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Licensing Process Policies

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Part I: Definitions

I. Definitions

- (1) “Accredited Law School,” means a law school in Canada that is accredited by the Society.
- (2) “Application” is the application by a person to the Society for a Class L1 Licence and includes the application to be registered into the Licensing Process and to take the Licensing Examinations.
- (3) “Articling Program” means Articles to be completed by a Candidate.
- (4) “Candidate” is a person registered by the Society into the Licensing Process.
- (5) “Class L1 Licence” means a licence issued to a person by the Society entitling the person to practise law in Ontario as a barrister and solicitor.
- (6) “Date of Commencement of the Candidate’s Licensing Cycle” is May 1 of the year in which the Candidate submits an Application to the Society or May 1 of the following year as stipulated by the Registrar when a Candidate is registered by the Society into the Licensing Process.
- (7) “day” means any day except a holiday.
- (8) “Director of Professional Development and Competence” means an employee of the Society assigned by the Chief Executive Officer the responsibility of administering the Licensing Process and enforcing the Policy.
- (9) “Hearing Panel” means the Law Society Hearing Panel continued under Part II of the *Law Society Act*.
- (10) “holiday” means any Saturday or Sunday, New Year’s Day, Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Civic Holiday, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Eve Day, Christmas Day, Boxing Day, New Year’s Eve Day and any special holiday proclaimed by the Governor General or the Lieutenant Governor.
- (11) “Licensee” is a person to whom a Class L1 Licence has been issued by the Society.
- (12) “Licensing Examination Rules and Protocol,” mean the rules and protocol established by the Professional Development and Competence Committee from time to time to ensure that Licensing Examinations are conducted fairly and securely.
- (13) “Licensing Examinations” means the Solicitor Licensing Examination and the Barrister Licensing Examination developed by the Society.
- (14) “Licensing Process” is the program for completion by Candidates of the Licensing Examinations and the Articling Program.
- (15) “Licensing Cycle” means the period from May 1 of one year to April 30 of the following year into which an applicant is registered into the Licensing Process by the Society.
- (16) “Licensing Term” means the period ending three years from the Date of Commencement of the Candidate’s Licensing Cycle.
- (17) “National Committee on Accreditation” or “NCA” is the committee appointed by the Federation of Law Societies of Canada and the Council of Canadian Law Deans to evaluate the credentials of foreign lawyers, Canadians with a foreign law degree, or Canadians with a civil law degree from Québec, who wish to be licensed as a lawyer in Canada.
- (18) “Oath” means the oath the taking of which is a requirement for the issuance of a Class L1 Licence.
- (19) “Policy” means these Policies for the Licensing Process.
- (20) “Prescribed Fee” means the fee approved by the Society.
- (21) “Prescribed Form,” means the form approved by the Director of Professional Development and Competence.
- (22) “Principal” means a Licensee who has been approved by the Director of Professional Development and Competence to supervise a Candidate during the Articling Program.
- (23) “Proceedings Authorization Committee” is the committee established by Convocation responsible for authorizing proceedings.
- (24) “Professional Conduct and Practice in Ontario Course” is the Society’s course for Candidates who are exempted pursuant to the Policy from the requirement to complete the Articling Program in its entirety.
- (25) “Professional Development and Competence Committee” is the standing committee of Convocation responsible for competence matters.
- (26) “Professional Responsibility and Practice Course” is the Society’s online course that Candidates are required to complete during the Articling Program.
- (27) “Registrar” means a person designated by the Director of Professional Development and Competence to perform the duties of the Registrar.
- (28) “Request for the Issuance of a Class L1 Licence” means the request submitted by the Candidate to the

Society for the issuance of a Class L1 Licence and call to the bar after completing the Licensing Process.

- (29) “Society” means The Law Society of Upper Canada.
- (30) “Supervising Lawyer” means a Licensee approved by the Director of Professional Development and Competence to supervise a Candidate in the delivery of legal services where the Candidate has completed the Licensing Process and is awaiting the issuance of a Class L1 Licence and call to the bar.

Part II: General

2. Purpose

- (1) This Policy describes the rules and procedures for completion of the Licensing Process.

Part III: Registration into the Licensing Process

3. Education Requirements for Registration into the Licensing Process

- (1) A person may be registered into the Licensing Process as a Candidate if he or she:
- has obtained a Bachelor of Laws degree or a Juris Doctor degree from a law school that was, at the time the person graduated from the law school, an Accredited Law School or has received a certificate of qualification issued by the National Committee on Accreditation (NCA); or
 - has completed all of the requirements to obtain a Bachelor of Laws or Juris Doctor degree from a law school that is at the time the person graduates from the law school an Accredited Law School or a certificate of qualification issued by the NCA and is awaiting receipt of the transcript of final marks and the conferring of the degree on the Candidate by the Accredited Law School or the issuance of the certificate of qualification to the Candidate by the NCA.

4. Application for Registration into the Licensing Process

- (1) Subject to subparagraph 4, a person who wishes to be registered as a Candidate in the Licensing Process must:
- complete and file with the Office of the Registrar an Application in the Prescribed Form;
 - pay to the Society a non-refundable Prescribed Fee for application; and

- file with the Office of the Registrar at the time or times specified by the Registrar:
 - an official transcript issued by a law school that was, at the time that the person graduated from that school, an Accredited Law School indicating that the person has obtained a Bachelor of Laws or a Juris Doctor degree or a certificate of qualification issued by the NCA;
 - two colour passport size photographs of the person taken within the twelve month period preceding the date of the Application;
 - proof of the person’s legal name in the form required by the Registrar; and
 - any other document required by the Registrar pursuant to the Policy.

- A person who makes any false or misleading representation or declaration on or in connection with the application by commission or omission is deemed thereafter not to meet and not to have met the requirements for the issuance of a Class L1 Licence by the Society.
- A person who makes a false or misleading representation or declaration on or in connection with the registration into the Licensing Process, by commission or omission, is deemed thereafter not to meet and not to have met the requirements for registration into the Licensing Process and the person’s registration into the Licensing Process is deemed thereafter to be void and the successful completion of any Licensing Examination or professional conduct course conducted by the Society taken by the person is deemed thereafter to be void and any service under articles of clerkship is deemed thereafter to be void.
- A person who was an Applicant in the Licensing Process and whose Application was deemed to have been abandoned pursuant to subparagraph 8(4) of the Policy, may only submit another Application if authorized by the Director of Professional Development and Competence.
- A person who wishes to request the authorization of the Director of Professional Development and Competence to submit another Application pursuant to subparagraph 4 must submit to the Office of the Registrar a Request in the Prescribed Form.
- The Director of Professional Development and Competence will authorize a person whose Application was deemed to have been abandoned pursuant to subparagraph 8(4) of the Policy, to submit another Application if:

- (a) the person demonstrates to the satisfaction of the Director of Professional Development and Competence that there has been a material change in circumstances; and
- (b) one year has passed after the date on which the person's previous Application was deemed to have been abandoned.

5. Registration into the Licensing Process

- (1) The Prescribed Fee for registration is comprised of the following Prescribed Fees:
 - (a) a Licensing Process examination study material fee;
 - (b) a Licensing Examination fee for each Licensing Examination written by the Candidate; and
 - (c) an Articling Program fee or a course fee for the Professional Conduct and Practice in Ontario Course.
- (2) When a person is registered as a Candidate into the Licensing Process, the person will pay to the Society the Prescribed Fee for registration.
- (3) The Registrar may register into the Licensing Process as a Candidate a person who has complied with paragraph 4 of the Policy.
- (4) The Registrar may register into the Licensing Process a person who has complied with all of the requirements of paragraph 4 of the Policy save for the requirement in subclause (c) (i) of subparagraph (1) provided that the person has completed all of the requirements to obtain a Bachelor of Laws or Juris Doctor degree from a law school that is, at the time that the Candidate graduates from the law school, an Accredited Law School or a certificate of qualification issued by the NCA and is awaiting receipt of the transcript of final marks and the conferring of the degree on the Candidate by the Accredited Law School or the issuance of the certificate of qualification to the Candidate by the NCA.
- (5) A Candidate who has been registered into the Licensing Process pursuant to subparagraph 5(4) must file with the Office of the Registrar by the time specified by the Registrar:
 - (a) an official transcript issued by a law school that is, at the time that the Candidate graduates from the law school, an Accredited Law School indicating that the Candidate has obtained a Bachelor of Laws or a Juris Doctor degree; or
 - (b) a certificate of qualification issued by the NCA.
- (6) A Candidate who has been registered into the Licensing Process pursuant to subparagraph 5(4) and

becomes aware that the Candidate has not met the requirements for obtaining a Bachelor of Laws or Juris Doctor degree from a law school that is at the time that the Candidate graduates from the law school an Accredited Law School or a certificate of qualification issued by the NCA and cannot comply with subparagraph 5(5), must immediately notify the Office of the Registrar that the Candidate has not met the requirements and withdraw from the Licensing Process in accordance with paragraph 34 of the Policy.

- (7) Notwithstanding subparagraph 5(6), the Registrar may remove from the Licensing Process in accordance with paragraph 30 of the Policy, a Candidate who has failed to comply with subparagraph 5(5) or who cannot obtain a Bachelor of Laws or Juris Doctor degree from a law school that is at the time that the Candidate graduates from the law school an Accredited Law School or a certificate of qualification issued by the NCA by the time specified by the Registrar pursuant to subparagraph 5(5).
- (8) If a Candidate who has commenced the Articling Program or entered into an Articles of Clerkship agreement withdraws or is removed from the Licensing Process, the Registrar may notify the Candidate's Principal that the Candidate has ceased to be a Candidate in the Licensing Process.

Part IV: Good Character Requirement

6. Good Character

- (1) An applicant for a Class L1 Licence shall be of good character.
- (2) In order to determine whether a Candidate is of good character, the Society may require the person to provide information and/or supporting documentation regarding good character. This information and supporting documentation may include but is not limited to information and documentation with respect to whether the person:
 - (a) has been found guilty of, or convicted of any offence under any statute;
 - (b) is the subject of criminal proceedings;
 - (c) has had judgment rendered against him or her in an action involving fraud;
 - (d) has any outstanding civil judgments against him or her;
 - (e) has ever disobeyed any Order of any court requiring the person to do any act or to abstain from doing any act;

- (f) has been discharged from any employment where the employer has alleged that there was cause;
 - (g) has been suspended, disqualified, censured or otherwise disciplined as a member of any professional organization;
 - (h) has been denied a licence or permit or had any licence or permit revoked for failure to meet good character requirements;
 - (i) has been refused admission as a student-at-law or articled clerk or similar position in any professional body;
 - (j) has had allegations of misconduct made against him or her while attending a post-secondary institution or has been suspended, expelled or penalized by a post-secondary institution for misconduct while attending a post-secondary institution;
 - (k) is subject to a petition or assignment in bankruptcy or a proposal to creditors under the *Bankruptcy and Insolvency Act* (Canada) or has been bankrupt or insolvent under any statute; and
 - (l) has been disciplined by an employer or been a respondent in proceedings in relation to a human rights code violation.
- (3) A person shall provide to the Society:
- (a) at the time that the person submits her or his Application all documents and information specified by the Society on the application form relating to the requirement that the person be of good character; and
 - (b) by the time specified by the Society all additional documents and information stipulated by the Society relating to the requirement that the person be of good character.
- (4) A person who fails to comply with subparagraph 6(3) is deemed to have abandoned his or her application and in such circumstances the person's registration into the Licensing Process is cancelled.

Part V: Candidate Obligation to Keep Information Current

7. Candidate Obligations

- (1) Upon registration into the Licensing Process, a Candidate must maintain all information contained in the Application up to date.
- (2) A Candidate must notify the Office of the Registrar in writing forthwith of any change in the information and/or responses contained in the Application and

must provide the Registrar with any information or supporting documentation required by the Registrar as a result of the change(s).

- (3) A person applying to be registered into the Licensing Process or Candidate must notify immediately in writing the Office of the Registrar of any fact or circumstance or change in fact or circumstances that could affect the person's or Candidate's good character status.

Part VI: Components of the Licensing Process

8. Components

- (1) The Licensing Process consists of two components:
 - (a) Licensing Examinations; and
 - (b) an Articling Program.
- (2) Subject to subparagraph 3, in order to complete the Licensing Process, a Candidate will:
 - (a) pass the Licensing Examinations during the Candidate's Licensing Term;
 - (b) comply with subparagraph 26(6) of the Policy;
 - (c) complete the Articling Program unless the person is not required to complete the Articling Program pursuant to subparagraph 3; and
 - (d) comply with the Policy.
- (3) A Candidate is not required to complete the Articling Program if the Candidate is authorized to practise law in a province or territory of Canada outside Ontario or if the Candidate has been granted an exemption from the requirement to complete the Articling Program pursuant to subparagraph 20(5) of the Policy.
- (4) A Candidate who fails to comply with clause (b) of subparagraph 2 is deemed to have abandoned the Candidate's Application and in such circumstances the Candidate's registration into the Licensing Process is cancelled.

Part VII: Completion of the Licensing Process

9. Time Requirement

- (1) A Candidate must complete the Licensing Process during the Candidate's Licensing Term or such later date established by the Director of Professional Development and Competence pursuant to subparagraph 9(3).
- (2) A Candidate must complete the Articling Program during the Candidate's Licensing Term or such later date established by the Director of Professional

Development and Competence pursuant to subparagraph 9(3).

- (3) A Candidate may complete the Articling Program after the Candidate's Licensing Term, provided that the Candidate fulfills such additional education requirements and obtains such additional experience as the Director of Professional Development and Competence determines are necessary to ensure that the Candidate is familiar with current law and practice.
- (4) If a Candidate fails to complete the Licensing Process in accordance with subparagraph 9(1), the Candidate will be removed from the Licensing Process in accordance with clause (f) of subparagraph 30(1) of the Policy.

Part VIII: Articling Program

10. Articling Definitions

- (1) "Articles" consist of an articling placement that has been approved by the Registrar and includes the completion of the Professional Responsibility and Practice Course.
- (2) "Articling Placement" means an arrangement that has been approved by the Registrar in which a Candidate may serve an articling term.
- (3) "Articling Term" means a period of ten consecutive months of Articles that may include up to two weeks of vacation time or such abridged articling term in accordance with the Policy.
- (4) "Legal Experience" means experience involving the application of legal principles and practices to the resolution of issues.
- (5) "Ontario Articles" mean an articling placement served with a Principal who is providing the Candidate with an experience that substantially deals with the laws and practices applicable to the practice of law in Ontario.

11. Completion of the Articling Program

- (1) In order to complete the Articling Program a Candidate must:
 - (a) file documents in accordance with the Policy;
 - (b) pay all Prescribed Fees required pursuant to the Policy; and
 - (c) complete Articles in accordance with the Policy.
- (2) A person must be registered into the Licensing Process to commence the Articling Term.

12. Completion of Articles

- (1) In order to complete Articles, a Candidate must complete Traditional or Non-Traditional Articles in accordance with the Policy.
- (2) Traditional Articles mean an articling placement served with a Principal who supervises the Candidate during the Articling Term and who provides the Candidate with an experience that substantially deals with the laws and practice applicable to the practice of law in the Province of Ontario in accordance with the Policy.
- (3) Non-Traditional Articles mean any articling placement other than Traditional Articles and includes Joint Articles, National and International Articles and Part-time Articles.

13. Filing Requirements for Traditional Articles

- (1) A Candidate who wishes to complete Traditional Articles must file with the Office of the Registrar at the time and in the manner specified by the Registrar:
 - (a) an Articles of Clerkship agreement in the Prescribed Form signed by both the Candidate and the Principal(s); and
 - (b) a Certificate of Service under Articles in the Prescribed Form.
- (2) Where a Candidate is completing Traditional Articles, the Candidate's Principal must file with the Office of the Registrar at the time and in the manner stipulated by the Registrar a Certificate of Service under Articles in the Prescribed Form.

14. Non-Traditional Articles

Joint Articles

- (1) Joint Articles mean an articling placement with two or more Principals served by the Candidate either concurrently or consecutively.
- (2) A Candidate who wishes to complete Joint Articles must file with the Office of the Registrar at the time and in the manner specified by the Registrar:
 - (a) a Joint Articles of Clerkship agreement in the Prescribed Form;
 - (b) a plan in the Prescribed Form and approved by the Office of the Registrar or a letter of permission signed by all of the Candidate's Principals in the Prescribed Form; and
 - (c) a Certificate of Service under Articles in the Prescribed Form.
- (3) The Candidate's Principal must file with the Office of the Registrar at the time and in the manner

specified by the Registrar a Certificate of Service under Articles in the Prescribed Form.

Part Time Articles

- (4) Part-time Articles mean an articling placement served by a Candidate on a part time basis for a continuous articling term equivalent to ten months and approved by the Registrar.
- (5) A Candidate who wishes to complete Part-time Articles must:
 - (a) submit a request to the Office of the Registrar in the Prescribed Form;
 - (b) file with the Society a plan in the Prescribed Form or a letter of permission signed by the Candidate's Principal in the Prescribed Form; and
 - (c) pay to the Society the Prescribed Fee.
- (6) The Registrar will approve a Candidate's request to complete Part-time Articles where the Candidate requires accommodation due to his or her individual circumstances or special needs.
- (7) The articling term for Part-time Articles will be the equivalent of ten months of full-time employment. A Candidate will not receive credit for more than eight hours of work per day and one workday is equal to a minimum of seven working hours.
- (8) Where the Registrar has approved the Candidate's request to complete Part-time Articles, the Candidate must file with the Office of the Registrar at the time and in the manner specified by the Registrar:
 - (a) an Articles of Clerkship agreement in the Prescribed Form;
 - (b) a plan in the Prescribed Form and approved by the Office of the Registrar or a letter of permission of the Candidate's Principal in the Prescribed Form;
 - (c) a Certificate of Service under Articles in the Prescribed Form; and;
 - (d) a final evaluation in the Prescribed Form.
- (9) The Candidate's Principal must file with the Office of the Registrar at the time and in the manner specified by the Registrar the Certificate of Service under Articles in the Prescribed Form.

National Articles and International Articles

- (10) National Articles mean an articling placement served within Canada that is supervised by a lawyer in good standing who has been called to the bar in another Canadian jurisdiction or by a Principal who will not be providing the Candidate with an experience that

substantially deals with laws and practices applicable to the practice of law in the Province of Ontario.

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

15. Articling Term for National or International Articles

- (1) A Candidate who wishes to complete National Articles or International Articles must:
 - (a) submit a request to the Office of the Registrar in the Prescribed Form; and
 - (b) pay to the Society the Prescribed Fee.
- (2) The Registrar will either approve the Candidate's request to complete National Articles or International Articles with or without terms or deny the request.
- (3) The Registrar will consider the length, nature, scope, diversity of the proposed Legal Experience and the relevance of the proposed Legal Experience to the legal skills, practices and systems ordinarily experienced during Traditional Articles when making a decision to approve or deny the request for National Articles or International Articles.
- (4) A Candidate may appeal the decision of the Registrar to the Director of Professional Development and Competence whose decision is final.
- (5) A Candidate who wishes to appeal the decision of the Registrar must submit to the Office of the Registrar a Request to Appeal in the Prescribed Form together with the Prescribed Fee within fifteen days of the Registrar notifying the Candidate of the decision.
- (6) For the purposes of subparagraph 15(5), the Office of the Registrar shall be deemed to have notified the Candidate on the date that the Office of the Registrar mails notification of the decision to the Candidate.

16. Filing Requirements

- (1) A Candidate who is completing National or International Articles must file with the Office of the Registrar at the time and in the manner specified by the Registrar:
 - (a) an Articles of Clerkship agreement in the Prescribed Form; and
 - (b) a Certificate of Service under Articles in the Prescribed Form.

- (2) The Candidate's Principal must file with the Office of the Registrar at the time and in the manner specified by the Registrar the Principal's Certificate of Service under Articles in the Prescribed Form.

17. Assignment of Articles

- (1) A Candidate may assign his or her Articles of Clerkship agreement from one Principal (former Principal) to another Principal (new Principal) during the Articling Term provided that there is no interruption in the Articling Term.
- (2) A Candidate who wishes to assign his or her Articles of Clerkship agreement must file with the Office of the Registrar within ten days of the commencement of the assignment an Assignment of Articles in the Prescribed Form.

18. Abridgment of the Articling Term

Compassionate Grounds

- (1) The Registrar may approve a reduction of the Articling Term (abridgment) on compassionate grounds for a period of up to six weeks.
- (2) Compassionate grounds may include family responsibilities, prolonged illness or accidents or any other ground deemed compassionate by the Registrar.
- (3) A person who wishes to have the Articling Term abridged on compassionate grounds must submit to the Office of the Registrar:
 - (a) a request in the Prescribed Form indicating the reasons for the abridgment; and
 - (b) a letter from the Candidate's Principal or the Principal's law firm indicating the date of commencement of the Articles and the amount of vacation time and sick days taken to the date of the request.
- (4) The letter from the Candidate's Principal or Principal's law firm referred to in clause (b) of subparagraph 18(3) must be forwarded directly by the Principal or his or her law firm to the Office of the Registrar.

Abridgment on Non-Compassionate Grounds

- (5) A person who is not exempt from the requirement to complete the Articling Program pursuant to the Policy may request an abridgment of the Articling Term on non-compassionate grounds where the Candidate has been admitted to the bar of another province or foreign jurisdiction and has practised as a lawyer in another jurisdiction or has had Legal Experience other than through articles of clerkship or practice.

19. Application for Abridgment of the Articling Term

Filing Requirements

- (1) A person who wishes to request a reduction of the Articling Term on non-compassionate grounds must submit to the Office of the Registrar:
 - (a) an application in the Prescribed Form;
 - (b) a Prescribed Fee;
 - (c) where the person has been admitted to the bar of another jurisdiction, a certificate of standing from the governing body of the legal profession of that jurisdiction sent directly from that governing body to the Office of the Registrar;
 - (d) an original letter of reference from one or more eligible referees sent directly by each referee to the Office of the Registrar; and
 - (e) a letter from the Candidate's Principal or the Principal's law firm forwarded directly to the Office of the Registrar by the Candidate's Principal or the Principal's law firm acknowledging the Candidate's request and indicating the date of commencement of the Articles, the amount of vacation time and sick days taken to the date of the request.

References

- (2) An eligible referee is a lawyer or judge who has direct knowledge of the nature of the person's Legal Experience in relation to the criteria set out in subparagraph 19(3).
- (3) The letter of reference referred to in subparagraph 19(1) must:
 - (a) indicate the periods in which the person obtained Legal Experience and the nature of the Legal Experience citing specific examples; and
 - (b) explain how the person's Legal Experience is relevant to the legal skills, practices and systems ordinarily experienced during Ontario Articles.

Approval of Abridgment

- (4) The Registrar may approve an abridgment of the Articling Term on non-compassionate grounds.
- (5) In evaluating the person's request for an abridgment on non-compassionate grounds, the Registrar will consider:
 - (a) the length, recency, nature, scope and diversity of the person's Legal Experience; and
 - (b) the relevance of the Legal Experience to the legal skills, practices and systems ordinarily experienced during Traditional Articles.

- (6) The Registrar will not consider the following when evaluating a request for abridgment:
- (a) summer or part-time experience in a law firm;
 - (b) clinical education experiences received by the person before completing the program for obtaining a Bachelor of Laws or a Juris Doctor degree from an Accredited Law School; or
 - (c) full time experience in law firms or clinical education experiences received while enrolled in a program of an Accredited Law School.

Appeal

- (7) The Office of the Registrar will notify the person in writing of the decision of the Registrar regarding the abridgment of the Articling Term.
- (8) A person may appeal the decision of the Registrar in writing to the Director of Professional Development and Competence whose decision will be final.
- (9) A person who wishes to appeal the decision of the Registrar 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.
- (10) For the purposes of subparagraph 19(9), the Office of the Registrar will be deemed to have notified the person on the date that the Office of the Registrar mails notification of the decision to the person.

20. Application for Exemption from Articles

- (1) A person may request an exemption from the requirement to complete the Articling Program if the person has been called to the bar in a common law jurisdiction and has had at least ten months of law practice experience in that jurisdiction that addresses the Society's articling requirements.
- (2) A person who wishes to request an exemption from the requirement to complete the Articling Program pursuant to subparagraph 20(1) must submit to the Office of the Registrar:
 - (a) an application in the Prescribed Form;
 - (b) a Prescribed Fee;
 - (c) a certificate of standing from the governing body of the legal profession of that common law jurisdiction sent directly from that governing body to the Registrar; and
 - (d) an original letter of reference from one or more eligible referees to the Office of the Registrar.
- (3) An eligible referee is a lawyer or judge who has direct knowledge of the nature of the person's Legal

Experience in relation to the criteria set out in subparagraph 20(4).

- (4) The letter of reference referred to in subparagraph 20(2) must:
 - (a) indicate the periods in which the person obtained common law practice experience and the nature of the Legal Experience citing specific examples; and
 - (b) explain how the person's Legal Experience is relevant to the legal skills, practices and systems ordinarily experienced under Ontario Articles.

Approval of Exemption

- (5) The Registrar may approve an exemption from the requirement to complete the Articling Program.
- (6) In evaluating a person's request for an exemption from the requirement to complete the Articling Program, the Registrar will consider:
 - (a) the length, recency, nature, scope and diversity of the person's Legal Experience; and
 - (b) the relevance of the Legal Experience to the legal skills, practices and systems ordinarily experienced during Ontario Articles.
- (7) The Registrar will not consider the following when evaluating a request for an exemption from the requirement to complete the Articling Program:
 - (a) summer or part-time experience in a law firm;
 - (b) clinical education experiences received by the person before completing the program for obtaining a Bachelor of Laws or a Juris Doctor degree from an Accredited Law School; or
 - (c) full time experience in law firms or clinical education experiences received while enrolled in a program of an Accredited Law School or enrolled for the National Committee on Accreditation examinations.
- (8) A Candidate who has been exempted from the requirement to complete the Articling Program must complete the Professional Conduct and Practice in Ontario Course prior to completion of the Licensing Process.

Appeal

- (9) The Office of the Registrar will notify the person in writing of the decision of the Registrar regarding the exemption from the requirement to complete the Articling Program.
- (10) A person may appeal the decision of the Registrar in writing to the Director of Professional Development and Competence whose decision will be final.

- (11) A person who wishes to appeal the decision of the Registrar 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.
- (12) For the purposes of subparagraph 20(11), the Office of the Registrar will be deemed to have notified the person on the date that the Office of the Registrar mails notification of the decision to the person.

21. Retention of Credit for Completion of Articling Program

- (1) Subject to subparagraph 4(3) and 30(4) of the Policy, a Candidate will retain credit for completion of the Articling Program.

22. Termination of Articles

- (1) A Candidate or Principal may terminate Articles where problems arise between the Candidate and the Principal that cannot be resolved to the satisfaction of both the Candidate and the Principal.

Notice

- (2) Where a Principal wishes to terminate Articles for the reasons set out in subparagraph 22(1), the Principal must provide the Candidate with reasonable notice of the termination.
- (3) Where a Candidate wishes to terminate Articles for the reasons set out in subparagraph 22(1), the Candidate must provide the Principal with reasonable notice of the termination.
- (4) During the notice period both the Candidate and the Principal must continue the articling relationship in accordance with the Articles.
- (5) During the notice period, the onus is on the Candidate to find another articling placement in order to complete the Articling Term.

Filing Requirements upon Termination

- (6) Where Articles are terminated both the Candidate and the Principal must file with the Office of the Registrar within ten days of the termination of Articles, a Notice of Termination in the Prescribed Form and the Principal must file with the Office of the Registrar within ten days of the termination of Articles a Principal's Certificate of Service Under Articles in the Prescribed Form.
- (7) Where a Candidate leaves a Principal's employment prior to the termination of Articles, the Principal must complete and file with the Office of the Registrar a Principal's Certificate of Service Under Articles in

the Prescribed Form within ten days of the termination of the Articles.

- (8) Where the Candidate transfers to another articling placement immediately upon the termination of the Articles, the former Principal, the Candidate and the new Principal must complete and file with the Office of the Registrar an Assignment of Articles in the Prescribed Form within ten days of commencement of the new articling placement.

23. Withdrawal of Articling Commitment

- (1) Where a Principal cannot fulfill his or her commitment to a Candidate to provide the agreed upon Articles, the Principal must take all reasonable steps to ensure that an appropriate alternative articling placement is found for the Candidate including but not limited to:
- assisting the Candidate in obtaining interviews with other law firms;
 - making administrative services available to the Candidate; and
 - providing the Candidate with a letter that clearly states that the Candidate is without an articling placement through no fault of the Candidate.
- (2) A Candidate may withdraw from Articles only for compelling reasons.
- (3) Where a Candidate withdraws from Articles, the Candidate should obtain a release from the Articles of Clerkship from the Principal.

24. Requirements for Principals

- (1) A Licensee must be approved by the Director of Professional Development and Competence in order to be a Principal.
- (2) A Licensee who wishes to be approved as a Principal must submit to the Office of the Registrar prior to the commencement of the Candidate's Articles an application in the Prescribed Form together with supporting documentation.
- (3) The Director of Professional Development and Competence will approve a Licensee as a Principal where the Licensee:
- is an exemplar having regard to all circumstances including but not limited to the experience, competence, ethical standards and professional conduct record of the Licensee; and
 - has been actively engaged in the practice of law for three of the five years immediately preceding the commencement of the Articling Term.

- (4) The decision of the Director of Professional Development and Competence to approve or not to approve a Licensee as a Principal is final.

Articling Relationship Mentor Program

- (5) A Licensee who has not been actively engaged in the practice of law for three of the five years immediately preceding the commencement of the Articling Term and wishes to serve as a Principal may apply to be approved as a Principal under the Articling Relationship Mentor Program by submitting to the Office of the Registrar:
- (a) an application for approval as a Principal in the Prescribed Form in advance of the commencement of the Candidate's Articles; and
 - (b) an Articling Relationship Mentorship Program form in the Prescribed Form completed by both the Licensee and the Articling Relationship Mentor.

Articling Relationship Mentor

- (6) An "Articling Relationship Mentor" is a Licensee who has been approved by the Director of Professional Development and Competence to act as an Articling Relationship Mentor in an articling placement.
- (7) In order to be approved as an Articling Relationship Mentor, a Licensee must:
- (a) submit to the Office of the Registrar an application in the Prescribed Form with respect to each articling placement for which the Licensee is requesting approval to act as an Articling Relationship Mentor;
 - (b) file with the Office of the Registrar an Articling Relationship Mentorship Program form in the Prescribed Form completed by both the Principal and the Licensee; and
 - (c) agree to supervise, at any one time, no more than two articling relationships either as a Principal or an Articling Relationship Mentor.
- (8) The Director of Professional Development and Competence will approve a Licensee as an Articling Relationship Mentor if the Licensee:
- (a) has been approved as a Principal or is eligible to be approved as a Principal based on the criteria for the approval of a Principal contained in subparagraph 24(3);
 - (b) has supervised at least one Candidate in the five years preceding the commencement of the Articling Term;

- (c) has agreed to act as a mentor to the Candidate and Principal in the articling relationship; and
- (d) has submitted all applications and supporting documents required to be filed in accordance with the Policy.

- (9) The decision of the Director of Professional Development and Competence to approve or not to approve a Licensee as an Articling Relationship Mentor is final.

Obligations of an Articling Relationship Mentor

- (10) The Articling Relationship Mentor must:
- (a) meet with the Principal to explain and advise on the objectives and completion of Articles;
 - (b) meet with the Candidate and the Principal at the outset of the Articling Term to participate in the explanation of the objectives and terms of the Articles;
 - (c) as required provide advice and support;
 - (d) supervise and be involved with the Candidate and Principal as required; and
 - (e) submit to the Office of the Registrar at the end of the Articling Term a Certificate of Completion in the Prescribed Form.

Obligations of a Principal

- (11) A Principal must:
- (a) directly supervise no more than two Candidates at any one time;
 - (b) file with the Office of the Registrar at the time and in the manner specified by the Registrar, an Articles of Clerkship agreement in the Prescribed Form signed by both the Candidate and the Principal;
 - (c) provide the Candidate with meaningful training, exposure to and involvement in work that will provide the Candidate with knowledge and experience of the practical aspects of law, together with an appreciation of the traditions and ethics of the profession in accordance with subrule 5.02(2) of the *Rules of Professional Conduct*;
 - (d) instruct the Candidate in the practice and profession of law to the best of the Principal's ability;
 - (e) provide an articling experience that conforms to the requirements of the Society and includes ensuring that the Candidate completes the Professional Responsibility and Practice Course;

- (f) complete and file documents in accordance with the Policy;
- (g) notify the Society in advance if termination of the articling commitment is contemplated;
- (h) be an exemplar having regard to all circumstances including but not limited to the experience, competence, ethical standards and professional conduct record of the Licensee;
- (i) provide the Candidate with seven days* free of articling employment duties, consisting of five days of uninterrupted study time, one day to write the licensing examination and one free day, for each of the Candidate's first attempt at writing the Solicitor Licensing Examination and the Barrister Licensing Examination if the Candidate writes the Barrister Licensing Examination or the Solicitor Licensing Examination during the Articling Term;

** Please note the definition of the term "day" in Part I of the Policy.*
- (j) disclose to the Registrar any changes in the Principal's disciplinary record from the date that the Licensee is approved as a Principal to the earlier of the date that the Candidate's Articles are terminated or completed; and
- (k) comply with the Policy.

Removal of a Principal

- (12) The Director of Professional Development and Competence may remove a Licensee as a Principal or Articling Relationship Mentor where the Licensee fails to comply with his or her obligations contained in the Policy.
- (13) The decision of the Director of Professional Development and Competence to remove a Licensee as a Principal is final.

25. Recruitment of Students and Engagement of Students for Summer and Articling Positions

- (1) Recruitment includes but is not limited to the arranging or conducting of interviews and the making of offers of employment.
- (2) Licensees and Candidates must observe the procedures of the Society with respect to the recruitment of articling students.
- (3) Licensees and Candidates must observe the procedures of the Society with respect to the engagement of summer students.

Part IX: Licensing Examinations

26. General

- (1) In order to complete the Licensing Process a Candidate must pass both the Barrister Licensing Examination and the Solicitor Licensing Examination during the Candidate's Licensing Term.
- (2) The Licensing Examinations test competencies required for entry level practice and focus on competencies that have the most direct impact on the protection of the public and on effective and ethical practice.
- (3) The Barrister Licensing Examination assesses barrister competencies for entry level practice, as approved by the Professional Development & Competence Committee.
- (4) The Solicitor Licensing Examination assesses solicitor competencies for entry level practice as approved by the Professional Development & Competence Committee.
- (5) A person must be registered into the Licensing Process to write a Licensing Examination.
- (6) A Candidate may not write during the Candidate's Licensing Term the Barrister Licensing Examination, the Solicitor Licensing Examination or the Licensing Examinations more than three times or if authorized by the Director of Professional Development and Competence pursuant to subparagraph 28(10) of the Policy more than four times.

27. Licensing Examination Rules and Protocol

- (1) The Licensing Examinations and sittings of the Licensing Examinations will be conducted in accordance with the Licensing Examination Rules and Protocol.
- (2) Candidates must comply with the Licensing Examination Rules and Protocol.
- (3) A Candidate who fails to comply with the Licensing Examination Rules and Protocol may be disciplined and removed from the Licensing Process pursuant to paragraphs 30 and 32 of the Policy.

28. Licensing Examination Sittings

- (1) A Candidate must complete a Licensing Examination at a Sitting of the Licensing Examination.
- (2) A "Sitting of a Licensing Examination" means the time, date and location established by the Registrar for the writing of the Licensing Examinations.
- (3) A Candidate who wishes to complete a Licensing Examination must submit to the Office of the Registrar at least 30 days* prior to the day of the

Sitting of the Licensing Examination a written request in the Prescribed Form indicating the sitting at which the Candidate wishes to write the Licensing Examination and pay the Prescribed Fee.

- (4) Where the Registrar approves the Candidate's request, the Registrar will assign the Candidate to the particular Sitting of the Licensing Examination and the Candidate must complete the Licensing Examination at that sitting.
- (5) Subject to subparagraph 9(1) of the Policy, where a Candidate who has been assigned to a particular Sitting of the Licensing Examination wishes to defer the writing of that Licensing Examination, the Candidate must submit a request to defer in the Prescribed Form to the Office of the Registrar at least five days* prior to the date scheduled for the writing of the Licensing Examination and the Registrar will approve the request and refund or defer the examination fee paid by the Candidate less the prescribed administrative fee.
- (6) Subject to subparagraph 9(1) of the Policy, where a Candidate who has been assigned to a particular Sitting of the Licensing Examination wishes to change the location of the writing of the Licensing Examination or the language of choice for the writing of the Licensing Examination, the Candidate must submit a request in the Prescribed Form to the Office of the Registrar at least 30 days* prior to the date scheduled for the writing of the Licensing Examination and the Registrar may approve the request.

****Please note the definition of the term "day" in Part I of the Policy.***

- (7) Where a Candidate has been assigned to a Sitting of the Licensing Examination and does not attend that sitting and fails to follow the procedure for deferral set out in subparagraph 5, the Candidate will not be entitled to any refund of the licensing examination fee paid for the writing of that examination.
- (8) A Candidate who has failed either of the Barrister Licensing Examination or the Solicitor Licensing Examination three times during the Candidate's Licensing Term may apply to the Director of Professional Development and Competence for authorization to write that examination a fourth time during the Candidate's Licensing Term, if the Candidate is not otherwise ineligible to write that Licensing Examination pursuant to the Policy.
- (9) A Candidate who wishes to request the authorization of the Director of Professional Development and Competence to write an examination during the Candidate's Licensing Term a fourth time pursuant to subparagraph 8 must submit to the Office of the Registrar:

- (a) a request in the Prescribed Form by the time stipulated by the Registrar and no later than 30 days* prior to the end of the Candidate's Licensing Term; and
- (b) all of the documents and information required by the Society relating to any requirement for writing the Licensing Examination by the time stipulated by the Registrar.

****Please note the definition of the term "day" in Part I of the Policy.***

- (10) The Director of Professional Development and Competence will approve the Candidate's request to write the Licensing Examination a fourth time during the Candidate's Licensing Term if the Candidate establishes to the satisfaction of the Director of Professional Development and Competence that there exist extraordinary circumstances that would affect or could be expected to affect the Candidate's ability to successfully complete the Licensing Examination.

29. Writing a Licensing Examination

- (1) A Candidate who fails a Licensing Examination may write the Licensing Examination another time or times provided that the Candidate completes the Licensing Process during the Candidate's Licensing Term and complies with subparagraph 26(6) of the Policy.

Part X: Removal from the Licensing Process

30. Removal

- (1) The Registrar will remove a Candidate from the Licensing Process where:
 - (a) an order has been made pursuant to section 27 of the *Law Society Act* refusing the Candidate's application for a Class L1 Licence;
 - (b) an order has been made pursuant to section 35 of the *Law Society Act* removing the Candidate from the Licensing Process;
 - (c) the Candidate fails to file any document required to be filed pursuant to By-Law 4 made under the *Law Society Act*;
 - (d) the Candidate fails to comply with subparagraph 5(5) of the Policy;
 - (e) the Candidate cannot obtain a Bachelor of Laws degree or Juris Doctor degree from a law school that is at the time that the Candidate graduates from the law school an Accredited Law School or a certificate of qualification from the NCA by the time specified by the Registrar pursuant to subparagraph 5(5) of the Policy;

- (f) the Candidate has failed to comply with subparagraph 9(1) of the Policy;
 - (g) the Candidate cannot comply with clause (a) of subparagraph 8(2) of the Policy.
- (2) A Candidate who is removed from the Licensing Process will cease to be a Candidate in the Licensing Process and if the Candidate has commenced Articles or has entered into an Articles of Clerkship agreement, the Registrar may notify the Candidate's Principal that the Candidate has ceased to be a Candidate in the Licensing Process.
 - (3) Subject to subparagraph 4(3) of the Policy, a Candidate who is removed from the Licensing Process will not retain credit for standings of pass received by the Candidate for Licensing Examinations but will retain credit for completion of the Articling Program.
 - (4) Notwithstanding subparagraph 30(3), a Candidate who is removed from the Licensing Process pursuant to clauses (c), (d) or (e) of subparagraph 30(1) shall not retain credit for completion of the Articling Program.

31. Good Character

- (1) Subsection 27(2) of the *Law Society Act* provides that it is a requirement for the issuance of every licence under the *Law Society Act* that the applicant be of good character.
- (2) If the Hearing Panel determines that a Candidate is not of good character, the Hearing Panel may make an order refusing the Candidate's application for a Class L1 Licence.
- (3) Where the Hearing Panel makes an order refusing the Candidate's application for a Class L1 Licence, the Registrar will remove the Candidate from the Licensing Process and the Candidate will cease to be a Candidate in the Licensing Process.
- (4) Where a Candidate is removed from the Licensing Process pursuant to subparagraphs 31(3), the Candidate, after contacting the Office of the Registrar, may submit another Application to the Society at any time based on fresh evidence or a material change in circumstances.

32. Prohibited Conduct

- (1) A Candidate shall not engage in conduct unbecoming a Candidate.
- (2) "Conduct Unbecoming a Candidate" means conduct that tends to bring discredit upon the legal profession including, for example,

- (a) committing a criminal act that reflects adversely on the Candidate's honesty or trustworthiness or fitness to be a lawyer;
 - (b) engaging in conduct that reflects adversely upon the integrity of the legal profession and the administration of justice;
 - (c) engaging in conduct involving dishonesty; and
 - (d) engaging in Licensing Dishonesty.
- (3) A Candidate must not engage in Licensing Dishonesty.
 - (4) "Licensing Dishonesty" means engaging in any form of cheating, Licensing Process dishonesty or misconduct, fraud or misrepresentation in order that a Candidate obtain academic credit or other Licensing Process advantage of any kind whether or not the Candidate has been sanctioned for the conduct and includes but is not limited to:
 - (a) copying another person's answer to an examination question during a Licensing Examination;
 - (b) consulting an unauthorized source during a Licensing Examination;
 - (c) bringing into the examination room any unauthorized materials;
 - (d) removing from the examination room any unauthorized materials;
 - (e) being in possession of or using unauthorized information or materials prior to or during the Licensing Examination ; or
 - (f) assisting a person to carry out an activity mentioned in this subparagraph.
 - (5) Engaging in Conduct Unbecoming a Candidate, including Licensing Dishonesty, may lead to the:
 - (a) preparation of a written report on the conduct of the Candidate and its provision to the Society's Professional Regulation department for investigation; and
 - (b) pursuit by the Society of any legal remedies available to it, including, where it is available, an application to the Hearing Panel for a determination of whether the Candidate has contravened section 33 of the *Law Society Act*.
 - (6) If the Society does apply to the Hearing Panel for a determination of whether the Candidate has contravened section 33 of the *Law Society Act*, and the Hearing Panel does so determine, the Hearing Panel may make one or more of the orders contained in section 35 of the *Law Society Act*.

33. Incapacity

- (1) A Candidate is incapacitated if, by reason of physical or mental illness, other infirmity or addiction to or excessive use of alcohol or drugs, he or she is incapable of serving under Articles or of participating in the Licensing Process.
- (2) If there is information suggesting that a Candidate may be incapacitated, the Society may pursue any legal remedies available to it, including, where it is available, conducting an investigation into a Candidate's capacity and applying to the Hearing Panel for a determination of whether the Candidate is or has been incapacitated.
- (3) If the Society does apply to the Hearing Panel for a determination of whether the Candidate is or has been incapacitated, and the Hearing Panel does so determine, the Hearing Panel may make one or more of the orders contained in section 40 of the *Law Society Act*.

**Part XI: Withdrawal from the
Licensing Process**

34. Procedure for Withdrawal

- (1) A Candidate who wishes to withdraw from the Licensing Process must submit to the Office of the Registrar
 - (a) a request to withdraw in the Prescribed Form;
 - (b) the Candidate's Law Society photo identification card; and
 - (c) all outstanding fees; and the Registrar will approve the request to withdraw.

35. Effect of Withdrawal on Examination Record

- (1) In this section, "credit" means the passing of the Barrister Licensing Examination or the passing of the Solicitor Licensing Examination of the Licensing Process.
- (2) Subject to subparagraph 4(3), a credit obtained by a Candidate in the Candidate's Licensing Cycle is valid during the Candidate's Licensing Term.
- (3) Notwithstanding subparagraph 35(2), if a Candidate is removed from the Licensing Process pursuant to paragraph 30, any credit obtained by the Candidate prior to ceasing to be a Candidate in the Licensing Process is revoked.

36. Refunds on Withdrawal

- (1) A Candidate who withdraws from the Licensing Process must pay the full registration fee less any

refund to which the Candidate is entitled pursuant to the Policy.

- (2) A Candidate who withdraws from the Licensing Process prior to the Date of Commencement of the Candidate's Licensing Cycle will be entitled to a refund of the registration fee.
- (3) A Candidate who withdraws from the Licensing Process after the Date of Commencement of the Candidate's Licensing Cycle and fails to follow the procedures for withdrawing contained in the Policy must pay the full registration fee and will not be entitled to any refund.
- (4) A Candidate who withdraws from the Licensing Process after the Date of Commencement of the Candidate's Licensing Cycle and follows the procedure for withdrawing contained in the Policy, will be entitled to a refund of the registration fee paid less:
 - (a) the Prescribed Fee for the Licensing Process examination study material if the Candidate has received the Licensing Process examination study material;
 - (b) the Prescribed Fee for each Licensing Examination written by the Candidate prior to the withdrawal of the Candidate from the Licensing Process;
 - (c) the Prescribed Fee for each Licensing Examination that the Candidate should have written and failed to defer pursuant to the Policy;
 - (d) the Prescribed Fee for the Articling Program if the Candidate has commenced the Professional Responsibility and Practice Course;
 - (e) the Prescribed Fee for the Professional Conduct and Practice in Ontario Course if the Candidate has commenced the course; and
 - (f) any other fee payable by the Candidate pursuant to the Policy.

Part XII: Candidate Employment

37. Candidate Employment

- (1) A Candidate may only provide, without a licence, legal services in Ontario under the direct supervision of a Principal or a Supervising Lawyer.
- (2) A Candidate who has completed the Licensing Process and is waiting to be issued a Class L1 Licence and to be called to the bar and admitted and enrolled as a solicitor and wishes to provide legal services in Ontario must submit to the Office of the Registrar a request for an extension of Articles and an

Agreement and Confirmation of Supervision in the Prescribed Form.

- (3) The Registrar will either approve the Candidate's request with or without terms or deny the request.
- (4) The Registrar, when making a decision to approve or deny the Candidate's request, will consider the length of time that has transpired since the Date of Commencement of the Candidate's Licensing Cycle, the length of time before the Candidate will be called to the bar and enrolled as a solicitor, the length of time that has transpired since the Candidate completed Articles and the number of times that the Candidate has written and/or deferred the writing of the Licensing Examinations.
- (5) A Candidate may appeal the decision of the Registrar to the Director of Professional Development and Competence whose decision is final.
- (6) A Candidate who wishes to appeal the decision of the Registrar must submit to the Office of the Registrar a Request to Appeal in the Prescribed Form within fifteen days of the Registrar notifying the Candidate of the decision.
- (7) For the purposes of subparagraph 37(6), the Office of the Registrar shall be deemed to have notified the Candidate on the date that the Office of the Registrar mails notification of the decision to the Candidate.
- (8) A Supervising lawyer must not supervise at any one time more than two Candidates.
- (9) A Supervising Lawyer must agree to:
 - (a) supervise the Candidate in the delivery of legal services;
 - (b) ensure that all clients on whose behalf the Candidate provides legal services are the clients of the Supervising Lawyer;
 - (c) accept full responsibility for all legal services performed by the Candidate;
 - (d) prior to accepting a retainer in which the Candidate will be providing legal services to a client, to advise clients of the arrangement between the Candidate and the Supervising Lawyer and the reason for the arrangement; and
 - (e) subject to the client's direction, continue representing a client in the event that the Candidate does not receive a Class L1 Licence.

Part XIII: Late Filing Fee

38. Fee

- (1) Where the Policy stipulates a date by which documents must be filed and the Candidate fails to

file documents by the due date, the Candidate must pay the Prescribed Fee for late filing.

Part XIV: Issuance of a Class L1 Licence

39. Eligibility for Issuance of a Class L1 Licence

- (1) A Candidate may be issued a Class L1 Licence and be called to the bar and admitted and enrolled as solicitor if the Candidate
 - (a) has submitted a Request for a Class L1 Licence in the Prescribed Form requesting to be called to the bar and admitted and enrolled as a solicitor and the request has been approved by Convocation;
 - (b) has completed the components of the Licensing Process that the Candidate is required to complete under this Policy;
 - (c) has paid all fees owing to the Society;
 - (d) has filed all required documents in accordance with the Policy, the By-Laws and the *Law Society Act*;
 - (e) is of good character as required by subsection 27(2) of the *Law Society Act* and has delivered an undertaking in the Prescribed Form to the Society certifying that the Candidate has maintained good character throughout the Licensing Process;
 - (f) has signed the Rolls of the Court of Appeal for Ontario and Superior Court of Justice; and
 - (g) has filed with the Society a Petition for Call to the Bar and Certificate of Fitness form.
- (2) To be called to the bar and admitted and enrolled as a solicitor, the Candidate shall:
 - (a) appear in person before Convocation in the court apparel of a barrister; and
 - (b) swear or affirm to the Oath at a special sitting of the Court of Appeal of Ontario and the Superior Court of Justice.
- (3) A Candidate may be excused from participating in the call day procedure of subparagraph 39(2) if the Candidate establishes exceptional circumstances to the satisfaction of the Registrar.
- (4) A Candidate who wishes to be excused from participating in the call day procedures described in subparagraph 39(2) must submit to the Office of the Registrar a letter requesting to be excused and explaining the exceptional circumstances and the Office of the Registrar will notify the Candidate in writing of the decision of the Registrar.

- (5) The Registrar will approve or deny the Candidate's request with or without terms and will notify the Candidate in writing of the decision.
- (6) A Candidate may appeal the decision of the Registrar to the Director of Professional Development and Competence whose decision is final.
- (7) A Candidate who wishes to appeal the decision of the Registrar must submit to the Office of the Registrar a Request to Appeal in the Prescribed Form within fifteen days of the Registrar notifying the Candidate of the decision.
- (8) For the purposes of subparagraph 39(7), the Office of the Registrar shall be deemed to have notified the Candidate on the date that the Office of the Registrar mails notification of the decision to the Candidate.
- (9) To be called to the bar and admitted and enrolled as a solicitor, a Candidate who is excused from participating in the call day procedures described in subparagraph 39(2) shall:
 - (a) file in the Prescribed Form with the Office the Registrar:
 - (i) a Petition for Call to the Bar and Certificate of Fitness form;
 - (ii) an Affirmation to Taking the Oath;
 - (iii) a Confirmation of the Licensee Roll; and
 - (b) swear or affirm to the Oath.
- (10) A Candidate who has been issued a Class L1 Licence will cease to be a Candidate in the Licensing Process.

Deferral of Issuance of a Class L1 Licence

- (11) A Candidate who wishes to defer issuance of a Class L1 Licence must submit to the Office of the Registrar a request to defer setting out the reasons for the request accompanied by the Prescribed Fee and the Office of the Registrar will notify the Candidate in writing of the decision of the Registrar.
- (12) The Registrar will approve or deny the Candidate's request with or without terms and will notify the Candidate in writing of the decision.
- (13) A Candidate may appeal the decision of the Registrar to the Director of Professional Development and Competence whose decision is final.
- (14) A Candidate who wishes to appeal the decision of the Registrar must submit to the Office of the Registrar a Request to Appeal in the Prescribed Form within fifteen days of the Registrar notifying the Candidate of the decision.
- (15) For the purposes of subparagraph 39(14), the Office of the Registrar shall be deemed to have notified the

Candidate on the date that the Office of the Registrar mails notification of the decision to the Candidate.

- (16) A Candidate who defers issuance of a Class L1 Licence should note that it is a requirement for the issuance of a Class L1 Licence that,
 - (a) the Candidate pass the Licensing Examinations not more than three years prior to the date of submission to the Law Society of the Candidate's Request for the Issuance of a Class L1 Licence; and
 - (b) if the Candidate is required under this Policy to complete the Articling Program to qualify for the issuance of the licence, the Candidate complete the Articling Program not more than three years prior to the date of submission to the Law Society of the Candidate's Request for the Issuance of a Class L1 Licence or complete such further education and obtain such further legal experience as the Director of Professional Development and Competence may specify as necessary to ensure that the Candidate is familiar with then current law and practice.

Part XV: Accommodation

40. Accommodation

- (1) The Society is committed to ensuring that the requirements of the Licensing Process are directly and logically connected to the competent practice of law and further that persons who wish to practise law in Ontario are not effectively barred from qualifying because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, disability or the receipt of public assistance.
- (2) Notwithstanding any provision or requirement in the Policy, the Society will provide accommodation in the Licensing Process to Candidates in accordance with the Policy and Procedures for Accommodations for Candidates in the Lawyer Licensing Process established by the Professional Development and Competence Committee from time to time (Accommodations Policy).
- (3) A Candidate who requires accommodation must follow the procedure for requesting accommodation contained in the Accommodations Policy.
- (4) Where an accommodation cannot be made or is unsatisfactory, the Candidate may appeal the decision by following the procedure contained in the Accommodations Policy.