



THE LAW SOCIETY OF UPPER CANADA
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ARTICLING

National and International Articling Placement: Process and Criteria

National Articles

National Articles mean **an articling placement served within Canada** that is supervised by a lawyer in good standing who has been called to the bar in another Canadian jurisdiction, or by a Principal, who will not be providing the articling candidate with an experience that substantially deals with the laws and practices applicable to the practice of law in the Province of Ontario.

International Articles

International Articles means **an articling placement served outside Canada** that is supervised by a lawyer in good standing who has been called to the bar in another jurisdiction, or by a Principal, who will not be providing the articling candidate with an experience that substantially deals with the laws and practices applicable to the practice of law in the Province of Ontario.

Ontario Articles

“Ontario articles” means an Articling Placement served with a Principal who is providing the articling candidate with an experience that substantially deals with laws and practices applicable to the practice of law in the province of Ontario.

A “Principal” means a member of the Law Society of Upper Canada who has been approved by the Director of Professional Development and Competence to supervise an articling candidate during an articling term.

Examples of National and International Articles may include the following:

- An Articling Placement served with a principal in Hong Kong who is providing the articling candidate with an experience that substantially deals with Hong Kong real estate law,
- An Articling Placement served with a principal in Quebec who is providing the articling candidate with an experience that substantially deals with Quebec civil law,
- An Articling Placement served in Boston with a lawyer called to the Massachusetts’ Bar who is providing the articling candidate with an experience that substantially deals with U.S. trade laws, and
- An Articling Placement served with the War Crimes Tribunal under the direct supervision of a judge.

Examples of Ontario articles may include the following:

- An Articling Placement served with a principal in Ottawa who is providing the articling candidate experience in Ontario family law,
- An Articling Placement served with an Ontario-called principal in New York who is providing the articling candidate with an experience that substantially deals with Ontario estate planning law,
- An Articling Placement served with an Ontario-called principal in Saskatoon who is providing the articling candidate with an experience that substantially deals with Canadian income tax law.

I) Applying for approval of a National or International Articling Placement:

The request to complete National/International Articles must be approved prior to a candidate commencing the Articling Placement. The candidate is responsible for submitting the following to the Office of the Registrar:

- **Application Form for National or International Articling Placement with description of experience** signed by the National or International supervising lawyer and describing the proposed legal experience as it relates to the Articling Goals and Objectives of the Ontario articling program. The proposal for National/International articles should address a substantial number of the Articling Goals and Objectives and **must** address Professional Responsibility.
- **The Law Society of Upper Canada will invoice your online account in the amount of \$160.00 (plus \$20.80 HST)** or you may pay by certified cheque or money order payable to The Law Society of Upper Canada.
- **Supervising lawyer's application for approval:** The applicant should ensure that the supervising lawyer of a National/International Articling Placement applies to the Registrar for approval as follows:
- Where the lawyer is not a member of the Law Society of Upper Canada, the lawyer must apply for approval as a supervising lawyer. A Certificate of Good Standing, which includes the name and years of legal experience of the supervising lawyer and confirmation that he/she is in good standing with his/her governing body should be sent directly from the issuing Law Society to the Registrar.
- Where the lawyer is a member of the Law Society of Upper Canada, the member must apply for approval as an articling principal.

II) Criteria for Approval:

In evaluating an applicant's request for National or International articles, the Registrar will assess the:

- (a) Length, nature, scope and diversity of the proposed legal experience, and
- (b) Relevance of the proposed legal experience to the legal skills, practices and systems ordinarily experienced during Ontario articles; based on criteria outlined in the *Licensing Process Policies*

and will either approve the request to complete the placement with or without terms or deny the request.

III) Upon Completion of National/International Articles:

The supervising lawyer shall submit a letter at the conclusion of the placement. This letter shall confirm the dates served by the articling candidate and that the service was continuous and consistent with the proposal submitted. Any vacation or other time taken off is also to be indicated in the letter.

The letter must also indicate that the articling candidate completed the **online Professional Responsibility and Practice Course** and assessment to the satisfaction of the supervising lawyer.



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National and International Articling Placement: Application Form

Personal Information:

Candidate Name: _____ Candidate No.: _____

Address: _____

Telephone: _____ E-mail: _____

National or International Supervising Lawyer:

Name: _____

Firm/Company Name: _____

Address: _____

Governing Body: _____

Telephone: _____ E-mail: _____

Proposed Dates of Placement:

Start Date: _____ End Date: _____

General Information:

Description of the proposed legal experience: Attach the supervising lawyer’s description of the proposed legal experience with reference to the *Articling Goals and Objectives* (attached). Reference should be made to the criteria for approval in terms of the length, nature, scope and diversity and the relevance of the proposed legal experience to the legal skills, practices and systems ordinarily experienced during Ontario articles. **Application Form will be considered incomplete until this description is received.**

Description of the proposed supervision that will be provided to the articling candidate during the term must also be included.

Routine Tasks expected to be performed:

List tasks expected to be performed which do not have a significant educational component (e.g. filing documents, deliveries, photocopying, clerical.)

Time expected to be spent on routine tasks:

Specify whether such tasks are expected to be performed occasionally (less than 10% of time) or more frequently. If more frequently, indicate the frequency (percentage of time spent).

- Occasional (less than 10%)
- More than Occasional (insert % of time spent on such tasks)

Administrative Support:

Indicate the level of secretarial support expected to be available to you during your articles.

- Administrative support is available to you
- Administrative support is available at the firm
- No administrative support is available

I, Licensing Process candidate, have read and understood the requirements of this application. I will ensure that all supporting documents and applicable fees required by this application are filed and paid. I confirm that the facts contained in this application are true.

Date

Signature



National and International Articling Placement: Goals and Objectives

Description of the Proposed Legal Experience to Be Provided to the Articling Candidate

The following description is one example of what a proposed articling placement might look like. **It is expected that the proposed experience of an articling candidate in a national or international setting will have goals and objectives unique to the setting.** However, the description should address a substantial number of the 13 areas set out in the Articling Goals and Objectives, set out below, and **must** address Professional Responsibility. A supervising lawyer developing a proposed articling experience for approval may borrow from what follows to whatever degree is appropriate. Only those experiences that will be provided to the candidate should be listed.

The National/International supervising lawyer will be expected to fulfil whatever is set out in the description provided for approval.

Articling Goals and Objectives

Description of Proposed Legal Experience

<p>1. PROFESSIONAL RESPONSIBILITY</p> <p>The candidate will be instructed on: basic duties and responsibilities of a lawyer such as conflicts of interest, client confidentiality, proper approach to business development, appropriate delegation of work to non-lawyers, withdrawal of services. The candidate will receive explanations of: system used to avoid conflicts of interest, tickler system, setting and billings of fees and explanations to clients, purpose of trust and general accounts.</p>
<p>2. PLANNING AND CONDUCT OF A MATTER</p> <p>The candidate will be instructed on: effective means of communication with clients and their counsel, cost and time-saving techniques, options available to client in light of client's needs and financial resources. The candidate will: formulate plan with lawyer for conduct of various matters and draft reporting letters to clients.</p>
<p>3. OFFICE SYSTEMS</p> <p>The candidate will be instructed on: precedent file system, process for recording expenses and disbursements (including reimbursement procedures), computer software packages available (e.g. word processing databases, CanLi, QuickLaw, WestLaw).</p>
<p>4. FILE AND PRACTICE MANAGEMENT</p> <p>The candidate will be instructed on: basic file and record-keeping practices, procedures for opening and closing files, documenting/organizing a file (i.e. recording phone calls), time-docketing system, methods of keeping client informed about the progress of matter, scheduling systems regarding follow-up and limitation dates, client retainers and/or payment schedules, billing practices, prepared case plans or checklists for a new file.</p>
<p>5. INTERVIEWING</p> <p>The candidate will be instructed on: proper interviewing techniques. The candidate will: prepare clients or witnesses for trial or other examinations or meetings, prepare statements or affidavits based on interview, attend with lawyer at initial interviews with new clients, observe interviews with witnesses or clients, conduct interviews of clients, witnesses (including experts) or consultants.</p>

6. FACT INVESTIGATION
<p>The candidate will: review documentary evidence (i.e. client's personal or internal files, corporate minute books, files maintained by government or administrative bodies), conduct search(s) under various public record system(s), assist lawyer with interviewing clients/witnesses/consultants, assist in the follow-up for examinations for discovery (i.e. preparation of list of undertakings), prepare summary of transcripts of evidence, interview clients/witnesses/consultants.</p>
7. LEGAL RESEARCH
<p>The candidate will be instructed on: research materials and facilities available (i.e. firm library, local libraries, inter-firm lending arrangements, precedents, computer search databases).</p> <p>The candidate will: research points of law, report verbally to lawyer, prepare written memoranda of law to lawyer, critique or respond to opponent's pleadings/facta.</p>
8. PROBLEM ANALYSIS
<p>The candidate will be instructed on: client's problem and options, strategy for resolution of client's problem.</p> <p>The candidate will prepare: written report of options and strategies for client, from research and investigation.</p>
9. ADVISING
<p>The candidate will be instructed on: proper legal counselling techniques, duties and responsibilities of advising clients.</p> <p>The candidate will prepare: memoranda to lawyer for advising clients of options/remedies available to client and/or memoranda to file about advice given to client.</p> <p>The candidate will attend: client meetings with lawyer.</p> <p>The candidate will advise: client under supervision of lawyer.</p> <p>The candidate will draft: opinion letter to client outlining options/remedies and/or letter to client confirming instructions received from client.</p>
10. DRAFTING
<p>The candidate will be instructed on: proper use of precedents.</p> <p>The candidate will draft: pleadings, notices of motion, orders, offers to settle, judgments, correspondence, affidavits, agreements, opinion letters, facta, retainers, bills of costs, notices of appeal.</p>
11. WRITING
<p>The candidate will be instructed on: methods for improving the accuracy and clarity of expression in the legal context of documents such as, memoranda, letters, reports, opinion letters, articles, texts, speeches.</p>
12. NEGOTIATION
<p>The candidate will be instructed on: negotiation techniques and strategies, negotiations in action, the success of negotiations.</p> <p>The candidate will: conduct negotiation of small claims court matters or other matters under guidance of a lawyer.</p>
13. ADVOCACY
<p>The candidate will be instructed on: advocacy techniques, basic duties and responsibilities of an advocate.</p> <p>The candidate will observe: advocacy in motions, trials and where applicable some or all of the following optional areas: applications, tribunal hearings, pre-trial conferences, references, assessments of cost, discoveries and cross-examinations on affidavits.</p> <p>The candidate will attend at/on: assignment court, uncontested and consent motions, status hearings, judgment debtor examination, contested motions, passing of accounts in estate matters (subject to the discretion of a Superior Court Judge), trial of provincial court matter, trial of summary conviction matter</p> <p>The candidate will conduct: simple tribunal hearing, small claims court trial.</p>