



The Law Society of
Upper Canada | Barreau
du Haut-Canada

Report to Convocation June 23, 2011

Treasurer's Report

Purpose of Report: Decision-Making

Prepared by the Policy Secretariat

FOR DECISION

1. This report deals with two matters:
 - a. The establishment of the Articling Task Force.
 - b. The establishment of the Working Group on the Bench Election.

ARTICLING TASK FORCE

Motion

2. **That Convocation approve the establishment of the Articling Task Force, including the appointment of Laurie Pawlitz (Treasurer), Tom Conway (Chair), Raj Anand, Adriana Doyle, Jacqueline Horvat, Vern Krishna, Dow Marmur, Janet Minor, Barbara Murchie, Paul Schabas, Joseph Sullivan and Peter Wardle as its members, its terms of reference set out in Appendix 1 and the proposed budget of up to \$75,000 to May 2012.**

Introduction and Background

3. On May 26, 2011 the Treasurer advised Convocation that for some time the Law Society has had concerns about the articling program, relating in particular to the growing number of unplaced candidates. A number of factors have been contributing to the placement issue including,
 - a. increasing law school enrolments;
 - b. the growing number of internationally trained candidates who are seeking entry to the Law Society through the National Committee on Accreditation; and
 - c. economic conditions that have affected the number of available placements.
4. The Treasurer noted that the information on articling contained in the May 2011 Professional Development and Competence Department Resource and Program Report highlights the placement difficulties and the likelihood of these difficulties continuing and increasing.

5. The articling issue was considered in 2008 as part of the mandate of a task force that considered a number of licensing and accreditation issues. The recommendations made at that time, and accepted by Convocation, made it clear that it might be necessary to examine the issue again in the near future if placement pressures continued to grow, as has turned out to be the case.
6. On May 26, 2011 the Treasurer announced at Convocation that she would be establishing a working group of the Professional Development & Competence (PD&C) Committee to look into the issues related to articling. After additional consideration, the Treasurer has determined that a Task Force is a more appropriate structure for the inquiry to,
 - a. allow for the appointment of members beyond the members of the PD&C Committee;
 - b. allocate a budget; and
 - c. establish terms of reference and a reporting time line.
7. The proposed terms of reference for the Task Force are set out at **Appendix 1** for Convocation's consideration.

WORKING GROUP ON THE BENCHER ELECTION

Motion

8. **That Convocation approve the establishment of a working group on the bencher election, the members of which would be Derry Millar (Chair), Constance Backhouse, Julian Falconer, Janet Leiper, Wendy Matheson, Susan Richer and James Scarfone.**
9. The Elections Officer noted several issues arising from the 2011 bencher election process that would be appropriate for review prior to the next bencher election in 2015. As planning for the next bencher election begins as early as next year, including budget considerations, the Treasurer has determined that a working group should review these

issues and make any recommendations it deems appropriate to Convocation.

10. The issues include but are not limited to,
 - a. the nomination process;
 - b. candidacy and the region specified for election;
 - c. the length of the election period, including the voting period;
 - d. information on the progress of voting;
 - e. campaign materials and methods;
 - f. distribution of and access to the e-mail to launch voting; and
 - g. accommodation issues relating to online voting.

11. The working group will examine these and other issues that may arise in the course of its deliberations. The review will include consultation with benchers, candidates, Law Society committees or other groups as appropriate.

12. As its review proceeds, the working group will consider the merits of any changes to the current system and process, including changes that may result in By-Law amendments and the financial implications of the changes being considered.

13. The working group may provide interim reports to Convocation and will aim to provide a final report by June 2012.

ARTICLING TASK FORCE

TERMS OF REFERENCE

JUNE 2011

1. Convocation authorizes the establishment of a task force to consider the articling system in Ontario.
2. The members of the Task Force are the Treasurer, Laurie Pawlitzka, Tom Conway (Chair), Raj Anand, Adriana Doyle, Jacqueline Horvat, Vern Krishna, Dow Marmur, Janet Minor, Barbara Murchie, Paul Schabas, Joseph Sullivan and Peter Wardle.
3. Since the adoption in September 2008 of the recommendations of the Licensing & Accreditation Task Force concerning articling, pressures continue to mount on the articling system, necessitating further consideration of the issue. The Articling Task Force will,
 - a. consider the competency-related principles that articling is intended to address, and its effectiveness in addressing those principles,
 - b. examine the historic and current approaches to articling,
 - c. identify the challenges facing the current program, including the increasing number of unplaced candidates,
 - d. consider additional/alternative approaches to articling, and
 - e. make recommendations to Convocation respecting the future of the articling system.
4. The Task Force will have a budget of up to \$75,000 to be funded from the Licensing Process budget in Professional Development and Competence for 2011, to be used for research, consultation, travel and related expenses to May 2012.
5. The Task Force will report to Convocation no later than May 2012. It will provide periodic interim reports to Convocation, including a brief report in September 2011 to further refine its terms of reference, if necessary.