



LEGAL AID ONTARIO
AIDE JURIDIQUE ONTARIO

QUALITY ASSURANCE PROGRAM

**SUMMARY ADVICE, BRIEF SERVICES
AND
FILE SUPERVISION GUIDELINES ***

Note: Although the QAP Steering Committee has not had an opportunity to review in detail these guidelines, it agrees in principle with this better practice, recognizing that it may not apply to all situations.

** The File Review Checklist attached as Appendix B is a better practice developed by the Quality Assurance Program and endorsed by the QAP Steering Committee on April 25, 2001.*

1. Purpose:

The purpose of these guidelines is to:

- Ensure that clinic clients receive high quality legal services.
- Ensure that caseworkers are using proper file management practices.
- Ensure that the clinic maintains the professional standards of the Law Society of Upper Canada as set out in its *Rules of Professional Conduct*.
- Identify staff training needs and promote staff development.
- Contribute to the performance evaluation and annual goal-setting process.

2.0 Definitions

- 2.1. The term “file” in these guidelines refers to case, law reform, public legal education and outreach files, and includes the physical file as well as any electronic records or documents.
- 2.2. The term “case-conference” means a meeting between a supervising lawyer and caseworker(s) to discuss matters such as the work done on a file to date, the next steps to be taken in the file, and the overall strategy being used to advance the client's case.
- 2.3. The term “file review” means the physical review of a file by a lawyer who does not have day-to-day carriage of the file.

- 2.4. The term “caseworker” in these guidelines refers to any staff who provide summary advice, and brief services, or who do casework, public legal education, law reform, or community outreach. It does not include the executive director.

3.0 Responsibilities

- 3.1. The executive director is responsible for the quality of all legal services provided by the clinic and is required to provide appropriate supervision and training to staff who deliver legal services to clients.
- 3.2. The executive director is responsible for ensuring that a supervision plan is developed for each caseworker.
- 3.3. The executive director is responsible for regularly reporting on the status of the supervision of the clinic’s legal services to the board.
- 3.4. The board of directors is responsible for ensuring that a supervision plan is developed for the executive director.
- 3.5. The board of directors is responsible for ensuring that the clinic’s supervision plans are followed.

4.0 Supervision Procedure for Caseworkers

The following supervision procedures are to be followed:

- 4.1. The executive director, or a lawyer to whom s/he delegates the task, is responsible for reviewing the summary advice and brief services provided by caseworkers who are not lawyers. The summary advice and brief services given by these caseworkers should be reviewed as soon as possible, but no later than one week, after they have been provided. The timeframe adopted for reviewing summary advice and brief services within the one-week time limit should take into account each caseworker’s experience, competence and work habits, and the logistical difficulties of reviewing advice given at satellite offices. The summary advice and brief services given by less experienced or skilled caseworkers may need to be reviewed sooner than one week after they have been provided. It is a better practice to review summary advice and brief services as proximate to the initial advice as the circumstances will allow, so that any errors or omissions can be corrected before a client’s interests are prejudiced.
- 4.2. The executive director or any other lawyer responsible for the supervision of summary advice and brief services will designate another lawyer to conduct the supervision in her/his absence.
- 4.3. The executive director will develop a written supervision plan for each caseworker. The supervision plan should take into account the caseworker’s experience, competence and work habits, the types of files involved (i.e. case files, law reform, community development, public legal education), and the requirements of Rule 5.01 Supervision of the *Rules of Professional Conduct*.

The supervision plan will outline the method and frequency of supervision, including:

- 4.3.a. the approval of all community legal workers' and articling or other students' files when they are opened;
- 4.3.b. the approval of lawyers' files when they are opened, if to do so is appropriate given their experience and competence;
- 4.3.c. regularly scheduled case conferences, the frequency of which will be determined by the experience, competence and work habits of the caseworker, and the caseworker's and clinic's workload; a written record of the case conference to be kept in the file;
- 4.3.d. the physical review of a selection of open files from all caseworkers at fixed intervals; the frequency of reviews and the number of files to be reviewed during each supervision session will determined by:
 - ⇒ the experience, competence and work habits of the caseworker,
 - ⇒ how long files have been open,
 - ⇒ the caseworker's and clinic's caseload,
 - ⇒ the requirement that a sample of files from each area of law in which the caseworker practices be reviewed,
 - ⇒ the requirement that a selection of each caseworker's files be reviewed at least once every six months, although reviews will be more frequent for less experienced caseworkers or if concerns have arisen as a result of previous file reviews or other supervision,
 - ⇒ the requirement that the sampling of files (which can include files that have been closed since the last review) being reviewed be large enough to ensure that any concerns about the caseworker's file management practices or substantive knowledge will be identified; as a guideline for general service clinics at least 10 files (or no less than 10%) for each caseworker should be reviewed during each file review, although this number will be higher for less experienced caseworkers or if concerns have arisen as the result of previous file reviews or other supervision;
- 4.3.e. the review and approval for closing of all non-lawyer caseworker's files prior to closing using the *File Review Checklist* and the *File Closing Checklist*;
- 4.3.f. the approval of all lawyer's files for closing, with the lawyer who has carriage of the file ensuring that the *File Closing Checklist* has been completed before it is submitted to the supervising lawyer for approval.
- 4.4. For reviews of case files on opening and as part of ongoing supervision, use the *File Review Checklist* attached as Appendix B.
- 4.5. For reviews of law reform files use the *Law Reform File Review Checklist* attached as Appendix C.
- 4.6. For reviews of public legal education/information and outreach files use the *PLEI and Outreach File Review Checklist* attached as Appendix D.

- 4.7. For file closings the caseworker will complete *File Closing Checklist* attached as Appendix E to be approved by the supervising lawyer.
- 4.8. The executive director will make quarterly reports to the board on the status of the supervision of caseworkers in accordance with their supervision plans.
- 4.9. The executive director may delegate the supervision of caseworkers to a staff lawyer where appropriate, taking into account the staff lawyer's skills and experience, and the clinic's workload.
- 4.10. The executive director or supervising staff lawyer will record the date of all supervision, any advice given, and any concerns raised, in both the case file and in a supervision log or file.
- 4.11. Supervision of Community Legal Workers and Non-lawyers under Rule 5 of the *Rules of Professional Conduct*.
 - 4.11.a The executive director is responsible for ensuring that the work of all community legal workers and non-lawyers is supervised in accordance with the requirements set out in Rule 5.01 of the *Rules of Professional Conduct*, a copy of which is attached as Appendix F.

5.0 File Review Procedure for Executive Directors

- 5.1. The clinic board is responsible for ensuring that a supervision plan is developed for the executive director's files. The supervision plan will identify another lawyer who will review the executive director's files. The supervision plan will also include the physical review of a selection of files at fixed intervals. The sampling of files should be large enough to ensure that any concerns about the executive director's file management skills and substantive knowledge will be identified. As a guideline, a minimum of 10 files should be reviewed at least once every six months. Files will also be reviewed on closing.
- 5.2. The executive director's files will be reviewed by a staff lawyer if the staff lawyer has the experience, knowledge and competence to do so. When the staff lawyer is unable to review the executive director's files, appropriate alternative arrangements will be made, such as reviews by another executive director, or by a private bar lawyer. It is not appropriate for lawyers who are members of the clinic's board of directors to review the executive director's files due to conflict of interest concerns.
- 5.3. If the supervision plan involves the review of the executive director's files by a lawyer who is not part of the clinic's staff, the client's written consent to the review must be obtained either in the clinic's retainer or in a separate document. In addition, the lawyer reviewing the file must sign a confidentiality agreement.
- 5.4. The executive director's files will be reviewed using the file review checklists attached as Appendices B to E.

Appendix A

GUIDELINES FOR REVIEW OF SUMMARY ADVICE AND BRIEF SERVICES RECORDS

- Intake sheet, either written or electronic, is filled out with sufficient information, including caller's/walk-ins name, address and telephone number or other contact information
- Requests for assistance are responded to promptly
- Conflict of interest check completed and results recorded
- Limitation period checked and recorded
- Sufficient facts recorded to identify issue
- Issue accurately identified
- All appropriate legal and non-legal options explained to the caller/walk-in
- Advice given is correct and complete
- Appropriate referrals were made
- Calls returned promptly
- Date and time of all attempts to contact the caller are recorded
- Notation made of all documents received from the caller/walk-in
- All actions by the caseworker recorded in sufficient detail
- Time spent recorded
- Any further action required is recorded
- Supervision is noted on intake sheet

Appendix B

FILE REVIEW CHECKLIST

Date of File Review: Supervisor's initials: Copy of file review checklist in the file:	YES	NO	N/A	Comments and Follow-up Required
<i>First Review of the File Only</i>				
Intake sheet on file with sufficient information, including client name, address and telephone number or other contact information				
****NEW***** Conflict of interest check conducted and results recorded				
File correctly identified with file/client name, file number, date file was opened, etc.				
File opened soon after the client signs the retainer Date signed: Date opened:				
ED approval, if applicable, noted on the file				
Signed, and dated retainer on file. If a retainer not appropriate or possible to obtain, an opening letter to the client or a memo to file detailing what work the clinic has agreed to do for the client on file				
Client instructions in retainer clear and reflect the work the clinic has agreed to do for the client, including any limitations on the work and any work client is undertaking her/himself				
Work on the file does not commence until the client signs the retainer except in urgent circumstances				
Notation in the file that the caseworker explained the retainer to the client and, if applicable, who interpreted the contents of the retainer for the client				
Notation in the file that the caseworker explained the retainer to the client and, if applicable, who interpreted the contents of the retainer for the client				

Date of File Review	YES	NO	N/A	Comments and Follow-up Required
New retainer signed for each new stage of proceedings, e.g. appeals				
Notation in the file that the client was given a copy of the signed and dated retainer				
Financial eligibility form signed and dated, or client's financial information is included in the retainer or is on file				
Notation in file that client automatically qualifies financially for service, if applicable				
Notation in file that the caseworker explained the financial eligibility requirements to the client				
First File Review and Subsequent File Reviews				
Notes in the file indicating that the caseworker reviewed the legal and non-legal options with the client in detail				
Signed, dated and witnessed authorization forms with timelines for use				
Medical consents signed, dated and witnessed (if applicable) with timelines for use				
Tickler forms completed for all limitation periods and hearing dates and kept in a prominent place in the file				
File well organized with correspondence and notes placed in reverse chronological order on brads so that the supervisor can readily identify the issues				
Notation made of all documents received from the client and kept by the caseworker; these documents are kept in sub-file separate from the other file materials				
Sub-files used appropriately. For example, drafts of documents and correspondence should be clearly marked and kept separate from final copies.				
Dated notes kept of interviews, meetings				

Date of File Review	YES	NO	N/A	Comments and Follow-up Required
Dated records kept of telephone calls made and received, including unsuccessful attempts to reach clients and other parties				
Confirmation sheets kept with faxed documents				
Docket sheets completed				
No undue and unexplained delays in the file				
Evidence in the file that the caseworker is using a bring-forward system				
Action taken on file clearly documented, through notes, memos to file, and/or correspondence				
Telephone calls returned promptly and correspondence answered promptly				
Requests for information from third parties followed-up				
Evidence in file that clients are kept informed about their cases, including telephone calls, meetings and copies of key correspondence, reporting after a significant step in the proceedings				
File transfer memos, where applicable				
Evidence in file that appropriate legal options canvassed, which could include evidence of legal research conducted, consultation with or research requests from the Clinic Resource Office, case conferencing with other CLWs, etc.				
Date of File Review	YES	NO	N/A	Comments and Follow-up Required
File Review of Files to be Closed				
Possible appeal or judicial review discussed with client if case unsuccessful at first or tribunal level. Should include specific notation that any applicable limitation periods were discussed with the client				
Notation of referral made, if the clinic will not represent the client any further and reason why				

Date of File Review	YES	NO	N/A	Comments and Follow-up Required
When the retainer states that it is limited to a review of the merits of an appeal, a comprehensive report to client, especially if in the opinion of the clinic, an appeal is not warranted				
File closing checklist completed				
Closing letter sent to client containing outline of the work done by the clinic, results achieved and any follow-up required of the client. If follow-up required of the client involves a limitation period, caseworker must remind client again of what action must be taken prior to expiration of limitation period				
Documents received from the client and kept by the caseworker are returned to the client, either with the closing letter or earlier, and notation made in the file that this was done. Acknowledgement from client that these documents have been received is requested.				
Request made in the closing letter for reimbursement of legal disbursements, where appropriate. If the clinic decides not to seek reimbursement, this should be noted in the file along with the reason for it				
Trust money paid out, if applicable				
Date of closing is within appropriate time from the last action on the file Date of last action: Date of closing:				

Appendix C

LAW REFORM FILE CHECKLIST

Date of File Review: Supervisor's Initials: Copy of checklist in file:	YES	NO	N/A	Comments and follow-up required
Individual client				
Group client				
Other stakeholder involvement				
Contact information recorded				
Signed and dated retainer in file detailing any work that the clinic has agreed to do for the client(s) on the file, including any limitations and any work the client is undertaking her/himself				
Date Signed: Date Opened:				
Work on the file does not commence until the client signs the retainer except in urgent circumstances				
If a retainer is not appropriate, is a letter sent to the client and/or stakeholder(s) detailing what work the clinic has agreed to do				
Is financial eligibility form filled out for individual or group clients				
If individual or group client not eligible, has board waiver been obtained				
ED approval for opening file, if required, is noted in file				
Notation in the file that the client(s) was given a copy of the signed and dated retainer				
Tickler forms completed for all due dates for briefs, submissions, appearances etc..				
Purpose of the law reform activity is identified				

Date of File Review:	YES	NO	N/A	Comments and follow-up required
Legislation, regulation, or policy at issue is identified				
A strategy or action plan has been developed to achieve desired results				
Any legal information or advice provided is accurate and appropriate				
The activities undertaken reflect the goals and priorities approved by the board				
File well organized with correspondence and notes placed in reverse chronological order on brads so that the supervisor can readily identify the issues				
Sub-files used appropriately, for example, drafts of documents and correspondence should be clearly marked and kept separate from final copies				
Dated notes kept of interviews, meetings				
Dated records kept of telephone calls made and received, including unsuccessful attempts to reach clients and other parties				
Confirmation sheets kept with faxed documents				
Docket sheets completed				
No undue and unexplained delays in the file				
Evidence that the caseworker is using a bring-forward system				
Action taken on file clearly documented, through notes, memos to file, and/or correspondence				

Date of File Review:	YES	NO	N/A	Comments and follow-up required
Telephone calls returned promptly and correspondence answered promptly				
Requests for information from third parties followed-up				
Evidence in the file that clients are kept informed about their files, including telephone calls, meetings and copies of key correspondence, reporting after a significant step is taken				
File transfer memos are written where applicable				
Evidence in the file that appropriate legal options are canvassed, which could include evidence of legal research conducted, consultation with or research requests from the Clinic Resource Office or other appropriate organizations				
Legal briefs or submissions are competently done and are consistent with the goals of the client, the clinic, or the stakeholders, as appropriate				
Drafts of legal briefs and submissions are completed in a timely way to allow review and comment by the client(s) or stakeholders				
Legal briefs and submissions are filed when due				

Date of File Review:	YES	NO	N/A	Comments and follow-up required
FILE REVIEW ON FILES TO BE CLOSED				
Have the outcomes of the activity been reviewed to assess effectiveness				
File closing checklist completed				
Closing letter sent to client(s) or stakeholders containing an outline of the work done by the clinic, the outcomes achieved, and any follow-up required by the client(s) or stakeholders. If follow-up required by the client/stakeholder involves a limitation period or due date, the caseworker must advise the client/stakeholder in writing of what must be done and the date the limitation period or due date expires.				
Documents received from the client and kept by the caseworker are returned to the client, either with the closing letter or earlier, and notation made in the file that this was done. Acknowledgement from client that these documents received is requested.				
Copies of original documents made for the clinic's files where caseworker determines it is appropriate				
Request made in the closing letter for reimbursement of legal disbursements, where appropriate. If the clinic decides not to seek reimbursement, this should be noted in the file along with the reason for it				
Date of closing is within appropriate time from the last action on the file				
Date of last action:				
Date of closing:				

Appendix D

PLEI and OUTREACH FILE CHECKLIST

Date of File Review: Supervisor's Initials: Copy of checklist in file:	YES	NO	N/A	Comments and follow-up required
Has the clinic decided to undertake a public legal education or community development activity on behalf of the clinic's client community generally				
Has the clinic agreed to provide services, training or educational materials to an individual or group				
Has the clinic agreed to assist an individual or group in conducting community development activities				
If so, has the clinic sent a letter outlining the services, training, educational materials, or community development activities it has agreed to provide				
Date letter signed: Date file opened:				
ED approval for opening file, if required, is noted in file				
Is the activity consistent with the goals, objectives and priorities of the clinic as approved by the board				
Tickler forms completed for all due dates, publication dates and education sessions				
Purpose of the PLEI or outreach activity is identified				
Issues to be addressed are identified				
A strategy or action plan has been developed to achieve desired results				
Any legal information or advice provided is accurate and appropriate				
File well-organized with correspondence and notes placed in reverse chronological order on brads so that the supervisor can readily identify the issues				

Date of File Review:	YES	NO	N/A	Comments and follow-up required
Sub-files used appropriately, for example, drafts of documents and correspondence should be clearly marked and kept separate from final copies				
Dated notes kept of interviews, meetings				
Dated records kept of telephone calls made and received, including unsuccessful attempts to reach clients and other parties				
Confirmation sheets kept with faxed documents				
Docket sheets completed				
No undue and unexplained delays in the file				
Evidence that the caseworker is using a bring-forward system				
Action taken on file clearly documented, through notes, memos to file, and/or correspondence				
Telephone calls returned promptly and correspondence answered promptly				
Requests for information from third parties followed-up				
Evidence in the file that clients/community groups are kept informed the clinic's activities including telephone calls, meetings and copies of key correspondence, reporting after a significant step is taken				
File transfer memos are written where applicable				
PLEI and outreach materials are competently done and are consistent with the goals of the client, the clinic, or the stakeholders, as appropriate				
Drafts of PLEI and outreach materials are completed in a timely way to allow review and comment by the client(s) or stakeholders				

Date of File Review:	YES	NO	N/A	Comments and follow-up required
FILE REVIEW ON FILES TO BE CLOSED				
Have outcomes been reviewed to assess the activity's effectiveness				
File closing checklist completed				
Number of persons attending PLEI sessions and/or number of PLEI/outreach materials prepared and distributed is recorded				
Date of closing is within appropriate time from the last action on the file				
Date of last action:				
Date of closing:				

Appendix E

FILE CLOSING CHECKLIST

Client: _____

Open File No.: _____

Caseworker: _____

Closed File No.: _____

Lawyer certifies that:

Initials: _____

- All work has been completed as required by the retainer
- No further work is merited or requested by client
- Copies of original client documents made for file where necessary
- Original documents returned to client, and details recorded in file
- Surplus documents, notes and memoranda removed
- Copies of briefs and legal memoranda put in precedent files
- Storage to be _____ seven years OR _____ permanent
- Bring forward date to review file storage for destruction of file _____

Outcome:

- Court Decision
- Tribunal Decision
- Settlement
- Other
- Number of Appearances: _____
- Total Time Spent on File _____ (hrs.)

Support Staff certifies that:

Initials: _____

- Duplicates and draft documents removed
- Backing boards and interior file covers removed for reuse
- Client's name added to database for conflict checks

Administrative/Financial certifies that:

Initials: _____

- Costs awarded
- If so, was client reimbursed for disbursements paid
- Payment for outstanding disbursements requested
- Arrangements for the client to pay disbursements has been made OR
- Approval for waiver of payment of disbursements has been granted
- Trust accounting has been provided where appropriate

Client ledger cards cleared and removed

Closing

Closed file number assigned and noted on all records

Closed file number written large in red on file cover

Closed file report placed in file

Comments/Instructions:

Approved for closing by: _____
Supervising Lawyer

Date approved: _____

Storage Box No. : _____

Bring Forward Date: _____

Appendix F

Rules of Professional Conduct

Adopted by Convocation on June 22, 2000

(Effective November 1, 2000)

RULE 5

Relationship To Students, Employees, And Others

5.01 SUPERVISION

Application

5.01 (1) In this rule, a non-lawyer does not include a student-at-law.

Direct Supervision Required

5.01 (2) A lawyer shall assume complete professional responsibility for all business entrusted to him or her and shall directly supervise staff and assistants to whom particular tasks and functions are delegated.

Commentary

A lawyer who practises alone or operates a branch or part-time office should ensure that all matters requiring a lawyer's professional skill and judgment are dealt with by a lawyer qualified to do the work and that legal advice is not given by unauthorized persons, whether in the lawyer's name or otherwise.

Where a non-lawyer has received specialized training or education and is competent to do independent work under the general supervision of a lawyer, a lawyer may delegate work to the non-lawyer.

A lawyer may permit a non-lawyer to perform tasks delegated and supervised by a lawyer as long as the lawyer maintains a direct relationship with the client or, if the lawyer is in a community legal clinic funded by Legal Aid Ontario, as long as the lawyer maintains a direct supervisory relationship with each client's case in accordance with the supervision requirements of Legal Aid Ontario and assumes full professional responsibility for the work. Generally, subject to the provisions of any statute, rule, or court practice in that regard, the question of what the lawyer may delegate to a non-lawyer turns on the distinction between any special knowledge of the non-lawyer and the professional and legal judgment of the lawyer, which in the public interest, must be exercised by the lawyer whenever it is required.

A lawyer may permit a non-lawyer to act only under the supervision of a member of the Society. The extent of supervision will depend on the type of legal matter, including the degree of standardization and repetitiveness of the matter, and the experience of the non-lawyer generally and with regard to the matter in question. The burden rests on the lawyer who uses a non-lawyer to educate the latter concerning the duties that may be assigned to the non-lawyer and then to supervise the manner in which such duties are carried out. A lawyer should review the non-

lawyer's work at sufficiently frequent intervals to enable the lawyer to ensure its proper and timely completion.

Permissible Delegation - The following examples, which are not exhaustive, illustrate situations where it may be appropriate to delegate work to non-lawyers subject to proper supervision.

Real Estate - A lawyer may permit a non-lawyer to attend to all matters of routine administration and to assist in more complex transactions relating to the sale, purchase, option, lease, or mortgaging of land, to draft statements of account and routine documents and correspondence, and to attend to registrations, provided that the lawyer should not delegate to a non-lawyer ultimate responsibility for review of a title search report or of documents before signing, or for the review and signing of a letter of requisition, a title opinion, or reporting letter to the client.

Corporate and Commercial - A lawyer may permit a non-lawyer to attend to all matters of routine administration and to assist in more complex matters and to draft routine documents and correspondence relating to corporate, commercial, and securities matters such as drafting corporate minutes and documents pursuant to corporation statutes, security instruments, security registration documents and contracts of all kinds, closing documents and statements of account, and to attend on filings.

Wills, Trusts and Estates - A lawyer may permit a non-lawyer to attend to all matters of routine administration, to assist in more complex matters, to collect information, draft routine documents and correspondence, to prepare income tax returns, to calculate such taxes, to draft executors' accounts and statements of account, and to attend to filings.

Litigation - A lawyer may permit a non-lawyer to attend to all matters of routine administration, and to assist in more complex matters, to collect information, draft routine pleadings, correspondence and other routine documents, research legal questions, prepare memoranda, organize documents, prepare briefs, draft statements of account and attend to filings. Generally, a non-lawyer shall not attend on examinations or in court except in support of a lawyer also in attendance. Permissible exceptions include law clerks appearing on:

(i) routine adjournments in provincial courts;

(ii) appearances before tribunals where statutes or regulations permit non-lawyers to appear, e.g., Small Claims Court, Coroners' Inquests, as agent on summary conviction matters where so authorized by the Criminal Code, and the Provincial Offences Act and administrative tribunals governed by the Statutory Powers Procedure Act;

(iii) routine examinations in uncontested matters such as for the purpose of obtaining routine admissions, attendance upon judgment debtor examinations and on watching briefs but not the conduct of an examination for discovery in a contested matter or a cross-examination of a witness in aid of a motion;

(iv) simple without notice matters or motions for a consent order before a master; and

(v) assessments of costs.

Delegation

5.01 (3) A lawyer shall 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 is advised before any work commences;
- (b) give legal opinions;
- (c) give or accept undertakings, except with the express authorization of the supervising lawyer;
- (d) act finally without reference to the lawyer in matters involving professional legal judgment;
- (e) be held out as a lawyer;

Commentary

A lawyer should ensure that the non-lawyer is identified as such when communicating orally or in writing with clients, lawyers, public officials, or with the public generally whether within or outside the offices of the law firm of employment.

- (f) appear in court or actively participate in formal legal proceedings on behalf of a client except as set forth above or except in a support role to the lawyer appearing in such proceedings;
- (g) be named in association with the lawyer in any pleading, written argument, or other like document submitted to a court;
- (h) be remunerated on a sliding scale related to the earnings of the lawyer, except where the non-lawyer is an employee of the lawyer;
- (i) conduct negotiations with third parties, other than routine negotiations where the client consents and the results of the negotiation are approved by the supervising lawyer before action is taken;
- (j) take instructions from clients, unless the supervising lawyer has directed the client to the non-lawyer for that purpose;
- (k) sign correspondence containing a legal opinion, but the non-lawyer who has been specifically directed to do so by a supervising lawyer may sign correspondence of a routine administrative nature, provided that the fact the person is a non-lawyer is disclosed, and the capacity in which the person signs the correspondence is indicated;
- (l) forward to a client any documents, other than routine documents, unless they have previously been reviewed by the lawyer; or
- (m) perform any of the duties that only lawyers may perform or do things that lawyers themselves may not do.

Commentary

A lawyer may, in appropriate circumstances, render service with the assistance of non-lawyers of whose competence the lawyer is satisfied. Though legal tasks may be delegated to such persons,

the lawyer remains responsible for all services rendered and for all written materials prepared by non-lawyers.