



# Rights of appearance for paralegal field placement students

## Overview

Paralegal students engaged in a field placement through an accredited paralegal education program may appear before Ontario courts and tribunals on certain matters if they are working under the direct supervision of a licensee of the Law Society. Paralegal field placement students appearing before a court or tribunal must identify themselves as a “paralegal student.”

Although this document sets out rights of appearance permitted by the Law Society’s legislation and by-laws, Ontario courts and tribunals control their own processes. It is always advisable to (1) consult any applicable enabling legislation and the rules of practice or procedure of the court or tribunal in question, and (2) contact the court or tribunal in advance to obtain express permission whenever possible.

## Supervision requirements

Part I of [By-Law 7.1](#) sets out the tasks and functions that a paralegal field placement student may perform and the level of supervision that is required when the paralegal field placement student is performing those tasks.

It is the supervising licensee’s responsibility to set the parameters within which the paralegal field placement student operates.

## Rights of appearance

The supervising licensee is required to directly supervise the paralegal field placement student. The supervising licensee assumes complete professional responsibility for the paralegal field placement student’s provision of legal services.

In determining what to delegate to paralegal field placement students, supervising licensees are required to comply with Section 2.1(4) of Part I of [By-Law 7.1](#).

**It states that the supervising licensee must:**

1. Assign only tasks and functions that the paralegal field placement student is competent to perform.
2. Ensure that the paralegal field placement student does not act without the licensee's instruction.
3. Give the paralegal field placement student express authorization and instruction prior to permitting the paralegal field placement student to act on behalf of a person in a proceeding before an adjudicative body.
4. Review the paralegal field placement student's performance of the tasks and functions assigned to them at frequent intervals.
5. Ensure that the tasks and functions assigned to the paralegal field placement student are performed properly and in a timely manner, and
6. Assume responsibility for all tasks and functions performed by the paralegal field placement student.
7. Consider whether the supervising licensee's presence is necessary to secure the client's rights or assist the court (or for any other reason).

Paralegal field placement students must only provide legal services that are within the paralegal scope of practice as set out in Section 6(2) of [By-Law 4](#). For more information on paralegal scope of practice, see the Law Society's [frequently asked question](#) on this topic.

## General guidelines

1. **Consider whether the paralegal field placement student is competent to perform the assigned task.** Relevant factors could include the paralegal field placement student's knowledge, skills and prior experience and the nature and complexity of the legal matter.
2. **While direct supervision is always required, determine how you will supervise the paralegal field placement student in the circumstances.** Relevant factors could include the knowledge, skill and judgment of the paralegal field placement

student, the approach of the client or the opposing party or legal representative (if any) to the matter and the likelihood that the matter will change course.

3. **Meet with the paralegal field placement student to confirm that they understand and are comfortable with the task.** During the meeting, ask them questions about their understanding of the matter and the approach that will be taken at the appearance. Ensure you are comfortable with the accuracy and level of detail of their responses.
4. **Ensure that the paralegal field placement student is properly prepared.** This may include making sure that they have sufficient knowledge of the matter beyond the step that they will assist with and access to the client file should they need to consult it. Consider asking them about or reviewing the submissions they intend to make.
5. **Confirm that the paralegal field placement student understands what to do if unforeseen circumstances arise**, for example seeking a brief adjournment to obtain instructions.
6. **Provide the paralegal field placement student with a method for contacting the supervising licensee if they have urgent questions.** Ensure that you are available to address urgent questions or issues when they arise.
7. **Consider whether the supervising licensee's presence is necessary to secure the client's rights or assist the court (or for any other reason).**

Without limiting the supervising licensee's obligations as set out in this document and in the by-laws, direct supervision can often be provided through on-call availability by telephone or other means of supervision as determined by the supervising licensee.

Paralegal field placement students and supervising licensees must comply with the relevant provisions of [By-Law 4](#) and [By-Law 7.1](#).

Supervising licensees must also comply with the [\*Paralegal Rules of Conduct\*](#) or the [\*Rules of Professional Conduct\*](#).

## **Examples Supports**

Supervising licensees who have questions about either their supervision or delegation responsibilities or paralegal scope of practice may contact the Law Society's [Practice Management Helpline](#) for guidance.