

Articling Exemption: Process and Criteria

Articling exemption

An articling exemption is a waiver of the articling term. Candidates, registered in the Licensing Process, are entitled to apply for an articling exemption. Candidates who are exempt from articles must complete the Professional Conduct and Practice in Ontario Course in addition to completion of the Licensing Examinations.

Application for Exemption From Articles

Pursuant to section 21 of the *Licensing Process Policies*, a candidate may request an exemption from the requirement to complete the Articling Program if the person has

- a) Been called to the Bar in a common law jurisdiction, and
- b) Practised as a lawyer in a common law jurisdiction for at least ten months.

The Registrar may approve an exemption of the articling term while evaluating the following criteria:

- a) Length, recentness, nature, scope and diversity of the applicant's experience, and
- b) Relevance of the legal experience to the legal skills, practices and systems ordinarily experienced during traditional articles.

The Registrar will not consider the following when evaluating a request for an exemption:

- a) Summer or part-time experience in a law firm,
- b) Clinical education experiences received by an applicant before completing the Approved Law Course requirements,
- c) Full-time experience in law firms or clinical education experiences received while enrolled in an Approved Law Course.

Documents Required for an Articling Exemption Application:

- **Application for Articling Exemption** (attached) completed, signed and sent, with cover letter, to the Office of the Registrar;
- **The Law Society of Upper Canada will invoice your online account in the amount of \$160.00 (plus \$20.80 HST)** or you may pay by certified cheque or money order payable to The Law Society of Upper Canada;
- Original **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;
- **Original letter of reference from one or more eligible referees** sent directly from each referee to the Office of the Registrar. An eligible referee is a lawyer or judge who has direct knowledge of the nature of the applicant's legal experience. The letter of reference must indicate the periods in which the applicant obtained legal experience and the nature of the legal experience citing specific examples in referring to the common law jurisdiction. The letter of reference must also explain how the applicant's legal experience is relevant to the legal skills, practices and systems ordinarily experienced during Ontario Articles. Referees should refer to the *Articling Goals and Objectives* (attached).



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 FAX: 416-947-3403
 VISIT WWW.LSUC.ON.CA AND CLICK ON LICENSING PROCESS FOR LAWYERS

CONTACT US
 OFFICE OF THE REGISTRAR: REGISTRAR@LSUC.ON.CA
 SUPPORT SERVICES: SUPPORTSERVICES@LSUC.ON.CA
 SPECIAL NEEDS: SPECIALNEEDS@LSUC.ON.CA
 ARTICLING PROGRAM: ARTICLING@LSUC.ON.CA

ARTICLING

Application for Articling Exemption

Applicant Name: _____ Candidate No.: _____

Mailing Address: _____

Telephone: _____ Fax: _____ E-mail: _____

The Registrar may grant an exemption based on a written application submitted with required documentation and the applicable required fee.

General Information: Complete the following, attaching additional pages where applicable.

- Applicant is requesting an exemption of the Articling Program requirement.
- Indicate which of the following are applicable (may be more than one):

- Applicant has been admitted to the Bar(s) of another province or foreign jurisdiction
 Jurisdiction _____ Date of admission to the Bar _____
 Jurisdiction _____ Date of admission to the Bar _____
- Applicant has practised as a lawyer in a common law jurisdiction for at least ten months
- Applicant has practised as a lawyer in a non common law jurisdiction

In evaluating an applicant's request for an exemption, the Registrar will consider:

- a) Length, recentness, nature, scope and diversity of the applicant's experience; and
- b) Relevance of the legal experience to the legal skills, practices and systems ordinarily experienced during Ontario articles.

Applicants and Referees should refer to the criteria for exemption and the *Articling Goals and Objectives* as a guide to completing the application.

Supporting Documentation Required:

✓ **Letter from applicant:**

- setting out the period(s) of the applicant’s legal experience,
- describing the applicant’s legal experience in relation to the criteria for exemption with reference to the common law jurisdiction and citing specific examples, and
- explaining how this legal experience is relevant to the legal skills, practices and systems ordinarily experienced during traditional articles by referring to the *Articling Goals and Objectives*.

✓ **Certificate of Standing:**

Where the applicant has been admitted to the bar(s) of another province or foreign jurisdiction, an **original Certificate(s) of Standing** from the governing body of the legal profession of that jurisdiction sent directly to the Office of the Registrar.

✓ **Original letter(s) from one or more lawyer or judge referees who has direct knowledge of the nature of the applicant’s legal experience (in some instances, where an applicant has worked in numerous law firms, more than two referee letters may be required):**

- sent directly from the referee to the Office of the Registrar,
- verifying the applicant's period(s) of legal experience,
- describing the nature of the applicant’s legal experience, citing specific examples relevant to a common law jurisdiction, and
- explaining how this legal experience is relevant to the legal skills, practices and systems ordinarily experienced during traditional Articles by referring to the *Articling Goals and Objectives*.

First Lawyer/Judge Referee

Name: _____

Mailing Address: _____

Telephone: _____ Fax: _____ E-mail: _____

Second Lawyer/Judge Referee

Name: _____

Mailing Address: _____

Telephone: _____ Fax: _____ E-mail: _____

Articling Goals and Objectives

I. PROFESSIONAL RESPONSIBILITY

The applicant has experience with: complying with a formal code of professional conduct that addresses basic duties, responsibilities and ethical practices such as conflicts of interest, client confidentiality, proper approaches to business development, appropriate delegation of work, and withdrawal of services.

The applicant has practice in: using a system to avoid conflicts of interest, a scheduling system, setting and billing of fees and explanations to clients, and uses of trust and general accounts.

2. PLANNING AND CONDUCT OF A MATTER

The applicant has experience with: making legal services available in an efficient and convenient way that commands respect and confidence and is compatible with the integrity and independence of the profession.

The applicant has practice in: communicating effectively with clients, lawyers and others; applying resource-saving techniques; providing legal options in light of needs and financial resources; developing plans for conduct of various matters; and drafting reporting letters.

3. OFFICE SYSTEMS

The applicant has experience with: maintaining effective and efficient office systems.

The applicant has practice with: precedent file systems, processes for recording expenses and disbursements (including reimbursement procedures), computer software packages available (e.g. word processing databases, CanLII, QuickLaw, WestLaweCarswell).

4. FILE AND PRACTICE MANAGEMENT

The applicant has experience with: basic file and record-keeping practices, procedures for opening and closing files, documenting/organizing a file (i.e. recording phone calls).

The applicant has practice with: time-docketing systems, methods of keeping client informed about the progress of matter, scheduling systems re follow-ups and limitation dates, client retainers and/or payment schedules, billing practices, prepared case plans or checklists for a new file.

5. INTERVIEWING

The applicant has experience with: proper interviewing techniques and conducting interviews of clients, witnesses (including experts), and consultants.

The applicant has practice with: preparation of clients or witnesses for trial or other examinations or meetings, preparation of statements or affidavits based on interview, initial interviews with new clients, interviews with witnesses or clients.

6. FACT INVESTIGATION

The applicant has experience with: investigating facts for the purpose of serving legal needs.

The applicant has practice with: reviewing documentary evidence (e.g. client's personal or internal files, corporate minute books, files maintained by government or administrative bodies), conducting searches under various public records systems, interviewing clients/witnesses/consultants, follow-up of examinations for discovery (e.g. preparation of list of undertakings), preparation of summary of transcripts of evidence.

7. LEGAL RESEARCH

The applicant has experience with: legal research materials and facilities (i.e. firm library, local libraries, inter-firm lending arrangements, precedents, computer search databases), researching points of law, and preparing reports and written memoranda of law.

The applicant has practice with: critique or responses to opponent's pleadings/facta.

8. PROBLEM ANALYSIS

The applicant has experience in: determining client's legal problem and options, strategy development for resolution of client's problem.

The applicant has practice with: writing reports based on legal research and investigation.

9. ADVISING

The applicant has experience in: proper legal counselling techniques, duties and responsibilities of advising clients, preparing memoranda to advise of available legal options/remedies and/or memoranda to file about advice given.

The applicant has practice with: advising clients, client meetings, drafting opinion letters outlining legal options/remedies and/or letters confirming instructions received.

10. DRAFTING

The applicant has experience with: proper use of precedents.

The applicant has practice with: drafting facta, pleadings, notices of motion, orders, offers to settle, judgments, correspondence, affidavits, agreements, opinion letters, retainers, etc.

11. WRITING

The applicant has experience in: clear and accurate writing in the legal context.

The applicant has practice with: writing documents such as memoranda, letters, reports, opinion letters, articles, texts, speeches.

12. NEGOTIATION

The applicant has experience in: negotiation techniques and strategies.

The applicant has practice with: conducting negotiation of legal matters.

13. ADVOCACY

The applicant has experience in: advocacy techniques and the basic duties and responsibilities of an advocate.

The applicant has practice with: appearing as an advocate in motions, trials and tribunal hearings, and some or all of: applications, pre-trial conferences, references, assessments of cost, discoveries and cross-examinations on affidavits, judgment debtor examinations, and passing of accounts in estate matters, etc.