



## MENTAL HEALTH & LAW SERIES

### Help! I Need A Lawyer!

#### Part 5: Paralegals

*Community and Legal Aid Services Programme (CLASP), a student legal aid clinic at Osgoode Hall Law School, and MDAO have been providing you with a series of articles describing the different types of legal services available in your communities. This installment will offer a brief overview of the nature of paralegals.*

#### WHAT IS A PARALEGAL?

**P**aralegals are individuals that you can hire to help you with legal problems. Paralegals are **NOT** lawyers.

#### WHAT KINDS OF THINGS DO PARALEGALS USUALLY HELP WITH?

**T**here are a number of different areas where Paralegals commonly assist people. However, most of the time Paralegals help represent people, or assist them in legal areas where you do not need to be a lawyer to do so. Some of the most common areas are:

- Representing people in Small Claims Court
- Representing people in Administrative Tribunals like the *Workplace Safety and Insurance Board* or the *Ontario Rental Housing Tribunal*.
- Representing people on some minor criminal offences that are “summary conviction” matters or traffic offences.

#### WHAT IS THE DIFFERENCE BETWEEN A PARALEGAL AND A LAWYER?

**L**awyers and paralegals often provide very similar services, but there are important differences between them. Some of the major differences are:

- Lawyers have strict requirements regarding their education. To make sure that every lawyer has the proper education, and keeps it up to date, lawyers need to be “licensed” to practice law in Ontario. The organization that licenses lawyers in Ontario is called the *Law Society of Upper Canada*.
- Anyone who wants to be is allowed to be a paralegal. Paralegals are not required to have any education, and so they may or may not know about the area of the law that they are assisting you with.
- Lawyers are required to have insurance to cover them if they make mistakes; Paralegals do not have to have insurance.
- Perhaps the most important difference between lawyers and paralegals is that lawyers are “regulated”, and paralegals are not. The most important benefit of regulation is that if you have a problem with a lawyer you can report them to the *Law Society of Upper Canada*. If they are found to have acted improperly, they can be disciplined, fined, suspended, or even have their license to practice law taken away. There is also a compensation fund if you have suffered losses because of a lawyer’s dishonest

conduct. If you have a problem with a paralegal, however, it is very difficult to have this problem addressed. Usually, your only option is to sue the paralegal in court, which can be a very expensive and confusing process.

### **IF I STILL WANT TO HIRE A PARALEGAL, WHAT SHOULD I ASK TO MAKE SURE THEY ARE A GOOD ONE?**

**A**s with any service, before hiring a paralegal you should ask friends, legal clinics or community organizations if they know of any good ones. In addition, you may want to ask the following questions of a Paralegal you are thinking of hiring:

- **EXACTLY** how much will it cost? What amounts might be extra? Sometimes paralegals can charge different amounts. You are entitled to a clear explanation as to the amount you will be charged and how it will be determined. Also, paralegals are not entitled to charge you a share of the amount you recover (for example, 20%); they must charge you a specific rate.
- Do you have *liability insurance*?
- What sort of education or experience do you have?

Also make sure you know what the paralegal is promising to do for you. This will usually be in the contract that the paralegal gives you. If you do not understand the contract, **DO NOT SIGN IT** until you have had someone you trust look at it who will be able to properly explain it to you. Some legal clinics may also be able to explain these to you.

**If a paralegal does not give you a written contract saying what they will do and how much it will cost, you should insist they give you one.**

### **WHAT DO I DO IF I HAVE A PROBLEM WITH A PARALEGAL?**

**U**nfortunately, it can sometimes be difficult to resolve the problem if you have troubles with a Paralegal because often your only option is usually to sue the paralegal in court if you cannot resolve the issue yourself. If you need help with this, there are a number of free legal clinics that may be able to assist you. *These clinics can be found through the Legal Aid website at <http://www.legalaid.on.ca/>, or by phone at 1-800-668-8258.* Lastly, it is important to know that **you have a limited amount of time to file a claim**, so you must get legal advice as soon as possible.

CLASP offers assistance with a number of civil claims against paralegals for individuals with low incomes who live in the City of Toronto.

*CLASP can be reached at (416) 736-5029, or visit us online: [www.yorku.ca/osgoode/clasp/](http://www.yorku.ca/osgoode/clasp/) for further information.*

***This concludes our series on finding legal services. Please watch for future materials on Mental Health and Law in the new year!***