



Q&A By John T. Syrtash, Associate, Garfin Zeidenberg LLP
Answers to pressing questions on Family Law.

Paralegals Not a Safe Substitute

Question: What is the disadvantage and/or advantage to having a family lawyer represent a client in courts as opposed to a paralegal. Some may argue that it would be much more affordable for clients to be better off represented by paralegals. How would you respond to that? And also, what other alternatives may there be besides mediation?

Answer: A good paralegal acts like a nurse to a doctor. A bad one will do more than they are qualified or trained to do and give opinions they are not qualified to give. Paralegals are not normally permitted to represent clients in family court for that reason, although it is in the court's discretion. But even if you had a good paralegal, would you want a nurse to perform surgery on you? Lawyers generally have at least four years of university education prior to three years of law school, a Bar admission course run by the law society with exams for several months and then another full year with a lawyer to train and supervise them. Thereafter, every lawyer is supervised and licensed by both the law society and courts. Most importantly he is insured by LawPRO, an insurance company, so if he makes a mistake you can claim against him and collect. Paralegals offer none of this protection or this education. At best, the better ones have one year of community college in which they are generally trained to assist lawyers, not to hold themselves as expert in the law to the general public, which by the way is illegal. Even after 30 years experience as a paralegal, he is still like a nurse. He may think he knows the answer to certain problems and yet be unfamiliar with very many basics and critical nuances about the law that one can only learn in law school with a solid university education. (There are now Ontario "nurse practitioners" who can diagnose and prescribe medication after intense training. My comparison to nurses is therefore, only a rough analogy.) Secondly, besides mediation both lawyers retained by each party can practice "collaborative law" if experienced in this area. Or, the spouses can consult one very highly experienced and neutral lawyer who will not only mediate but will arbitrate (adjudicate) any issue unresolved by mediation by signing a mediation/arbitration agreement. This idea is often the most cost effective. However, both parties still require their own lawyers as well to advise them before signing any legally binding agreement,

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