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Bulletin

No. A-02/07
Property & Casualty
– Auto

Access to Justice Act, 2006 and Oversight of SABS Representatives by the Law Society of Upper Canada

Oversight of SABS Representatives in Ontario

With the passage of the *Access to Justice Act, 2006*, independent paralegals who provide legal services in Ontario will be regulated by the Law Society of Upper Canada (Law Society) effective May 1, 2007.

Currently, Statutory Accident Benefits Schedule (SABS) representatives are required under the *Insurance Act* to file a declaration with the Financial Services Commission of Ontario (FSCO) confirming they have met the requirements of the *Insurance Act* and agree to adhere to the Code of Conduct issued by the Superintendent of Financial Services.

FSCO has been working with the Law Society to provide for the regulatory oversight of SABS representatives by the Law Society.

Currently Practicing Paralegals

From May 1, 2007, to October 31, 2007, the Law Society will accept applications for paralegal licences from paralegals already practicing in permitted areas of practice. These will be known as "grandparent" applications.

The grandparent application will apply to paralegals who have worked full time providing legal services for at least three years. Eligible applicants will be required to pass a licensing exam that will be given in early 2008. It is expected that paralegal licences will be issued by the Law Society by May 1, 2008.

The Law Society will also be considering "transitional" applicants who have less than three years work experience as a paralegal and have met certain training criteria.

Licence application forms as well as information on the rules, requirements and procedures are available at the Law Society website at www.lsuc.ca or by contacting the Law Society at 1-800-668-7380.

FSCO Oversight of SABS Representatives to End May 1,

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2008

The requirements that SABS representatives comply with regulations under the *Insurance Act* and file certain information with FSCO will continue after May 1, 2007. FSCO will continue to monitor and enforce compliance with these regulations for as long as they remain in force.

Subject to the approval of regulation changes by the Ontario Government, it is anticipated that these requirements under the *Insurance Act* will end on May 1, 2008, concurrent with the Law Society's assumption of full responsibility for the regulation of SABS representatives.

SABS Representatives

To continue to provide legal services on or after May 1, 2008, SABS representatives must submit an application to the Law Society by October 31, 2007. SABS representatives who are successful in meeting the application requirements (including the requirement for a minimum of three years experience) and passing a licensing exam will be issued a paralegal licence by the Law Society.

Current SABS representatives who do not wish to apply for a paralegal licence or do not meet the requirements of the Law Society should use the transition period (ending May 1, 2008) to complete work on existing claims or to transfer ongoing claims to lawyers or paralegals in good standing with the Law Society.

Proceedings and Complaints

Provided the necessary regulation changes are made, FSCO will continue complaint and enforcement proceedings against SABS representatives for compliance issues that arose prior to May 1, 2008.

Complaints concerning the actions of paralegals arising on or after May 1, 2008, will be directed to the Law Society, although FSCO will retain jurisdiction in respect of contraventions of the *Insurance Act* and its regulations, including unfair and deceptive acts or practices.

Future Changes to Regulations and Dispute Resolution Forms

FSCO will issue Bulletins as necessary concerning any future regulation amendments dealing with SABS representatives. Changes will also be made to the dispute resolution forms to properly identify licensed paralegals involved in a claim.

Bob Christie
Chief Executive Officer and
Superintendent of Financial Services

May 11, 2007

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