

Fair Registration Practices Report - Lawyers (2010)

Provision of Information About Registration Practices (1 / 13)

Describe how you make information about registration practices available to individuals applying or intending to apply for registration. Specify the tools used to provide information, and the manner in which you make that information available, current, accurate and user friendly in each of these subcategories:

a) steps to initiate the registration process

The Law Society's information on registration practices for individuals applying or intending to apply for the Licensing Process is available on the Law Society's website at www.lsuc.on.ca. The website links the individuals or potential applicants to the Lawyer Licensing Process where a formal online application is provided along with a memorandum that contains explicit instructions on how to complete the online form, download it and submit a completed copy with required documents in order to register in the Licensing Process. The application must be completed online, downloaded and then submitted by the prescribed deadline to the Law Society's Office of the Registrar, thereby avoiding a late filing fee charge. The applicable application fee can be paid online or submitted with the application and all required documents that are described in the instruction memorandum.

As soon as the applicant completes the online application and pays or arranges to pay the application fee (mailed in with the downloaded application and required documents), the applicant becomes a Licensing Process Lawyer candidate and is issued a secure web-messaging account which provides the candidate and the Law Society an immediate and direct means of communication. The candidate's account houses all correspondence conducted between the candidate and the Law Society. The web-messaging account is used for various purposes and communication including invoice postings, all Lawyer Licensing Examinations information, the Articling Program and any Licensing Process messages that need to be communicated to new and/or returning candidates.

b) requirements for registration

Academic requirements for applying to and entering the Licensing Process are as follows: complete a common law degree program (LL.B or JD) from an approved law school at a Canadian university or complete a Certificate of Qualification from the National Committee on Accreditation of the Federation of Law Societies of Canada.

Requirements for registration: complete the online application, download the completed version of the application and submit it to the Office of the Registrar with all required documents, all duly commissioned or notarized, and pay the applicable application fee. Candidates will be registered for the Licensing Examinations which they selected on the application, and must pay the applicable fees by the specified deadline. Once registered into the process, the candidate must complete two licensing examinations and the 10-month Articling Program, which includes an online Professional Responsibility and Practice course.

Requirements for licensing: successfully complete all components of the Licensing Process, file all required documents for the Articling Program where applicable, be of good character as required by the *Law Society Act* and pay the application for licensing (call to the bar) fees as required.

c) explanation of how the requirements for registration are to be met, such as the number of years of schooling required for a degree to be deemed equivalent to an Ontario undergraduate degree, length and type of work experience, credit hours or program content

There are no other or further requirements that must be met for application and registration into the Law Society's Licensing Process than those set out in (B) above.

d) any education or practical experience required for registration that must be completed in Ontario or practice that must be supervised by a member of the profession who is registered in Ontario

All candidates who have less than 10 months of law practice experience in a common law jurisdiction or who have obtained their legal experience in a non-common law jurisdiction are required to complete the Articling Program, a 10-month term supervised by an articling principal (a registered member of the Ontario Bar) who has been approved by the Law Society. During the Articling Program, candidates must complete an online Professional Responsibility and Practice course, which must be reviewed by the articling supervisor/principal. If candidates have legal work experience of less than 10 months, they may apply for an abridgment of the articling term that could reduce the 10-month term by the amount of time approved as legal work experience through the abridgment application process.

e) requirements that may be satisfied through acceptable alternatives

Articles are flexible and can be completed in Ontario, nationally or internationally if supervised by an Ontario trained lawyer in good standing and approved by the Law Society in advance of starting the placement. International candidates who have a law degree and have practised law in another common law jurisdiction for 10 or more months can apply to be exempted from the articling requirement. International candidates who are exempted from the Articling Program are required to complete a 3-day course in Professional Conduct and Practice in Ontario prior to applying for licensing (call to the bar).

f) the steps in the assessment process

Candidates must write and pass two licensing examinations, which are offered three times during the licensing cycle – June, November and March (of the following year). Candidates must also complete 10 months of articling unless otherwise exempted from articling or granted an abridgment. Candidates submit, with their application, information pertaining to their good character. If a good character issue is identified by the candidate, the candidate's information will be reviewed by the Administrative Compliance unit. If the review deems there is an issue, the file is forwarded to Intake and then to the Investigation unit of the Law Society's Professional Regulation Division. If the review by the Investigation unit determines that there is a good character issue, the candidate's information and Investigation's review will be submitted to the Proceedings Authorization Committee who will determine if a good character hearing is required. If a hearing is required, arrangements for a Hearing Panel will be made and the candidate advised. The Hearing Panel will determine the candidate's fitness for entry into the profession. A candidate can be represented by Counsel during all aspects of the pre-hearing and hearing process. A candidate may appeal the Hearing Panel's decision if denied entry into the profession.

g) the documentation of qualifications that must accompany each application; indicate which documents, if any, are required only from internationally trained applicants

Candidates must request the university to issue their official law school transcript directly to the Law Society, and the transcript must indicate the date that the LL.B or JD Degree was issued. Internationally qualified candidates must request their official Certificate of Qualification be issued directly to the Law Society by the National Committee on Accreditation. No further or other information is required from internationally trained candidates who apply to register in the Licensing Process.

h) acceptable alternatives to the documentation if applicants cannot obtain the required documentation for reasons beyond their control

There are no alternatives as these documents are always available through the requisite Canadian university or the National Committee on Accreditation.

i) how applicants can contact your organization

Applicants can contact the Law Society by email, by their assigned web messaging account that is provided to them by the Law Society upon completing the online application, by phone, fax, mail, or arranging an appointment. Walk-ins will also be handled by staff.

j) how, why and how often your organization initiates communication with applicants about their applications

Law Society administrators visit the Ontario law schools prior to registration to explain the Licensing Process. The Law Society's website for the Licensing Process is quite extensive in providing the applicants with all information about the registration practices for those applying or intending to apply.

Candidates will be contacted immediately via their web messaging account when an application form was filed incorrectly, was not accompanied by all required documentation for registration or the information was not completed correctly on the form. Candidates are provided a confirmation email in their web messaging account when the application is complete and they are registered in the Licensing Process. Following the application process, candidates are provided registration information via their personal web messaging account which is used specifically for communication with the Law Society during the entire Licensing Process. The Society also communicates regularly with the candidates throughout the Licensing Process on all matters including the Licensing Examinations dates and locations, licensing examination results, examination reference materials matters and updates, fee payments, Articling Program information and support, and the licensing of eligible candidates (call to the bar) in regard to filing outstanding documents, candidate confirmations of licensing dates, times, and locations.

k) the process for dealing with documents provided in languages other than English or French

Such documents are sent for translation through an appropriate translator or translation service.

l) the role of third-party organizations, such as qualification assessment agencies, organizations that conduct examinations or institutions that provide bridging programs, that applicants may come into contact with during the registration process

The National Committee on Accreditation (NCA) is a standing committee of the Federation of Law Societies of Canada. It is made up of representatives from the Council of Law Deans, members of the practising bar and members involved with the administration of provincial law societies. Its role is to evaluate the legal training and professional experience of persons with international common law or non-common law legal credentials who wish to be admitted to a common law bar in Canada. A bridging program for internationally trained candidates was developed and is delivered by the University of Toronto.

"Bridge Training Program for Internationally Trained Lawyers", is a voluntary program offered at the University of Toronto.

York University's Osgoode Professional Development's NCA Exam Prep Course is a voluntary program.

m) any timelines, deadlines or time limits that applicants will be subject to during the registration process

Upon registration into the Licensing Process, a candidate has, from the date of registration in the initial licensing cycle (May 1 to April 30), three years to successfully complete all components of the Licensing Process and be licensed (called to the bar).

n) the amount of time that the registration process usually takes

The registration process for licensing takes, on average, less than one full year to complete. However, the registration process is flexible and candidates may choose their preferred timeline, ensuring that they complete all components within three years.

o) information about all fees associated with registration, such as fees for initial application, exams and exam rewrites, course enrolment or issuance of licence

Fees associated with registration and subject to applicable tax:

- 1) Licensing Process application fee - \$160.00
- 2) Late filing of the Licensing Process application - \$75.00
- 3) Licensing Examination Fees (materials included) - \$750.00 per Licensing Examination
- 4) Rewrite of a Licensing Examination (materials provided on CD at no charge) - \$600.00
- 5) Request for a hardcopy of the materials for rewrites - \$150.00
- 6) Articling Program (includes online Professional Responsibility and Practice course) - \$900.00
- 7) Application Fee for Licensing (Call to the Bar) - \$250.00
- 8) Professional Conduct and Practice in Ontario course (mandatory for articling exempted candidates) - \$500.00
- 9) Application for Exemption or Abridgment of the Articling Program - \$160.00

p) accommodation of applicants with special needs, such as visual impairment

The Law Society's policy regarding accommodation for the Licensing Process is available to candidates on the Law Society's website. The online Licensing Process application asks candidates to indicate whether they wish to receive the "Request for Special Needs Accommodation" package for the purpose of applying for special needs accommodation. Upon request, a hard copy of the Request for Accommodation package is sent to the candidate in confidence, and must be completed and returned by the stated deadline. Candidates may also receive a PDF electronic copy, if required, and may request information about special accommodation at anytime by email to the designated special needs account or by calling Support Services through our general enquiry line. Calls and email are returned within one business day. All information provided by a candidate or a supporting third party is held in strict confidence and separate to a candidate's Licensing Process registration and records file. The candidate's accommodation documentation/file is retained for one year after being licensed and all information is destroyed.

Please identify and explain the changes in your registration practices relevant to this section that occurred during the reporting year.

Section 1(f) has been changed to identify a new initiative to expedite the processing of good character issues by having Administrative Compliance review all good character files and determine which need further review and investigation by the Professional Regulation Division.

These links were added to section 1(l) during the reporting year.

"Bridge Training Program for Internationally Trained Lawyers", is a voluntary program offered at the University of Toronto.

York University's Osgoode Professional Development's NCA Exam Prep Course is a voluntary program.

Amount of Fees (2 / 13)

Are any of the fees different for internationally trained applicants? If yes, please explain.

The fees for the Licensing Process are identical for all candidates regardless of their status.

Please identify and explain the changes in your registration practices relevant to this section that occurred during the reporting year.

There were no changes in the registration practices for this section during the reporting year.

Provision of Timely Decisions, Responses and Reasons (3 / 13)

a) What are your timelines for making registration decisions?

The timelines for making registration decisions for licensing (call to the bar) is dependent on successful completion of the components of the process by the candidate. In most cases this constitutes one year if all components are successfully completed and the candidate has no serious good character issues. A candidate who receives an exemption of the Articling Program or an abridgment could be licensed in a lesser timeline, having successfully completed the above conditions.

b) What are your timelines for responding to applicants in writing?

Applicants can expect a written response within 40 to 72 hours pending the type of enquiry and the review required for the response. In many cases, email questions are answered with 24 hours.

c) What are your timelines for providing written reasons to applicants about all registration decisions, internal reviews and appeal decisions?

Written responses to applicants about registration decisions, internal reviews and appeal decisions are provided within one week following review and decision respecting application or registration issues. Hearing Panel decisions respecting good character are public and published immediately after the Hearing Panel issues its order. The timeliness of internal reviews and appeal decisions rests on the seriousness of the candidate's good character issue and the length of time it takes to investigate, responsiveness of the candidate, third parties and representation by counsels for the candidate and/or the Law Society.

Timeliness for good character issues are based on the seriousness of the matter at hand and therefore, any of the following steps may take place sequentially depending on the issue:

- 1) Administrative Compliance unit determines if the good character issue(s) of a candidate requires investigation, and if so, the file is referred to the Intake unit.
- 2) The Intake unit reviews the good character issue(s) and assigns the file for investigation.
- 3) The Investigation unit, once it has investigated the issue(s), determines if the issue(s) requires further review and if so, the file is referred to the Proceedings Authorization Committee.
- 4) The Proceedings Authorization Committee becomes involved if Investigation's review determines the issue(s) requires legal opinion, and
- 5) The Hearing Panel becomes involved if the Proceedings Authorization Committee's review determines the issue(s) requires a final decision (order) on the licensing application by the candidate.

d) Explain how your organization ensures that it adheres to these timelines.

Response protocols have been established for each respective unit and department overseeing the various components of the registration process.

Please identify and explain the changes in your registration practices relevant to this section that occurred during the reporting year.

There were no changes to registration practices in this section.

Access to Records (4 / 13)

a) Describe how you give applicants access to their own records related to their applications for registration.

The application form is an electronic online form and process. Applicants control all aspects for the completion of the document online. After the candidates enter the Licensing Process, the candidates can physically access their Licensing Process records file online or request to view the hardcopy of their records file.

b) Explain why access to applicants' own records would be limited or refused.

There are no circumstances under which access to or a copy of an applicant's original application and the documents submitted would be limited or refused.

c) State how and when you give applicants estimates of the fees for making records available.

There are no other fees charged for making records available to the applicant while in the Licensing Process other than those listed on the fee schedule. The schedule lists fees for requested documents by candidates such as transcripts for Licensing Examination results, replacement of a lost Law Society identification card, or a second or replacement copy of the Licensee's Certificates to practice law. No fees are charged for copies of the candidate's personal original documents.

d) List the fees for making records available.

An official copy of a Licensing Process transcript which must be mailed directly to a third party - \$25.00 plus applicable tax.

An unofficial copy of licensing transcript - \$15.00 plus applicable tax.

Replacement of a Licensee's Certificates, either the Degree of Barrister-at-Law or the Court Certificate - \$75.00 per replacement or copy plus applicable tax.

Replacement of a candidate's lost Licensing Process photo identification card - \$15.00 plus applicable tax.

e) Describe the circumstances under which payment of the fees for making records available would be waived or would have been waived.

There is no waiver for the above fees unless a misprinted document was issued originally for any of the above records.

Please identify and explain the changes in your registration practices relevant to this section that occurred during the reporting year.

There were no changes to registration practices in this section during the reporting year.

Resources for Applicants (5 / 13)

a) List and describe any resources that are available to applicants, such as application guides, exam blueprints or programs for orientation to the profession.

- 1) Career Map posted on the Ministry of Citizenship and Immigration with a link on the Law Society website provides all information on entry to the Lawyer Licensing Process and requirements to be licensed.
- 2) The Law Society's website links to the Lawyer Licensing Process webpage and it provides a complete set of documentation and guidelines for completing the entire process from application to certification.
- 3) The Lawyer Licensing Examinations competency profiles, guidelines, study guide and practice questions are available on the website.
- 4) The reference materials for study and preparing to write the Licensing Examinations are provided to candidates upon them being fully registered, and required fees paid.

b) Describe how your organization provides information to applicants about these resources.

Information is provided through the Canadian law schools and the National Committee on Accreditation, the entry points for Ontario's lawyer licensing process, and the applicants who communicate with the Law Society directly are given website links. All of the law schools and the National Committee on Accreditation have direct links to the Law Society's website and contact information for potential applicants who contact the Law Society if they need to obtain more information. Law Society administrators visit the law schools of Ontario, when requested, in March and inform graduating law students about the Licensing Process. Some law schools have also requested November visits. An information sessions is held for internationally trained law applicants by various organization and the Law Society is invited to speak to those potential applicants. All Canadian law schools and the National Committee on Accreditation are notified when the application process for the Licensing Process begins each year in October.

Please identify and explain the changes in your registration practices relevant to this section that occurred during the reporting year.

There were no changes to registration practices in this section during the reporting year.

Internal Review or Appeal Processes (6 / 13)

In this section, describe your internal review or appeal process. Some regulatory bodies use these two terms (*internal review* and *appeal*) for two different processes, some use only one of these terms, and some use them interchangeably. Please use the term that applies to your profession. If you use both terms (for two different processes), please address both.

a) List your timelines for completing internal reviews or appeals of registration decisions.

Internal reviews of registration deal with good character consideration and are conducted and completed within the same licensing year as the applicant is registered unless the issues involved in the good character assessment require more time due to the complexity of the issues and/or candidate's requests for adjournments of process.

Timeliness for good character issues are based on the seriousness of the matter at hand and therefore, any of the following steps may take place sequentially depending on the issue:

- 1) Administrative Compliance unit determines if the good character issue(s) of a candidate requires investigation, and if so, the file is referred to the Intake unit.
- 2) The Intake unit reviews the good character issue(s) and assigns the file for investigation.
- 3) The Investigation unit, once it has investigated the issue(s), determines if the issue(s) requires further review and if so, the file is referred to the Proceedings Authorization Committee.
- 4) The Proceedings Authorization Committee becomes involved if Investigation's review determines the issue(s) requires legal opinion, and
- 5) The Hearing Panel becomes involve if the Proceedings Authorization Committee's review determines the issue(s) requires a final decision (order) on the licensing application by the candidate.

i. State the number of internal reviews or appeals of registration decisions that exceeded your timelines.

No 2010 reviews or appeals pertaining to good character issues exceeded the timelines for a candidate's licensing application.

ii. Among internal reviews or appeals that exceeded your timelines, state the number that were from internationally trained applicants.

Not applicable.

b) Specify the opportunities you provide for applicants to make submissions regarding internal reviews or appeals.

The only appeals available to applicants for registration apply to good character Hearing Panel decisions and to the denial of an exemption or abridgment of the Articling Program.

Good Character

If applicants are found to be failing to exhibit good character/conduct, and therefore cannot proceed into the profession, they have the right to go before the Law Society's Hearing and Appeals Panel. The applicants can choose to be represented by counsel at the hearing. As part of the hearing process, applicants can request that the Law Society investigation office disclose information that was used to deny their entry to the profession and the applicant may make submissions personally or through counsel to respond to this information. The hearing is public. Information about the Law Society Hearing and Appeals Panel processes (for good character issues) is available on the Law Society website. Information about the Law Society Hearing and Appeals Panel processes (for good character issues) is available on the Law Society website.

Candidates may also contact the Law Society for an oral or written explanation.

Articling

Applicants appealing a decision of the Registrar regarding the abridgment or exemption of the articling requirement may also make a written submission.

The Licensing Processing Policies available through the Law Society website state that a candidate may appeal, in writing, the decision of the Registrar with regard to an articling abridgment or exemption decision, and must submit to the Office of the Registrar a request to appeal in the prescribed form within 30 days after the date on which the Office of the Registrar notifies the person of the decision.

c) Explain how you inform applicants about the form in which they must make their submissions (i.e., orally, in writing or by electronic means) for internal reviews or appeals.

Format to appeal the decision of the Hearing Panel

Information about the Law Society hearing and appeals processes is available on the Law Society website. Applicants may also contact the Law Society for an oral or written explanation. A written explanation of the Hearing Panel's decision is provided to the applicant or Counsel, if Counsel was retained. If the applicant wishes to appeal and requires information about the appeal process, the applicant can contact the Tribunal Office.

Format to review or appeal a decision on an application for Articling exemption or abridgment

The Licensing Processing Policies available through the Law Society website state that a candidate may appeal the decision of the Registrar, in writing on an abridgment decision, and must submit to the Office of the Registrar a request to appeal in the prescribed form within 30 days after the date on which the Office of the Registrar notifies the person of the decision. Candidates may also contact the Law Society for an oral or written explanation.

d) State how you ensure that no one who acted as a decision-maker in a registration decision acts as a decision-maker in an internal review or appeal of the same registration decision.

The relationship of the appeal / review bodies to the assessment and decision-making bodies in the registration process is arm's length. The Hearing and Appeals Panels are privy only to the issues related to good character / conduct and are not privy to any information respecting the completion of other components of the registration process and whether or not they have or have not been completed. Decision-makers, who deal with the completion of the registration components not including good character, do not sit on Hearing Panels as they are not qualified to do so.

e) Describe your internal review or appeal process.

Review or appeal process for good character

Licensing Process applications, in which good character issues have been listed by the candidate, are sent to the Administrative Compliance unit where the issue is reviewed to determine if the issue requires further investigation. If

it is determined that there are no issues of good character the decision is communicated to the Office of the Registrar and the candidate's record file is marked "cleared".

If it is determined an issue exists, the candidate's file is submitted to the Intake unit of the Professional Regulation Division and an investigator is assigned to the file. Investigation takes place and involves the candidate throughout the process. The assigned investigator may determine, based on the findings of the investigation that no further issue of good character exists and the file is returned to the Office of the Registrar to be marked as "cleared".

If the investigator's process determines that there is a good character issue, the file is forwarded to the Discipline unit and the Proceedings Authorization Committee. The Proceedings Authorization Committee reviews the candidate's issue and determines if it will proceed to a Hearing. If it is determined that a hearing is required, a public Admissions Hearing is held. A candidate is permitted to appear before the Hearing Panel with counsel, if desired, and make submissions.

If the Proceedings Authorization Committee determines that there is no issue warranting a hearing, the candidate's file is returned to the Office of the Registrar to be entered as "cleared" on the candidate's registration file.

Internal review or appeal process for articling exemption or abridgment

A candidate can appeal, in writing, the decision of the Registrar on an articling exemption or abridgment decision. The candidate must submit to the Office of the Registrar a request to appeal in the prescribed form accompanied within 30 days after the date on which the Office of the Registrar notifies the person of the decision. The appeal will be reviewed by the Director of Professional Development and Competence as outline in the Licensing Process Policies, whose decision will be final.

- f) State the composition of the committee that makes decisions about registration, which may be called a Registration Committee or Appeals Committee: how many members does the committee have; how many committee members are members of the profession in Ontario; and how many committee members are internationally trained members of the profession in Ontario.**

A Hearing Panel must be composed of at least three persons appointed by the Law Society's Governing Board, of whom: at least one shall be a person who is not a licensee; and one must be a bencher (governor of the Law Society), a licensee or a person approved by the Attorney General for Ontario to be appointed to a Hearing Panel.

The Hearing and Appeals Panels are composed of lawyers, paralegals and non-lawyers. Information on how many of these members were internationally trained is not collected.

Please identify and explain the changes in your registration practices relevant to this section that occurred during the reporting year.

There were no changes to registration practices in this section during the reporting year.

Information on Appeal Rights (7 / 13)

This section refers to reviews or appeals that are available after an internal review or appeal.

Describe how you inform applicants of any rights they have to request a further review of or appeal from a decision.

The applicant receives a copy of the order of the Hearing Panel and can refer to the Law Society Act and Rules of Practice and Procedure for the Tribunal of the Law Society (Hearing Panel) outlining the avenues of appeal. The legislation and Rules of Practice and Procedure are available on the Law Society's website.

Please identify and explain the changes in your registration practices relevant to this section that occurred during the reporting year.

There were no changes to registration practices in this section during the reporting year.

Assessment of Qualifications (8 / 13)

This category covers your processes for assessing all qualifications, such as academic credentials, competencies, language ability or practical experience.

a) List the criteria that must be met in order for an applicant's qualifications to satisfy the entry-to-practice requirements for your profession.

Criteria to be met for an applicant's qualifications to satisfy entry requirements:

- 1) Complete a common law degree (LL.B or JD) from an approved Law Society law school program at a Canadian University, or receive the Certificate of Qualification after completing the requirements of the National Committee of Accreditation.
- 2) Write and pass the two Licensing Examinations.
- 3) Complete the 10 month Articling Program (including the online Professional Responsibility and Practice course), and if an application for exemption of the Articling Program is granted, the candidate must take the 3-day Professional Conduct and Practice in Ontario course.
- 4) Be of good character.

b) Describe the methodology used to determine whether a program completed outside of Canada satisfies the requirements for registration.

The National Committee on Accreditation assesses all international law programs for equivalency of a Canadian common law degree for all the Federation of Law Societies in Canada except the Barreau du Quebec, which is a civil law jurisdiction. The National Committee on Accreditation reviews the applicant's academic achievements, age of the academic qualification, country where the applicant obtained the education and its legal system, subjects the applicant studied and content of the courses taken, academic marks and standing in all years of the degree program, nature of the degree-granting institution attended, professional qualifications earned, and any relevant graduate legal education.

Once an applicant receives the Certificate of Qualification from the National Committee on Accreditation, the applicant has satisfied the requirements to enter any of the Law Societies' Licensing Processes for whom the National Committee on Accreditation applies its evaluation process. For more details on the methodology used, see the National Committee on Accreditation's website at <http://www.flsc.ca/en/foreignLawyers/guidelines.asp>.

c) Explain how work experience in the profession is assessed.

Internationally trained candidates, who have a common law degree and have practised for 10 months or more in an international jurisdiction, are eligible to apply for an exemption of the Articling Program.

Internationally trained candidates, who have been admitted to the bar of an international jurisdiction and had practised as a lawyer or had legal experience in that non common law jurisdiction, may have this previous work experience considered for an abridgment of the Articling Program. The application for an abridgment or exemption is available on the Law Society website and requires the following:

- 1) Payment of an application fee of \$160.00 plus applicable tax.
- 2) Submission of a letter by the candidate setting out the period of legal experience, and describing the legal experience in relation to the criteria for abridgment and citing specific examples, and explaining how this legal experience is relevant to the legal skills, practices and systems ordinarily experienced during traditional articles by referring to the Articling Goals and Objectives.
- 3) Submission of a Certificate of Good Standing sent directly to the Office of the Registrar from the governing body where the candidate had been admitted to the bar of that foreign jurisdiction.
- 4) Submission of an original letter(s) from one or more lawyers or judges acting as a referee(s) and who have direct knowledge of the nature of the applicant's legal experience (in some instances, where an candidate has worked in numerous law firms, more than two referee letters may be required) must:
 - be sent directly from the referee to the Office of the Registrar,
 - verify the candidate's periods of legal experience,

- describe the nature of the candidate’s legal experience, citing specific examples, and
- explain how this legal experience is relevant to the legal skills, practices and systems ordinarily experienced during traditional Articles by referring to the articling goals and objectives.

d) Describe how your organization ensures that information used in the assessment about educational systems and credentials of applicants from outside Canada is current and accurate.

The Law Society requires original documentation that must be sent directly from the governing body or referees and this allows the Law Society to verify the accuracy and currency of the documents.

e) Describe how previous assessment decisions are used to assist in maintaining consistency when assessing credentials of applicants from the same jurisdictions or institutions.

The Law Society does not assess international applicants’ institutional credentials. The responsibility of assessment decisions and maintaining consistency has been designated to the National Committee on Accreditation via the Federation of Law Societies of Canada.

Assessment decisions for exemptions and abridgment of the Articling Program are based on prior work experience, for those who apply, and are determined on a case-by-case basis with regard to the criteria that meet the Law Society’s articling program’s goals and objectives.

f) Explain how the status of an institution in its home country affects recognition of the credentials of applicants by your organization.

As the Law Society does not assess international applicants’ institutional credentials, it does not affect the Law Society’s recognition of an applicant once the applicant acquires the Certificate of Qualification from the National Committee on Accreditation. There are no credentials required to enter the Licensing Process beyond the applicant receiving the Certificate of Qualification.

g) Describe how your organization accommodates applicants with special needs, such as visual impairment.

The applicant submits a Request for Accommodation which must include adequate supporting documentation that clearly outlines the need for accommodations. In the event of accommodation pursuant to a disability or impairment, medical documentation must be provided. The documentation must be current and must confirm:

- 1) that a disability or impairment exists;
- 2) how the disability adversely affects the applicant’s ability to participate in the Licensing Process;
- 3) provide the recommendation for accommodation and how the recommended accommodation will negate the adverse affect of the disability while writing the exam and provide a rationale that relates to those adverse effects.

Once the request and documentation have been reviewed and approved, appropriate steps and mechanisms are put in place to provide the approved accommodation. This may entail the booking of a private room, additional proctors or providing the exam in an electronic format for those with visual impairments who have been granted permission to use adaptive technology.

h) State the average length of time required to complete the entire registration process, from when the process is initiated to when a registration decision is issued.

Average length of time is approximately one year. An exemption or abridgment of the Articling Program, the passing of the two Licensing Examinations within the licensing cycle of entry into the Licensing Process and having no good character issues, could result in a shorter length of time to become licensed.

i. State whether the average time differs for internationally trained individuals.

The average time does not differ for internationally trained candidates.

- ii. **If the average time differs for internationally trained individuals, state whether it is greater or less than the average for all applicants, and the reasons for the difference.**

N/A

i) If your organization conducts credential assessments:

- i. **Explain how you determine the level (e.g., baccalaureate, master's, Ph.D.) of the credential presented for assessment.**

The Law Society does not conduct credential assessments.

- ii. **Describe the criteria that are applied to determine equivalency.**

The Law Society does not conduct credential assessments.

- iii. **Explain how work experience is taken into account.**

The Law Society does not conduct work experience assessments unless the candidate is applying for an exemption or abridgment of the Articling Program requirements (see (c) above).

j) If your organization conducts competency assessment:

- i. **Describe the methodology used to evaluate competency.**

Evaluation of competency is conducted by the writing and passing of the two licensing examinations.

- ii. **Explain how the methodology used to evaluate competency is validated, and how often it is validated.**

The Licensing Examinations have been developed through a rigorous blueprinting and competency profiling process that engaged thousands of lawyers and others in the development of minimal expectations for entry into the practice of law; the competencies are validated as necessary and on an ongoing basis as the knowledge and skills requirements in practice change.

- iii. **Explain how work experience is used in the assessment of competency.**

Previous work experience is not used to assess competency for the Law Society's Licensing Process. Legal work experience is used only in determining the skills set of the candidate's application for an exemption or abridgment of the Articling Program.

k) If your organization conducts prior learning assessment:

- i. **Describe the methodology used to evaluate prior learning.**

The Law Society does not conduct prior learning assessments.

- ii. **Explain how the methodology used to evaluate prior learning is validated, and how often it is validated.**

N/A

- iii. **Explain how work experience is used in the assessment of prior learning.**

N/A

l) If your organization administers examinations:

- i. **Describe the exam format, scoring method and number of rewrites permitted.**

The format of the Law Society's Licensing Examinations is multiple-choice and scoring is completed by scanning bubbled answer sheets through the computerized scoring system electronically. A candidate can attempt the licensing examination 3 times per licensing cycle, and each candidate has 3 years to complete the Licensing Process after being registered.

ii. Describe how the exam is tested for validity and reliability. If results are below desired levels, describe how you correct the deficiencies.

The blueprint process that tests the reliability of every question held in the Law Society's secured Licensing Examinations question databanks. Every question that is used on an examination has been assessed both in a pre-written examination and then post the writing of the examination by the external psychometric experts and Advisory Groups. Passing scores are adjusted if required and in accordance with the blueprint specifications.

iii. State how often exam questions are updated and the process for doing so.

The Law Society develops new examination questions on an ongoing, regular basis with examination question development taking place two times per annum and thereby continuing to review, update and add to its secure databanks of questions for each of the two Licensing Examinations.

Please identify and explain the changes in your registration practices relevant to this section that occurred during the reporting year.

There were no changes to registration practices in this section during the reporting year.

Third-Party Organizations (9 / 13)

a) List any third-party organizations (such as language testers, credential assessors or examiners) relied upon by your organization to make assessment decisions.

The National Committee of Accreditation (NCA), a Committee of the Federation of Law Societies of Canada (FLSC), evaluates and makes all assessment decisions for applicants wishing to enter the licensing process to any of the Law Societies in Canada, except for the Barreau du Quebec (non-common law degree).

b) Explain what measures your organization takes to ensure that any third-party organization that it relies upon to make an assessment:

i. provides information about assessment practices to applicants

The National Committee of Accreditation maintains several pages on the Federation's website. These include background on the National Committee of Accreditation, all policies and guidelines, frequently asked questions, application form, and information about the challenge examinations. In 2010, a new document, 'How to Answer Fact Based Law Exam Question', was added to the website to assist NCA students.

ii. utilizes current and accurate information about qualifications from outside Canada

National Committee of Accreditation staff members subscribe to several newsletters, databases and lists servers about higher education and attend conferences on related subjects.

iii. provides timely decisions, responses and reasons to applicants

Assessment decisions are provided to applicants within three months of the date that all required documents are received. Most assessment decisions are mailed within six weeks.

iv. provides training to individuals assessing qualifications

National Committee of Accreditation staff members attend relevant conferences, courses and webinars. In the past six months one staff member has attended the Institute for Credentialing Excellence conference and the Canadian Network for National Associations of Regulators conference.

v. provides access to records related to the assessment to applicants

National Committee of Accreditation staff members respond promptly to any of the Law Societies requests for information, including The Law Society of Upper Canada.

vi. accommodates applicants with special needs, such as visual impairment

Accommodations may be requested for examinations. A doctor's note is required in order to approve the request and to determine the appropriate accommodation.

c) If your organization relies on a third party to conduct credential assessments:**i. Explain how the third party determines the level (e.g., baccalaureate, master's, Ph.D.) of the credential presented for assessment.**

National Committee of Accreditation administrators have researched the legal education systems in countries around the world and are developing a library of course calendars. Based on this information, the level of the legal education presented is determined.

ii. Describe the criteria that are applied to determine equivalency.

The National Committee of Accreditation assessment of the applicant's legal background is based on academic and professional credentials. The assessment takes into account the source country's legal education (common law, non-common law, "hybrid"), the courses studied, academic marks in core legal subjects, overall academic achievement, the approval/accreditation status of the degree granting institution, the mode of study (in class or distance education) as well as the applicant's professional qualifications and length and nature of his/her professional legal experience. The applicant's education and professional experience are compared to the National Committee of Accreditation's list of ten core subject areas. When the applicant has not demonstrated competency in a core subject area, the applicant will be asked to write an examination in that subject or take a course in the subject in a Canadian law school. For more details on the assessment criteria, please see <http://www.flsc.ca/en/foreignLawyers/guidelines.asp>.

iii. Explain how work experience is taken into account.

If an applicant is licensed in another jurisdiction, the assessment will take into account the licensure process, which may include courses, examinations, supervised experience, etc. The National Committee of Accreditation will evaluate licensed practice in another jurisdiction based on a detailed applicant C.V. and statements from the applicant's employer. Work experience may be relevant in the National Committee of Accreditation assessment when the applicants can demonstrate that they gained knowledge in a core subject area that they either did not take at law school or in which they received poor marks in law school.

d) If your organization relies on a third party to conduct competency assessments:**i. Describe the methodology used to evaluate competency.**

N/A

ii. Explain how the methodology used to evaluate competency is validated, and how often it is validated.

N/A

iii. Explain how work experience is used in the assessment of competency.

N/A

e) If your organization relies on a third party to conduct prior learning assessments:**i. Describe the methodology used to evaluate prior learning.**

N/A

ii. Explain how the methodology used to evaluate prior learning is validated, and how often it is validated.

N/A

iii. Explain how work experience is used in the assessment of prior learning.

N/A

f) If your organization relies on a third party to administer examinations:

i. Describe the exam format, scoring method and number of rewrites permitted.

The National Committee of Accreditation offers examinations in 16 subjects. Each examination is composed of essay and/or short answer questions. The pass mark for each examination is 50%. Applicants are normally allowed two opportunities to pass each examination with a third opportunity provided when justified. In exceptional cases, a fourth opportunity has been provided. For more information, please visit <http://www.flsc.ca/en/foreignLawyers/ncaExaminations.asp>.

ii. Describe how the exam is tested for validity and reliability. If results are below desired levels, describe how you correct the deficiencies.

The examinations are set and marked by law professors from across the country at the same level of difficulty required of students in Canadian law schools. The examinations are set based on the National Committee of Accreditation syllabi.

iii. State how often exam questions are updated and the process for doing so.

New examinations are set for each of the examination sessions.

Please identify and explain the changes in your registration practices relevant to this section that occurred during the reporting year.

There were no changes to registration practices in this section during the reporting year.

Training (10 / 13)

a) Describe the training that your organization provides to:

i. individuals who assess qualifications

National Committee on Accreditation staff administrators attend relevant conferences, courses and webinars. In the past six months one staff member has attended the Institute for Credentialing Excellence conference and the Canadian Network for National Associations of Regulators conference.

ii. individuals who make registration decisions

Individual administrators are trained to make registration decisions by reviewing the official transcript issued directly to the Law Society by law schools or receiving the Certificate of Qualification directly from the National Committee on Accreditation. Administrators ensure that the LL.B or JD was issued from a law school that law program was approved by Convocation (Benchers of the Law Society). This information is accessible on the Law Society website and in the Licensing Process Policies.

iii. individuals who make internal review or appeal decisions

- 1) Members of the National Committee on Accreditation make up the National Committee on Accreditation's Appeal Panels. The Committee members are also responsible for setting assessment policy. The National Committee on Accreditation members are provided with the National Committee on Accreditation guidelines and, at each National Committee on Accreditation meeting, a training session is provided on relevant topics. The training session at the February 2011 NCA meeting will focus on appeal policies and procedures.
- 2) The Law Society provides training on an ongoing basis to all internal staff, bencher governors and adjudicators on their respective roles in the registration and internal review and appeals processes. That training includes ongoing external education, education programs offered internally to address specific Law Society needs and requirements, and ongoing improvement of process and procedures to ensure efficient and effective application of the Rules of Practice and Procedure.

Please identify and explain the changes in your registration practices relevant to this section that occurred during the reporting year.

There were no changes to registration practices in this section during the reporting year.

Agreements on the Recognition of Qualifications (11 / 13)

Examples of agreements on the recognition of professional qualifications include mutual recognition, reciprocity and labour mobility agreements. Such agreements may be national or international, between regulatory bodies, associations or jurisdictions.

a) List any agreements on the recognition of qualifications that were in place during the reporting period.

The National Mobility Agreement signed by each of the Law Societies in Canada (excluding Quebec) permits the mobility of lawyers to become members of another provincial bar and practice law in that province without having to complete the Licensing Process.

The Transfer Agreement with the Barreau du Quebec permits a Quebec lawyer, who has completed a common law LL.B or has obtained a Certificate of Qualification from the NCA, to write the two Licensing Examinations and once passed, the Quebec lawyer can become a member of the Ontario Bar.

b) Explain the impact of these agreements on the registration process or on applicants for registration.

Lawyers who are licensed in one or more of the Law Societies in Canada (Quebec excluded) can apply to the Law Society and register as members of the Ontario Bar. They may commence the practice of law without having to undertake any aspects of the Licensing Process.

Transfer candidates who are members of the Quebec Bar and apply to practice in Ontario, must have a common law degree or a Certificate of Qualification from the National Committee on Accreditation and pass the two Licensing Examinations in the Licensing Process. They are not required to complete the Articling Program.

Please identify and explain the changes in your registration practices relevant to this section that occurred during the reporting year.

There were no changes to registration practices in this section during the reporting year.

Data Collection (12 / 13)

Languages in which application information materials are available

a) Indicate the languages in which application information materials were available in the reporting year.

| Language | Yes/No |
|------------------------|--------|
| English | Yes |
| French | Yes |
| Other (please specify) | |

Paid staff employed by your organization

b) In the table below, enter the number of paid staff employed by your organization in the categories shown, on December 31 of the reporting year.

When providing information for each of the categories in this section, you may want to use decimals if you count your staff using half units. For example, 1 full-time employee and 1 part-time employee might be equivalent to 1.5 employees. You can enter decimals to the tenths position only. For example, you can enter 1.5 or 7.5 but not 1.55 or 7.52.

| Category | Staff |
|----------|-------|
|----------|-------|

| | |
|--|-----|
| Total staff employed by the regulatory body | 478 |
| Staff involved in appeals process | 154 |
| Staff involved in registration process | 19 |

Countries where internationally educated applicants were initially trained

c) In the following table, enter the top source countries where your applicants¹ were originally trained in the profession (excluding Canada), along with the number of applicants from each of these source countries.

Enter the country names in descending order. (That is, enter the source country for the greatest number of your applicants in the top row, the source country for the second greatest number in the second row, etc.) Use the dropdown menu provided in each row to select the country.

Note that only one country can be reported in each row. If two or more countries are tied, enter the information for these tied countries in separate rows.

| Country of training (Canada excluded) | Number of applicants in the reporting year |
|--|---|
| U.K. | 91 |
| U.S. | 76 |
| Australia | 53 |
| India | 42 |
| Nigeria | 18 |
| Pakistan | 7 |
| Sri Lanka | 5 |
| n/a | 3 |
| Barbados | 2 |
| Jamaica | 2 |

¹ Persons who have applied to start the process for entry to the profession.

Select "n/a" from the drop-down list if you do not track this information. Enter "0" in a "Number of applicants" field if you track the information, but the correct value is zero.

Jurisdiction where members were initially trained

d) Indicate where your members² were initially trained in the profession (use only whole numbers; do not enter commas or decimals).

The numbers to be reported in the **Members** row are the numbers on December 31st of the reporting year. For example, if you are reporting registration practices for the calendar year 2009, you should report the numbers of members in the different categories on December 31st of 2009.

| | Jurisdiction where members were initially trained in the profession (before they were granted use of the protected title or professional designation in Ontario) | | | | | |
|--|---|--------------------------|-----|---------------------|---------|-------|
| | Ontario | Other Canadian Provinces | USA | Other International | Unknown | Total |
| Members on December 31st of the reporting year | 39510 | 1495 | N/A | 1154 | 0 | 42159 |

²Persons who are currently able to use the protected title or professional designation of the profession.

Enter "n/a" if you do not track this information. Enter "0" if you track the information, but the correct value is zero.

Additional comments:

Note: The Law Society does not track the country or jurisdiction of legal training of internationally trained lawyers in its Membership database. All members who received the Certificate of Qualification from the National Committee on Accreditation are listed as "Other International" with the exception of members of the Barreau du Québec who received certification from the National Committee on Accreditation.

Applications your organization processed in the past year

e) State the number of applications your organization processed in the reporting year (use only whole numbers; do not enter commas or decimals).

| from January 1 st to December 31 st of the reporting year | Jurisdiction where applicants were initially trained in the profession (before they were granted use of the protected title or professional designation in Ontario) | | | | | |
|--|---|--------------------------|-----|---------------------|---------|-------------|
| | Ontario | Other Canadian Provinces | USA | Other International | Unknown | Total |
| New applications received | 1515 | 92 | 76 | 233 | 0 | 1916 |
| Applicants actively pursuing licensing (applicants who had some contact with your organization in the reporting year) | 1467 | 92 | 70 | 202 | 0 | 1831 |
| Inactive applicants (applicants who had no contact with your organization in the reporting year) | 48 | 0 | 6 | 31 | 0 | 85 |
| Applicants who met all requirements and were authorized to become members but did not become members | n/a | n/a | n/a | n/a | n/a | 0 |
| Applicants who became FULLY registered members | 1358 | 86 | 52 | 126 | 0 | 1622 |
| Applicants who were authorized to receive an alternative class of licence³ but were not issued a licence | 0 | 0 | 0 | 0 | 0 | 0 |
| Applicants who were issued an alternative class of licence³ | 0 | 1 | 0 | 0 | 0 | 1 |

³An alternative class of licence enables its holder to practise with limitations, but additional registration requirements must be met in order for the member to be fully licenced. Please list and describe below the alternative classes of licence that your organization grants, such as student, intern, associate, provisional or temporary.

Enter "n/a" if you do not track this information. Enter "0" if you track the information, but the correct value is zero.

Additional comments:

| | Class of licence | Description |
|----|------------------|---|
| a) | L2 | A licensee who holds a Class L2 licence is entitled to practise law in Ontario as a barrister and solicitor in the employ of the Attorney General for Ontario or if, appointed under the Crown Attorneys Act, as a Crown Attorney or as an assistant Crown Attorney. |
| b) | L3 | A licensee who holds a Class L3 licence must be a member of the Barreau du Québec in good standing and as a member of the Ontario Bar, would be restricted to the practice Quebec civil law and Canadian Federal law as a barrister and solicitor of Ontario. Note: A Class L3 licensee must complete a common law LL.B. or JD degree from an accredited law school program at a Canadian University approved by Convocation of the Law Society if the member wishes to obtain a Class L1 licence. |
| c) | | |
| d) | | |
| e) | | |
| f) | | |
| g) | | |
| h) | | |
| i) | | |
| j) | | |

Reviews and appeals your organization processed in the past year

f) State the number of reviews and appeals your organization processed in the reporting year (use only whole numbers; do not enter commas or decimals).

| from January 1 st to December 31 st of the reporting year | Jurisdiction where applicants were initially trained in the profession (before they were granted use of the protected title or professional designation in Ontario) | | | | | |
|--|---|--------------------------|-----|---------------------|---------|-------|
| | Ontario | Other Canadian Provinces | USA | Other International | Unknown | Total |
| Applications that were subject to an internal review or that were referred to a statutory committee of your governing council, such as | 72 | 1 | 9 | 6 | 0 | 88 |

| | | | | | | |
|--|---|---|---|---|---|----------|
| a Registration Committee | | | | | | |
| Applicants who initiated an appeal of a registration decision | 0 | 0 | 0 | 0 | 0 | 0 |
| Appeals heard | 0 | 0 | 0 | 0 | 0 | 0 |
| Registration decisions changed following an appeal | 0 | 0 | 0 | 0 | 0 | 0 |

Enter "n/a" if you do not track this information. Enter "0" if you track the information, but the correct value is zero.

Additional comments:

Please identify and explain the changes in your registration practices relevant to this section that occurred during the reporting year.

In September 2010, the Law Society approved the agreement negotiated through the Federation of Law Societies that established a Class L3 licence. A Class L3 licensee who holds a Class L3 licence is authorized, as a barrister and solicitor of Ontario, to give a person advice with respect to (i) the laws of Quebec, (ii) the laws of Canada, and (iii) public international law. This member may also select, draft, complete or revise a document for use in a proceeding with respect to matters concerning the laws of Canada and represent a person in a proceeding before an adjudicative body with respect to matters concerning the laws of Canada.

Certification (13 / 13)

If you have specific questions about the Licensing Process, you may contact:

The Office of the Registrar
 Professional Development and Competence Department
 The Law Society of Upper Canada
 130 Queen Street West, Toronto, Ontario M5H 2N6
 E-mail: registrar@lsuc.on.ca
 Telephone: 416-947-3315
 Toll Free: 1-800-668-7380, extension 3315
 Website: www.lsuc.on.ca - click on Licensing

Process Date: February 28, 2011