

Guidelines for Paralegals Who are Suspended or Who Have Given an Undertaking Not to Provide Legal Services

General

1. (1) In this Guideline, “suspended paralegal” means a paralegal whose licence to provide legal services is suspended or who undertakes to the Law Society not to provide legal services.

(2) The suspended paralegal or a paralegal who has undertaken to the Law Society to restrict his or her professional business must cease providing legal services as a result of the suspension or the restriction on his or her professional business under the terms of the undertaking. By-laws 7.1 (Part II) and 9 (Part II.1) impose on suspended paralegals certain notice requirements, obligations and restrictions on activities, including the handling of money and other property.

(3) In order to comply with these obligations and restrictions, suspended paralegals must comply with these Guidelines.

Permitted Activities

2. (1) During the term of the suspension or undertaking not to provide legal services, the suspended paralegal may only:
 - (a) See clients only for the limited purpose of assisting them in transferring their past or present legal work to another paralegal or lawyer;
 - (b) If requested by the client, suggest a referral to a particular licensee to continue work on the client’s file. The ultimate choice of who is retained rests with the client and not with the suspended paralegal;
 - (c) Collect accounts receivable;
 - (d) Render accounts for work completed on or before the effective date of the suspended paralegal’s suspension or undertaking not to provide legal services; and
 - (e) Arrange with the paralegal or lawyer whom the suspended paralegal has retained to complete outstanding reporting letters and undertakings for his or her remuneration.

Mandatory Activities

3. (1) On or before the effective date of the suspension or undertaking not to provide legal services, the suspended paralegal shall:
 - (a) Remove any sign from his or her door, building, premises, window, building directory, property, vehicle or any other location designating it as a “paralegal office,” “law office,” or “legal office” or designating the suspended paralegal as being able to provide legal services or to be a “paralegal”, “law clerk”, “court agent”, “Licensee of the Law Society of Ontario”, “Licensed by the Law Society of Ontario”, or “notary public” or similar words giving the impression, in English or any other language, that he or she is able to provide legal services. The above words must also be removed or crossed out from all stationary, letterhead, business cards, forms, stamps, accounts, electronic mail forms, Internet sites and any other advertisements or publications bearing his or her name;
 - (b) Disconnect the suspended paralegal’s telephone and facsimile lines or arrange for a voice message to advise callers that his or her professional business is closed until further notice and provide callers with the name and telephone number of another licensee to call for information regarding their files. Suspended paralegals under a definite suspension may leave a message advising when the office will reopen;
 - (c) Enable an “out of office” email notification advising that his or her professional business is closed until further notice and provide the name and telephone number of another paralegal or lawyer to call for information regarding their files. Suspended paralegals under a definite suspension may leave a message advising when the office will reopen; and
 - (d) Notify the Law Society immediately after any change in contact information in compliance with By-law 8.

Prohibited Activities

4. (1) Effective from the date of suspension or undertaking not to provide legal services, the suspended paralegal shall not:
 - (a) Accept legal work for new clients;
 - (b) Accept new legal work for existing clients;
 - (c) Notarize documents pursuant to the *Notaries Act*, R.S.O. 1990, c. N.6, or commission affidavits or statutory declarations pursuant to the *Commissioners for taking Affidavits Act*, R.S.O. 1990, c. C.17;
 - (d) Report to clients, other than to:

- i) inform them of the suspension or the undertaking not to provide legal services; and
 - ii) deliver an account for services rendered in the period before the suspension or undertaking not to provide legal services began;
 - (e) Give to another licensee or receive on behalf of a client, other individual, corporation or other entity, any undertaking with respect to any legal matter;
 - (f) Occupy or share office space with a paralegal or lawyer in contravention of Subrule 6.01(6) of the *Paralegal Rules of Conduct*; and
 - (g) Provide services to a paralegal or lawyer, in relation to the paralegal's professional business or lawyer's practice of law in contravention of Subrule 6.01(6) of the *Paralegal Rules of Conduct*.
- (2) The suspended paralegal shall not resume the provision of legal services upon termination of a suspension or undertaking not to practise until the suspended paralegal receives confirmation of the termination of the suspension or undertaking not to provide legal services from the Law Society. This confirmation will be promptly given.

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