Admissions Committee
June 23, 2000

Report to Convocation

Purpose of Report: Decision-making and Information

Prepared by the Policy Secretariat
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## INFORMATION

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The Admissions Committee met on June 8, 2000. The meeting was chaired by Derry Millar, Vice-Chair of the Committee. In attendance were:

Nancy Backhouse (Chair)
Edward Ducharme (Vice-Chair)
Derry Millar (Vice-Chair)
Tom Carey
George Hunter
Gina Alexandris (representing Dean Peter Hogg)
Dean Alison Harrison Young
Stephanie Willson
Bob Bernhardt
Ian Lebane
Susan Lieberman
Zelia Pereira
Elliot Spears
Charles Smith
Roman Woloszczuk

The Treasurer also attended the meeting briefly to speak about the aegrotat standing pass.

The Committee is reporting on the following issues:

**For Decision**
- 10 Year Rule: Draft By-Law 12 (3)
- Retroactive Approval of Principals
- BAC Rescheduling Requests
- BAC Examination Appeal Amendments
- Length of Articles
- Summer Student Recruitment Policy
- Barristers and Solicitors Oath
- Queen’s University proposal for joint LLB and Master of Public Administration Degree

**For Information**
- Aegrotat Standing Pass
- Government OSAP Approval for Shorter BAC
POLICY

Ten Year Rule (By-Law 12)

Issue

1. Convocation approved a new comprehensive policy to modify the Ten Year Rule (Former Regulation 708, Sections 23 (7) (8) as it applies to applicants who have graduated from a Canadian university.

2. Subsequently, the Committee was of the opinion that By-Law 12 should be applicable also to applicants to the bar admission course with certificates from the National Committee on Accreditation. The Committee requests that Convocation:
   1. approve the policy to apply the ten year rule to NAC applicants, and
   2. pass the motion to approve By-Law 12 found at APPENDIX A.

Background

3. Former Regulation 708 stipulated that students-at-law must complete the bar admission course within ten years of graduation from an approved Canadian law school. In theory, the former Legal Education Committee could modify this requirement only under exceptional circumstances.

4. This regulation was not incorporated in the new by-laws made under the 1999 Amended Law Society Act since the rule was consistently waived, usually unconditionally, because the consequences of the rule were very onerous. The only way to comply was to re-take a law degree. As well, no other Canadian law society has a comparable regulation that restricted entrance to law graduates.

5. On September 24, 1999 Convocation approved a comprehensive policy and guidelines developed by the Committee for an amended Ten Year Rule incorporated into Draft By-Law 12, (3).

6. The approved policy stipulates that if more than ten years has elapsed since an applicant to the bar admission course has graduated from an approved law school, the Director of Education may require as a condition for admission to the bar admission course, and following approved guidelines, that applicants complete such further studies as the Director considers necessary to ensure that their knowledge and skills are sufficiently current.

7. On January 13, 2000 the Committee proposed a further policy change to Draft By-Law 12 that would make it applicable to applicants with certificates from the National Committee on Accreditation.
Decision for Convocation

8. Is it the wish of Convocation that the ten year rule apply to applicants to the bar admission course with certificates from the National Committee on Accreditation?

9. If Convocation is in agreement with the proposed policy, the Committee requests that it approve the motion to pass By-Law 12 (3) at APPENDIX A.

Retroactive Approval of Principals

Issue

10. Currently, the Head of Articling has the mandate to grant bar admission course students retroactive approval of articling positions. However, there is no clear mandate for granting retroactive approval to articling principals. Convocation is asked to approve the Committee’s recommendation to allow the Head of Articling to grant retroactive approval to articling principals.

Background

11. Students are required to submit the “Articles of Clerkship” form in order to obtain approval of their articling position. This form is at APPENDIX B

12. In the past, from time to time, due to administrative delays in processing applications, the Education Department has retroactively approved principals for relatively short periods of time.

13. These situations arise when both student and principal are ignorant of the requirement to have the principal approved, or when the principal is unaware of the need for the approval and the student assumes that the principal will complete all the necessary paperwork.

Requirements for Principals

14. Section 4 of the Proposals for Articling Reform adopted by Convocation in October, 1990 sets out the requirements necessary for articling principal and states:

   The Articling Sub-Committee (now the Admissions Committee) should establish criteria for articling principals, particularly in the areas of experience, competence and ethical standards.
In determining whether a member may serve as an articling principal, the Articling Sub-Committee should have regard to all of the circumstances, and place particular reliance upon the following three factors: experience, competence and ethical standards.

15. **Section 6.2 of the Proposals for Articling Reform** further states:
   The principal and student must discuss and file the Education Plan with the Articling Director (now the Head of Articling) within two weeks of the student’s commencement of articles.

   Members of the profession wishing to serve as articling principals must apply in advance of the commencement of the student’s articles. Application forms are available from the Articling Offices. Applications are considered on the basis of experience, competence and ethical standards. To be a principal, a member must have been actively engaged in the practice of law for three of the five years immediately preceding the commencement of the relevant articling period. All relevant information, including records maintained by the Law Society in connection with members’ errors and omissions insurance claims, professional standards and discipline, is considered. Prospective principals, with a significant negative history in these areas may be denied the privilege of acting as an articling principal for a period of time.

   Principals are required to draft education plans setting out the experience they expect to provide to students in a number of skills areas. Mid-term and end-of-term evaluations provide students and principals with an opportunity to assess the quality of the articling experience against the objectives set out in the education plan.

**Past Admissions Committee Decision**

17. On October 8, 1998, the Admissions and Equity Committee (now the Admissions Committee) made the following decision:
   That the (Acting) Articling Director:
   1. continue the practice of requiring requests for retroactive acceptance of articles to be made in writing by the student but, in future,
   2. refer to the Committee only those cases where the (Acting) Articling Director’s recommendation is not to grant the retroactive credit, and
   3. grant retroactive credit on behalf of the Committee in appropriate cases
Staff is directed to track increases in these requests and report back to the Committee any systemic problems that may become apparent.

18. The above decision refers only to the retroactive approval of articling positions and remains silent on the issue of granting principals retroactive approval.

The Committee’s recommendation

19. The Committee recommends to Convocation that the Head of Articling:
1. Be given the authority to grant retroactive approvals of principals if the eligibility requirements for principals of experience, competence and ethical standards are met as per the Proposals for Articling Reform, and

2. Refer to the Committee only those cases where the recommendation of the Head of Articling is not to grant the retroactive approval.

Decision for Convocation

20. Convocation has the following options:
1. Approve the Committee’s recommendation as set in Paragraph 20.

2. Reject the Committee’s recommendation.

Summer Student Recruitment Policy

Issue

21. Thirteen large Toronto law firms requested that the Law Society change the Procedures Governing Recruitment of Second Year Law Students for Summer Positions to allow Toronto firms to conduct on-campus interviews.

22. Toronto firms are not allowed to conduct on-campus interviews until November “interview week”. However, firms outside Toronto, notably, US firms are not thus restricted.

Background
23. On May 1, 2000, thirteen larger Toronto law firms requested that Toronto law firms be allowed to conduct on-campus interviews of second year law students for summer jobs. They presented two main reasons for the request: (See letter at APPENDIX C.)

1. US firms are recruiting students as early as September, whereas Toronto firms can only interview in November. In this way, top candidates are given US offers before they have had a chance to receive Toronto offers.

2. Due to the short interview time currently allowed (2 ½ days), Toronto firms are not able to interview a wide range of candidates.

24. The law firms requested that they be allowed the same opportunity as the US firms: to receive resumes from students in advance, to conduct on-campus interviews and select candidates to be interviewed further. The customary “interview week” at a later date would still be retained for second interviews.

25. Since the law schools expressed concern over the logistics of on-campus interviews, the Committee at its meeting of May 9, 2000, requested that the law firms and the law schools together reach an agreement on the planning details.

26. Following the Committee’s suggestion, law firm representatives and law school representatives met on May 17 to address mutual concerns. As a result of this meeting, a new set of procedures was drafted by the firms. (See proposed procedures at APPENDIX D)

27. The Career Development Professionals at the six Ontario law schools invited all Toronto law firms with summer student programs and the Law Society for a meeting on June 2. The purpose of the meeting was to review the proposed procedures.

28. At the meeting of June 2, there was a consensus among the law schools and law firms to implement on-campus interviews in the Year 2000 for recruitment of second year law students for the Summer of 2001. The Head of Articling prepared an account of this meeting and it can be found with related documents at APPENDIX E.

The Committee’s Recommendation

29. The Committee recommends the Procedures Governing the Recruitment of Students for Summer 2001 Positions in the City of Toronto that can be found at APPENDIX D which has been accepted by both law schools and the Toronto law firms involved.
Decision for Convocation

30. Convocation has the following options:
   1. Approve the Procedures Governing the Recruitment of Students for Summer 2001 Positions in the City of Toronto as stated in APPENDIX D.
   2. Reject the Procedures.

BAC Rescheduling Requests

Issue

31. The new model of the bar admission course allows students to complete the three-part course in a different order than the customary of: firstly, Phase One; then Articling followed by Phase Three.

32. The Department of Education seeks a change to Recommendation 11 of The Proposals for Articling Reform to allow the routine acceptance of the order of phases students choose and allow a broader number of staff to approve student choices.

Background

33. Recommendation 11 of the Proposals for Articling Reform, as amended June 21, 1991, sets out the following:

   “The twelve month articling period (Phase Two) should be completed consecutively between the one month teaching term (Phase One) and the three month teaching term (Phase Three). Exceptions to this policy are possible. Applications should be made to the Articling Director.”

34. The approved bar admission course reform contains several “models” or schedules for completing the course, among these is the “Student’s Choice Model” whereby students may alter the order in which they complete the different phases of study.

35. Recommendation 11 allows only the Articling Director to approve exceptions to the order in which students complete the different phases.

36. Currently, rescheduling requests are routinely granted for students who wish to take Phase One, Phase Three and then articling. Rescheduling request to defer Phase One are only exceptionally granted. Students are often required to communicate with both the Head of Articling and the Registrar in order to re-arrange entry into the different phases of the bar admission course, thus doubling discussions and resources.
37. The Committee concluded that permission to commence articling prior to the completion of Phase One (the skills phase) for both the current model and the approved new model of the bar admission course should continue to be granted only in exceptional cases, as approved by the Head of Articling.

The Committee’s Recommendation

38. The Committee requests that Recommendation 11 of the *Proposals for Articling Reform* be amended to allow the following:
   1. That the Head of Articling, the Registrar, or their designates may approve student requests for the scheduling of the phases of the current and the approved new model of the bar admission course;

Decision for Convocation

39. Convocation has the following options:
   1. Approve the Committee’s recommendation.
   2. Reject the Committee’s recommendation.

BAC Examination Appeal Amendments

Issue

40. The Department of Education proposed four amendments to the examination appeal process at the bar admission course. Three amendments were administrative and will be implemented by the Department. Only one proposed amendment would require a change in the examination appeal policy.

41. The proposed amendment to allow the examination appeal process to lower examination scores is the change requires Convocation’s approval.

Background

42. On October 29, 1999, Convocation approved an examination appeal process that applies to bar admission course examinations.
43. The appeal process is applicable to a failed licensing examination paper. A student may appeal the assessment of the mark on one or more questions. The grounds for appeal must be based upon an error made in the marking of specific questions within an examination paper. The bar admission examination appeal process can be found at APPENDIX F (1).

44. The examination appeal policy states that: “The mark on the examination will not be lowered as a result of the appeal.”

45. The Department of Education recommends that as a result of the appeal process, lowering the score of specific questions be allowed, not the overall licensing examination score. This recommendation originated from the members on the appeal panel who are of the opinion that this proposed change would achieve a fairer appeal process. (See APPENDIX F (2) for Proposed Bar Admission Course Examination Appeal Process)

Proposed Amendments

46. Four main amendments were proposed:
   1. Clarification that students cannot appeal marks in both original marking and re-grade marking because the re-grade marks given to an answer supercede original marks given.
   2. Clarification on the items that may/should be submitted with the appeal
   3. Administrative changes to assist in the prompt processing of appeals
   4. Provision for the appeal panel to lower the marks on either a specific question or on the overall examination. (This would be a policy change.)

The Committee’s Recommendation

47. The Committee recommends to Convocation to permit that, as a result of the appeal process, a mark may be lowered for particular questions only.

Decision for Convocation

48. Convocation has the following options:
   1. Approve the Committee’s recommendation which would allow, as a result of the examination appeal process, that a mark may be lowered for particular questions only.
   2. Reject the Committee’s recommendation

Length of Articles

10
Issue

49. On the request of the Articling Working Group, opinions on the length of articling were surveyed among articling coordinators and principals. On the basis of that survey, the Head of Articling and Placement recommends that the length of the articling term in the new model of the bar admission course remain at twelve months.

Background

50. The background information and survey results prepared by the Head of Articling can be found at APPENDIX G.

The Committee’s recommendation

51. The Committee agreed with the recommendation of the Head of Articling to retain the present length of the articling term in the new model of the bar admission course at twelve months with up to four weeks vacation.

Decision for Convocation

52. Convocation has the following options:
   1. Accept the Committee’s recommendation retaining the present length of articling at twelve months.
   2. Reject the Committee’s recommendation.

Barristers and Solicitors Oath

Issue

53. Convocation is asked to review the proposed oath and recommend appropriate changes to subsection 6 (6) of By- Law 11.

Background
54. On May 9, 2000 the Committee reviewed the solicitor’s oath and requested a review of both solicitor’s and barrister’s oaths with the aim of consolidating and renewing them.

Considerations

55. There are several considerations that may be helpful when reviewing a professional oath:

1. **Definition:** The Concise Oxford Dictionary defines an oath as a: “Solemn appeal to God or revered or dreaded person or object in witness that statement is true or promise shall be kept.”

2. **Social significance:** An oath is a public statement that confirms an individual’s intention to the community.

3. **Professional symbol:** A professional oath binds the individual to abide by the values, rules and conduct of a professional body and it is an important symbolic differentiation of professions from occupations.

4. **Relevance:** Because the oath is symbolic, it is intended to capture in an over-arching way the heart of a profession’s values.

Oaths at other Canadian Law Societies

56. An analysis of the oaths of seven other Canadian Law Societies reveals the following:

1. Most use the word “swear” instead of “promise”, with “affirm” as optional.

2. **Attributes:** The adverbs most used are: honestly, truly, faithfully, with integrity.

3. **Main conduct promised:** The conduct that most oaths include are: not to promote frivolous suits, and not to pervert the law/ to uphold the rule of law.

4. **Other promised conduct** include: not to seek to destroy any persons’ property, to preserve inviolate the secrets entrusted unless authorized by law, execute all mandates entrusted, upholds the rights and freedoms of all persons, uphold the interest of the citizens,

5. **The profession:** Two law societies refer to the ethical standards and rules of the profession and one included the promise not to compromise the honour and dignity of the profession.
6. **Administration of Justice**: Two law societies refer to the administration of justice: uphold the rights and freedoms of all persons, maintain a respectful attitude in word and deed toward those charged with the administration of justice.

7. **Mention of Canada and Province**: most oaths refer by name to the country and/or the province.

**Existing Oaths**

57. **LSUC Solicitor’s Oath:**

   “You also do sincerely promise and swear that you will truly and honestly conduct yourself in the practice of a solicitor according to the best of your knowledge and ability. So help you God.”

58. **LSUC Barrister’s Oath:**

   “You are called to the Degree of Barrister-at-law to protect and defend the rights and interest of such citizens as may employ you. You shall conduct all cases faithfully and to the best of your ability. You shall neglect no one’s interest nor seek to destroy anyone’s property. You shall not be guilty of champerty or maintenance. You shall not refuse causes of complaint reasonably founded, nor shall you promote suits upon frivolous pretences. You shall not pervert the law to favour or prejudice anyone, but in all things shall conduct yourself truly and with integrity. In fine, the Queen’s interest and the interest of citizens you shall uphold and maintain according to the constitution and law of this Province. All this you do swear to observe and perform to the best of your knowledge and ability. So help you God.”

**Proposed Single Oath**

59. After careful analysis of the former historical oaths at the Society, oaths of the other Canadian law societies, consultation with the Equity Advisor and feedback from knowledgeable members, the following renewed and consolidated oath is proposed:

   “I promise and swear (or affirm) that I will honestly and diligently and to the best of my ability execute the duties of Barrister and Solicitor, abiding by the ethical standards and rules of the legal profession whose
honour and dignity I will not compromise; that I will not promote suits upon frivolous pretences but in all things I shall conduct myself truly and with integrity; that I will uphold and seek to improve the administration of justice and will uphold the rule of law and the rights and freedoms of all persons according to the laws of Canada and of the Province of Ontario.
(Optional) So help me God. ”

The Committee’s recommendation

60. The Committee recommends that Convocation give its approval to the single barristers and solicitors oath at paragraph 60 and recommends changes to subsection 6 (6) of By-Law 11 to correspond with it.

Decision for Convocation

61. Convocation has the following options:
   1. Accept the proposed single at paragraph 60 recommended by the Committee.
   2. Reject the Committee’s recommended oath.

Queen’s University Program Approval Request

Issue

62. Dean Alison Harvison Young of the Faculty of Law At Queen’s University submitted to the Committee a proposal for a coordinated LLB/Master of Public Administration Co-operative Program. (See APPENDIX H).

Background

63. Since the Fall of 1997, a joint LLB and Master of Industrial Relations Program has been provided at the Faculty of Law at Queen’s University.
Section 11 of By-Law 9 indicates that the Committee is to develop for Convocation’s approval listings of courses and university recognized by the Society as meeting the requirements for admission to the Bar Admission Course.

The Committee’s Recommendation

65. The Committee recommends that Convocation approve Queen’s University joint LLB/MPA coordinated program.

Decision for Convocation

66. Convocation has the following options:
   1. Accept the Committee’s recommendation to approve the proposal of Queen’s University Faculty of Law as outlined at APPENDIX H; or
   2. Reject the proposal.

INFORMATION

Aegrotat Standing Pass

Issue

67. The Education Department requested that the Committee review the aegrotat standing pass and for that purpose prepared the document entitled Review of the Aegrotat Standing in Phase Three of the Bar Admission Course at paragraph 73, sub-paragraphs 1 to 19.

Background

68. On November 11, 1998, Convocation approved that the passing mark at the Bar Admission Course be in the discretion of the Director of Education subject to the oversight of the Admissions and Equity Committee and that it would apply to the examinations for that year only.

69. On January 22, 1999 Convocation was informed that Department of Education applied an aegrotat standing calculation to the bar admission course. If a student has failed one or
two examinations, and if the combined percentage under the passing standard is no more than 10%, then a pass was granted in those one or two failed examinations.

70. On June 25, 1999 Convocation approved a motion that made the qualified staff of the Department of Education responsible and accountable for implementing Convocation’s educational policies based on the approved definition of the competent lawyer by setting of the passing score.

71. On September 24, 1999 the Admissions Committee reviewed and affirmed the Director of Education’s plans for the continued application of the aegrotat pass for the next bar admission course.

Review Requested

72. At its meeting of May 9, 2000 the Education Department submitted the following document:

**Review of the Aegrotat Standing in Phase Three of the Bar Admission Course**

1. The Education Department requested that the Admission Committee provide its annual review of the aegrotat standing and advise staff of any changes it would make to the current academic practice and procedure.

2. Statistical data on the aegrotat standing and how it assisted students in completing the Phase Three requirements of 41st Bar Admission Course - September 1999 to April 2000 is provided in **APPENDIX I**.

3. The practice of “aegrotat standing” was implemented in Phase Three 1998 to relieve students of having to rewrite one or two examinations when the student’s overall performance in the eight Phase Three examinations met the criteria established for “aegrotat standing”. The criteria was based on a student’s ability to pass, at a minimum, six of the eight courses required. When a student had failed one or two examinations and the failed grade(s) (converted to 100%) resulted in a difference of 10% or less after being subtracted from the examination(s) passing grade(s) (converted to 100%), the aegrotat standing was granted and the student received a passing grade for the failed course(s).

4. In 1998-1999 (September 1998 to July 1999), 266 BAC students failed one or two examinations. Of this 266 total, 195 (73.3%) were granted aegrotat standing. The 195 students granted the standing represents 16.7% of the total enrolment of 1,165 for 1998. Also, 45 (16.9%) students rewrote their failed examination(s) and passed...
without the benefit of the aegrotat assessment. There was no appeal procedure practice in place. (APPENDIX J)

5. In 1999-2000 (September 1999 to April 2000), 361 BAC students failed one or two examinations. Of this 361 total, 245 (67.9%) were granted aegrotat standing. The 245 students granted the standing represents 20.7% of the total enrolment of 1185 for 1999. There were 66 (18.3%) students who rewrote their failed examination(s) and passed without the benefit of the aegrotat assessment. (APPENDIX J)

6. The introduction of the appeal process in October 1999 assisted students in attaining aegrotat standing and/or passing without the aegrotat assessment. (APPENDIX J)

Main Questions to Review

7. Should the practice and procedure of the aegrotat standing be continued in Phase Three 2000?

8. Should the assessment criteria for aegrotat standing in its present format be maintained or adjusted to a different criteria?

9. Does the title “aegrotat standing” appropriately define the practice or should the title be changed to more accurately identify the practice if it is maintained?

10. Should all courses be considered in the assessment for aegrotat standing or are there exceptions where one or more courses must be successfully completed by all students and are not eligible for the aegrotat assessment?

Options Considered by the Committee

11. Maintain the aegrotat standing process in its present form for Phase Three 2000 with no changes.

12. Eliminate the aegrotat standing as an assessment process.

13. Maintain the present established criteria for aegrotat standing at 10% for one or two failed examinations in Phase Three.

14. Change the criteria to a different level for assessment purposes. For example, consideration could be given to changing the measurement for standing from 10% to 5% for one or two failed examinations, or use 5% or 10% and allow for only
one failed examination so that the student would have to pass seven of the eight examinations.

15. A change could be considered so that the criteria for the BAC students and the Transfer students who only write six of the eight examinations could differ.

16. Maintain the present title of “aegrotat standing”

17. The term “aegrotat” standing is normally used in situations where a student has failed to write an examination or has failed an examination and credit is granted for medical, compassionate or extenuating reasons or circumstances. Titles which more accurately describe our aegrotat practice and procedure for a student’s overall performance in Phase These include: Cumulative Adapted Pass, Cumulative Adjudicated Pass, Cumulative Adjusted Pass, Cumulative Aggregated Pass, Cumulative Assessed Pass, Cumulative Assisted Pass, and Cumulative Relief Pass. The Department of Education recommends the following title change for the “aegrotat standing”: Cumulative Adjusted Pass

18. Maintain the present eight substantive courses eligible for aegrotat assessment and the six for transfer candidates.

19. Consider any course(s) which all students must pass in order to qualify for the aegrotat standing. For example, Professional Responsibility focuses on the code of conduct for practitioner (ethics, client/colleague relationships, protecting the interest of the public, stressing practice skills/management competencies) and may be a course that all students must pass without relief.

**Past Committee Decision**

74. On May 9, 2000 the Admissions Committee decided to recommend to Convocation that the aegrotat would apply to all bar admission course subjects. At its meeting of June 8, 2000, the Committee changed its original recommendation to exclude Professional Responsibility from the aegrotat pass calculation.

**The Committee’s Decision**

75. The Committee recommended to the Director of Education that the aegrotat standing pass should remain for the next bar admission course with three amendments:

1. Its name should be changed to **Cumulative Adjusted Pass**.
2. The standard should be raised to 5% from the current 10%.
3. It should apply to all bar admission course subjects excluding Professional Responsibility.

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<th>Government OSAP Approval for Shorter BAC</th>
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<tr>
<td><strong>Issue</strong></td>
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<tr>
<td>76. On March 28, 2000, Convocation approved a recommendation of the Committee to reduce the duration of Phase Three of the bar admission course from 12 weeks to 10 weeks.</td>
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<td>77. The concern has since arisen that students at the bar admission course may not be eligible for Ontario Student Assistant Program (OSAP) loans as these are not available for courses shorter than 12 weeks. (See OSAP Eligibility Criteria at APPENDIX K).</td>
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<td>78. The Registrar has written a letter to the appropriate branch of the Ministry of Education and Training requesting that the bar admission course be considered in its totality not in terms of its phases, thus it could be defined as an 18 week course. (See a copy of the letter at APPENDIX L).</td>
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APPENDIX A

THE LAW SOCIETY OF UPPER CANADA

BY-LAW 12
[BAR ADMISSION COURSE]

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON JUNE 23, 2000

MOVED BY

SECONDED BY

THAT By-Law 12 made by Convocation on January 28, 1999 and amended by Convocation on March 26, 1999 and December 10, 1999 be further amended as follows:

1. Section 3 of the By-Law is revoked and the following substituted:

   Academic requirements for admission to Bar Admission Course
   3. (1) A person may be admitted to the Bar Admission Course as a student-at-law if he or she has,

      (a) not more than ten years before his or her application for admission to the Bar Admission Course as a student-at-law,

            (i) graduated from a law course that is offered by a university in Canada and is approved by Convocation, or

            (ii) received a certificate of qualification issued by the National Committee on Accreditation appointed by the Federation of Law Societies of Canada and the Council of Canadian Law Deans; or

      (b) more than ten years before his or her application for admission to the Bar Admission Course as a student-at-law,

            (A) graduated from a law course that is offered by a university in Canada and is approved by Convocation, or
(B) received a certificate of qualification issued by the National Committee on Accreditation appointed by the Federation of Law Societies of Canada and the Council of Canadian Law Deans, and

(ii) completed such further studies as may be required by the director.

Requiring completion of further studies
(2) For the purposes of subclause (1) (b) (ii), in determining whether to require a person to complete further studies, and in determining what studies to require the person to complete, the director shall consider the following factors:

1. The period of time that has passed since the person graduated from the law course or received the certificate of qualification.

2. The extent to which the person has made use of legal skills and knowledge since he or she graduated from the law course or received the certificate of qualification.

3. The extent to which the person has engaged in activities that would enhance his or her ability to practice law in a competent manner if the person were to become a member.

Nature of further studies
(3) For the purposes of subclause (1) (b) (ii), the director may require a person to complete only studies that are related to the content of the Bar Admission Course.

Études exigées en vue de l'admission au Cours de formation professionnelle
3. (1) Est admissible au Cours de formation professionnelle l'étudiante ou l'étudiant au barreau qui:

a) s'il s'est écoulé dix ans ou moins depuis la présentation de sa demande d'admission au Cours à ce titre, est titulaire :

(i) soit d'un diplôme en droit, reconnu par le Conseil, d'une université canadienne,

(ii) soit d'un certificat de compétence délivré par le Comité national sur les équivalences des diplômes de droit, constitué par la Fédération des professions juridiques du Canada et le Conseil des doyens et des doyennes des facultés de droit du Canada;

b) (i) s'il s'est écoulé plus de dix ans depuis la présentation de sa demande d'admission au Cours à ce titre, d'une part, est titulaire :
(A) soit d'un diplôme en droit, reconnu par le Conseil, d'une université canadienne,

(B) soit d'un certificat de compétence délivré par le Comité national sur les équivalences des diplômes de droit, constitué par la Fédération des professions juridiques du Canada et le Conseil des doyens et des doyennes des facultés de droit du Canada,

(ii) d'autre part, a terminé les études supplémentaires qu'exige le directeur ou la directrice.

Études supplémentaires

(2) Pour l'application du sous-alinéa (1) b) (ii), le directeur ou la directrice tient compte des facteurs suivants en prenant la décision d'exiger qu'une personne termine des études supplémentaires et en précisant les études qu'elle doit terminer :

1. Le délai qui s'est écoulé depuis que la personne a reçu son diplôme en droit ou son certificat de compétence.

2. La mesure dans laquelle la personne s'est servie de ses compétences et de ses connaissances juridiques depuis qu'elle a reçu son diplôme en droit ou son certificat de compétence.

3. La mesure dans laquelle la personne s'est livrée à des activités susceptibles de rehausser sa capacité d'exercer la profession juridique avec compétence si elle devenait membre.

Nature des études supplémentaires

(3) Pour l'application du sous-alinéa (1) b) (ii), le directeur ou la directrice peut exiger qu'une personne ne termine que des études liées au contenu du Cours de formation professionnelle.