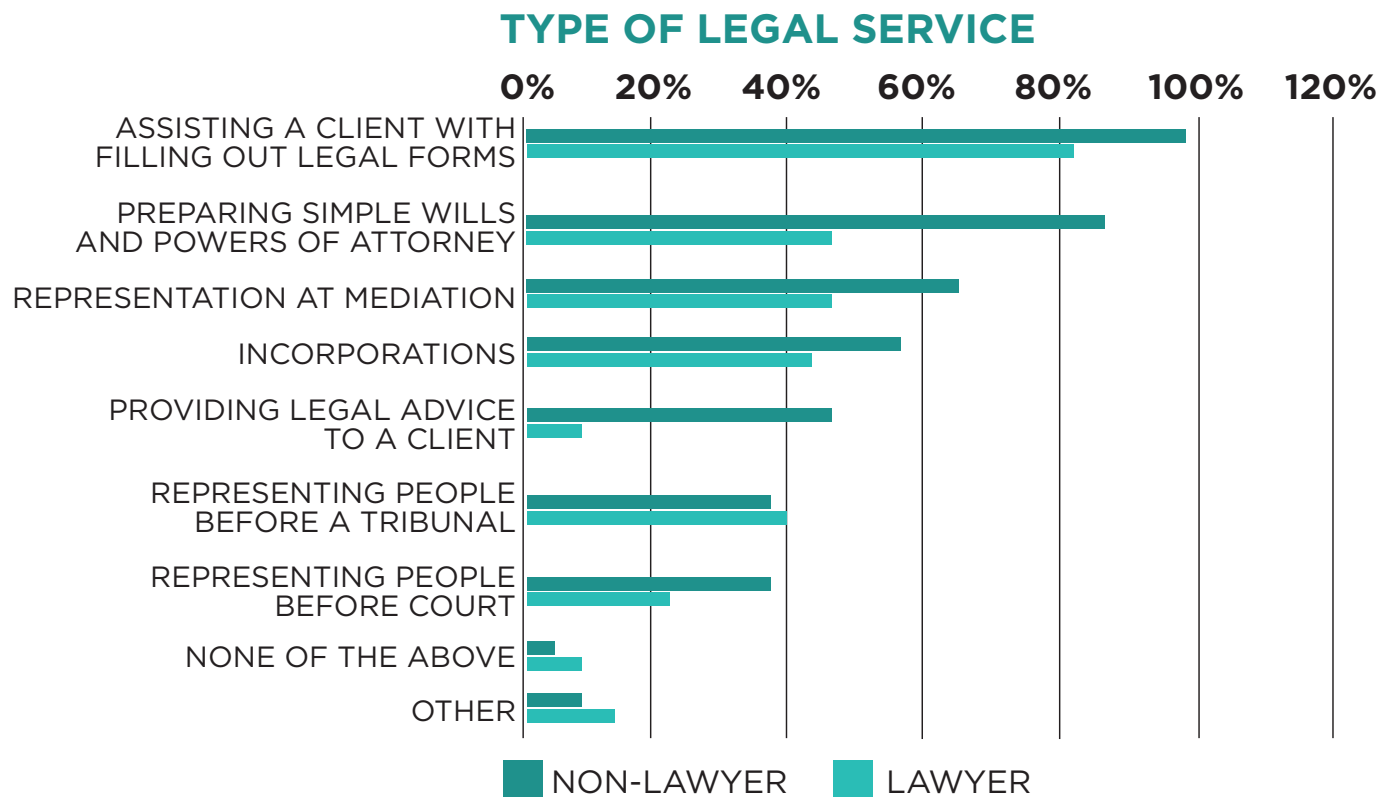
The responses were similar from each type of service provider. However, several lawyers also stated that civil litigation would be appropriate for non-lawyer legal service providers, but did not specify which aspects of civil litigation would be appropriate.

With respect to other areas that would not be appropriate for non-lawyers, the most common answers were as follows:

- Tax
- Securities
- Civil litigation in superior courts
- Corporate/commercial law

12. TYPES OF LEGAL SERVICES FOR NEW SERVICE PROVIDERS

Participants were asked to select all the types of legal services that a new group of trained service providers could offer to the public. They were also given the option to provide alternative services that were not listed, or to indicate that none of the services should be provided by non-lawyers.



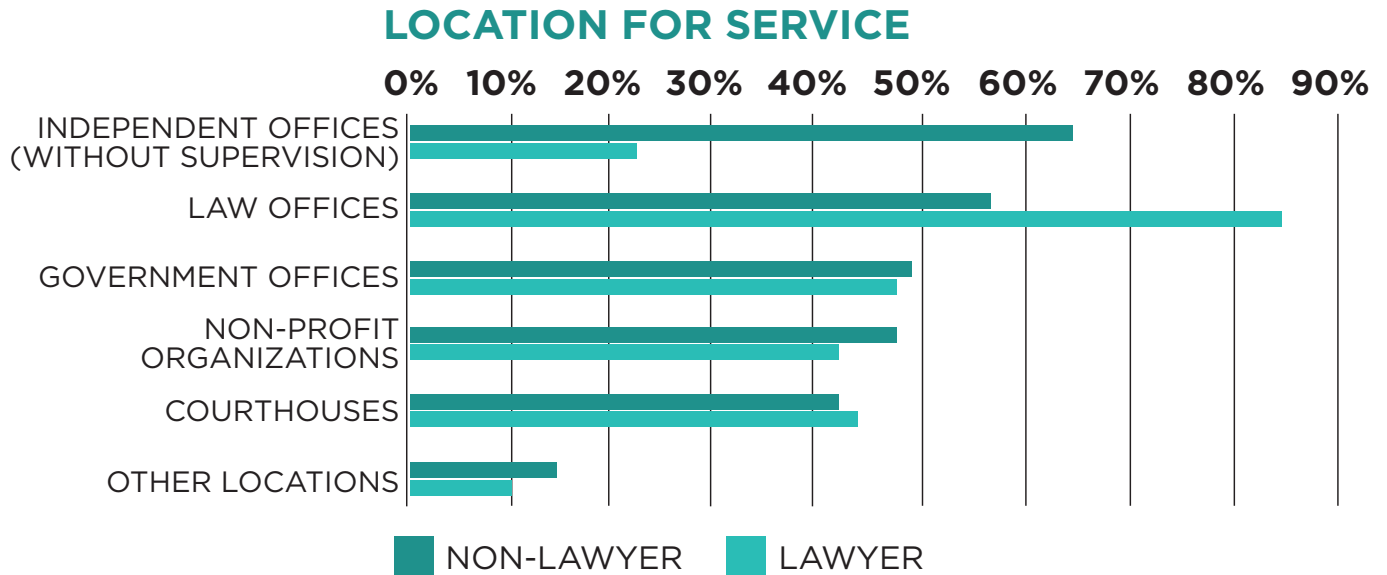
Assisting a client to complete legal forms was ranked the highest by all categories of service providers. The ranking of the services was fairly consistent across service providers, but the percentage who thought it was appropriate varied widely between lawyers and non-lawyer legal service providers. The biggest discrepancy was for providing legal advice, which 46% of non-lawyer participants felt was an appropriate service to be provided by non-lawyers, as compared to only 11% of lawyers.

Respondents who chose “other” for this question were asked to explain their answer. The answers provided included assistance in the following areas, in no particular order:

NON-LAWYER	LAWYERS
<ul style="list-style-type: none"> • Criminal summary offences • Loan agreements • Real Estate/mortgage prep • Annual corporate work • Preparing for a tribunal hearing • Commercial financing • Standard health care directives • Immigration matters • Assisting marginalized people • Legal advice on simple matters • Title transfers • Witnessing legal documents • Basic execution of documents (i.e. bank customer requires executing an out-of- province document received as a beneficiary of an estate) • Legal forms and simple wills & powers of attorney • Client collection of information • Legal research and draft writing • Basic execution of documents • Along-side other agencies that deal with mental health issues 	<ul style="list-style-type: none"> • Assisting in the preparation of trial matters • Helping draft basic court documents • Real estate conveyances • Advice to self-represented clients as to the court process • Simple/uncontested divorces/independent legal advice • Petroleum land administration • Explaining routine legal procedures • Adjournments/simple representation in court • Basic child support claims • Fulfilling trust conditions (under supervision) • Basic non-legal advice • Hand-holding and triaging for lawyers • Representing before small claims court • Tenancy contracts • Support for victims/witnesses • Support for self-reps (court – criminal and civil) • Foreclosure/bankruptcy • Anywhere a lawyer now works • Expanded counseling/education for parents/families • General advice on court processes/practices • Standing with and advising a client at traffic court • Preparing power of attorney and health care directives.

13. LOCATION FOR NEW SERVICE PROVIDERS

Participants were asked to select all of the locations where they felt a new group of trained legal service provider could provide services. The most popular location selected by lawyers was in law offices. The most popular location selected by non-lawyer service providers was independent offices (without supervision).



Participants who answered other in this question indicated a variety of other locations where a new group could provide services. Here is a summary of a few examples:

NON-LAWYER	LAWYERS
<ul style="list-style-type: none"> Independent offices (home offices) Set up a location within the new police station Private business Schools Libraries (public, courthouse, university) Financial planning organization Wherever it is handy for the client Municipal offices Independent offices with assistance from the department of justice Information Services Corporation In-home services where people have limited mobility Credit unions, insurance brokers Insurance agencies/financial institutions/accounting offices Funeral homes Churches Social services, seniors care Post-secondary education facilities Health facilities 	<ul style="list-style-type: none"> Non-profit and government (with extensive supervision) Independent offices In-house (supervised by a lawyer) Oil and gas corporations Trade unions, and employee representative organizations Legal Aid The Open Door Society Small Claims Satellite or stand-alone offices with access to or referral to a lawyer/firm when necessary

14. ASSESSMENT OF COMPETENCE

Participants were asked whether they believed there should be an assessment of competence required for any new group of service providers. 98% of non-lawyer service providers and 96% of lawyers felt that an assessment should be required.

15. LICENSE TO PRACTICE REQUIREMENT

Participants were asked whether they believed a license to practice should be required for any new group of legal service providers. Almost 91% of non-lawyer service providers and 94% of lawyers felt that a license should be required.

16. ADDITIONAL EDUCATION/TRAINING

Participants were asked “if you are not a lawyer, would you be willing to take additional education/training to be licensed to provide some form of legal services?” 65% of non-lawyer legal service providers indicated that they would be willing to take additional education/training, and 27% indicated that they would take training depending on the education requirements and topics covered. Very few participants (less than 2%) indicated that they would not take additional training.

17. SUPPORTING STAFF IN TAKING ADDITIONAL EDUCATION/TRAINING

Participants were asked whether they would be willing to support their staff who wished to take additional education/training to be licensed to provide some form of legal services. 75% of lawyers and 49% of non-lawyer service providers indicated that they would support their staff in taking additional education/training. Very few participants indicated they would be unsupportive of their staff taking additional education or training (8% of lawyers and 2% of non-lawyer service providers). The remainder indicated that the question was not applicable to their situation.

APPENDIX D - COMMON CONSULTATION QUESTIONS

- Do you have any statistics about the volume of individuals who seek your assistance with legal matters and the nature of their inquiries?
- What do you perceive as the current unmet legal needs of [your clients/your constituents]? What is the perceived gap between the services [you/your organization/your members/your staff] are able to provide and the needs of clients, if any?
- Where do [you/your clients] turn for legal supports or services, if any?
- What type of legal supports do [you/your clients] need?
- What is [your/your organization's/your members'] experience with self-represented litigants (SRLs)?
 - What is the frequency of SRLs appearing in proceedings?
 - What kinds of matters do SRLs appear on?
 - What sort of issues do SRLs present in proceedings?
 - Would [you/your client/your organization] benefit from SRLs receiving some form of additional assistance? If so, what sort of assistance?
- How are legal services typically delivered in [your community/your organization]? Are there any common trends we should be aware of?
- In what ways do non-lawyers assist [you/your organization/your members] in providing services to [your/their] clients? How much independence is given to non-lawyers involved in legal matters in your organization?
- If permitted to do so, is there more that [you/your staff/your members] could do independently or in partnership or collaboration with lawyers to improve the value of services to clients? Or If permitted to do so, is there more that non-lawyers could do in partnership or collaboration with [you/your organization/your members] to improve the value of services to clients?

- Is there anything that [you/your organization/your members/your staff] are expected/requested to do that they do not have the capacity/knowledge/training to do? Is there anything that [you/your organization/your members/your staff] feel they have the capacity/knowledge/training to do but are not currently permitted to do?
- How would [you/your organization/your members/your constituents] and your mandate be impacted by the creation of one or more new classes of legal service provider?
- What areas of law would be most appropriate for service provision by non-lawyers, if any? What factors impact your opinion?
- Do you think that there are any particular procedures that could be appropriately handled by a trained non-lawyer? Are there matters that would be inappropriate for this sort of assistance? What factors impact your opinion?
- How would requirements related to certification, regulation, and/or insurance for non-lawyer legal service providers impact [you/your organization/your members]?
- What training is provided to non-lawyers who work in your organization? Would your service providers benefit from formal or additional training in certain areas? If so, what areas?
- If non-lawyers were permitted to provide some legal services, what sort of training should they receive?
 - Formal training at a post-secondary institution or other educational setting?
 - Training provided by a regulatory or certifying body?
 - On-the-job training conducted by a lawyer responsible for overseeing a non-lawyer?
 - Another form of training or a combination of approaches?
- Do you support a move towards restructuring the provision of legal services in Saskatchewan? Why or why not?
- Do you have any other thoughts to offer about the issue being examined? What do you want us to know or consider as we examine this issue?

APPENDIX E - RESOURCES

LEGISLATION

An Act respecting the Barreau du Québec, CQLR c B-1.

Bill 97, *The Arbitration (Family Dispute Resolution) Amendment Act, 2017*, 2nd Sess, 28th Leg, Saskatchewan, 2018 (assented to 9 May 2018).

Bill 98, *The Miscellaneous Statutes (Family Dispute Resolution) Amendment Act, 2017*, 2nd Sess, 28th Leg, Saskatchewan, 2018 (assented to 9 May 2018).

Law Society Act, SNB 1996, c 89.

Legal Profession Act, RSA 2000, c L-8.

Legal Profession Act, RSPEI 1988, c L-6.1.

Legal Profession Act, SBC 1998, c 9.

Legal Profession Act, SNS 2004, c 28.

The Community Justice Program Regulations, RRS c G-5.1 Reg 96.

The Court Officials Act, 2012, SS 2012, c C-43.1.

The Justice and Attorney General Act, SS 1983, c J-4.3.

The Law Society Act, 1999, SNL 1999, c L-9.1.

The Law Society Act, RSO 1990, c L.8.

The Legal Aid Act, SS 1983, c L-9.1.

The Legal Aid Regulations, RRS c L-9.1, Reg 2.

The Legal Profession Act, 1990, SS 1990-91, c L-10.1.

The Legal Profession Act, CCSM 2002, c L107.

The Legal Services Act 2007 (UK), 2007, c 29.

The Notaries Public Act, SS 1978, c N-8.

The Workers' Compensation Act, 2013, SS 2013, c W-17.11.

The Small Claims Act, 2016, SS 2016, c S-50.12.

Youth Criminal Justice Act, SC 2002, c 1.

CASE LAW

R v McClure, 2001 SCC 14, [2001] 1 SCR 445, online: CanLII <https://www.canlii.org/en/ca/scc/doc/2001/2001scc14/2001scc14.html>.

Law Society of Saskatchewan v Mattison, 2015 SKQB 323, online: CanLII <https://www.canlii.org/en/sk/skqb/doc/2015/2015skqb323/2015skqb323.html?autocompleteStr=law%20society%20of%20saskatchewan%20v.%20matt&autocompletePos=1>.

Law Society of Saskatchewan v Siekawitch, 2016 SKQB 345, online: CanLII <https://www.canlii.org/en/sk/skqb/doc/2016/2016skqb345/2016skqb345.html?autocompleteStr=law%20society%20of%20saskatchewan%20v.%20sie&autocompletePos=1>.

Law Society of Upper Canada v Augier, 2013 ONSC 451, online: CanLII <https://www.canlii.org/en/on/onsc/doc/2013/2013onsc451/2013onsc451.html?autocompleteStr=law%20society%20of%20upper%20canada%20v.%20aug&autocompletePos=3>.

In Re: Opinion 33 of the Comm. on the Unauthorized Practice of Law, 733 A.2d 478, 484 (N.J. 1999) (quoting *In Re: Opinion No. 26 of the Comm. on the Unauthorized Practice of Law*, 654 A.2d 1344, 1352 (N.J. 1995)), online: FindLaw <http://caselaw.findlaw.com/nj-supreme-court/1438233.html>.

SECONDARY SOURCES: LEGAL SERVICES REGULATION

ALBERTA

Alternate Delivery of Legal Services Committee, *Alternative Delivery of Legal Services Final Report*, (February 2012), online: Canadian Bar Association http://www.cba.org/CBA/cle/PDF/JUST13_Paper_Billington.pdf

ARIZONA

Arizona Judicial Branch, *Legal Document Preparers*, online: Arizona Judicial Branch <http://www.azcourts.gov/cld/Legal-Document-Preparers>.

BRITISH COLUMBIA

Lucas, Michael and Doug Munro, *Delivery of Legal Services Task Force Final Report*, (Vancouver: Law Society of British Columbia, 2010), online: Law Society of British Columbia https://www.lawsociety.bc.ca/Website/media/Shared/docs/publications/reports/legalservices-tf_2010.pdf.

Lucas, Michael & Doug Munro, *Final Report of the Legal Service Providers Task Force*, (Vancouver: Law Society of British Columbia, 2013), online: Law Society of British Columbia https://www.lawsociety.bc.ca/Website/media/Shared/docs/publications/reports/LegalServicesProvidersTF_final_2013.pdf.

Lucas, Michael & Doug Munro, *Report of the Legal Services Regulatory Framework Task Force*, (Vancouver: Law Society of British Columbia, 2014), online: Law Society of British Columbia <https://www.lawsociety.bc.ca/Website/media/Shared/docs/publications/reports/LegalServicesRegulatoryFrameworkTF.pdf>.

Society of Notaries Public of British Columbia, *Services BC Notaries Provide*, online: Society of Notaries Public of British Columbia <http://www.notaries.bc.ca/resources/showContent.rails?page=Services%20BC%20Notaries%20Provide>.

The Law Society of British Columbia, *Code of Professional Conduct for British Columbia*, (Vancouver: Law Society of British Columbia, 2013), online: Law Society of British Columbia <https://www.lawsociety.bc.ca/support-and-resources-for-lawyers/act-rules-and-code/code-of-professional-conduct-for-british-columbia/>.

The Law Society of British Columbia, *Designated Paralegal Survey 2016*, (Vancouver: Law Society of British Columbia, 2016), online: Law Society of British Columbia <https://www.lawsociety.bc.ca/Website/media/Shared/docs/practice/resources/DesignatedParalegalSurvey.pdf>.

The Law Society of British Columbia, *Paralegals*, online: Law Society of British Columbia <https://www.lawsociety.bc.ca/support-and-resources-for-lawyers/law-office-administration/paralegals/>.

The Law Society of British Columbia, *Paralegals pilot project aims to reduce price of legal services, increase access to justice*, (Vancouver: 2 January 2013), online: Law Society of British Columbia <https://www.lawsociety.bc.ca/about-us/news-and-publications/news-archive/2013/paralegals-pilot-project-aims-to-reduce-price-of-l/>.

CALIFORNIA

California Association of Legal Document Assistants, *What is CALDA?*, online: California Association of Legal Document Assistants <http://www.calda.org/who-we-are>.

The State Bar of California, *Limited License Working Group*, online: The State Bar of California <https://www.calbar.ca.gov/About-Us/Who-We-Are/Board-of-Trustees/Board-Task-Force/Limited-License-Working-Group>

CANADA

Competition Bureau Canada, *Self-Regulated Professions: Balancing Competition and Regulation*, (2007), online: Competition Bureau Canada <http://www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/eng/02524.html#lawyers>.

Federation of Law Societies of Canada, *National Requirement*, (1 January 2018), online: Federation of Law Societies of Canada <https://flsc.ca/wp-content/uploads/2018/01/National-Requirement-Jan-2018-FIN.pdf>.

COLORADO

Manor, Ali & Tony Flesor, "Colorado Shifts Focus From LTT", *Law Week Colorado* (20 July 2016) online: Law Week Colorado <http://lawweekcolorado.com/2016/07/colorado-shifts-focus-from-ltt/>.

FLORIDA

Florida Association of Legal Document Preparers, *About FALDP*, online: Florida Association of Legal Document Preparers <https://www.faldp.org/About-FALDP-Contact-FALDP.html>.

NEVADA

Nevada Secretary of State, *Document Preparation Services*, online: Nevada Secretary of State <http://nvsos.gov/sos/licensing/document-preparation-services>.

NEW YORK

Lippman, Jonathan, A. Gail Prudenti, Fern A. Fisher & Rochelle Klempner, *New York State Courts Access to Justice Program 2014 Report*, (New York: 2014), online: New York Courts http://nycourts.gov/ip/nya2j/pdfs/NYA2J_2014report.pdf.

New York State Unified Court System, *Court Navigator Program*, online: New York State Unified Court System http://www.nycourts.gov/COURTS/nyc/housing/rap_prospective.shtml.

NOVA SCOTIA

Nova Scotia Barristers' Society, *FAQs and Glossary*, online: Nova Scotia Barristers' Society <http://nsbs.org/faqs-glossary>.

Legal Information Society of Nova Scotia, *LISNS Award Winning Public Navigator Project*, online: Legal Information Society of Nova Scotia <https://www.legalinfo.org/current-projects/about-the-pn-project?highlight=WyJwdWJsaWMiLCInCHVibGljIiwicHVibGljJ3MiLCJuYXZpZ2F0b3liLCJwdWJsaWMgmbF2aWdhG9yIl0>.

ONTARIO

Bass, Julia, *Paralegal Standing Committee Report to Convocation*, (29 March 2007), online: Law Society of Ontario http://www.lsuc.on.ca/media/convmar2907_paralegal.pdf.

Bonkalo, Justice Annemarie E., *Family Legal Services Review*, (31 December 2016), online: Ministry of the Attorney General https://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/family_legal_services_review/.

Law Society of Ontario, *About Your Paralegal Licence*, online: Law Society of Ontario <http://www.lsuc.on.ca/For-Paralegals/About-Your-Paralegal-Licence/>.

Law Society of Ontario, *By-law 4*, online: Law Society of Ontario <http://www.lsuc.on.ca/WorkArea/DownloadAsset.aspx?id=2147485805>.

Law Society of Ontario, *News Archives: Law Society benchers approve action plan to improve access to justice for families via special licensing for paralegals and others*, (Toronto: 1 December 2017), online: The Law Society of Ontario <http://www.lsuc.on.ca/newsarchives.aspx?id=2147485737&cid=2147504309>.

Law Society of Ontario, *Paralegal Education Program Accreditation*, online: Law Society of Ontario <http://www.lsuc.on.ca/For-Paralegals/About-Your-Licence/Paralegal-Education-Program-Accreditation/>.

Law Society of Ontario, *Paralegal Licensing*, online: Law Society of Ontario <http://www.lsuc.on.ca/licensingprocessparalegal.aspx?id=2147495399>.

Law Society of Ontario, *Paralegal Licensing Process FAQs*, online: Law Society of Ontario <http://www.lsuc.on.ca/licensingprocessparalegal.aspx?id=2147491230#s1q1>.

Law Society of Ontario, *Paying Your Law Society Fees*, online: Law Society of Ontario <http://lsuc.on.ca/For-Paralegals/About-Your-Licence/Paying-Your-Law-Society-Fees/>.

Ministry of the Attorney General, *Expanding Legal Services Options for Ontario Families*, (Family Legal Services Review: 9 February 2016), online: Ministry of the Attorney General https://www.attorneygeneral.jus.gov.on.ca/english/family/legal_services_consultation_paper.html.

Morris, David J., *Report of Appointee's Five-Year Review of Paralegal Regulation in Ontario – Pursuant to Section 63.1 of the Law Society Act*, (November 2012), online: Ministry of the Attorney General http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/paralegal_review/Morris_five_year_review-ENG.pdf.

Paralegal Task Force, *Final Report: Paralegal Task Force Report*, (March 2000), online: Law Society of Ontario http://www.lsuc.on.ca/media/paralegalfinalrept_en.pdf.

Policy Secretariat, *Report to Convocation: Task Force on Paralegal Regulation*, (23 September 2004), online: Law Society of Ontario http://www.lsuc.on.ca/media/convsept04_paralegal_report.pdf.

The Law Society Task Force on Paralegal Regulation, *Regulating Paralegals: A Proposed Approach*, (May 2004), online: Law Society of Ontario http://www.lsuc.on.ca/media/may1304_paralegal.pdf.

The Law Society of Upper Canada, *2014 Annual Report*, (Ontario: Law Society of Upper Canada, 2015) online: Law Society of Ontario <http://www.annualreport.lsuc.on.ca/2014/en/index.html>.

The Law Society of Upper Canada, *An Analysis of A Framework for Regulating Paralegal Practice in Ontario*, (July 2000), online: Law Society of Ontario <http://lsuc.on.ca/media/analysiscorysreport.pdf>

The Law Society of Upper Canada, *Report to the Attorney General of Ontario Pursuant to Section 63.1 of the Law Society Act*, (Law Society of Upper Canada, June, 2012), online: Law Society of Ontario <http://www.lsuc.on.ca/WorkArea/DownloadAsset.aspx?id=2147488010>.

The Law Society of Upper Canada, *The Law Society of Upper Canada 2017 Budget and Three Year Forecast*, (9 November 2016), online: Law Society of Ontario https://www.lsuc.on.ca/uploadedFiles/For_the_Public/About_the_Law_Society/Convocation_Decisions/2016/Budget-Book-2017-Final-Version-Public-Accessible%20for%20Website.pdf.

SASKATCHEWAN

Beaudry, Lindsay, Tyne Hagey, Stephanie Kingsbury, Brooklyn Thorpe & Stacey Walker, *A Discussion Paper on Introducing Paralegals into the Saskatchewan Legal Market*, (Saskatoon: Dean's Forum on Dispute Resolution and Access to Justice, University of Saskatchewan, College of Law, 12 March 2015), online: University of Saskatchewan College of Law https://law.usask.ca/documents/research/deans-forum/10_Non-LawyerLegalServices_PolicyDiscussion_2015DeansForum.pdf.

Falk, Ashley, Michelle Korpan & Noah Wernikowski, *Follow Up Report & Summary Notes on Legal Information, Legal Advice & Access to Justice*, (Saskatoon: Dean's Forum on Dispute Resolution and Access to Justice, University of Saskatchewan, College of Law, 1 March 2017), online: University of Saskatchewan College of Law <https://law.usask.ca/documents/research/deans-forum/Follow-Up%20Report%20Summary%20Notes%20-%20Legal%20Information,%20Legal%20Advice,%20Access%20to%20Justice.pdf>.

Falk, Ashley, Michelle Korpan & Noah Wernikowski, *Legal Information, Legal Advice & Access to Justice*, (Saskatoon: Dean's Forum on Dispute Resolution and Access to Justice, University of Saskatchewan, College of Law, 1 March 2017), online: University of Saskatchewan College of Law <https://law.usask.ca/documents/research/deans-forum/Paper%201%20-%20Legal%20Information,%20Legal%20Advice%20Access%20to%20Justice%20.pdf>.

Law Society of Saskatchewan, *Code of Professional Conduct*, (Regina: Law Society of Saskatchewan, 2012), online: Law Society of Saskatchewan <https://www.lawsociety.sk.ca/lawyer-regulation/code-of-professional-conduct/>.

UNITED KINGDOM

Legal Services Board, *Welcome to the Legal Services Board*, online: Legal Services Board <http://www.legalservicesboard.org.uk/>.

UTAH

Cassens Weiss, Debra, *Utah Supreme Court backs licensed paralegal practitioners*, (ABA Journal, 16 December 2015), online: ABA Journal http://www.abajournal.com/news/article/utah_supreme_court_backs_limited_practitioner_paralegals/.

Utah Courts, *Licensed Paralegal Practitioner*, online: Utah Courts <https://www.utcourts.gov/utc/limited-legal/>.

Utah State Courts, *Supreme Court Task Force to Examine Limited Legal Licensing: Report and Recommendations*, (Utah State Court, 18 November 2015) online: Utah Courts http://www.utcourts.gov/committees/limited_legal/Supreme%20Court%20Task%20Force%20to%20Examine%20Limited%20Legal%20Licensing.pdf.

WASHINGTON STATE

Legal Technicians Task Force, *Final Report to the Board of Governors*, (February 2015), online: http://bog11.homestead.com/LegalTechTF/Jan2015/Report_22Jan2015.pdf.

Task Force on Civil Equal Justice Funding, *The Washington State Civil Legal Needs Study*, (September 2003), online: Washington Courts http://www.courts.wa.gov/newsinfo/content/Task_Force/civillegalneeds.pdf.

Washington Courts, *Admission and Practice Rules*, online: Washington Courts http://www.courts.wa.gov/court_rules/?fa=court_rules.list&group=ga&set=apr.

Washington Courts, *Admission and Practice Rules: APR 12: Limited Practice Rule for Limited Practice Officers*, (2017), online: Washington Courts http://www.courts.wa.gov/court_rules/?fa=court_rules.rulesPDF&ruleId=gaapr12&pdf=1.

Washington Courts, *Admission and Practice Rules: APR 28: Limited Practice Rule For Limited License Legal Technicians*, (2017), online: Washington Courts http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=ga&set=APR&ruleid=gaapr28.

Washington Courts, *General Rules: General Rule 24*, (2002), online: Washington Courts http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=ga&set=GR&ruleid=gagr24.

SECONDARY SOURCES: OTHER MATERIALS

ADR Institute of Canada, *About Us*, online: ADR Institute of Canada <http://adric.ca/about-adr/>.

Baxter, Jamie & Albert Yoon, “No Lawyer for a Hundred Miles? Mapping the New Geography of Access of Justice in Canada” (2014) 52 Osgoode Hall LJ 9, online: Osgoode Digital Commons <http://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=2791&context=ohlj>.

Baxter, Jamie & Albert Yoon, *The Geography of Civil Legal Services in Ontario: Report of the Mapping Phase of Civil Legal Needs Project*, (Toronto: Ontario Civil Needs Project, May 2010), online: Law Society of Ontario <http://lsuc.on.ca/OCLNP>.

Bond, Jennifer, David Wiseman & Emily Bates, “The Cost of Uncertainty: Navigating the Boundary Between Legal Information and Legal Services in the Access to Justice Sector” (2014) 25 J L & Soc Pol’y 1, online: Osgoode Digital Commons <http://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=1222&context=jlsp>.

Boyd, John-Paul E. & Lorne D. Bertrand, *Comparing the Views of Judges and Lawyers Practicing in Alberta and in the Rest of Canada on Selected Issues in Family Law: Parenting, Self-represented Litigants and Mediation*, (Canadian Research Institute for Law and the Family, April 2016), online: Canadian Research Institute for Law and the Family <http://www.criif.ca/Documents/NFLP%20Survey%20Alberta%20and%20Rest%20of%20Canada%20on%20Family%20Law%20Issues%20-%20Apr%202016.pdf>.

Canadian Bar Association, *Reaching Equal Justice Report: An Invitation to Envision and Act*, (CBA: November 2013), online: CBA http://www.cba.org/CBAMediaLibrary/cba_na/images/Equal%20Justice%20-%20Microsite/PDFs/EqualJusticeFinalReport-eng.pdf.

Canadian Forum on Civil Justice, *Alberta Legal Services Mapping Project* (ALSMP), (Canadian Forum on Civil Justice, 2010), online: Canadian Forum on Civil Justice <http://www.cfcj-fcjc.org/alberta-legal-services>.

CBA Legal Futures Initiative, *The Future of Legal Services in Canada: Trends and Issues*, (2013), online: CBA https://www.cba.org/CBAMediaLibrary/cba_na/PDFs/CBA%20Legal%20Futures%20PDFS/trends-issues-eng.pdf.

Collaborative Professionals of Saskatchewan, Inc., *A Better Way to Separate or Divorce*, online: Collaborative Professionals of Saskatchewan <http://www.collabsask.com/index.php>

Community Legal Assistance Services for Saskatoon Inner City, *How We Can Help*, online: CLASSIC <http://www.classiclaw.ca/what-we-do.html>.

CREATE Justice, *Justice and Health Partnership Community of Interest*, online: University of Saskatchewan College of Law <https://law.usask.ca/createjustice/projects/justice-and-health-partnership-community-of-interest-.php>.

CREATE Justice, *Saskatchewan Access to Legal Information Project*, online: University of Saskatchewan College of Law <https://law.usask.ca/createjustice/projects/Saskatchewan-Access-to%20Legal-Information.php>.

Currie, Ab, *A National Survey of the Civil Justice Problems of Low and Moderate Income Canadians: Incidence and Patterns*, (Ottawa: Department of Justice Canada, Research and Statistics Division, 2005), online: Canadian Forum on Civil Justice <http://www.cfcj-fcjc.org/sites/default/files/docs/2006/currie-en.pdf>.

Currie, Ab, *The Legal Problems of Everyday Life: The Nature, Extent and Consequences of Justiciable Problems Experienced by Canadians*, (Ottawa: Department of Justice Canada, 2007), online: International Conference of Legal Regulators <https://iclr.net/wp-content/uploads/2018/05/canadian-study.pdf>.

Farrow, Trevor C.W., Ab Currie, Nicole Aylwin, Les Jacobs, David Northrup and Lisa Moore, *Everyday Legal Problems and the Cost of Justice in Canada: Overview Report*, (Canadian Forum on Civil Justice, 2016) online: Canadian Forum on Civil Justice <http://www.cfcj-fcjc.org/sites/default/files/Everyday%20Legal%20Problems%20and%20the%20Cost%20of%20Justice%20in%20Canada%20-%20Overview%20Report.pdf>.

Fenwick, Kevin, *Hearing Back: Piecing Together Timeliness in Saskatchewan's Administrative Tribunals*, (Regina: Ombudsman Saskatchewan, December 2007), online: Ombudsman Saskatchewan <https://www.ombudsman.sk.ca/uploads/document/files/hearing-back-en.pdf>.

Foundation of Administrative Justice, *CTAJ Certificate Program*, online: Foundation of Administrative Justice <https://foaj.ca/education/ctaj-certificate-program/>.

Government of Saskatchewan, *Guidelines for the Use of Notaries Public*, online: Publications Saskatchewan [http://publications.gov.sk.ca/documents/9/94333-Guidelines%20\(new%20online\)%20Notary%20Public%20-%20-%20September%202016.pdf](http://publications.gov.sk.ca/documents/9/94333-Guidelines%20(new%20online)%20Notary%20Public%20-%20-%20September%202016.pdf).

Government of Saskatchewan, *Summary – The Notaries Public Act*, online: Publications Saskatchewan <http://publications.gov.sk.ca/documents/9/87558-The%20Notaries%20Public%20Act.pdf>.

Ha-Redeye, Omar, "The Other Legal Professionals", *Slaw* (5 July 2015) online: Slaw <http://www.slaw.ca/2015/07/05/the-other-legal-professionals/>.

Law Society of Saskatchewan, *2017 Annual Report*, online: Law Society of Saskatchewan <https://www.lawsociety.sk.ca/media/394452/ar2017.pdf>.

Law Society of Saskatchewan, February 2018 Statistics, [unpublished].

Law Society of Saskatchewan, April 2018 Statistics, [unpublished].

Law Society of Saskatchewan, May 2018 Statistics, [unpublished].

Leering, Michele, *Community Legal Needs Assessment: Examining the Need for Access to Justice for Low-Income Residents of Lennox & Addington County*, (Hastings and Prince Edward Legal Services, 2001), online: Namati <https://namati.org/wp-content/uploads/2016/06/LegalNeedsAssessment.pdf>.

Legal Aid Saskatchewan, *About Us*, online: Legal Aid Saskatchewan <https://www.legalaid.sk.ca/about/index.php>.

Legal Zoom, *Corporation Centre*, online: Legal Zoom <http://www.legalzoom.ca/>

Lindzon, Jared, "I want to be a paralegal. What will my salary be?", *The Globe and Mail* (originally published 9 September 2015, updated 25 March 25 2017), online: The Globe and Mail <https://www.theglobeandmail.com/report-on-business/careers/career-advice/i-want-to-be-a-paralegal-what-will-my-salary-be/article26260304/>

Macfarlane, Dr. Julie, *The National Self-Represented Litigants Project: Identifying and Meeting the Needs of Self-Represented Litigants*, (2013), online: National Self-Represented Litigants Project <https://representingyourselfcanada.com/wp-content/uploads/2016/09/srreportfinal.pdf>.

McCauley, Ann, "Trust Technology: Rethinking Smart Contracts for the Future", *National* (26 March 2018) online: CBA National Magazine [http://nationalmagazine.ca/Articles/March-2017-\(1\)/Trust-technology-Rethinking-smart-contracts-for-th.aspx](http://nationalmagazine.ca/Articles/March-2017-(1)/Trust-technology-Rethinking-smart-contracts-for-th.aspx).

McKiernan, Michael, "The Going Rate", *Canadian Lawyer* (2 June 2014) online: Canadian Lawyer <http://www.canadianlawyermag.com/5151/The-going-rate.html>.

Mulgrew, Ian, "B.C. Law Society Sidelines Paralegal Access-to-justice Initiative," *Vancouver Sun* (9 January 2017) online: Vancouver Sun <http://vancouversun.com/news/local-news/ian-mulgrew-b-c-law-society-sidelines-paralegal-access-to-justice-initiative>.

National Action Committee on Access to Justice in Civil and Family Matters, *Access to Civil & Family Justice: A Roadmap for Change*, (October 2013), online: Canadian Forum on Civil Justice: http://www.cfcj-fcjc.org/sites/default/files/docs/2013/AC_Report_English_Final.pdf.

Neuvoo, *Paralegal salary in Ontario*, online: neuvoo <https://neuvoo.ca/salary/paralegal/ontario/>.

ParalegalEDU.org, *Paralegal Salaries in Canada*, online: ParalegalEDU.org <https://www.paralegaledu.org/canada-salary/>.

Perlman, Andrew, "Towards the Law of Legal Services" (2015) 37 *Cardozo L Rev* 49, online: Cardozo Law Review <http://www.cardozolawreview.com/content/37-1/PERLMAN.37.1.pdf>.

Pro Bono Law Saskatchewan, *Public: Legal Assistance*, online: PBLs <http://pbllsask.ca/public>.

Publications Saskatchewan, *Freelaw*, online: Publications Saskatchewan <http://www.publications.gov.sk.ca/freelaw/>.

Public Legal Education Association of Saskatchewan, *About PLEA*, online: PLEA <http://plea.org/about>.

Rocket Lawyer, *How it Works*, online: Rocket Lawyer <https://www.rocketlawyer.com/how-it-works.rl>.

Ross Intelligence, *Artificial Intelligence Meets Legal Research*, online: Ross Intelligence <https://rossintelligence.com/>.

Saskatchewan Bureau of Statistics, *Saskatchewan Aboriginal Peoples: 2016 Census*, (25 October 2017), online: Publications Saskatchewan <http://publications.gov.sk.ca/documents/15/104388-2016%20Census%20Aboriginal.pdf>.

Saskatchewan Bureau of Statistics, *Saskatchewan Immigration and Ethnocultural Diversity: 2016 Census*, (25 October 2017), online: Publications Saskatchewan <http://publications.gov.sk.ca/documents/15/104389-2016%20Census%20Ethnic%20Origins.pdf>.

Saskatchewan Bureau of Statistics, *Saskatchewan Income: 2016 Census*, (13 September 2017), online: Publications Saskatchewan <http://publications.gov.sk.ca/documents/15/104291-2016%20Income.pdf>.

Saskatchewan Bureau of Statistics, *Saskatchewan Labour and Education: 2016 Census of Canada*, (29 November 2017), online: Publications Saskatchewan <http://publications.gov.sk.ca/documents/15/106233-LFS%20March%202018.pdf>.

Saskatchewan Bureau of Statistics, *Saskatchewan Language: 2016 Census of Canada*, (2 August 2017), online: Publications Saskatchewan <http://publications.gov.sk.ca/documents/15/104290-2016%20Census%20Language,%20Mobility%20and%20Citizenship.pdf>.

Saskatchewan Bureau of Statistics, *Saskatchewan Population Report: 2016 Census of Canada*, (8 February 2017), online: Publications Saskatchewan <http://publications.gov.sk.ca/documents/15/100723-Saskatchewan%20Population%20Report%20for%20the%202016%20Census.pdf>.

Semple, Noel, "Access to Justice: Is Legal Services Regulation Blocking the Path?" (2014) 20 Int'l J of the Legal Profession 3, online: SSRN <https://ssrn.com/abstract=2303987>.

Semple, Noel, *Legal Services Regulation at the Crossroads: Justicia's Legions*, (United Kingdom: Edward Elgar Publishing Ltd, 2015), online: Edward Elgar Publishing <http://www.e-elgar.com/shop/eep/preview/book/isbn/9781784711665/>.

Semple, Noel, "The Cost of Seeking Civil Justice in Canada" (2016) 93 Can Bar Rev 639, online: SSRN http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2616749.

Spencer, Beverley, "Q&A with Anver Saloojee: Ryerson takes on legal education", *National* (Spring 2018), online: CBA National Magazine <http://nationalmagazine.ca/Articles/Spring-2018/Q-A-with-Anver-Saloojee-Ryerson-takes-on-legal.aspx>.

Statistics Canada, *Civil Court Survey 2016-17*, (2018), online: Statistics Canada <http://www.statcan.gc.ca/daily-quotidien/180419/dq180419g-cansim-eng.htm>.

The National Self Represented Litigants Project, *Legal Coaching*, online: NSRLP <https://representingyourselfcanada.com/legal-coaching/>

The Ontario Civil Legal Needs Project Steering Committee, *Listening to Ontarians*, (Toronto: May 2010), online: Law Society of Ontario http://www.lsuc.on.ca/media/may3110_oclnreport_final.pdf.

Woolley, Alice and Trevor Farrow, "Addressing Access to Justice Through New Legal Service Providers: Opportunities and Challenges" (2016) 3 Tex A&M L Rev 549, online: Texas A&M Law Review <http://scholarship.law.tamu.edu/cgi/viewcontent.cgi?article=1092&context=lawreview>.

END NOTES

¹ National Action Committee on Access to Justice in Civil and Family Matters, *Access to Civil & Family Justice: A Roadmap for Change*, (October 2013), online: Canadian Forum of Civil Justice: http://www.cfcj-fcjc.org/sites/default/files/docs/2013/AC_Report_English_Final.pdf.

² Canadian Bar Association, *Reaching Equal Justice Report: An Invitation to Envision and Act*, (CBA: November 2013), online: CBA http://www.cba.org/CBAMediaLibrary/cba_na/images/Equal%20Justice%20-%20Microsite/PDFs/EqualJusticeFinalReport-eng.pdf.

³ Dr. Julie Macfarlane, *The National Self-Represented Litigants Project: Identifying and Meeting the Needs of Self-Represented Litigants*, (2013) at 8, online: National Self-Represented Litigants Project <https://representingyourselfcanada.com/wp-content/uploads/2016/09/srlreportfinal.pdf>.

⁴ *Ibid* at 94.

⁵ Trevor C.W. Farrow, Ab Currie, Nicole Aylwin, Les Jacobs, David Northrup and Lisa Moore, *Everyday Legal Problems and the Cost of Justice in Canada: Overview Report*, (Canadian Forum on Civil Justice, 2016) at 2-4, online: Canadian Forum on Civil Justice <http://www.cfcj-fcjc.org/sites/default/files/Everyday%20Legal%20Problems%20and%20the%20Cost%20of%20Justice%20in%20Canada%20-%20Overview%20Report.pdf>.

⁶ *Ibid* at 9 [Note: These results may reflect multiple answers from some respondents who had more than one legal matter].

⁷ *Ibid* at 10-11.

⁸ Michael Lucas & Doug Munro, *Report of the Legal Services Regulatory Framework Task Force*, (Vancouver: Law Society of British Columbia, 2014) at para 73, online: Law Society of British Columbia <https://www.lawsociety.bc.ca/Website/media/Shared/docs/publications/reports/LegalServicesRegulatoryFrameworkTF.pdf>; Utah State Courts, *Supreme Court Task Force to Examine Limited Legal Licensing: Report and Recommendations*, (Utah State Court, 18 November 2015) at 15, online: Utah Courts http://www.utcourts.gov/committees/limited_legal/Supreme%20Court%20Task%20Force%20to%20Examine%20Limited%20Legal%20Licensing.pdf; Task Force on Civil Equal Justice Funding, *The Washington State Civil Legal Needs Study*, (September 2003) at 26, online: Washington Courts http://www.courts.wa.gov/newsinfo/content/Task_Force/civillegalneeds.pdf; Farrow, *supra* note 5 at 7.

⁹ Lucas, *supra* note 8.

¹⁰ Statistics Canada, *Civil Court Survey 2016-17*, (2018), online: Statistics Canada <http://www.statcan.gc.ca/daily-quotidien/180419/dq180419g-cansim-eng.htm>.

¹¹ Saskatchewan Bureau of Statistics, *Saskatchewan Income: 2016 Census*, (13 September 13 2017), online: Publications Saskatchewan <http://publications.gov.sk.ca/documents/15/104291-2016%20Income.pdf>; Saskatchewan Bureau of Statistics, *Saskatchewan Labour and Education: 2016 Census of Canada*, (29 November 2017), online: Publications Saskatchewan <http://publications.gov.sk.ca/documents/15/106233-LFS%20March%202018.pdf>.

¹² Saskatchewan Bureau of Statistics, *Saskatchewan Language: 2016 Census of Canada*, (2 August 2017), online: Publications Saskatchewan <http://publications.gov.sk.ca/documents/15/104290-2016%20Census%20Language,%20Mobility%20and%20Citizenship.pdf>; Saskatchewan Bureau of Statistics, *Saskatchewan Aboriginal Peoples: 2016 Census*, (25 October 2017), online: Publications Saskatchewan <http://publications.gov.sk.ca/documents/15/104388-2016%20Census%20Aboriginal.pdf>; Saskatchewan Bureau of Statistics, *Saskatchewan Immigration and Ethnocultural Diversity: 2016 Census*, (25 October 2017), online: Publications Saskatchewan <http://publications.gov.sk.ca/documents/15/104389-2016%20Census%20Ethnic%20Origins.pdf>.

- ¹³ Law Society of Saskatchewan, April 2018 Statistics [unpublished].
- ¹⁴ Law Society of Saskatchewan, February 2018 Statistics, [unpublished].
- ¹⁵ Law Society of Saskatchewan, April 2018 Statistics, [unpublished].
- ¹⁶ Saskatchewan Bureau of Statistics, *Saskatchewan Population Report: 2016 Census of Canada*, (8 February 2017), online: Publications Saskatchewan <http://publications.gov.sk.ca/documents/15/100723-Saskatchewan%20Population%20Report%20for%20the%202016%20Census.pdf>.
- ¹⁷ Law Society of Saskatchewan, May 2018 Statistics, [unpublished].
- ¹⁸ Law Society of Saskatchewan, May 2018 Statistics, [unpublished].
- ¹⁹ Bureau of Statistics, supra note 16.
- ²⁰ Michael Lucas & Doug Munro, *Final Report of the Legal Service Providers Task Force*, (Vancouver: Law Society of British Columbia, 2013) at para 9(e), online: Law Society of British Columbia https://www.lawsociety.bc.ca/Website/media/Shared/docs/publications/reports/LegalServicesProvidersTF_final_2013.pdf.
- ²¹ John-Paul E. Boyd & Lorne D. Bertrand, *Comparing the Views of Judges and Lawyers Practicing in Alberta and in the Rest of Canada on Selected Issues in Family Law: Parenting, Self-represented Litigants and Mediation*, (Canadian Research Institute for Law and the Family, April 2016) at 11-15, online: Canadian Research Institute for Law and the Family <http://www.crilf.ca/Documents/NFLP%20Survey%20Alberta%20and%20Rest%20of%20Canada%20on%20Family%20Law%20Issues%20-%20Apr%202016.pdf>.
- ²² Semple, Noel, "Access to Justice: Is Legal Services Regulation Blocking the Path?" (2014) 20 Int'l J of the Legal Profession 3, online: SSRN <https://ssrn.com/abstract=2303987>.
- ²³ Perlman, Andrew, "Towards the Law of Legal Services" (2015) 37 Cardozo L Rev 49 at 90-91, online: Cardozo Law Review <http://www.cardozolawreview.com/content/37-1/PERLMAN.37.1.pdf>.
- ²⁴ *Ibid.*
- ²⁵ Semple, supra note 22.
- ²⁶ Competition Bureau Canada, *Self-Regulated Professions: Balancing Competition and Regulation*, (2007), online: Competition Bureau Canada <http://www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/eng/02524.html#lawyers>.
- ²⁷ *The Legal Profession Act, 1990*, SS 1990-91, c L-10.1.
- ²⁸ *Law Society of Upper Canada v Augier*, 2013 ONSC 451 at para 9, online: CanLII <https://www.canlii.org/en/on/onsc/doc/2013/2013onsc451/2013onsc451.html?autocompleteStr=law%20society%20of%20upper%20canada%20v.%20aug&autocompletePos=3> cited in *Law Society of Saskatchewan v Mattison*, 2015 SKQB 323 at para 38, online: CanLII <https://www.canlii.org/en/sk/skqb/doc/2015/2015skqb323/2015skqb323.html?autocompleteStr=law%20society%20of%20saskatchewan%20v.%20matt&autocompletePos=1>.
- ²⁹ See e.g. *Law Society of Saskatchewan v Siekawitch*, 2016 SKQB 345, online: CanLII <https://www.canlii.org/en/sk/skqb/doc/2016/2016skqb345/2016skqb345.html?autocompleteStr=law%20society%20of%20saskatchewan%20v.%20siek&autocompletePos=1>.
- ³⁰ Jennifer Bond, David Wiseman & Emily Bates, "The Cost of Uncertainty: Navigating the Boundary Between Legal Information and Legal Services in the Access to Justice Sector" (2014) 25 J L & Soc Pol'y 1 at 12, online: Osgoode Digital Commons <http://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=1222&context=jlsp>.
- ³¹ Public Legal Education Association of Saskatchewan, *About PLEA*, online: PLEA <http://plea.org/about>.
- ³² Bond, supra note 30 at 11-12.
- ³³ Ashley Falk, Michelle Korpan & Noah Wernikowski, *Legal Information, Legal Advice & Access to Justice*,

(Saskatoon: Dean's Forum on Dispute Resolution and Access to Justice, University of Saskatchewan, College of Law, 1 March 2017) at 11-13 & 15, online: University of Saskatchewan College of Law <https://law.usask.ca/documents/research/deans-forum/Paper%201%20%20Legal%20Information,%20Legal%20Advice%20Access%20to%20Justice%20.pdf>.

³⁴ Bond, *supra* note 30 at 23-24.

³⁵ Macfarlane, *supra* note 3 at 117.

³⁶ *Ibid*.

³⁷ Justice Annemarie E. Bonkalo, *Family Legal Services Review*, (31 December 2016) at recommendations 20 and 21, online: Ministry of the Attorney General https://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/family_legal_services_review/.

³⁸ *Ibid* at 4(k)(i).

³⁹ Email from Alissa Powell, Counsel, Court Services Division, Ministry of the Attorney General, Ontario (24 April 2018).

⁴⁰ Law Society of Saskatchewan, *Code of Professional Conduct*, (Regina: Law Society of Saskatchewan, 2012), s 3.1-2, online: Law Society of Saskatchewan <https://www.lawsociety.sk.ca/lawyer-regulation/code-of-professional-conduct/>.

⁴¹ Law Society of Saskatchewan, *2017 Annual Report*, online: Law Society of Saskatchewan <https://www.lawsociety.sk.ca/media/394452/ar2017.pdf>.

⁴² *Code of Professional Conduct*, *supra* note 40, s 6.1-1.

⁴³ *Ibid*, s 6.1-3.

⁴⁴ Government of Saskatchewan, *Summary – The Notaries Public Act*, online: Publications Saskatchewan <http://publications.gov.sk.ca/documents/9/87558-The%20Notaries%20Public%20Act.pdf>.

⁴⁵ *The Notaries Public Act*, SS 1978, c N-8; Government of Saskatchewan, *Guidelines for the Use of Notaries Public at IV*, online: Publications Saskatchewan [http://publications.gov.sk.ca/documents/9/94333-Guidelines%20\(new%20online\)%20Notary%20Public%20%20-%20%20September%202016.pdf](http://publications.gov.sk.ca/documents/9/94333-Guidelines%20(new%20online)%20Notary%20Public%20%20-%20%20September%202016.pdf).

⁴⁶ *The Community Justice Program Regulations*, RRS c G-5.1 Reg 96, s 2(2)(g).

⁴⁷ *The Justice and Attorney General Act*, SS 1983, c J-4.3, ss 13.1-13.2.

⁴⁸ ADR Institute of Canada, *About Us*, online: ADR Institute of Canada <http://adric.ca/about-adr/>.

⁴⁹ Foundation of Administrative Justice, *CTAJ Certificate Program*, online: Foundation of Administrative Justice <https://foaj.ca/education/ctaj-certificate-program/>.

⁵⁰ Legal Aid Saskatchewan, *About Us*, online: Legal Aid Saskatchewan <https://www.legalaid.sk.ca/about/index.php>.

⁵¹ *The Legal Aid Regulations*, RRS c L-9.1, Reg 2, s 3.

⁵² Public Legal Education Association of Saskatchewan, *About PLEA*, online: PLEA <http://plea.org/about>.

⁵³ Pro Bono Law Saskatchewan, *Public: Legal Assistance*, online: PBLs <http://pblsask.ca/public>.

⁵⁴ Community Legal Assistance Services for Saskatoon Inner City, *How We Can Help*, online: CLASSIC <http://www.classiclaw.ca/what-we-do.html>.

⁵⁵ Paralegal Task Force, *Final Report: Paralegal Task Force Report*, (March 2000) at 5, online: Law Society of Ontario http://www.lsuc.on.ca/media/paralegalfinalrept_en.pdf.

- ⁵⁶ Morris, David J., *Report of Appointee's Five-Year Review of Paralegal Regulation in Ontario – Pursuant to Section 63.1 of the Law Society Act*, (November 2012), s 4, online: Ministry of the Attorney General http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/paralegal_review/Morris_five_year_review-ENG.pdf.
- ⁵⁷ Law Society of Ontario, *Paralegal Licensing*, online: Law Society of Ontario <http://www.lsuc.on.ca/licensingprocessparalegal.aspx?id=2147495399>; Law Society of Ontario, *About Your Paralegal Licence*, online: Law Society of Ontario <http://www.lsuc.on.ca/For-Paralegals/About-Your-Paralegal-Licence/>.
- ⁵⁸ Law Society of Ontario, *By-law 4*, online: Law Society of Ontario <http://www.lsuc.on.ca/WorkArea/DownloadAsset.aspx?id=2147485805>; Law Society of Ontario, *Paralegal Licensing Process FAQs*, online: Law Society of Ontario <http://www.lsuc.on.ca/licensingprocessparalegal.aspx?id=2147491230#s1q1>.
- ⁵⁹ Law Society of Ontario, *News Archives: Law Society benchers approve action plan to improve access to justice for families via special licensing for paralegals and others*, (Toronto: 1 December 2017), online: The Law Society of Ontario <http://www.lsuc.on.ca/newsarchives.aspx?id=2147485737&cid=2147504309>.
- ⁶⁰ The Law Society of Upper Canada, *The Law Society of Upper Canada 2017 Budget and Three Year Forecast*, (9 November 2016), online: Law Society of Ontario https://www.lsuc.on.ca/uploadedFiles/For_the_Public/About_the_Law_Society/Convocation_Decisions/2016/Budget-Book-2017-Final-Version-Public_Accessible%20for%20Website.pdf.
- ⁶¹ The Law Society of Upper Canada, *2014 Annual Report*, (Ontario: Law Society of Upper Canada, 2015) online: Law Society of Ontario <http://www.annualreport.lsuc.on.ca/2014/en/index.html>.
- ⁶² Society of Notaries Public of British Columbia, *Services BC Notaries Provide*, online: Society of Notaries Public of British Columbia <http://www.notaries.bc.ca/resources/showContent.rails?page=Services%20BC%20Notaries%20Provide>.
- ⁶³ The Law Society of British Columbia, *Code of Professional Conduct for British Columbia*, (Vancouver: Law Society of British Columbia, 2013), ss 6.1-2, 6.1-3.2 & 6.1-3.3, online: Law Society of British Columbia <https://www.lawsociety.bc.ca/support-and-resources-for-lawyers/act-rules-and-code/code-of-professional-conduct-for-british-columbia/>.
- ⁶⁴ The Law Society of British Columbia, *Paralegals*, online: Law Society of British Columbia <https://www.lawsociety.bc.ca/support-and-resources-for-lawyers/law-office-administration/paralegals/>.
- ⁶⁵ Lucas, supra note 20 at 24; *The Law Society of British Columbia, Designated Paralegal Survey 2016*, (Vancouver: Law Society of British Columbia, 2016), online: Law Society of British Columbia <https://www.lawsociety.bc.ca/Website/media/Shared/docs/practice/resources/DesignatedParalegalSurvey.pdf>.
- ⁶⁶ Legal Information Society of Nova Scotia, *LISNS Award Winning Public Navigator Project*, online: Legal Information Society of Nova Scotia <https://www.legalinfo.org/current-projects/about-the-pn-project?highlight=WyJwdWJsaWMiLCInHVibGljiwiczHVibGljJ3MiLCJuYXZpZ2F0b3IiLCJwdWJsaWMeGmF2aWdhG9yIlO>.
- ⁶⁷ *Ibid.*
- ⁶⁸ Email from Darcia Senft, Director of Policy & Ethics, Law Society of Manitoba (2 May 2018).
- ⁶⁹ Washington Courts, *Admission and Practice Rules: APR 28: Limited Practice Rule For Limited License Legal Technicians*, (2017), online: Washington Courts http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=ga&set=APR&ruleid=gaapr28.
- ⁷⁰ *Ibid.*
- ⁷¹ *Ibid.*
- ⁷² *Ibid.*
- ⁷³ Washington Courts, *Admission and Practice Rules: APR 12: Limited Practice Rule for Limited Practice Officers*, (2017), online: Washington Courts http://www.courts.wa.gov/court_rules/?fa=court_rules.rulesPDF&ruleId=gaapr12&pdf=1.

⁷⁴ Jonathan Lippman, A. Gail Prudenti, Fern A. Fisher & Rochelle Klempner, *New York State Courts Access to Justice Program 2014 Report*, (New York: 2014) at 37, online: New York Courts http://nycourts.gov/ip/nya2j/pdfs/NYA2J_2014report.pdf; New York State Unified Court System, *Court Navigator Program*, online: New York State Unified Court System http://www.nycourts.gov/COURTS/nyc/housing/rap_prospective.shtml.

⁷⁵ Utah State Courts, *supra* note 8; Debra Cassens Weiss, *Utah Supreme Court backs licensed paralegal practitioners*, (ABA Journal, 16 December 2015), online: ABA Journal http://www.abajournal.com/news/article/utah_supreme_court_backs_limited_practitioner_paralegals/; Utah Courts, *Licensed Paralegal Practitioner*, online: Utah Courts <https://www.utcourts.gov/utc/limited-legal/>.

⁷⁶ Arizona Judicial Branch, *Legal Document Preparers*, online: Arizona Judicial Branch <http://www.azcourts.gov/cld/Legal-Documents-Preparers>.

⁷⁷ California Association of Legal Document Assistants, *What is CALDA?*, online: California Association of Legal Document Assistants <http://www.calda.org/who-we-are>.

⁷⁸ Florida Association of Legal Document Preparers, *About FALDP*, online: Florida Association of Legal Document Preparers <https://www.faldp.org/About-FALDP-Contact-FALDP.html>.

⁷⁹ Nevada Secretary of State, *Document Preparation Services*, online: Nevada Secretary of State <http://nvsos.gov/sos/licensing/document-preparation-services>.

⁸⁰ Ali Manor & Tony Flesor, "Colorado Shifts Focus From LTT", *Law Week Colorado* (20 July 2016) online: Law Week Colorado <http://lawweekcolorado.com/2016/07/colorado-shifts-focus-from-ltt/>.

⁸¹ The State Bar of California, *Limited License Working Group*, online: The State Bar of California <https://www.calbar.ca.gov/About-Us/Who-We-Are/Board-of-Trustees/Board-Task-Force/Limited-License-Working-Group>.

⁸² Legal Technicians Task Force, *Final Report to the Board of Governors*, (February 2015), online: http://bog11.homestead.com/LegalTechTF/Jan2015/Report_22Jan2015.pdf.

⁸³ Utah State Courts, *supra* note 8 at 50-58.

⁸⁴ Semple, Noel, *Legal Services Regulation at the Crossroads: Justicia's Legions*, (United Kingdom: Edward Elgar Publishing Ltd, 2015) at 50-51, online: Edward Elgar Publishing <http://www.e-elgar.com/shop/eep/preview/book/isbn/9781784711665/>; *The Legal Services Act 2007* (UK), 2007, c 29.

⁸⁵ Semple, *supra* note 84 at 151; *Legal Services Act 2007*, *supra* note 84, s 12.

⁸⁶ See Publications Saskatchewan, *Freelaw*, online: Publications Saskatchewan <http://www.publications.gov.sk.ca/freelaw/>.

⁸⁷ Bill 97, *The Arbitration (Family Dispute Resolution) Amendment Act, 2017*, 2nd Sess, 28th Leg, Saskatchewan, 2018 (assented to 9 May 2018); Bill 98, *The Miscellaneous Statutes (Family Dispute Resolution) Amendment Act, 2017*, 2nd Sess, 28th Leg, Saskatchewan, 2018 (assented to 9 May 2018).

⁸⁸ See Collaborative Professionals of Saskatchewan, Inc., *A Better Way to Separate or Divorce*, online: Collaborative Professionals of Saskatchewan <http://www.collabsask.com/index.php>.

⁸⁹ See Fenwick, Kevin, *Hearing Back: Piecing Together Timeliness in Saskatchewan's Administrative Tribunals*, (Regina: Ombudsman Saskatchewan, December 2007), online: Ombudsman Saskatchewan <https://www.ombudsman.sk.ca/uploads/document/files/hearing-back-en.pdf>.

⁹⁰ *Code of Professional Conduct*, *supra* note 40, ss 1.1-1, 3.1-2, 3.2-1, 3.4-2 & 7.2-6.

⁹¹ See The National Self Represented Litigants Project, *Legal Coaching*, online: NSRLP <https://representingyourselfcanada.com/legal-coaching/>.

⁹² See generally CBA Legal Futures Initiative, *The Future of Legal Services in Canada: Trends and Issues*, (2013), online: CBA https://www.cba.org/CBAMediaLibrary/cba_na/PDFs/CBA%20Legal%20Futures%20PDFs/trends-issues-eng.pdf.

⁹³ See e.g. Ross Intelligence, *Artificial Intelligence Meets Legal Research*, online: Ross Intelligence <https://rossintelligence.com/>.

⁹⁴ See e.g. Ann McCauley, “Trust Technology: Rethinking Smart Contracts for the Future”, *National* (26 March 2018) online: CBA National Magazine [http://nationalmagazine.ca/Articles/March-2017-\(1\)/Trust-technology-Rethinking-smart-contracts-for-th.aspx](http://nationalmagazine.ca/Articles/March-2017-(1)/Trust-technology-Rethinking-smart-contracts-for-th.aspx).

⁹⁵ See e.g. Legal Zoom, *Corporation Centre*, online: Legal Zoom <http://www.legalzoom.ca/>; Rocket Lawyer, *How it Works*, online: Rocket Lawyer <https://www.rocketlawyer.com/how-it-works.rl>.

⁹⁶ Federation of Law Societies of Canada, *National Requirement*, (1 January 2018), online: Federation of Law Societies of Canada <https://flsc.ca/wp-content/uploads/2018/01/National-Requirement-Jan-2018-FIN.pdf>.

⁹⁷ Spencer, Beverley, “Q&A with Anver Saloojee: Ryerson takes on legal education”, *National* (Spring 2018), online: CBA National Magazine <http://nationalmagazine.ca/Articles/Spring-2018/Q-A-with-Anver-Saloojee-Ryerson-takes-on-legal.aspx>.

⁹⁸ See CREATE Justice, *Justice and Health Partnership Community of Interest*, online: University of Saskatchewan College of Law <https://law.usask.ca/createjustice/projects/justice-and-health-partnership-community-of-interest-.php>.

⁹⁹ See CREATE Justice, *Saskatchewan Access to Legal Information Project*, online: University of Saskatchewan College of Law <https://law.usask.ca/createjustice/projects/Saskatchewan-Access-to%20Legal-Information.php>.

¹⁰⁰ *The Legal Profession Act*, supra note 27, s. 30-32.

¹⁰¹ *Law Society Act*, RSO 1990, c L.8; *Legal Profession Act*, SBC 1998, c 9; *Legal Profession Act*, RSA 2000, c L-8; *Legal Profession Act*, supra note 27; *Legal Profession Act*, CCSM 2002, c L-107; *An Act respecting the Barreau du Québec*, CQLR c B-1; *Law Society Act*, SNB 1996, c 89; *Legal Profession Act*, SNS 2004, c 28; *Law Society Act*, 1999, SNL 1999, c L-9.1; *Legal Profession Act*, RSPEI 1988, c L-6.1.

¹⁰² Alternate Delivery of Legal Services Committee, *Alternative Delivery of Legal Services Final Report*, (February 2012) at 25, online: Canadian Bar Association http://www.cba.org/CBA/cle/PDF/JUST13_Paper_Billington.pdf.

¹⁰³ Nova Scotia Barristers' Society, *FAQs and Glossary*, online: Nova Scotia Barristers' Society <http://nsbs.org/faqs-glossary>.

¹⁰⁴ Washington Courts, *General Rules: General Rule 24*, (2002), online: Washington Courts http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=ga&set=GR&ruleid=gagr24.

¹⁰⁵ Perlman, supra note 23 at 95.

¹⁰⁶ *By-law 4*, supra note 58, ss 11-13; Policy Secretariat, *Report to Convocation: Task Force on Paralegal Regulation*, (23 September 2004), online: Law Society of Ontario http://www.lsuc.on.ca/media/convsept04_paralegal_report.pdf; Julia Bass, *Paralegal Standing Committee Report to Convocation*, (29 March 2007), online: Law Society of Ontario http://www.lsuc.on.ca/media/convmar2907_paralegal.pdf; *APR 28*, supra note 69, (D) & (E).

¹⁰⁷ Interview of Brian Lawrie, *Founder of POINTTS and Paralegal Benchler of the Law Society of Ontario* (29 September 2017); see also ParalegalEDU.org, *Paralegal Salaries in Canada*, online: ParalegalEDU.org <https://www.paralegaledu.org/canada-salary/>; Neuvoo, *Paralegal salary in Ontario*, online: neuvoo <https://neuvoo.ca/salary/paralegal/ontario/>; Jared Lindson, “I want to be a paralegal. What will my salary be?”, *The Globe and Mail* (originally published 9 September 2015, updated 25 March 25 2017), online: The Globe and Mail <https://www.theglobeandmail.com/report-on-business/careers/career-advice/i-want-to-be-a-paralegal-what-will-my-salary-be/article26260304/>.

¹⁰⁸ Lucas, supra note 8; see also Utah State Courts, supra note 8 at 15; Farrow, supra note 5 at 7.

¹⁰⁹ Perlman, supra note 23 at 90.

¹¹⁰ *Final Report*, supra note 55 at 5.

¹¹¹ *2014 Annual Report*, supra note 61.

¹¹² Morris, supra note 56 at 4.

¹¹³ *About Your Paralegal Licence*, supra note 57.

¹¹⁴ Morris, supra note 56.

¹¹⁵ *Ibid* at 1; see also The Law Society of Upper Canada, *Report to the Attorney General of Ontario Pursuant to Section 63.1 of the Law Society Act*, (Law Society of Upper Canada, June, 2012) at 26, online: Law Society of Ontario <http://www.lsuc.on.ca/WorkArea/DownloadAsset.aspx?id=2147488010>.

¹¹⁶ *By-Law 4*, supra note 58, ss 5-6.

¹¹⁷ Ministry of the Attorney General, *Expanding Legal Services Options for Ontario Families*, (Family Legal Services Review: 9 February 2016), online: Ministry of the Attorney General https://www.attorneygeneral.jus.gov.on.ca/english/family/legal_services_consultation_paper.html.

¹¹⁸ Bonkalo, supra note 37.

¹¹⁹ *Ibid*.

¹²⁰ *Ibid*.

¹²¹ The Law Society of British Columbia, *Paralegals*, online: Law Society of British Columbia <https://www.lawsociety.bc.ca/support-and-resources-for-lawyers/law-office-administration/paralegals/>.

¹²² The Law Society of British Columbia, *Paralegals pilot project aims to reduce price of legal services, increase access to justice*, (Vancouver: 2 January 2013), online: Law Society of British Columbia <https://www.lawsociety.bc.ca/about-us/news-and-publications/news-archive/2013/paralegals-pilot-project-aims-to-reduce-price-of-/>.

¹²³ *Ibid*.

¹²⁴ Ian Mulgrew, "B.C. Law Society Sidelines Paralegal Access-to-justice Initiative," *Vancouver Sun* (9 January 2017) online: Vancouver Sun <http://vancouversun.com/news/local-news/ian-mulgrew-b-c-law-society-sidelines-paralegal-access-to-justice-initiative>.

¹²⁵ *Paralegals*, supra note 124.

¹²⁶ The Law Society of British Columbia, *Designated Paralegal Survey 2016*, (Vancouver: Law Society of British Columbia, 2016) at 1-2, online: Law Society of British Columbia <https://www.lawsociety.bc.ca/Website/media/Shared/docs/practice/resources/DesignatedParalegalSurvey.pdf>.

¹²⁷ *Ibid* at 3.

¹²⁸ Lucas, supra note 20 at 24.

¹²⁹ Lucas, supra note 8 at para 93.

¹³⁰ *Ibid* at para 62.

¹³¹ *Ibid* at para 96.

¹³² *APR 12*, supra note 73.

¹³³ *APR 28*, supra note 69, ss F-H.

¹³⁴ *Ibid*, s K.

¹³⁵ *APR 28*, supra note 69, s F.

¹³⁶ *Ibid*, s H.

¹³⁷ *Ibid*, s G.

¹³⁸ Utah State Courts, supra note 8.

¹³⁹ Utah Courts, *Licensed Paralegal Practitioner*, online: Utah Courts <https://www.utcourts.gov/utc/limited-legal/>.