

Auditors' Report

To the Members of the Law Society of Upper Canada
To the Fairness Commissioner for the Province of Ontario

At the request of the Law Society of Upper Canada (the "Society") we have audited the Society's compliance for the 12 month period from April 2, 2008 to April 1, 2009 with the provisions described in Part II, III and sections 19, 20, 22, 23, 24 and 25 of Part VI of the Fair access to Regulated Professions Act, 2006 ("the Act").

We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we plan and perform an audit to obtain reasonable assurance whether the Society complied with the provisions established in the Act referred to above. Such an audit includes examining, on a test basis, evidence supporting compliance, and evaluating the overall compliance with the Act.

There are certain sections within the Act that are not amenable to audit as suitable criteria have not been established. Accordingly we are unable to, and do not, opine on the Society's compliance with Part II, Part III sections 8, 9(1) and 10(2).

Appendix A to this report lists the criteria identified by the Act that we considered in our audit. Compliance with the provisions established by the Act is the responsibility of the Society. Our responsibility is to express an opinion on compliance based on our audit. Appendix A to this report also includes management's assertion in respect of each of the criteria considered, management's comments regarding their assertion, a summary description of the audit work performed, and the audit findings related thereto.

In our opinion, for the 12 month period from April 2, 2008 to April 1, 2009, the Society was in compliance, in all material respects, with sections 7, 9(2)-9(5), 10(1), 11-12, 19-20, and 22-25 of the Fair access to Regulated Professions Act, 2006.



Chartered Accountants
Licensed Public Accountants
October 23, 2009

Appendix A - Criteria

Section C: Evaluation of registration practices, specific duties

C1: Information to applicants

Criteria

The regulated profession provides information about its registration practices to persons applying or intending to apply for registration.

Management assertion

This criteria is met by the Society.

Management comment

Information to applicants, prospective applicants and the general public is available at no cost on the Society's website. Registration information will also be mailed to prospective applicants upon their request at no cost.

In addition, the Society make visits to Ontario Law Schools to apprise law students on the registration practices to enter the Licensing Process. An information session on the licensing process for internationally trained potential applicants is also held. The Society provides detailed information to the Law School deans for the upcoming term regarding the application process. Similar details are provided to colleges with accredited paralegal services programs for Paralegal candidates.

The Society provides an online licensing guide to outline the registration process which discloses the amount of time the licensing process typically takes as well as outlining the requirements that can be satisfied through alternative means.

Auditors procedure to test management assertion

The auditor entered The Society website.

The auditor who had not been involved in any preliminary discussions with the Society and with no direction was asked to enter the Society website and seek information about the registration process. In addition this same staff member was asked to contact the Society and request some hard copy information related to the registration process.

In addition D&T interviewed Law Society personnel to confirm our understanding of the process.

Audit finding

The audit procedures were performed without exception.

Appendix A - Criteria

Section C: Evaluation of registration practices, specific duties

C1: Information to applicants

Criteria

The regulated profession provides information about the amount of time that the registration process usually takes.

Management assertion

This criteria is met by the Society.

Management comment

The Society provides an online licensing guide which outlines the registration process. At this stage the time that the registration process takes is defined as the period from initial entry into the registration process and the call to the bar. The guide outlines the requirements which must be fulfilled and clearly indicates the process typically takes 1-3 years to complete. However it is possible for an internationally trained lawyer to complete the Licensing process in 5-7 months if the lawyer has practised and has received an exemption or full abridgment of articles.

Auditors procedure to test management assertion

The auditor entered the Society website and reviewed the site to verify it contained information about the amount of time the registration process usually takes.

Audit finding

The audit procedure was performed without exception.

Appendix A - Criteria

Section C: Evaluation of registration practices, specific duties

C1: Information to applicants

Criteria

The regulated profession communicates the objective requirements for registration.

Management's assertion

This criteria is met by the Society.

Management comment

Information to applicants, prospective applicants and the general public is available at no cost on the Society's website. Registration information will also be mailed to prospective applicants upon their request at no cost.

The Society provides an online licensing guide to outline the registration process which discloses the amount of time the licensing process typically takes as well as outlining the requirements that can be satisfied through alternative means.

A Career Map for Internationally Trained Lawyers is also available on the Society website which outlines what internationally trained applicants have to provide in order to apply to the National Committee on Accreditation ("NCA"), and the alternatives the NCA will accept. The NCA is a standing Committee of the Federation of Law Societies of Canada. The NCA's primary mandate is to assess the legal education and professional experience of persons whose legal education and professional experience were obtained outside of Canada, (or in a civil law program in Québec), and who wish to be admitted to a common law bar in Canada. Once the applicant has successfully completed the NCA's recommendations, the NCA issues a Certificate of Qualification and the candidate can then apply to any Law Society in the country.

The NCA website discloses information to applicants regarding its registration practices and requirements, the registration time frame and fees. This information is easily found and clear.

The required documents listed were:

- Original transcripts of pre-law grades, if any, or if a transcript is not available, a certificate of standing;
- Original final transcripts (no photocopies or certified copies) of law grades (or a certificate of standing) Transcripts to be forwarded directly to this office under seal from the legal institution;
- a description of the contents of each course taken in the applicant's legal program, the number of hours allotted to each course, the number of class hours per week and number of weeks per year; this information may be supplied through a prospectus, calendar or bulletin from the law school;
- if called to the bar, a certificate of call or admission and a letter or certificate of good standing must be submitted directly to our offices from the legal institution.;
- if bar admission was based on written examinations over and above examinations for a law degree, a transcript of marks should be submitted directly to the NCA from the legal institution;
- LSAT-score (if required);
- TOEFL or equivalent testing score (MELAB, IELTS).

Appendix A - Criteria

Section C: Evaluation of registration practices, specific duties

C1: Information to applicants

Auditors procedure to test management assertion

The auditor viewed the Society website to determine that the Society provides information on the objective requirements for registration. The auditor viewed that the Career Map link, linked to the Ontario Ministry of Citizenship and Immigration and addressed what NCA would recommend. The auditor inputted this information into yahoo to get a link to the site.

Additionally the auditor viewed on the NCA website to confirm it contained the objective requirements necessary to obtain a Certificate of Qualification.

Audit finding

The audit procedures were performed without exception.

Appendix A - Criteria

Section C: Evaluation of registration practices, specific duties

C1: Information to applicants

Criteria

The regulated profession explains which requirements may be satisfied through acceptable alternatives

Management assertion

The criteria is met by the Society.

Management Comment

Information to applicants, prospective applicants and the general public is available at no cost on the Society's website. Registration information will also be mailed to prospective applicants upon their request at no cost.

The Society provides an online licensing guide to outline the registration process which discloses the amount of time the licensing process typically takes as well as outlining the requirements that can be satisfied through alternative means.

A Career Map for Internationally Trained Lawyers is also available on the Society website which outlines what internationally trained applicants have to provide in order to apply to the NCA, and the alternatives the NCA will accept. The NCA is a standing Committee of the Federation of Law Societies of Canada. The NCA's primary mandate is to assess the legal education and professional experience of persons whose legal education and professional experience were obtained outside of Canada, (or in a civil law program in Québec), and who wish to be admitted to a common law bar in Canada. Once the applicant has successfully completed the NCA's recommendations, the NCA issues a Certificate of Qualification and the candidate can then apply to any Law Society in the country.

The NCA website discloses information to applicants regarding its registration practices and requirements, the registration time frame and fees. This information is easily found and clear.

Auditors procedure to test management assertion

The auditor entered the Society website and observed that the Society provides online licensing process policies. The auditor viewed that the Career Map link, linked to the Ontario Ministry of Citizenship and Immigration and addressed what NCA would recommend.

In addition the auditor entered the NCA website and reviewed the document entitled "Assessment of legal credentials for accreditation" which noted that the guideline included; deadline dates, exam fees and some exam schedules. The website clearly laid out the requirements of the NCA and identified certain requirements that could be satisfied through acceptable alternatives.

Audit finding

The audit procedures were performed without exception.

Appendix A - Criteria

Section C: Evaluation of registration practices, specific duties

C1: Information to applicants

Criteria

The regulated profession provides a fee scale.

Management's assertion

This criteria is met by the Society.

Management comment

A fee schedule is available on the Society's website.

Auditors procedure to test management assertion

The auditor entered the Society website and viewed the fee schedule.

Audit finding

The audit procedure was performed without exception.

Appendix A - Criteria

Section C: Evaluation of registration practices, specific duties

C2: Timely decisions, responses and reasons

Criteria

The regulated profession makes registration decisions within a reasonable time.

Management assertion

This criteria is met by the Society when reasonable is defined as the time between the completion of all registration requirements and the next available call date.

Management comment

Applicants must complete an on-line form and return it along with an application fee and all documents (photo, transcript/NCA certificate, payment of fee). Then applicants are issued an e-mail account for their interactions with the Law Society. Once the application is received, the applicant is registered. Receipt of licence is then dependent on fulfilling the articling requirement, successful completion of required examinations and being deemed to be of appropriate character. Non-Canadian accredited applicants are required to obtain a NCA certificate before registering.

Registration decisions consist of either calling the candidate to the bar, or refusing to license based on the Hearing Panel's decision (due to good character) or the candidate's failure to meet licensing requirements according to policy (not passing licensing exams). The timeline on the decision process varies with the severity of the issues being evaluated.

Review/appeal process

The only appeals available to applicants is that of

1. Good character assessment.
2. Appeal of denial of exemption related to articling period.

Good character

Licensing Process applications, in which good character issues have been listed by the candidate, are sent to the Administrative Complaints Unit where the issue is reviewed and Administrative Counsel determines if the issue requires further investigation. If it is decided that there is no issue 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 Department 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 Discipline Counsel and the Proceedings Authorization Committee (PAC) in the Professional Regulation Department. Counsel and PAC review the candidate's file and determine if it will proceed to a Hearing Panel. 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 they determine 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.

Appendix A - Criteria

Section C: Evaluation of registration practices, specific duties

C2: Timely decisions, responses and reasons

Management comment (continued)

Good character (continued)

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. Candidates will not be called to the bar until the good character issues are resolved.

Articling

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

Auditors Procedures performed to evaluate management assertion

The auditor made a selection of applicants who were called to the bar during the period under review. The files were examined for evidence that the decision to licence the applicant was made within a reasonable time as defined by management.

Audit Finding

The Society makes registration decisions.

The Act does not define the term reasonable and therefore we are unable to opine as to the Society's compliance with the Act in respect of this criteria.

Appendix A - Criteria

Section C: Evaluation of registration practices, specific duties

C2: Timely decisions, responses and reasons

Criteria

The regulated profession gives written responses to applicants within a reasonable time.

Management assertion

The Society provides written responses to applicants.

Management comment

Applicants must complete an on-line form and return it along with an application fee and all documents (photo, transcript/NCA certificate, payment of fee). Then applicants are issued an e-mail account for their interactions with the Law Society. Regular, timely communication between the Society and the applicant occurs via email.

Written responses, outside of the email process are provided only in 3 circumstances.

1. Hearing Panel Decisions - Hearing Panel decisions respecting good character are public and published immediately after the Hearing Panel issues its order. Decisions are communicated in writing within one week following the review.
2. Decisions regarding abridgement to the articling period typically are made within 2-3 weeks of receipt of the required documents. Written responses to applicants about internal reviews and appeal decisions are provided within one week following review and decision.
3. A call to the bar - The written communication confirming an applicant's call to the bar is provided subsequent to successful completion of all registration requirements and prior to the next call to the bar which occurs in June, September, and January of each year.

Auditors Procedures performed to evaluate management assertion

The auditor made a selection of applicants who were called to the bar during the period under review. The files were examined for evidence that the written decision to call to the bar was provided subsequent to the completion of all requirements and before the next call to the bar.

In addition the auditor discussed the communication process related to the email accounts with Registrar staff and observed the communication process.

As there were no Hearing Panel decisions made during the period under review, the auditor discussed the process for communication of results with various staff within the Registrars department.

Audit Finding

Audit procedures were performed without exception.

The Act does not define the term reasonable and therefore we are unable to opine as to the Society's compliance with the Act in respect of this criteria.

Appendix A - Criteria

Section C: Evaluation of registration practices, specific duties

C2: Timely decisions, responses and reasons

Criteria

The regulated profession gives written reasons to applicants within a reasonable time about all registration decisions and internal review or appeal decisions.

Management assertion

The Society provides written responses to applicants about all registration decisions and internal review or appeal decisions.

Management comment

Applicants must complete an on-line form and return it along with an application fee and all documents (photo, transcript/NCA certificate, payment of fee). Then applicants are issued an e-mail account for their interactions with the Law Society. Regular communication between the Society and the applicant occurs via email.

Written responses, outside of the email process are provided only in 3 circumstances.

1. Hearing Panel Decisions - Hearing Panel decisions respecting good character are public and published immediately after the Hearing Panel issues its order. Decisions are communicated in writing within one week following the review.
2. Decisions regarding abridgement to the articling period typically are made within 2-3 weeks of receipt of the required documents. Written responses to applicants about internal reviews and appeal decisions are provided within one week following review and decision.
3. A call to the bar – The written communication confirming an applicant's call to the bar is provided subsequent to successful completion of all registration requirements and prior to the next call to the bar which occurs in June, September, and January of each year.

Procedures performed to evaluate management assertion

The auditor made a selection of applicants who were called to the bar during the period under review. The files were examined for evidence that the written decision to call to the bar was provided subsequent to the completion of all requirements and before the next call to the bar.

In addition the auditor discussed the communication process related to the email accounts with Registrar staff and observed the communication process.

As there were no Hearing Panel decisions made during the period under review, the auditor discussed the process for communication of results with various staff within the Registrars department.

Audit finding

Audit procedures were performed without exception.

The Act does not define the term reasonable and therefore we are unable to opine as to the Society's compliance with the Act in respect of this criteria.

Appendix A - Criteria

Section C: Evaluation of registration practices, specific duties

C3: Internal review or appeal

Criteria

The regulated profession provides an internal review or appeal from its registration decisions within a reasonable time.

Management assertion

This criteria is met by the Society.

Management comment

There are two registration decisions that are made. An applicant can either be called to the bar or denied registration by the Hearing Panel. There can be internal reviews on the articling requirements, and on the assessment of good character. No review or appeals occur at the application stage.

The only appeals available to candidates is that of

1. Good character assessment
2. Appeal of denial of exemption related to articling period.

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 Society's Hearing and Appeals Panel. The applicants choose to be represented by counsel at the hearing. As part of the hearing process, applicants can request that the 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.

Articling

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

Information about the Society Hearing and Appeals Panel processes (for good character issues) is available on the Society Website. The Licensing Processing Policies available through the Society website does 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 accompanied by the prescribed fee within 30 days after the date on which the Office of the Registrar notifies the person of the decision. Candidates may also contact the Society for an oral or written explanation.

Auditors procedure to test management assertion

The auditor examined the Licensing application process on the Society website and noted that the applicants are advised about the hearing and appeals process. The auditor discussed the process with the Registrar to confirm our understanding of the process. There were 2 applicants during the period under review that have gone to the hearing process related to good character. As October 21, 2009 these hearings are still in process and the records are not open for public viewing. As the applicant is involved in the hearing proceedings throughout the process, they are contacted on very regular basis.

Audit finding

The audit procedures were performed without exception.

Appendix A - Criteria

Section C: Evaluation of registration practices, specific duties

C3: Internal review or appeal

The Act does not define the term reasonable and therefore we are unable to opine as to the Society's compliance with the Act in respect of this criteria.

Criteria

The regulated profession gives applicants for registration the opportunity to make oral, written or electronic submissions about any internal review or appeal.

Management assertion

This criteria is met by the Society.

Management comment

No review or appeals occur at the application stage. Nor are they required as all applicants are automatically enlisted in the process.

The only appeals available to candidates is that of

3. Good character assessment
4. Appeal of denial of exemption related to articling period.

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 Society's Hearing and Appeals Panel. The applicants choose to be represented by counsel at the hearing. As part of the hearing process, applicants can request that the 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.

Articling

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

Information about the Society Hearing and Appeals Panel processes (for good character issues) is available on the Society Website. The Licensing Processing Policies available through the Society website does 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 accompanied by the prescribed fee within 30 days after the date on which the Office of the Registrar notifies the person of the decision. Candidates may also contact the Society for an oral or written explanation.

Auditors procedure to test management assertion

The auditor examined the Licensing application process on the Society website and noted that the applicants are advised about the hearing and appeals process. The auditor discussed the process with the Registrar to confirm our understanding of the process. There were 2 applicants during the period under review that have gone to the hearing process related to good character. As October 21, 2009 these hearings are still in process and the records are not open for public viewing. As the applicant is involved in the hearing proceedings throughout the process, they are contacted on very regular basis.

Audit finding

The audit procedures were performed without exception.

Appendix A - Criteria

Section C: Evaluation of registration practices, specific duties

C3: Internal review or appeal

Criteria

The regulated profession specified whether submissions in respect of an internal review or appeal were to be submitted orally, in writing or by electronic means.

Management assertion

This criteria is met by the Society.

Management comment

The only appeals available to students are that of:

1. Good character assessment
2. Appeal of denial of exemption related to articling period.

Information about the Society hearing and appeals processes (including both good character and Abridgment of articling) is available on the Society Website. The Licensing Processing Policies available through the Society website does state that an applicant may appeal the decision of the Registrar in writing and must submit to the Office of the Registrar a request to appeal in the prescribed form accompanied by the prescribed fee within 30 days after the date on which the Office of the Registrar notifies the person of the decision. Applicants may also contact the Society for an oral or written explanation.

Auditors procedure to test management assertion

The auditor examined the Licensing application process on the Society website and noted that the applicants are advised about the appeals process. The auditor discussed the process with the Registrar to confirm our understanding of the process. There were 2 applicants during the period under review that have gone to the hearing process related to good character. As October 21, 2009 these hearings are still in process and the records are not open for public viewing. As the applicant is involved in the hearing proceedings throughout the process, they are contacted on a very regular basis.

Audit finding

The audit procedures were performed without exception.

Appendix A - Criteria

Section C: Evaluation of registration practices, specific duties

C4: Information on appeal rights

Criteria

The regulated profession informs applicants of any rights they may have to request a further review of, or appeal from a registration decision.

Management assertion

This criteria is met by the Society.

Management comment

No review or appeals occur at the application stage.

Good character

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

Abridgement of articling

Once a decision on the request for an abridgment is made, there is a formal opportunity to appeal the Registrar's decision to the Director of Professional Development and Competence (Licensing Process Policy).

There is no further appeal process with regards to the final decision of the abridgment to articling, once the candidate has had the initial decision by the Registrar reviewed by the Director of Professional Development and Competence as stated in the Licensing Process Policies.

Auditors procedure to test management assertion

The auditor reviewed all available information on the Society website and confirmed that information on reviews and appeals was available. In addition the auditor interviewed various staff from the Registrars office to confirm that the Society informs applicants of any rights they have to request a further review of, or an appeal from a registration decision.

Audit finding

The audit procedures were performed without exception.

Appendix A - Criteria

Section C: Evaluation of registration practices, specific duties

C4: Information on appeal rights

Criteria

Decision-makers in internal reviews or appeals are different from those who made the original registration decision.

Management assertion

This criteria is met by the Society.

Management comment

The relationship of the appeal/review bodies to the assessment and decision-making bodies in the registration process is at arm's length. The Hearing and Appeals Panel is privy only to the issues related to good character/conduct and is 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 the Hearing Panel as they are not qualified to do so.

Auditors procedure to test management assertion

The auditor reviewed the composition of the Hearing Panel and noted that none of the members on the panel were involved with making the original registration decisions at the Society.

Audit finding

The audit procedures were performed without exception.

Appendix A - Criteria

Section C: Evaluation of registration practices, specific duties

C5: Documentation of qualifications

Criteria

The regulated profession makes available to the public its requirements for the documentation of qualification that must accompany application.

Management assertion

The criteria is met by the Society.

Management comment

All required academic documents and identification documents are publicly available in the Licensing Process Policies which is downloadable via the Society website. There are no alternative forms of documentation listed as these documents are always available through the requisite university (in the case of a transcript) or can be obtained by the applicant (in the case of the photo requirement).

A graduate of a non-accredited Canadian law school must provide an NCA certificate in order to be accepted into the licensing program. The process involved in obtaining this certificate is controlled by the NCA.

Criteria to be met for an applicant's qualifications in order to be called to bar are as follows:

1. Common law degree (LL.B or JD) from an approved Canadian law school or a Certificate of Qualification from National Committee of Accreditation (NCA)
2. Write and pass two licensing examinations
3. Complete (or be approved for exemption from) a 10 month Articling Program
4. Be of good character.

There are no alternatives to the 4 criteria outlined.

Auditors procedure to test management assertion

The auditor entered the Society website and viewed the Online Application Process Form, which specifically states what documentation is acceptable for registration into the program.

Audit finding

The audit procedure was performed without exception.

Appendix A - Criteria

Section C: Evaluation of registration practices, specific duties

C5: Documentation of qualifications

Criteria

The regulated profession gives applicants information on acceptable alternatives to the documentation if they cannot obtain the standard documentation for reasons beyond their control.

Management's assertion

This criteria is met by the Society.

Management comment

All required academic documents and identification documents are publicly available in the Licensing Process Policies which is downloadable via the Society website. There are no alternative forms of documentation listed as these documents are always available through the requisite university (in the case of a transcript) or can be obtained by the applicant (in the case of the photo requirement)

A graduate of a non-accredited Canadian law school must provide an NCA certificate in order to be accepted into the licensing program.

Applicants whose legal education and professional experience were obtained outside of Canada (or in a civil law program in Quebec) must provide a Certificate of Qualification issued by the NCA. The NCA has a number of requirements which must be met prior to issuing the Certificate. The NCA does exercise some discretion in accepting alternative documentation in cases when standard documentation is unavailable for reasons beyond the control of the applicant.

Auditors procedure to test management assertion

The auditor viewed the Online Application Process Form, which specifically states what documentation is acceptable for registration into the program. The auditor interviewed staff from the Registrar's office to verify the Society accepts no alternative form of documentation. The auditor also verified the Society's understanding of the NCA process for obtaining a Certificate of Qualification, confirming that NCA does accept alternate forms of documentation in certain instances.

The auditor entered the NCA website to look for information on alternative forms of documentation that would be acceptable under certain circumstances.

Audit finding

The audit procedures were performed without exception.

Appendix A - Criteria

Section C: Evaluation of registration practices, specific duties

C7: Training

Criteria

The regulated profession ensures that persons assessing qualifications and making registration decisions are trained.

Management assertion

This criteria is met by the Society.

Management comment

Registration staff decisions are based on receipt of the candidates' official transcripts submitted by the law schools and the Certificate of Qualification submitted by the NCA. No specialized training is considered necessary for the function.

The Hearing and Appeals Panel is composed of at least three persons appointed by the Society's Governing Board (called "Convocation"), of whom: at least one shall be a person who is not a licensee; and one must be a bencher (governor of the Society), a licensee or a person approved by the Attorney General for Ontario to be appointed to a Hearing Panel. As at December 2008, the Convocation was composed of 77 members: 69 were lawyer benchers, 2 were paralegal benchers, 3 were paralegals approved by the Attorney General, and 3 were non-lawyers approved by the Attorney General. The Hearing Panel has training that is followed before a member is appointed on the Panel.

Training is provided in-house and to all Panel members. Members who are not lawyers attend both in-house and specific adjudicators training conducted by the Society of Ontario Adjudicators and Regulators.

Auditors procedure to test management assertion

The auditor reviewed the training manual that is provided to each member of the Hearing and Appeals Panel and noted that this documentation provides insight into the rules and procedures of the Society.

Audit finding

The audit procedure was performed without exception.

Appendix A - Criteria

Section C: Evaluation of registration practices, specific duties

C7: Training

Criteria

The regulated profession ensures that persons who make internal review or appeal decisions know how to hold hearings, if hearings are necessary.

Management assertion

This criteria is met by the Society.

Management comment

Registration staff decisions are based on receipt of the candidates' official transcripts submitted by the law schools and the Certificate of Qualification submitted by the National Committee on Accreditation. No specialized training is considered necessary for the function

Hearing and Appeals Panel is composed of at least three persons appointed by the Society's Governing Board (called "Convocation"), of whom: at least one shall be a person who is not a licensee; and one must be a bencher (governor of the Society), a licensee or a person approved by the Attorney General for Ontario to be appointed to a Hearing Panel. As at December 2008, the Convocation was composed of 77 members: 69 were lawyer benchers, 2 were paralegal benchers, 3 were paralegals approved by the Attorney General, and 3 were non-lawyers approved by the Attorney General. The Hearing Panel has training that is followed before a member is appointed on the Panel.

Training is provided to in-house and to all Panel members. Members who are not lawyers may attend both in-house and specific adjudicators training conducted by SOAR.

Auditors procedure to test management assertion

The auditor reviewed the training manual that is provided to each member of the Hearing and Appeals Panel and noted that this documentation provides insight into the rules and procedures of the Society.

Audit finding

The audit procedure was performed without exception.

Appendix A - Criteria

Section C: Evaluation of registration practices, specific duties

C7: Training

Criteria

The regulated profession ensures that training in any special considerations that may apply in the assessment of application is provided, and that the process for applying those considerations is taught.

Management assertion

This criteria is met by the Society.

Management comment

Registration staff decisions are based on receipt of the candidates' official transcripts submitted by the law schools and the Certificate of Qualification submitted by the National Committee on Accreditation. No specialized training is considered necessary for this function.

Certain staff (investigations department) receives training on how to investigate good character issues.

Auditors procedure to test management assertion

The auditor discussed the assessment process with Registrar staff to determine if training in special considerations was not necessary

Audit Finding

The audit procedure was performed without exception.

Appendix A - Criteria

Section C: Evaluation of registration practices, specific duties

C8: Access to records

Criteria

The regulated profession gives applicants access to records related to their application, upon written request.

Management assertion

This criteria is met by the Society.

Management comment

The application form is an electronic online form and process. The applicant controls all aspects of the completion of that document online. Candidates can physically access their licensing process records online or request to view the hardcopy of their records file.

The Society website clearly outlines the process and provides a link for candidates to enrol online through the main lawyer and licensing process webpage. In addition, through the online resources for Candidates, the Society website specifically states that Candidates enrolled in the Licensing Process can access all of their online resources from this page.

As previously noted, through the online resources for Candidates, the Society website specifically states that Candidates enrolled in the Licensing Process can access all of their online resources from this page.

Exam Materials - Candidates are not given their original copy of their exam (due to the nature of the exam being multiple choice and thus questions are from a bank) instead if a candidate fails they are given an exam profile that indicates how they performed in comparison to the group's average performance in each of the legal competency areas and substantive law categories. Candidates are provided materials on a CD-ROM disc if they fail an examination and also can access the same materials on a secure website for free.

Auditors procedure to test management assertion

The auditor viewed the licensing application and the online application process form online. All relevant application information is available to the applicant. The auditor also viewed a copy of an exam profile for a failed candidate.

Audit finding

The audit procedures were performed without exception.

Appendix A - Criteria

Section C: Evaluation of registration practices, specific duties

C8: Access to records

Criteria

The regulated profession does not limit access, beyond the limitation permitted in the legislation.

Management assertion

This criteria is met by the Society.

Management comment

There are no circumstances under which access to an applicant's original application and the documents submitted would be limited or refused as all application information is available online. Applicant University Transcripts are filed onsite, additional copies can be requested directly from their institution of higher learning.

Auditors procedure to test management assertion

The auditor viewed the licensing application and the online application process form online. All relevant application information is available to the applicant online or in hard copy if they were to come into the Society.

Audit finding

The audit procedure was performed without exception.

Appendix A - Criteria

Section C: Evaluation of registration practices, specific duties

C8: Access to records

Criteria

The regulated profession gives the applicant partial access when records can reasonably be severed.

Management assertion

This criteria is met by the Society.

Management comment

There are no circumstances under which access to an applicant's original application and the documents submitted would be limited or refused as all application information is available online. Applicant University Transcripts are filed onsite, additional copies can be requested directly from their institution of higher learning.

Auditors procedure to test management assertion

The auditor viewed the licensing application and the online application process form online. All relevant application information is available to the applicant online or in hard copy if they were to come into the Society.

Audit finding

The audit procedure was performed without exception.

Appendix A - Criteria

Section C: Evaluation of registration practices, specific duties

C8: Access to records

Criteria

The regulated profession has a process for considering requests for access to records.

Management assertion

This criteria is met by the Society.

Management comment

A formal process is not required given that applicants can access Licensing Process records files online. Candidates are always granted access to records electronically free of charge, however there are some fees when a candidate needs formal documentation from the Society.

Auditors procedure to test management assertion

The auditor viewed the licensing application and the online application process form online. All relevant application information is available to the applicant online or in hard copy if they were to come into the Society.

Audit finding

The audit procedure was performed without exception.

Appendix A - Criteria

Section C: Evaluation of registration practices, specific duties

C8: Access to records

Criteria

The regulated profession gives applicants an estimate of any charged fee for access.

Management assertion

This criteria is met by the Society since no fees are charged for access.

Management comment

The fees for 'official' documents – Stamped for authenticity by the Office of the Registrar (i.e. Licensing Process candidate transcript), are posted on the fee schedule and available online or by phone request. There are no other fees charged for making records available in the Licensing Process other than those listed on the fee schedule as all documents are available online.

Auditors procedure to test management assertion

The auditor entered the Society website and reviewed the posted fee schedule and verified no fees were listed for access. In addition the auditor interviewed various staff to confirm no fee is charged for access

Audit finding

The audit procedure was performed without exception.

Appendix A - Criteria

Section C: Evaluation of registration practices, specific duties

C8: Access to records

Criteria

The amount of the regulated profession's fee for access to records is less than the amount prescribed by the regulation.

Management assertion

This criteria is met by the Society since no fees are charged for access.

Management comment

There are no fees charged for access to records.

Auditors procedure to test management assertion

The auditor entered the Society website and reviewed the posted fee schedule and verified no fees were listed for access. In addition the auditor interviewed various staff to confirm no fee is charged for access

Audit finding

The audit procedure was performed without exception.

Appendix A - Criteria

Section E: Reports

E1: Reports under Section 19 of FARPA

Criteria

The regulated profession has undertaken a review of registration practices.

Management assertion

This criteria is met by the Society.

Management comment

The Society is proactive in dealing with the Office of the Fairness Commissioner (“OFC”) when interaction is required. The Society is currently undergoing the required audit as per FARPA.

Auditors procedure to test management assertion

The auditor reviewed the correspondence between the OFC and the Society as well as the framework for registration audits produced by the OFC.

Audit finding

The audit procedure was performed without exception.

Appendix A - Criteria

Section E: Reports

E1: Reports under Section 19 of FARPA

Criteria

It has done so at a time specified by the Fairness Commissioner.

Management assertion

The criteria is met by the Society.

Management comment

The Society is proactive in dealing with the Office of the Fairness Commissioner (“OFC”) when interaction is required. The Society is currently undergoing the required audit as per FARPA.

Auditors procedure to test management assertion

The auditor reviewed the correspondence between the OFC and the Society as well as the framework for registration audits produced by the OFC.

Audit finding

The audit procedure was performed without exception.

Appendix A - Criteria
Section E: Reports
E2: Reports under Section 20 of FARPA

Criteria

The Society prepared and filed its Fair Registration Practices Report this year.

Management assertion

This criteria is met by the Society.

Management comment

The Society did prepare a Fair Registration Practices Report in 2008 which can be found on the Society website.

Auditors procedure to test management assertion

The auditor entered the Society website and noted that this report was included.

Audit finding

The audit procedure was performed without exception.

Appendix A - Criteria

Section E: Reports

E3: Reports under Section 22 of FARPA

Criteria

The regulated profession provided the Fairness Commissioner with other reports or information related to its compliance with FARPA.

Management assertion

This criteria is met by the Society.

Management comment

The Fair Registration Practices Report is filed on Law Society Website and is based on a template provided by the Fairness Commissioner and thus is in compliance with the Act. The reports and information in subsection 22(1) are not in addition to the reports required in sections 19, 20 and 21 of the FARPA.

Auditors procedure to test management assertion

The auditor entered the Society website and noted that this report was included and that this report was in the same format as the other regulated professions.

Audit finding

The audit procedure was performed without exception.

Appendix A - Criteria

Section E: Reports

E4: Reports under Section 23 of FARPA

Criteria

All reports required to be filed with the Fairness Commissioner have been submitted by the date specified.

Management assertion

This criteria is met by the Society.

Management comment

The Fair Registration Practices Report was submitted on February 27, 2009 as posted on Law Society website.

Auditors procedure to test management assertion

The auditor entered the Society website and noted that this report was included and that the date posted was February 27, 2009.

Audit finding

The audit procedure was performed without exception.

Appendix A - Criteria

Section E: Reports

E5: Reports under Section 24 of FARPA

Criteria

All reports and certificates required take the form and contain the information the Fairness Commissioner specified.

Management assertion

This criteria is met by the Society.

Management comment

The Fair Registration Practices Report is based on a template provided by the Fairness Commissioner and thus is complete. All 8 areas of legislative requirements as outlined in the Framework for Audits of Registration Practices (Guidance for Ontario's Regulatory Bodies) by the Office of the Fairness Commissioner were addressed in the report.

Auditors procedure to test management assertion

The auditor entered the Society website and reviewed the completed report ensuring it had been prepared in accordance with the template provided by the OFC.

Audit finding

The audit procedure was performed without exception.

Appendix A - Criteria
Section E: Reports
E5: Reports under Section 24 of FARPA

Criteria

This report or any other document prepared by any persons for the purposes of this Act or regulations does not contain personal information.

Management assertion

This criteria is met by the Society.

Management comment

No personal information disclosed in the report.

Auditors procedure to test management assertion

The auditor entered the Society website and reviewed the report noting that no personal information was included.

Audit finding

The audit procedure was performed without exception.

Appendix A - Criteria

Section E: Reports

E6: Reports under Section 25 of FARPA

Criteria

All reports provided under section 19, 20 or 22 include a statement certifying that all the information required to be provided in the report was proved and is accurate.

Management assertion

This criteria is met by the Society.

Management comment

The report contains a certification statement that all information is correct and accurate.

Auditors Procedure to test management assertion

The auditor entered the Society and reviewed the Fair Registration Practices Report and noted that the report included a statement that all information is correct and accurate.

Audit finding

The audit procedure was performed without exception.

Appendix A - Criteria

Section E: Reports

E6: Reports under Section 25 of FARPA

Criteria

The person with authority to sign on behalf of the regulated profession signed the statement required in subsection 1 of the FARPA.

Management assertion

This criteria is met by the Society.

Management comment

The report does not include a specific signature but did indicate that the statement was made by the Office of the Registrar.

Auditors procedure to test management assertion

The auditor entered the Society website and reviewed the statement contained in the report. The auditor noted that the Registrar does have the authority to bind the organization to statements about its registration processes.

Audit finding

The audit procedure was performed without exception.