



THE PROVINCIAL COURT  
OF BRITISH COLUMBIA

Effective date: 17 November 2023

GEN 05

## PRACTICE DIRECTION

### NON-LAWYERS APPEARING FOR CLIENTS IN COURT

#### Purpose

The objective of this practice direction is to outline the limitations and process for designated paralegals, non-lawyer agents, and proponents in the Law Society of British Columbia's (the "Law Society") Innovation Sandbox ("non-lawyers") to make a request to appear for clients in Provincial Court.<sup>1</sup>

#### Application

This practice direction applies to all court locations in the Province.

#### Definitions

The following definitions apply in this practice direction:

- **"Designated paralegals"** are paralegals that a lawyer has deemed to have the requisite knowledge and skills to perform additional duties, including appearing for clients in court ([Rule 6.1 – 3.2 and 3.3 of The Law Society of British Columbia Code of Professional Conduct \(the "Code of Conduct"\)](#)). There is no certification process to become a designated paralegal, nor are designated paralegals regulated by the Law Society. The designation of a paralegal, and the responsibility for their training and supervision, is made by the lawyer utilizing their services.
- **"Non-lawyer agents"** are individuals who are not lawyers who seek to appear in court on behalf of others as representatives.

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<sup>1</sup> A non-lawyer may also be the subject of any applicable provisions of the [Legal Profession Act \("LPA"\)](#).

In this practice direction, “non-lawyer agents” does not include:

- non-lawyer agents under [the Court Agent Act](#);
  - articulated students, temporary articulated students, or law students appearing on criminal matters under the supervision of a practicing lawyer who are participants in any of the program listed in [Order in Council No. 478](#); and
  - Native Courtworkers ([Order in Council 394](#)).
- **“Proponents of the Law Society’s Innovation Sandbox”** are non-lawyers who have applied to the Law Society to provide legal services and have received a ‘no-action’ letter from the Law Society in response. This ‘no-action’ letter states that the Law Society will not take legal action against the proponent so long as they meet certain conditions and only provide the services listed in the “no-action” letter. All approved proponents in the Innovation Sandbox, and the services that each is allowed to provide, are listed [here](#).

## Directions

1. The presiding judicial officer can prohibit any non-lawyer from representing clients in court if the non-lawyer’s appearance would be inconsistent with the proper administration of justice. Subject to this overriding discretion, designated paralegals, non-lawyer agents, and proponents of the Law Society’s Innovation Sandbox may appear and represent a client in court in the following capacity.

### Designated Paralegals

2. Subject to paragraph 3 below, before a designated paralegal can represent a client in court they must:
  - a. file a letter with the registry from their supervising lawyer setting out their qualifications, listing the duties that they are delegated to perform, and providing their supervising lawyer’s telephone number;
  - b. identify themselves as a designated paralegal in any correspondence and documents that they sign and in any appearance before a court ([Appendix E – Supervision of Paralegals, the Code of Conduct](#));
  - c. ensure that their supervising lawyer is available by telephone or other electronic means whenever they provide any of the services listed in [Rule 6.1 – 3.3 of the Code of Conduct](#), including representing clients before a court or tribunal ([Rule 6.1 – 3.3, Commentary 2 of the Code of Conduct](#)); and
  - d. obtain the permission of the presiding judicial officer to appear in court.

3. Unless the court orders otherwise, designated paralegals cannot appear in court on behalf of clients in the following matters:
  - a. Trials, trial continuations, preliminary inquiries, or other contested matters including sentencings, bail hearings, and contested applications.
  - b. Conferences, including family management conferences, family settlement conferences, family trial preparation and pre-trial conferences, small claims trial and settlement conferences, or criminal pre-trial conferences.
  - c. Matters where the Crown has elected to proceed by way of indictment.

#### **Non-Lawyer Agents**

4. Subject to paragraph 5 below, non-lawyer agents may only represent clients in court if they are:
  - a. supervised and employed by a lawyer ([section 15 \(2\) of the LPA](#)); or
  - b. making the appearance for free ([section 1 of the LPA](#)); or
  - c. representing a defendant who is an organization ([section 802.1 \(a\) of the Criminal Code](#)).
5. Non-lawyer agents can only appear in court to:
  - a. seek an adjournment on a family law or small claims file; or
  - b. seek an adjournment on a summary conviction matter.<sup>2</sup>

#### **Innovation Sandbox Proponents**

6. Proponents of the Law Society's Innovation Sandbox are only permitted to represent clients in court within the scope of their services outlined in their "no action" letter. Before they can appear in court on behalf of clients, Proponents must:
  - a. file the "no action" letter that they have received from the Law Society with the registry in every proceeding that they appear on;
  - b. be listed on the publically searchable directory on the [Law Society's website](#);

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<sup>2</sup> A non-lawyer agent cannot "commence, prosecute, or defend a proceeding in court" on behalf of another ([section 15 \(5\) of the LPA](#)), nor can they appear on indictable matters ([section 802.1 of the Criminal Code](#)).

- c. identify themselves as such in any correspondence and documents they sign and in any appearance before a court; and
- d. obtain the permission of the presiding judicial officer to appear in court.

**Cross Reference**

- [NP 11 Use of a Support Person in Small Claims and Family Proceedings](#)

**History of Practice Direction**

- Original Notice to the Profession and Public dated November 17, 2023.

I make this practice direction pursuant to my authority under the *Provincial Court Act*, R.S.B.C. 1996, c. 379; Rule 3 of the *Provincial Court of British Columbia Criminal Caseflow Management Rules*, SI/99-104; Rule 160 of the *Provincial Court Family Rules*, B.C. Reg. 120/2020; and section 17 of the *Small Claims Act*, R.S.B.C. 1996, c. 430.

Melissa Gillespie  
Chief Judge  
Provincial Court of British Columbia