



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

Report to Convocation September 25, 2008

LICENSING & ACCREDITATION TASK FORCE

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Purpose of Report: Decision

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EXECUTIVE SUMMARY

In March 2007 Convocation approved the establishment of a Licensing and Accreditation Task Force to consider issues related to the licensing of lawyers in Ontario.

The task is a considerable one. One of the Law Society's most important functions is to ensure the entry level competence of newly called lawyers. Ontario has the largest bar in the country, an increasingly diverse legal profession, growing numbers of international lawyers and Canadian students with law degrees from outside Canada seeking admission to the bar, and challenging market place factors that affect articling placements, post-call hiring and practice realities.

The Task Force has examined the problems with the delivery of the skills and professional responsibility and articling components of the licensing process and assessed the need for change and improvement to meet the following objectives:

- a. Ensure entry level competence for newly called lawyers.
- b. Consider the unique needs of candidates from Aboriginal, Francophone, racialized, National Committee on Accreditation (NCA), disabled and other communities.
- c. Address the *Fair Access to Regulated Professions Act* requirements for transparent, objective, impartial and fair licensing processes.
- d. Develop flexible program delivery methods.
- e. Be cost efficient.

In January 2008 the Task Force presented a consultation report to Convocation, seeking its approval to disseminate that report to the profession, law schools and legal organizations. Convocation determined that written submissions on the skills and professional responsibility and articling programs should be accepted until May 31, 2008. The Task Force has reviewed the submissions and is reporting to Convocation on the results of the consultation process and its additional considerations and recommendations respecting the articling program and skills and professional responsibility training.

Articling

The consultation report identified problems in the articling program, including a potentially significant increase in placement shortages. The Task Force sought input on four options:

- a. Continue the program, but make it clear that the Law Society makes no guarantees that candidates will find employment.
- b. Accept that if there is to be an apprenticeship requirement the Law Society should take responsibility for all candidates who qualify, and develop an alternative stream for those unable to find a placement.
- c. Abolish the articling requirement.
- d. Seek additional solutions from those being consulted.

Respondents overwhelmingly rejected the abolition of articling. They emphasized that a competent profession requires practical training before call to the bar. Articling should not be characterized as a barrier, but rather as a core component of the licensing process. To address challenges facing the program the Law Society should make further efforts to increase the number of jobs available, appeal to the profession to assist, and streamline the program.

While the Task Force continues to have concerns about the potential increase in candidates seeking articling positions in the future, it is possible that such increases will be fewer than anticipated, at least in the short term. The Task Force is satisfied that the value of the articling requirement as a competence measure makes it worthwhile to pursue solutions to its problems. However, while the enthusiasm with which the profession supported articling in this consultation process is heartening, it will be of limited value if not accompanied by a commitment among those who have not traditionally hired students to now do so. The willingness of more lawyers to play a role in training the next generation is essential to a re-vitalized articling program.

The Law Society must also undertake initiatives designed to enhance the number of articling placements, reduce the program's administrative complexity, and monitor the placement issue. The Task Force recommends that the Law Society retain the 10 month articling requirement and undertake the following initiatives designed to increase articling placements:

- a. Engage legal organizations in efforts to support and enhance the articling process.
- b. Conduct a survey, with the assistance of legal organizations, on articling opportunities.
- c. Develop an online Articling Registry to enhance information on articling opportunities.
- d. Pursue discussions with government, the Law Foundation of Ontario and other third parties to increase funding for articling positions.
- e. Create one additional staff position dedicated to outreach, promotion and coordination of articling initiatives and additional job placements.
- f. Implement a streamlined articling administrative process to reduce the burden on articling principals.
- g. Permit candidates in the licensing process to fulfill their entire 10 month articling requirement in national or international articles that the Law Society approves.

Respondents critiqued the Law Society for insufficient recognition of internationally trained candidates' practice experience as lawyers in other jurisdictions. The Task Force examined the current rules. They set arbitrary requirements. In considering whether the legal experience of lawyers from other jurisdictions should result in an articling exemption or abridgment the relevant factors should be the length of practice experience, the legal system in which the practice experience is gained and the extent to which that experience addresses the Law Society's articling competencies. Internationally trained candidates called to the bar in a common law jurisdiction, with at least 10 months of

practice experience that addresses the Law Society's articling competencies, may be exempted from the articling requirement. Such candidates should, however, be required to attend an intensive three-day program on professional conduct as part of the licensing process. All other internationally trained lawyers should be required to complete the 10 month articling requirement, subject to their ability to seek an abridgment based on length of legal experience and the extent to which that experience addresses the Law Society's articling competencies.

The Law Society should also work with external partners to develop a voluntary bridging program for internationally trained candidates in the licensing process to support their integration into the Ontario legal profession.

It is essential that there be regular monitoring of the articling program, through the Professional Development & Competence Committee, to review the success of the initiatives, the number of unplaced candidates and additional areas for improvement. It is important to monitor the challenges that candidates from Aboriginal, Francophone, racialized, disabled and other communities face. The Law Society should also gather additional information from other jurisdictions that have adopted practical legal training courses as an alternative to articling, should the number of unplaced candidates continue to rise.

An Integrated Approach to Professional Responsibility and Practice Training

The Law Society should continue to play a role in professional responsibility and practice training. In assessing the problems with the current program and evaluating the comments it received, the Task Force has tried to develop a more relevant process for licensing candidates.

It proposes a two-pronged approach: a pre-call professional responsibility and practice requirement to provide candidates with guidance during articling, and a post call professional development requirement. Both will place the learning in context, in recognition that individuals who are actively engaged in articling tasks (pre-call) and already in practice (post-call) will be better able to relate the instruction to their day-to-day needs.

This integrated approach allows candidates to directly relate what they learn in the program to their experience in a "real world" environment. It increases hands-on supervision from articling principals. It also provides time and cost savings to candidates. The new pre-call and post-call requirements combined represent a lengthier and more rigorous educational program than is currently required in the licensing process. They also focus more time and attention on professional responsibility issues.

The proposed approach will demonstrate that practising with professionalism and the appropriate level of skill requires more than compliance with minimum standards. Professionalism and practice management capabilities are competencies that lawyers develop through education, training, and experience.

(a) Proposed Pre-Call Professional Responsibility and Practice Requirement

The proposed pre-call professional responsibility and practice requirement contains four modules: Professional Responsibility (2 days); Client Communication (1 day); Managing a Client File (1 day); and Practice Management (1 day). Following the course, candidates will be required to complete a professional responsibility and practice assessment, to be reviewed with the articling principal.

Law Society and Law PRO statistics have historically revealed that most negligence claims and client complaints are related to managing the client relationship and the operation of lawyers' practices. Yet, these are areas in which lawyers are reluctant to take continuing legal education once called to the bar. The redesigned program places specific focus on these critical issues.

To ensure that the importance of professional responsibility issues is maximized, the percentage of related questions on the barrister and solicitor licensing examinations will also be increased from 15% to 20% per examination.

The pre-call program will demonstrate best practices for conducting interviews, negotiations, and motions. It will be designed for online presentation and self-paced learning. Today's law graduates have been immersed in technology that would have been unimaginable even twenty years ago. They are used to learning environments that allow them the freedom to study, interact with peers, instructors and mentors, undertake research, pose questions and receive answers without ever having to leave their computer. While lawyers from previous generations may find online training problematic or isolating, a new generation of students prefers it as flexible, accommodating and interactive. It is not the only way to learn, but in particular circumstances it can be the most appropriate.

This format accommodates an increasing number of licensing candidates in Toronto, and recognizes the travel dilemmas that previously faced those working outside the largest cities. The modules can be taken at any time during the articling period. Articling principals will verify that candidates have completed the course. The format addresses the need for flexible learning opportunities. Another important advantage of this approach is consistency of delivery.

(b) Proposed Post-Call Professional Development Requirement

New lawyers will be required to attend 24 hours of accredited professional development programs during the first 24 months of their entry into a practice category.

The objective of this component of the training program is to ensure that candidates receive the practical training they need during their first 24 months of practice to serve their clients in accordance with the expectations of lawyers prescribed in the *Rules of Professional Conduct*. Law practice skills and professional responsibility issues will be integrated with substantive law programming.

The requirement will engage adult learners who have the professional capacity to make appropriate decisions about the direction and focus of their education. The Law Society will accredit specific courses to ensure that the content covers the requisite professional responsibility and practice management components. However, the Law Society will not dictate specific course structures or content requirements. The post-call instruction is designed to create a tighter nexus between learning and day-to-day practice requirements, permitting students to relate their educational materials directly to the events and issues that confront them in their own law practice. It also allows more diversity in the practice-based learning, permitting individuals to tailor the education to their specific needs when they choose among a range of approved courses. It inculcates in new lawyers the principle that legal education is a life-long enterprise, and that continuing legal education is an essential component of professional responsibility.

The post-call component will allow new lawyers to choose the accredited program and provider of their choice. A substantial proportion of the program content must cover defined professional responsibility and practice skills competencies. The balance of the program can address the substantive law that meets practice needs. To ensure that lawyers outside of city centers have access to these professional development opportunities without having to leave their communities multiple delivery methods will be used, including traditional live programming, webcasting, teleseminars, archived audio and video and others. In addition, efforts will be made to develop programming that accommodates the learning needs of different cultural and other groups within the profession.

The Law Society will monitor attendance. A lawyer who fails to meet the professional development requirement will be administratively suspended from practice. To be reinstated, the lawyer must simply complete the requirement and file proof of attendance with the Law Society. To remind lawyers of the obligation, notices will be sent to them at regular intervals within the 24 month time frame. Lawyers will be warned in advance of suspension. The post-call requirement will also apply to lawyers who transfer from other jurisdictions within Canada in the first 24 months of their entry into practice.

Resource Implications

Estimated costs for articling related enhancements, including the articling survey, the Articling Registry, and the addition of one full-time equivalent staff will be approximately \$220,000. The on-line professional responsibility and practice course will result in a substantial decrease in expenditures for this portion of the licensing process of approximately \$1,200,000. This represents approximately one-half the cost of the current skills and professional responsibility program. Funding will be required to support the changes related to administrative processes, development and production of the new pre-call professional responsibility and practice course (integrated with articling). The development costs will be approximately \$250,000 and relate to production expenditures and presenter costs.

Overall, the 2009 funding requirements for the licensing process (including articling) will be approximately \$700,000 less than the 2008 budget. The majority of this reduction will

be passed on to licensing candidates through a reduced licensing fee. This will offset the professional development programs they will be required to take during the initial 24 months of practice.

The Law Society's post-call professional development programming for lawyers in their first 24 months of practice will be developed using existing staff and resources in 2009 and early 2010. Once developed, the programs that the Law Society offers will be provided to the profession on a cost recovery basis. The Task Force has assumed that other professional development providers will participate in developing programming for these lawyers. It encourages them to do so.

The lawyers required to meet the post-call professional development component will have benefited from reduced licensing fees. They will be able to spread the professional development costs over 24 months. The range of programming available to them will allow them to choose programs that meet their time and cost requirements. Some providers, including the Law Society, also provide price reductions for lawyers earning below a specified amount.

Introduction of the New Programs

If approved, the new pre-call professional responsibility and practice requirement will be introduced for the 2009/2010 licensing process. Revisions to the articling program, including to the administrative structure, and development of the new professional responsibility and practice assessment, will be available for the 2009/2010 articling period. The Articling Registry development will commence immediately and be available by May 2009.

The post-call professional development requirement will come into effect after the 2009/2010 licensing process group is called to the bar, beginning in June 2010. The Law Society programming to meet the post-call professional development requirement will be available commencing September 2010 and will be held throughout each year from September through to June. The Law Society will ensure that all interested providers understand the timing and implementation of any program Convocation approves.

Communication Plan

A well developed communication plan is essential to moving the recommendations in this report forward, particularly those relating to articling initiatives. The report outlines what the Law Society currently does and how this may be expanded and improved. The Task Force recommends that the Law Society develop a more extensive communication plan to,

- a. advise students, law schools and the profession about the articling program, including the role of outreach staff, and the Law Society's role in assisting them with the establishment of placements;
- b. re-affirm candidates' responsibility to secure their own articling placement; and
- c. communicate changes to the licensing process.

LICENSING & ACCREDITATION TASK FORCE REPORT

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TASK FORCE PROCESS

2. On January 24, 2008 Convocation approved the dissemination of the Task Force's consultation report to the profession, law schools and legal organizations for the purpose of receiving written comments on Part 3 (Skills and Professional Responsibility Program) and Part 4 (Articling) of that report.
3. Since January 2008 the Task Force has met on February 20, 2008, March 26, 2008, April 2, 2008, May 5, 2008, May 21, 2008, June 25, 2008, July 14, 2008, August 11, 2008, August 27, 2008, September 2, 2008 and September 11, 2008.
4. The Task Force has acquired six new members who have participated in the consideration of the consultation submissions and the recommendations included in this report.

MOTION

- 5. That Convocation approve the following respecting the articling program:**
 - a. The Law Society will retain the 10 month articling requirement.**
 - b. The Law Society will undertake initiatives designed to increase articling placements as follows:**
 - i. Engage legal organizations in efforts to support and enhance the articling process.**
 - ii. Conduct a survey, with the assistance of legal organizations, on articling opportunities.**
 - iii. Develop an online Articling Registry to enhance information on articling opportunities.**
 - iv. Pursue discussions with government, the Law Foundation of Ontario and other third parties to increase funding for articling positions.**
 - v. Create one additional staff position dedicated to outreach, promotion and coordination of articling initiatives and additional job placements.**
 - vi. Implement a streamlined articling administrative process to reduce the burden on articling principals.**
 - c. The Law Society will provide for exemptions or abridgments of the articling requirement for internationally trained lawyers who are candidates in the licensing process as follows:**
 - i. Internationally trained candidates called to the bar in a common law jurisdiction, with at least 10 months of practice experience that addresses the Law Society's articling competencies, may be exempted from the articling requirement. Such candidates would be required to complete an intensive three-day course on professional conduct as a mandatory component of the licensing process.**
 - ii. All other internationally trained lawyers are required to complete the 10 month articling requirement, subject to the ability to seek an abridgment based on length of legal experience and the extent to which that experience addresses the Law Society's articling competencies.**

- d. **The Law Society will work with external partners to develop a voluntary bridging program for internationally trained candidates in the licensing process to support their integration into the Ontario legal profession.**
 - e. **Candidates in the licensing process will be entitled to fulfill their entire 10 month articling requirement in national or international articles that the Law Society approves.**
- 6. That Convocation approve the development of,**
- a. **a pre-call professional responsibility and practice requirement as described in paragraphs 94-106 and Appendix 7 to be integrated with the 10 month articling program; and**
 - b. **a post-call professional development requirement of 24 hours to be taken during the first 24 months of entry into a practice category.**
- 7. That Convocation approve the development of a more extensive Law Society communication plan as described in paragraphs 133-144 to,**
- a. **advise students, law schools and the profession about the articling program, including the role of outreach staff, and the Law Society's role in assisting them with the establishment of articling placements;**
 - b. **re-affirm candidates' responsibility to secure their own articling placement; and**
 - c. **communicate changes to the licensing process.**

Task Force Objectives

8. In March 2007 Convocation approved the establishment of a Licensing and Accreditation Task Force to consider issues related to the licensing of lawyers in Ontario.
9. The task is a considerable one. One of the Law Society's most important functions is to ensure the entry level competence of newly called lawyers. Ontario has the largest bar in the country, an increasingly diverse legal profession, growing numbers of international lawyers and Canadian students with law degrees from outside Canada seeking admission to the profession, and

challenging market place factors that affect articling placements, post-call hiring and practice realities.

10. The Task Force has examined the problems with the delivery of the skills and professional responsibility and articling components of the licensing process and assessed the need for change and improvement to meet the following objectives:
 - a. Ensure entry level competence for newly called lawyers.
 - b. Consider the unique needs of candidates from Aboriginal, Francophone, racialized, National Committee on Accreditation (NCA), disabled and other communities.
 - c. Address the *Fair Access to Regulated Professions Act* requirements for transparent, objective, impartial and fair licensing processes.
 - d. Develop flexible program delivery methods.
 - e. Be cost efficient.

11. In January 2008 the Task Force presented a consultation report to Convocation, seeking its approval to disseminate that report to the profession, law schools and legal organizations. The report provided background information on licensing issues that have a national scope, but sought input and advice on issues related to the Law Society of Upper Canada's skills and professional responsibility program and its articling program.

12. Convocation determined that written submissions on the skills and professional responsibility and articling programs should be accepted until May 31, 2008 after which the Task Force would prepare a further report for Convocation's consideration. **Appendix 1** sets out the steps the Task Force took to bring the consultation report to the profession's attention.

13. The Task Force received over 60 responses from individuals and approximately 40 institutional responses, from most of the major legal organizations in the province. **Appendix 2** sets out the submissions list.¹
14. Almost all of the submissions commented on the articling component of the licensing process; approximately half commented on the skills and professional responsibility component.

Purpose of this Report

15. The Task Force has reviewed the submissions. This report provides Convocation with the results of the consultation process, sets out the Task Force's additional considerations and makes recommendations respecting the articling program and skills and professional responsibility training.

ARTICLING

General

16. The consultation report identified problems in the articling program, including a potentially significant increase in placement shortages. The Task Force identified four options on which it sought input:
 - a. Continue the program, but make it clear that the Law Society makes no guarantees that candidates will find employment. (Option 1)
 - b. Accept that if there is to be an apprenticeship requirement the Law Society should take responsibility for all candidates who qualify, and develop an alternative stream for those unable to find a placement. (Option 2)
 - c. Abolish the articling requirement. (Option 3)
 - d. Seek additional solutions from those being consulted. (Option 4)
17. The Task Force received approximately 60 comments on articling from individuals and approximately 40 institutional responses. These are summarized at **Appendix 3**.

¹ The submissions are collected in a separate volume, available upon request.

TASK FORCE CONSIDERATIONS AND RECOMMENDATIONS

Retention of Articling Program

18. Respondents overwhelmingly rejected the abolition of articling. They emphasized that a competent profession requires practical training before call to the bar. Articling should not be characterized as a barrier, but rather as a core component of the licensing process.
19. Respondents acknowledged the challenges the program faces, but believe that radical change is not warranted. The Law Society should make further efforts to increase the number of jobs available, appeal to the profession to assist, and streamline the program.
20. The Task Force has considered these submissions in the context of the challenges to the program it identified in its consultation report. While it continues to have concerns about the potential increase in candidates seeking articling positions in the future, it is possible that such increases will be fewer than anticipated, at least in the short term. For example, the Ontario government announced in July 2008 that it will not be approving new law faculties at this time.
21. The Task Force is satisfied that the value of the articling requirement as a competence measure makes it worthwhile to pursue solutions to the problems the Task Force has identified. However, while the enthusiasm with which the profession supported articling in this consultation process is heartening, it will be of limited value if not accompanied by a commitment among those who have not traditionally hired students to now do so. Currently, there are 1171 approved articling principals, yet there are approximately 31,000 lawyers in private practice, government and corporate practice and other employment.² The willingness of more lawyers to play a role in training the next generation is essential to a re-vitalized articling program.

² While not all of these would be eligible to act as articling principals, there is substantial scope for more placements.

22. In addition, the Law Society must undertake initiatives designed to enhance the number of articling placements, reduce the program's administrative complexity, and monitor the placement issue. It must also continue to explore alternative routes to licensing should the numbers of those unable to secure articles become significant.
23. **The Task Force recommends that the Law Society retain the articling program.**

Articling Term

24. Very few submissions made any reference to the length of the articling term. Of the few that did, most suggested a shorter term of five months solely to encourage firms to hire double the number of students, rather than because five months is a sufficiently long exposure to practical training. A few submissions suggested that increasing the articling term to 12 months would encourage more small firms to hire a student because the current two month gap between students is disruptive to smaller practices.
25. The current 10 month articling term dates back to September 21, 2000 when Convocation sought to balance a number of factors, including,
- a. the length of time necessary for candidates to benefit from practical experience, mentoring and acculturation to the profession;
 - b. the recognition that the Law Society's licensing process was, at that time, among the longest in the country; and
 - c. the views of those firms that provide the majority of jobs.
26. At that time, some lawyers suggested that reducing the articling term from 12 months to ten would create administrative problems for smaller firms, deterring them from hiring students. The evidence suggested, however, that even with a 12 month articling term, relatively few small firm lawyers acted as principals. Factors such as student salaries, time available to act as a principal, and the burden of administrative requirements were far more likely to affect the decision

to take a student. There is no evidence that this has changed in the last eight years.

27. The Task Force does not endorse a change to the articling term. The only reason given for reducing the term to five months is that firms might double their hiring. Large firms assured the Task Force that this would not occur. More importantly, the Task Force believes that five months is insufficient time for candidates to absorb the benefits of articling.
28. The Task Force has seen little evidence to support a two month increase in the length of the articling term. Few people suggested it. There has been little evidence in the last eight years that the length of the articling term has made a difference to small firm hiring. Moreover, without strong evidence to justify disrupting the systems that employers have put in place to accommodate the 10 month term, the Task Force believes it would be ill-advised to make such a recommendation.
29. **The Task Force recommends the articling term remain 10 months.**

Role of Legal Organizations

30. One of the Ontario legal profession's strengths is the network of legal organizations that address lawyer issues from the perspectives of their constituencies. This diverse group, including those representing lawyers from Aboriginal, Francophone, racialized, disabled and other communities, overwhelmingly supported the continuation of articling in the public interest. Moreover, a number of them volunteered to partner with the Law Society to increase the number of articling placements. This commitment is essential to the success of efforts to enhance articling.
31. To effect change there must be more than good will. There must be action. Given that most legal organizations rely on volunteers whose board membership changes annually, the Law Society must liaise with the various organizations to

determine the most effective way to turn their goodwill into action. In the case of groups representing Aboriginal, Francophone, racialized, disabled and other communities, this liaison can build on work already being done in the Law Society's Equity Initiatives department.

- 32. The Task Force recommends that the Law Society engage legal organizations in efforts to support and enhance the articling process.**

Articling Survey

33. While there is some information on articling opportunities available throughout the province, it has not been systematically collected. Legal organizations encouraged the Law Society to seek their assistance in gathering information on placements, opportunities to increase them, reasons for jobs going unfilled, reasons candidate turn down offers and lawyers choose not to hire, and hiring issues specific to candidates from Aboriginal, Francophone, racialized, disabled and other communities.
34. The Task Force agrees that such a survey is important. It will also provide an opportunity to educate more lawyers on the articling system. Legal organizations have committed to encouraging lawyers to respond to the survey and the Law Society should work with these groups to achieve a high response rate.
35. The cost of undertaking a survey and potential follow-up activities is expected to be in the range of \$30,000 to \$40,000, assuming that an external consultant formulates the survey questions and analyzes the results. If approved, this amount would be included in the 2009 licensing process budget.
- 36. The Task Force recommends that the Law Society conduct a survey, with the assistance of legal organizations, on articling opportunities.**

Articling Registry

37. A number of respondents suggested that a central location for information on available articling placements and students seeking employment would assist in job matching. The Law Society's website already contains a section for firms to list available jobs and candidates to post their résumés, but the profession appears to have limited knowledge of the Society's support services.
38. This suggestion, like many of the others, focuses primarily on enhancing awareness about jobs available outside the large firm environment and major centres. If this is an untapped market, a tool to "job match" may be useful.
39. The Law Society of British Columbia has recently launched an on-line articling registry to promote articling throughout the province, enhance the ability of small firms to recruit articling students and lawyers, and expand opportunities for students. Although designed as an articling registry, it has the capacity to become a broader based tool for pre and post-call recruitment.
40. Such a registry would not be expensive to create and maintain. Expected development costs for the registry would be approximately \$50,000, which would be included in the articling systems administration budget for 2009. If properly promoted, law schools, legal organizations, law firms and law students may come to view it as a meaningful partner in the recruitment and job search process.
41. **The Task Force recommends that the Law Society develop an online Articling Registry to enhance information on articling opportunities.**

Additional Funding for Articling Placements

42. Respondents suggested incentives to encourage sole and small firms to hire students. They also recommended pursuing alternative funding sources for articling placements.

43. Suggested incentives for hiring included levying the profession to establish a sole and small firm hiring subsidization fund, reduced CLE fees for those who act as principals, and reduced annual fees for articling principals in certain categories.
44. These suggestions create their own problems. The only source for such funding or subsidization is the lawyers' annual fee. The very people for whom subsidization is sought would be paying higher annual fees to support the subsidization. Moreover, to make any meaningful difference to willingness to hire, the amount of the levy increase would have to be significant. A lawyer who has refrained from hiring a student because of cost considerations is unlikely to do otherwise because he or she is receiving a modest subsidy of a few thousand dollars or paying reduced CLE fees. Realistic subsidies would have to be in the \$15,000 - \$20,000 range per eligible articling principal to cover a meaningful portion of salaries.
45. The Task Force agrees, however, with those who suggested that outside bodies such as government or the Law Foundation of Ontario be approached to discuss funding additional jobs. The Law Foundation of Ontario already provides funding toward five public interest articling placements, to be increased to seven for 2009/10. This represents the Law Foundation's appreciation of the need to diversify articling opportunities. The Law Society should pursue additional job placements such as these.
46. A number of respondents also suggested that the Law Society discuss with government additional articling jobs in Ontario's legal clinics. This possibility could also enhance access to justice for the Ontario public. There may be additional funding possibilities the Law Society should explore.
47. **The Task Force recommends that the Law Society pursue discussions with government, the Law Foundation of Ontario and other third parties to increase funding for articling positions.**

Staff Outreach Position

48. The key to the success of the recommended initiatives is personal contact, coordination, consistency and monitoring. Respondents agree that outreach to areas and firms outside of Toronto, Ottawa, and some of the other larger centres, is the best opportunity to locate additional jobs. Additional outreach respecting the needs of candidates from Aboriginal, Francophone, racialized, disabled and other communities is also essential. This requires the time and personal contact necessary to build relationships. The development of the articling survey and promotion of the Articling Registry will require coordination with legal organizations, law schools and law firms across the province.
49. Increasing the number of articling placements will be a challenge. The most effective way to advance the initiatives is to create a staff position dedicated to this job. Current articling staff administers the program and cannot assume this new and significant role. Moreover, the creation of a dedicated staff position would signify the seriousness with which the Law Society approaches the articling program.
50. The Task Force anticipates that this position would require approximately \$130,000 in salary and benefits beginning in 2009.
51. **The Task Force recommends that the Law Society create one additional staff position dedicated to outreach, promotion and coordination of articling initiatives and additional job placements.**

Administrative Requirements

52. The complexity of the program's administrative requirements appears to have deterred lawyers from becoming or remaining articling principals. Respondents frequently cited the filing requirements as a major irritant, particularly for sole and small firm lawyers.

53. The Task Force reviewed the program’s administrative structure, much of which stemmed from the 1990 Report on Articling Reform. Although designed to enhance consistency in the articling process, many of the requirements are duplicative or ineffective. These should be replaced with a streamlined process that continues to require principals to provide specified learning experiences to students, but reduces paperwork and removes steps that have had little positive effect.
54. The Task Force has determined that articling principal and student filings could be reduced from nine contacts with the Law Society to two, plus the initial application a lawyer files to be approved as a principal.
55. **The Task Force recommends the following administrative process:**
- a. **Initial approval application form: lawyers complete once. No annual renewal application or additional documentation will be required. Prospective principals must have been in practice for three of the previous five years.³ Conduct checks are undertaken at the time of the application. Principals will have a positive requirement to inform the Law Society of any change in status or conduct. The Law Society will undertake conduct checks on all principals on a rotating basis once every two years to confirm status.**
 - b. **The principal application will include a section on the skills competencies that the principal is expected to address with the student, to the best of his or her ability. By signing and submitting the application form the lawyer applicant is committing to working with these skills competencies.**
 - c. **Articling students and principals will sign and file the Articles of Clerkship form within 10 days after the commencement of articles.**
 - d. **Articling students and principals will sign and file the Certificate of Service under Articles at the end of the articling term. The form will include confirmation that the student has completed the required professional responsibility and practice course and the assessment related to that course.⁴**

³ This is the current requirement.

⁴ See paragraphs 94-106 for a discussion of the Professional Responsibility and Practice Course and the assessment.

Internationally Trained Candidates

56. To be eligible to enter the Law Society's licensing process a candidate must have either an L.L.B/J.D. degree from an accredited Canadian law school or a Certificate of Accreditation from the NCA, which assesses the law degrees of internationally trained candidates and those with civil law degrees from Quebec and sets equivalency requirements.
57. Approximately 110 NCA candidates enter the Law Society's licensing process annually. Some have received an international law degree, but have not yet been admitted to practice as a lawyer in any jurisdiction. For the purposes of the licensing process requirements these NCA candidates are no different from domestic candidates who have not yet been called to the bar.
58. Other NCA candidates are already lawyers in other jurisdictions with varying degrees of practice experience. Approximately 95% come from common law jurisdictions.⁵
59. Respondents critiqued the Law Society for insufficient recognition of internationally trained candidates' practice experience as lawyers in other jurisdictions.
60. The current articling policies, stemming from the 1990 Report on Articling Reform, provide that internationally trained candidates with a minimum of 7 years practice experience in another jurisdiction may apply for an articling exemption in Ontario. The nature of their experience, including the legal system in their home jurisdiction and the relevance of their experience to the Law Society's articling competencies is assessed to determine if they should be called to the Ontario bar without articling at all or if they should be considered for an

⁵ Most internationally trained candidates from common law jurisdictions come from USA (25%), India (20%), England and Wales (20%), Nigeria (7%), Australia (6%), Pakistan (4%).

abridgment. There is no empirical evidence supporting the choice of seven years as the basis for exemption eligibility.

61. Candidates with fewer than seven years of practice experience or who do not meet the exemption criteria despite having seven years experience, may apply for an articling abridgment. The nature of their experience, including the legal system in their home jurisdiction and the extent to which that experience addresses the Law Society's articling competencies, is assessed. At most they can be excused from six months of articling. They must find articles for at least four months. This has proven very difficult for candidates as firms are reluctant to hire someone for such a brief period.
62. In the case of both exemption and abridgment applications, candidates from common law jurisdictions are more likely to be exempted or receive an abridgment because their experience and practice context approximates that undertaken in the 10 month articling period.
63. The purpose of the 10 month articling term is to provide a bridge between law school and practice. Domestic students obtain a common law degree and understand the legal principles that govern the justice system in Ontario, but require exposure to practical skills. Following 10 months of such exposure and subject to meeting the other requirements of the licensing process, the Law Society calls these candidates to the bar, entitling them to practise on their own, should they wish to do so.
64. The Task Force agrees that an internationally trained candidate who has not been called to the bar anywhere else should continue to be treated no differently than a domestic law school graduate for the purposes of the articling requirement. The 10 month practical experience is as essential for these candidates as it is for graduates from Canadian common law schools. The current approach should not change.

65. In considering whether the legal experience of lawyers from other jurisdictions should result in an articling exemption or abridgment the Task Force considers the following factors relevant:
- a. The length of the practice experience.
 - b. The legal system in which the practice experience is gained.
 - c. The extent to which the practice experience addresses the Law Society's articling competencies.
66. Seven years as a threshold for considering exemptions is excessive and arbitrary. Ten months should be the relevant threshold, tied as it is to the articling requirement the Law Society imposes on domestically educated students. If 10 months is a sufficient bridge from law school to practice for domestic candidates, then 10 months of practice experience should also be considered an appropriate threshold for considering exemption requests of internationally trained lawyers.
67. The 10 months of experience is not, however, in and of itself sufficient to warrant an exemption or abridgment. The legal system in which the experience is gained is a fundamental consideration. Internationally trained lawyers who have been called to the bar and practised for at least 10 months in a common law legal system will have been exposed to rules of practice, principles of precedent based jurisprudence, and legal administrative structures that frame the Ontario and Canadian common law system. This is not the case for those whose practice experience is in a non-common law jurisdiction. Provided the internationally trained lawyer's common law experience addresses the Law Society's competencies, those candidates with 10 months practice experience in a common law legal system may be exempted from articling.
68. At the same time, however, they should receive some instruction on the Ontario Rules of Professional Conduct. Completion of an intensive three-day program should be required for these candidates prior to call to the bar.
69. For those international candidates called to the bar in non-common law jurisdictions, articling should be required to ensure that they are exposed to rules

of practice, principles of precedent based jurisprudence, and legal administrative structures that frame the Ontario and Canadian common law system. At the same time, however, some abridgment of articling may be justified in individual cases based on the length of the candidates' experience and its relevance to the Law Society's articling competencies.

- 70. The Task Force recommends that the Law Society provide for exemptions or abridgments of the articling requirement for internationally trained lawyers who are candidates in the licensing process as follows:**
- a. Internationally trained candidates called to the bar in a common law jurisdiction, with at least 10 months of practice experience that addresses the Law Society's articling competencies, may be exempted from the articling requirement. Such candidates would be required to complete an intensive three-day program on professional conduct as a mandatory component of the licensing process.**
 - b. All other internationally trained lawyers are required to complete the 10 month articling requirement, subject to the ability to seek an abridgment based on length of legal experience and the extent to which that experience addresses the Law Society's articling competencies.**

Bridging Program

71. Various respondents encouraged the establishment of voluntary support systems for internationally trained candidates, the goal of which would be to orient them to the Ontario market and enhance their ability to integrate into the profession. Information about bridging programs is set out at **Appendix 4**.
72. A voluntary bridging program for internationally trained lawyers could include a number of law specific training modules building on their former education and experience, without duplication. Topics such as the following could be offered:
- a. Comprehensive information about the practice of law in Ontario.
 - b. Common law terminology.
 - c. Employment counseling and support.
 - d. Mentoring and job development services.

- e. Individual assessments.
73. Funding for the program could be sought from various organizations, including the Ministry of Citizenship and Immigration (currently soliciting proposals for such bridging programs) and the Law Foundation of Ontario. The Law Society could also partner with other organizations developing such programs. A service provider would deliver the program.
74. If this project is approved, it is anticipated that the research and development for the program would occur in 2009 and the program would be available in 2010.
- 75. The Task Force recommends that the Law Society work with external partners to develop a voluntary bridging program for internationally trained candidates in the licensing process to support their integration into the Ontario legal profession.**

Eligible Articles

76. Respondents suggested expanding the type of placements that would be eligible to meet the articling requirement. In the majority of cases these suggestions are already part of the articling process. **Appendix 5** contains information on the current rules addressing,
- a. traditional articles;
 - b. national articles;
 - c. international articles;
 - d. joint articles; and
 - e. part-time articles.
77. Currently, students doing national or international articles must complete at least four months of articling in Ontario. This is an unnecessary requirement. The National Mobility Agreement accepts that lawyers trained in one common law jurisdiction in Canada have had a sufficiently similar experience that no additional qualifications need be met upon transfer. Articling is part of that

recognized training. An Ontario candidate should be able to complete all 10 months of articles in any Canadian common law jurisdiction, once the Law Society has approved the principal.

78. Students articling internationally also do so with a principal the Law Society has approved and who has agreed to provide the required educational competencies. This international experience should be sufficient to satisfy the entire articling requirement.
- 79. The Task Force recommends that candidates in the licensing process be entitled to fulfill their entire 10 month articling requirement in national or international articles that the Law Society approves.**

Monitoring

80. In its consultation report the Task Force described concerns about the articling program. Respondents acknowledged problems, but expressed strong support. Initiatives recommended here are designed to address the problems, but it is essential that there be regular monitoring to review their success, the number of unplaced candidates and additional areas of improvement. It is important to monitor the challenges that candidates from Aboriginal, Francophone, racialized, disabled and other communities face.
81. The Law Society should also gather additional information about practical legal training courses as an alternative to articling, should the number of unplaced candidates continue to rise.
82. As the committee with the mandate to provide policy options to Convocation on matters related to lawyer licensing, the Professional Development & Competence Committee is the appropriate monitoring body.

PROFESSIONAL RESPONSIBILITY AND PRACTICE TRAINING

The Task Force's Initial Views

83. In its consultation report, the Task Force recommended the elimination of the skills and professional responsibility program, based upon a number of factors including:
- a. the results of a survey prepared with the cooperation of law schools across the country tracking their skills based curricula, the numbers of hours devoted to skills training, the percentage of students undertaking such training and the degree to which such training is mandatory. The Task Force concluded that law school skills training is accomplishing most, if not all, of what the current Law Society program does; and
 - b. the Law Society's program has encountered difficulty in meeting its goals, making it virtually impossible to run the program in its current form. These difficulties include,
 - i. increasing numbers of candidates (both actual and anticipated);
 - ii. anticipated difficulty in finding locations to run the program in Toronto;
 - iii. difficulty recruiting practising lawyers to teach the program, in part because of the length of the time commitment; and
 - iv. negative student feedback on the effectiveness of the program.
84. The Task Force received approximately 20 comments on the skills and professional responsibility program from individuals and 25 institutional responses. The comments are summarized at **Appendix 6**.

THE TASK FORCE'S CONSIDERATIONS AND RECOMMENDATIONS

General

85. The Task Force has found the comments it received on the skills and professional responsibility program helpful, and the following points persuasive:
- a. There is value in a Law Society mandated professional responsibility and practice program. Although many law students take some skills and professional responsibility training at law school, the content and scope varies.
 - b. The Law Society should continue to provide training that acts as a bridge between law school and practice.

- c. It is insufficient for the Law Society to address the Rules of Professional Conduct and professional ethics through examinations only. There should be an instructional component as well.
- d. This type of program may be particularly relevant for those who enter sole and small firm practice.
- e. A different and flexible program structure should be developed to address the difficulties currently encountered.

An Integrated Approach to Professional Responsibility and Practice Training

- 86. The Law Society should continue to play a role in professional responsibility and practice training.
- 87. The Task Force has deliberated on ways to overcome problems such as the increasing numbers of candidates, instructor recruitment difficulties, criticism of program relevance and effectiveness, with particular attention to program timing, and teaching location limitations. In particular it has considered how best to engage candidates in the learning process and convince them of its relevance.
- 88. This analysis is essential to ensure that the program adapts to the needs of the profession and in the public interest. In assessing the current program, evaluating the comments it received, and deliberating on possible approaches, the Task Force has developed what it believes to be a more relevant process for licensing candidates.
- 89. It proposes a two-pronged approach that will consist of a pre-call professional responsibility and practice requirement to provide candidates with guidance during articling, and a post-call professional development requirement that builds upon the initial phase. The content will reflect the approved lawyer competencies that the Law Society validated during extensive consultation with the profession in 2004 and 2005 to ensure that the licensing process provides candidates with the necessary tools to become competent practitioners.

90. This proposed approach places the learning in context, in recognition that individuals who are actively engaged in articling tasks (pre-call) and already in practice (post-call) will be better able to relate the instruction to their day-to-day needs. Combined, the pre-call and post-call requirements represent a lengthier and more rigorous educational program than is currently required in the licensing process. They also focus more time and attention on professional responsibility.

Proposed Pre-call Professional Responsibility and Practice Requirement

91. During the consultation process, the respondents stressed that articling represents the most important component of practical training and the best opportunity prior to call to the bar for candidates to become familiar with mentors and senior practitioners. In the context of articling, candidates are introduced to the actual legal culture and practice and ethical environment of their profession in a concentrated fashion.
92. The overlap of professional responsibility and practice training with the articling term occurs in a variety of ways across Canadian law societies. Some law societies, such as British Columbia, New Brunswick and Nova Scotia, offer their skills programs at various times throughout the year with students interrupting their articles for concentrated periods to attend the practice programs. Through their Canadian Centre for Professional Legal Education (CPLED) program Alberta, Saskatchewan, and Manitoba have adopted an integrated model in which the learning occurs within the articling term. Students obtain their practical training and take the course at the same time, through on-line and in-person modules.
93. An integrated approach has a number of benefits for Ontario:
- a. It allows candidates to directly relate what they learn in the program to their experience in a “real world” articling environment.
 - b. It increases the articling principal’s involvement in the training because candidates will undertake the course during their articling term. Articling

principals will also be involved in a professional responsibility assessment that flows from the course content (see below).

- c. There will be time and cost savings to candidates.
94. The proposed pre-call requirement will demonstrate that practising with professionalism and the appropriate level of skill requires more than compliance with minimum standards. Professionalism and practice management capabilities are competencies that lawyers develop through education, training and experience.
95. The topics presented in the course will focus on critical issues in professional responsibility and practice management and promote discussion about the complex decisions that lawyers make. The course outline is set out at **Appendix 7**.
96. The course is based on principles of adult education and designed to recognize the specific needs of candidates as adult learners. Course activities will allow candidates to engage actively in the learning process, to exchange views with their articling principal and/or fellow candidates, and to connect the concepts being taught to their own knowledge and articling experiences.
97. The course contains four modules: Professional Responsibility (2 days); Client Communication (1 day); Managing a Client File (1 day); and Practice Management (1 day). Candidates must complete the course in conjunction with their articles, prior to being called to the bar. It will not be possible to take the course outside of articling.
98. To reinforce the learning objectives, candidates will be required to complete a professional responsibility and practice assessment following completion of the course. This assessment will replace the professional responsibility test that is currently used in the articling program. The new assessment will support the key learning outcomes and expectations of the course and the articling experience.

Candidates will complete the assessment and discuss responses with articling principals.

99. The candidate will be responsible for the following:
 - a. Completing all four modules of the course during the articling term.
 - b. Completing the professional responsibility and practice course assessment.
 - c. Discussing the completed assessment with his or her articling principal.
 - d. Verifying attendance and completion of the course.

100. The articling principal will be responsible for the following:
 - a. Scheduling the times at which the candidate will take the course during the articling term.
 - b. Evaluating the professional responsibility and practice course assessment.
 - c. Reviewing the completed assessment with the candidate and providing input.
 - d. Verifying attendance and completion of the course and assessment.

101. In developing the content for the program, the Task Force emphasized the following:
 - a. The need for the Law Society to continue to provide training in professional responsibility. Under the new proposal, the vast majority of students will have written their licensing examinations by the time they take the course. They will have already learned the Rules of Professional Conduct for the examinations. The program will build on that knowledge. Students will analyze those ethical issues that most often arise in a practical setting.
 - b. Integrating the program into the articling period will reinforce the learning, because the students will complete the professional responsibility test for their principals' review at the same time. Moreover, the issues may reflect real experiences students encounter in their articles.
 - c. Law Society and LawPRO statistics have historically revealed that most negligence claims and client complaints are related to managing the client relationship specifically and the operation of lawyers' practices generally. Yet, these are areas in which lawyers are reluctant to take continuing legal

education once called to the bar. The redesigned program will focus on these critical issues.

102. To ensure that awareness of professional responsibility issues is maximized, the percentage of related questions on the barrister and solicitor licensing examinations will be increased from 15% to 20% per examination.

Program Delivery

103. Today's law graduates have been immersed in technology that would have been unimaginable even twenty years ago. They are used to learning environments that allow them the freedom to study, interact with peers, instructors and mentors, undertake research, pose questions and receive answers without ever having to leave their computer. While lawyers from previous generations may find on-line training problematic or isolating, a new generation of students prefers it as flexible, accommodating and interactive. It is not the only way to learn, but in particular circumstances it can be the most appropriate.
104. The Task Force proposes that this program be designed for on-line presentation and self-paced learning. This format accommodates an increasing number of licensing candidates in Toronto, and recognizes the travel dilemmas that previously faced those working outside the largest cities.
105. The modules can be taken at any time during the articling period. Articling principals will verify that candidates have completed the course. The format addresses the need for flexible learning opportunities.
106. Another important advantage of this approach is consistency of delivery, addressing one of the complaints with the current program. Candidates will all see the same lectures, demonstrations and panel discussions modeled by exemplary mentors and practitioners.

Proposed Post-Call Professional Development Requirement

107. In considering how best to solidify the bridge between law school and practice the Task Force has looked beyond the pre-call licensing phase. The pre-call program integrated with articling will provide a valuable introduction to the practical competencies a newly called lawyer requires. But more can and should be done to enhance new lawyers' competence in the early years of practice.
108. The Task Force proposes that new lawyers be required to complete 24 hours of accredited professional development programs during the first 24 months of their entry into a practice category.⁶ The objective is to ensure that candidates receive the practical training they need during their first 24 months of practice to serve their clients in accordance with the expectations of lawyers prescribed in the *Rules of Professional Conduct*. Law practice skills and professional responsibility issues will be integrated with substantive law programming.
109. The advantage of engaging in the learning once in practice is that the lawyers may determine what kind of programming best suits their practice needs. The requirement recognizes that the legal profession is diverse, with many different practice realities (e.g. sole, small firm, large firm, clinic, corporate, government, non-governmental organization) that require different content and delivery options.
110. The requirement will engage adult learners who have the professional capacity to make appropriate decisions about the direction and focus of their education. The Law Society will accredit specific courses to ensure that the content covers the requisite professional responsibility and practice management components. However, the Law Society will not dictate specific course structures or content

⁶ These are lawyers who are in private practice and other categories where they practise law and are required to pay 100% membership fees. If they are not in these categories the requirement will be deferred until they are. The requirement will also apply to new lawyers who transfer from other jurisdictions within Canada in the first 24 months of their entry into a practice category.

requirements. The learner is free to choose programs that best suit his or her practice situations and stage of knowledge and skill development.

111. The post-call instruction is designed to create a tighter nexus between learning and day-to-day practice requirements, permitting lawyers to relate their educational materials directly to the events and issues that confront them in their own law practice. It also allows more diversity in the practice-based learning, permitting individuals to tailor the education to their specific needs when they choose among a range of approved courses.
112. Finally, it recognizes that timing is critical for another reason. Directly on the heels of many years of university learning, licensing candidates have traditionally been reluctant to bring their full educational potential to bear upon the Law Society's licensing course. The Law Society has responded over the past many decades to the various critiques and difficulties that have confronted the admission process with regular revisions and time-consuming, costly overhauls. Unfortunately, no format has yet managed to achieve full acceptance. In some respects, it is the very timing of the course that has proven to be a significant barrier. Law students are simply weary of being treated as "students" and anxious to undertake their careers as full members of the profession, and are quick to perceive additional instruction as dismissive of their capabilities and knowledge.
113. Moving some of the key professional responsibility and practice management competencies to the post-call venue may be the best solution to this complicated variable, allowing the intended recipients to obtain this essential education as lawyers, amongst other professional lawyers. It also inculcates in new lawyers the principle that legal education is a life-long enterprise, and that continuing legal education is an essential component of professional responsibility.
114. Lawyers may choose the accredited program and provider of their choice. A substantial proportion of the program content must cover the professional responsibility and practice skills competencies outlined in **Appendix 8**. The

balance of the program can address the substantive law of their choice that meets their practice needs. The accreditation process is set out at **Appendix 9**.

115. Accredited programs will be delivered in a variety of flexible formats. This includes live lecture, discussion, demonstration, small group workshop, or a combination of these methods. To ensure that lawyers outside of city centers have access to these professional development opportunities without having to leave their communities multiple delivery methods will be used, including traditional live programming, webcasting, teleseminars, archived audio and video and others. In addition, efforts will be made to develop programming that accommodates the learning needs of different cultural and other groups within the profession.
116. The Law Society will monitor attendance. Providers whose modules the Law Society accredits will be expected to implement attendance-tracking systems and provide confirmation of lawyer attendance in the prescribed format, at the Law Society's request.
117. A lawyer who fails to meet the compulsory professional development requirement will be administratively suspended from practice. To be reinstated, the lawyer must simply complete the requirement and file proof of attendance with the Law Society. To remind lawyers of the obligation notices will be sent to them at regular intervals within the 24 month time frame. Lawyers will be warned in advance of suspension.
118. Accredited programs that fulfill the compulsory professional development requirements will be open to lawyers in their first 24 months of practice and to any others who wish to attend.
119. Interweaving substantive law and the professional responsibility and practice management issues that are specific to individual practice areas can only improve the awareness and care new lawyers bring to their work. For those who enter sole and small firm settings this additional support will be invaluable.

- 120. The Task Force recommends that the Law Society implement,**
- a. a pre-call professional responsibility and practice requirement as described in paragraphs 94-106 and Appendix 7 to be integrated with the 10 month articling program; and**
 - b. a post-call professional development requirement of 24 hours to be taken during the first 24 months of entry into a practice category.**

RESOURCE IMPLICATIONS OF TASK FORCE RECOMMENDATIONS

121. Estimated costs for articling related enhancements, including the articling survey, the Articling Registry, and the addition of one full-time equivalent staff will be approximately \$220,000.
122. The on-line professional responsibility and practice course will result in a substantial decrease in expenditures for this portion of the licensing process of approximately \$1,200,000. This represents approximately one-half the cost of the current skills and professional responsibility program.
123. Funding will be required to support the changes related to administrative processes, development and production of the new pre-call professional responsibility and practice course (integrated with articling). The development costs will be approximately \$250,000 and relate to production expenditures and presenter costs.
124. Overall, 2009 funding requirements for the licensing process (including articling) will be approximately \$700,000 less than the 2008 budget. The majority of this reduction will be passed on to licensing candidates through a reduced licensing fee. This will offset the professional development programs they will be required to take during the initial 24 months of practice.
125. A licensing process budget will be developed for Convocation's 2009 budget approval process, including a detailed analysis of the impact of program changes, to follow Convocation's approval of this report.

126. The Law Society's post-call professional development programming for lawyers in their first 24 months of practice will be developed using existing staff and resources in 2009 and early 2010. Once developed, the programs that the Law Society offers will be provided to the profession on a cost recovery basis.
127. The Task Force has assumed that other professional development providers will participate in developing programming for these lawyers. It encourages them to do so. This group of lawyers will develop an early and increasingly sophisticated interest in professional development programming that is innovative and enhances their competence. The rich professional development tradition that the legal profession in Ontario currently enjoys will become even more responsive to lawyer needs.
128. The lawyers required to meet the post-call professional development component will have benefited from reduced licensing fees. They will be able to spread the professional development costs over 24 months. The range of programming available to them will allow them to choose programs that meet their time and cost requirements. Some providers, including the Law Society, also provide price reductions for lawyers earning below a specified amount.

Introduction of the New Programs

129. If approved, the new professional responsibility and practice course to be completed during articling will be introduced for the 2009/2010 licensing process. The modules will be available in August of 2009, in readiness for the start of articling placements, the majority of which begin in mid-August of each year.
130. Revisions to the articling program, including to the administrative structure, and development of the new professional responsibility and practice assessment, will be available for the 2009/2010 articling period. The Articling Registry development will commence immediately and be available by May 2009.

131. The post-call professional development requirement will come into effect after the 2009/2010 licensing process group is called to the bar, beginning in June 2010. The Law Society programming to meet the professional development requirement will be available commencing September 2010 and will be held throughout each year from September through to June. The Law Society will ensure that all interested providers understand the timing and implementation of any program Convocation approves.

COMMUNICATION PLAN

132. A well developed communication plan is essential to moving the recommendations in this report forward, particularly those relating to articling initiatives.

Articling

133. Respondents emphasized the importance of communication with students, law schools and the profession (in person and online) regarding,
- a. permissible articles, including private practice, in-house, national and split;
 - b. opportunities to article in small firms and smaller communities;
 - c. preparation for articling interviews;
 - d. becoming a principal;
 - e. initiatives to increase the number of placements; and
 - f. ongoing developments in the articling program.
134. The Law Society already communicates regularly with schools and candidates. Staff visits all Ontario law schools to make presentations about the licensing process and how to become an applicant. The Law Society has regular contact with Law Deans, Career Development Officers and the student body, and maintains a detailed web site on articling matters.⁷

⁷ See www.lsuc.on.ca/licensingprocess

135. The submissions suggest that the Law Society should consider ways to increase its contact and build on the commitment the profession made in this consultation process to the articling program. The Law Society should communicate in a number of different ways (e.g. law schools visits, online interaction, notices in the Ontario Reports, communication with legal organizations and their student groups). If Convocation approves the addition of an outreach staff person he or she would play a significant liaison role. This is important because it was clear in the consultation process that respondents are not aware of much of what the Law Society already does.
136. A communication plan should also re-affirm candidates' responsibility to secure their own articling placements. Candidates should be advised that where necessary they may have to consider jobs in a different city, firm or practice area than they would have preferred.
137. Any recommendations relating to internationally trained candidates should be provided to applicants through the NCA website and information packages and the Law Society's website and career map.
138. The monitoring process recommended to take place through the Professional Development & Competence Committee should include ongoing consideration of communication issues.

Licensing Process

139. The changes to the licensing process are limited to the development of the new pre-call professional responsibility and practice course that would be provided online during the articling term and the changes that would reduce the administrative processes for principals and articling students. If Convocation approves this report notice of the changes should be provided in the *Ontario Reports*, the Ontario Lawyers Gazette and on the Law Society's website and to all law schools in Ontario and the rest of Canada.

140. Licensing candidates entering the process in 2009 should also receive information about the new components of the licensing process in their application packages sent out to all law schools in Fall of 2008.
141. If Convocation approves this report, all currently approved articling principals should receive the same notification as the rest of the profession, as well as a specific package of materials outlining the improved administrative process, in preparation for receiving articling students in the Summer of 2009.

Post-Call Professional Development Requirement

142. The proposed post-call professional development requirement for the first 24 months of practice would apply only to newly called lawyers commencing with the call to the bar in June of 2010. Information about this change should be communicated along with all other general communications following Convocation approval.
143. New 2009 licensing process candidates should receive information on the new requirement, including all of the administrative obligations for reporting. The package should include information on the purpose of the professional development requirement, scope of the expected learning, how to find the programming and how to report.
144. The Law Society should provide all providers of legal programming with an information package outlining the new program, the opportunity to participate and the requirements for such participation, detailed information on the accreditation process and timelines for accreditation activities. An easily identifiable logo would be developed that providers would affix to programs approved for accreditation.
- 145. The Task Force recommends that the Law Society develop a more extensive communication plan as described in paragraphs 133-144 to,**

- a. advise students, law schools and the profession about the articling program, including the role of outreach staff, and the Law Society's role in assisting them with the establishment of articling placements;**
- b. re-affirm candidates' responsibility to secure their own articling placement; and**
- c. communicate changes to the licensing process.**

TASK FORCE CONSULTATION PROCESS

The Task Force took the following steps to bring the Report to the profession's attention:

The Law Society placed a Notice to the Profession in the *Ontario Reports* in English and French. A copy of the English text is set out at **Attachment A**.

The Law Society highlighted the Report and Notice to the Profession on its website at <http://www.lsuc.on.ca/latest-news/a/hottopics/licensing-and-accreditation-task-force/>.

On March 31, 2008 the Law Society sent an e-mail to over 22,000 lawyer members for whom it has an e-mail address.

The *Ontario Lawyers Gazette* included an article in the Spring 2008 edition.

The Law Society sent the report to over 100 legal organizations, law schools and law societies. The list is set out at **Attachment B**.

Task Force members and staff attended 22 meetings to provide information about the report and the consultation. A list is set out at **Attachment C**.

Many organizations surveyed their members (e.g. Ontario Bar Association, County and District Law Presidents' Association, Thunder Bay Law Association, County of Carleton Law Association, Association of Law Officers of the Crown) and compiled their institutional responses.

A number of magazines and weblogs ("blogs") conveyed information about the consultation process and sought comments.



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

NOTICE TO THE PROFESSION

CONSULTATION ON THE REPORT OF THE LICENSING AND ACCREDITATION TASK FORCE

The licensing of lawyers is an integral part of the Law Society of Upper Canada's mandate to regulate the profession in the public interest. The Law Society is currently considering a number of issues related to legal education.

On January 24, 2008 the Law Society's Licensing and Accreditation Task Force presented a consultation report to Convocation. The purpose of the report is to seek the profession's comments on the Task Force's proposal and options respecting the Law Society's Licensing Process, in particular the Professional Responsibility and Skills component (Part 3 of the Report) and the Articling component (Part 4 of the Report).

The profession is encouraged to review the report and to provide written comments on the proposals and options set out in the report or to provide additional options for consideration. The goal of the consultation process is to consider practical solutions to the issues the consultation report raises. The report is available on the Law Society's website at:

<http://www.lsuc.on.ca/media/licensing.pdf>

Written comments must be received no later than **May 31, 2008**. Please direct them to,

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**RECIPIENTS OF THE LICENSING & ACCREDITATION CONSULTATION
REPORT**

Law Schools

1. University of Alberta (Law Dean, David Percy)
2. University of BC (Law Dean, Mary Anne Bobinski)
3. University of Calgary (Acting dean, Alastair Lucas)
4. Carleton University (Chair, Peter Swan)
5. Dalhousie University (Law Dean, Phillip Saunders)
6. Université de Laval (doyen de droit, Pierre Lemieux)
7. University of Manitoba (Law Dean, Harvey Sector)
8. McGill University (Law Dean, Nicholas Kasirer)
9. Université de Moncton (doyenne de droit, Marie-France Albert)
10. Université de Montréal (doyenne de droit, Anne-Marie Boisvert)
11. University of New Brunswick (Law Dean, Phillip Bryden)
12. University of Ottawa, Common Law Section x2 (Acting Law Dean, Daniel Gervais & Manager Student Services, Lisa Blair)
13. University of Ottawa, Civil Law Section (Law Dean, Nathalie Des Rosiers)
14. Université de Québec a Montréal (Terry Bourgoignie, Director)
15. Queen's University x2 (Law Dean, William Flanagan & Dir. of Career Serv. Deanna Morash)
16. Queen's Law Students' Society (President Jeffrey Fung)
17. University of Saskatchewan (Law Dean, Brent Cotter)
18. Université de Sherbrooke (doyen, Daniel Proulx)
19. University of Toronto x2 (Law Dean, Mayo Moran & Dir. Career Development Programs, Lianne Krakauer)
20. University of Victoria (Law Dean, Andrew Petter)
21. University of Western Ontario (Law Dean, Ian Holloway)
22. University of Western Student Legal Society
23. University of Windsor x2 (Law Dean, Bruce Elman & Leeann Marchand)
24. University of Windsor Student's Law Society (Executive Judith Atwood)
25. Osgoode Hall Law School x2 (Law Dean, Patrick Monahan & Dir of Career Services, Chantal Morton)
26. Osgoode Hall Law School Legal Literary Society (Jessica Catton)

Legal Associations

27. Ontario Bar Association (President, Gregory Goulin)
28. Ontario Bar Association: Soles and Small Firm Section (Chair, Bonnie Patrick)
29. Ontario Bar Association Young Lawyers' Division EAST (Chair, Lillian L. Camilleri)
30. Ontario Bar Association Young Lawyers' Division SOUTHWEST (Chair, Lianne Armstrong)

31. Ontario Bar Association Young Lawyers' Division CENTRAL (Chair Susannah B. Roth)
32. Ontario Bar Association Students group (Alastair Clarke)
33. Toronto Lawyers Association (Library Anne Matthewman)
34. The Advocates Society (Exec. Dir Alexandra Chyczij)
35. The Lawyers Club (Pres. James Maloney)
36. The Thomas More Lawyers' Guild of Toronto (Pres. Rosanne Rocchi)
37. The Canadian bar Association (CEO John Hoyles)
38. Criminal Lawyers' Association (Exec. Dir Anthony Laycock)
39. CDLPA (Chair Paul Kowalshyn)
40. Family Lawyers Association (Chair Sarah Wunch)
41. Ontario Crown Attorneys' Association (Pres. James Chaffe)
42. National Committee on Accreditation (Exec. Dir. Vern Krishna)
43. Federation of Law Societies of Canada (Exec. Dir. Jonathan Herman)
44. Legal Aid Ontario (CEO Robert Ward)
45. The Law Foundation of Ontario (CEO Elizabeth Goldberg)
46. Ontario Trial Lawyers Association (Exec. Dir Marsha Phelps)
47. Association des juristes d'expression française de l'Ontario (Exec. Dir. Sonia Ouellet)
48. Refugee Lawyers association of Ontario (Pres Geraldine MacDonald)
49. Ontario Real Estate Lawyers Association (Pres Raymond Leclair)
50. Women's Law Association (Virginia MacLean)

Law Societies

51. Law Society of British Columbia (CEO & Exec. Dir. Timothy McGee)
52. Law Society of Alberta (Exec. Dir Donald F. Thompson)
53. Law Society of Saskatchewan (Exec. Dir. Tom Schonhoffer)
54. Law Society of Manitoba (CEO Allan Fineblit)
55. Barreau du Québec (Exec. Dir. Jacques Houle)
56. Chambres des Notaires du Québec (Exec. Dir Christian Tremblay)
57. Law Society of New Brunswick (Exec. Dir Marc Richard)
58. Nova Scotia Barristers' Society (Exec. Dir Darrel Pink)
59. Law Society of P.E.I. (Secretary-Treasurer & Exec. Dir. Susan Robinson)
60. Law Society of Newfoundland & Labrador (Exec. Dir Peter G. Ringrose)
61. Law Society of the Northwest Territories (Exec. Dir. Linda G. Whitford)
62. Law Society of Yukon (Exec. Dir. Lynn Daffe)
63. Law Society of Nunavut (CEO Craig W.J. Goebel)

Courts/Government

64. Court Of Appeal for Ontario (Hon. Warren K. Winkler)
65. Superior Court of Justice (Hon. Heather K. Forster Smith)
66. Ontario Court of Justice (Hon. Annemarie E. Bonkalo)
67. Attorney General (Attn: Chief of Staff Betsy Hall)
68. Attorney General (Dir of Policy Development Andrea Strom)

- 69. Deputy Attorney General (Mark Leitch)
- 70. Association of Law Officers of the Crown (D. Exner)
- 71. ADM (M. Segal)

Equity Advisory Group

- 72. Milé Komlen, Senior Consultant, Employment Equity and Diversity,) CIBC
- 73. Faisal Bhabha - Bakerlaw
- 74. Zahra Binbrek - African Legal Clinic
- 75. Ritu Bhasin - Stikeman Elliot LLP (Dir. Student and Associate Programmes,
- 76. Joseph K Cheng - Legal Counsel, Department of Justice Canada
- 77. Michelle Dagnino – Associate, Cavalluzzo Hayes Shilton McIntyre Cornish
- 78. Alan D’Silva - The Advocates Society
- 79. Dania Majid - Arab Canadian Lawyers Association)
- 80. Debra McAllister - ARCH Disability Law Centre
- 81. Danielle Manton - AJEFO Representative
- 82. Frank E. Walwyn - Canadian Association of Black Lawyers
- 83. Victoria Romero Co-Vice Chair - Hispanic Ontario Lawyers Association
- 84. Ron Choudhury - President -South Asian Bar Association
- 85. Sheryl Beckford - Women’s Law Association of Ontario
- 86. Laurie Joe (Staff Lawyer - West End Legal Services)
- 87. Kristi McHenry (Legal Aid Ontario)
- 88. Sandra Nishikawa -Dept of Justice Ontario Regional Office
- 89. Kirsti Mathers McHenry - Legal Aid Ontario
- 90. Sandra Yuko Nishikawa - Department of Justice, Ontario Regional Office

Aboriginal Working Group

- 91. Susan Hare
- 92. Kimberly Murray (Exec. Dir) Aboriginal Legal Services Toronto
- 93. Theresa Bananish
- 94. Evonne Wright - (Justice Initiatives Manager,) - Ontario Federation of Indian Friendship Centres
- 95. Evelyn Baxter -Nishnawbe-Aski Legal Services
- 96. Martin Bayer (Weaver Simmons LLP)
- 97. Kevin Bell, Counsel - Ontario Native Affairs Secretariat/MAG
- 98. Fred Bellefeuille – Counsel, Union of Ontario Indians
- 99. Brian Eyolfson Vice Chair/Adjudicator , Human Rights Tribunals of Ontario
- 100. Margaret Froh, Counsel, Mnjikaning First Nation
- 101. Jeffrey Hewitt, Legal Counsel, Mnjikaning First Nation
- 102. Marian Jacko Counsel - Office of the Children’s Lawyer/MAG
- 103. Robert Jamieson – CEO National Aboriginal Achievement Foundation
- 104. Darlene Johnston Faculty and Aboriginal Student Advisor) University of Toronto
- 105. Ralph Keesickquayash - Department of Justice
- 106. Kathleen Lickers

107. Jason Madden
108. Lora Mackie , Counsel - United Chiefs and Council of Manitoulin
109. Clem Nabigon – Staff Lawyer -Durham Children’s Aid Society
110. David Nahwegahlow - Nahwegahbow Corbiere
111. Tracey O’Donnell -Nipissing First Nation
112. Catherine Rhineland (counsel MAG)
113. Katherine Hensel, Stockwoods LLP
114. Ron George
115. Jeff Schuerer (McDonald and Company)
116. Brenda Small -Negahneewin College/Confederation College
117. Prof. Patricia Stirbys - University of Ottawa Common Law Section
118. Jean Teillet - Pape Salter Teillet
119. Lance Triskle – Aboriginal Court Worker -Barrie Native Friendship
Centre
120. Jodie Lynn Waddilove - MAG Crown Counsel

Other

121. Peter Hamiwka (member of the profession, came in to pick up)

**LICENSING & ACCREDITATION TASK FORCE CONSULTATION
PRESENTATIONS**

Group	Date	Notes
1. OBA Executive	June 14, 2007	Initial discussion of issues along with SSF issues
2. Toronto Lawyers' Association Trustees	September 6, 2007	At TLA
3. PD Consortium	October 24, 2007	At Bennett Jones
4. Fasken Martineau	November 29, 2007	Managing Partner, Articling and Student Committees
5. Osgoode Hall Law School	December 6, 2007	At Osgoode PD Centre
6. Ottawa Law Firms	January 15, 2008	At Gowlings
7. MTCU Universities Branch	January 25, 2008	Re: new law schools
8. Steve Pengelly, Executive Director, OBA	February 6, 2008	
9. Deans of Ontario Law Schools	February 20, 2008	At LSUC
10. OBA Executive	February 28, 2008	
11. CDLPA Plenary	March 6, 2008	Executive – Toronto
12. Ministry of the Attorney General	March 25, 2008	Articling and Student Committee
13. OBA Council	March 28, 2008	
14. McCarthy Tétrault	April 8, 2008	
15. Equity Advisory Group	April 9, 2008	
16. Ottawa lawyers	April 21, 2008	At Borden Ladner Gervais, Ottawa
17. Equity Groups	May 5, 2008	At LATF meeting
18. CDLPA Plenary	May 8, 2008	Windsor
19. CCLA	May 9, 2008	At Montebello Ottawa

20.	Middlesex Law Assoc.	May 20, 2008	London
21.	McMillan Binch	May 21, 2008	
22.	Law Deans	June 25, 2008	At LSUC

LIST OF SUBMISSIONS

INDIVIDUAL LAWYERS

1. Paul Battin
2. Raj Bharati
3. Janet Blair
4. Elaine Borg
5. Blair L. Botsford
6. Paul Calarco
7. Terrance S. Carter / Nancy E. Claridge
8. Mervet Cook
9. James Cox
10. Victoria Crewe-Nelson
11. Larry Crossan
12. David Debenham
13. Rica Sean Demos
14. Albert Engel
15. Roderic G. Ferguson, Q.C.
16. David Fernandes
17. Paul Field
18. Bruce Forth
19. Jean-Sebastien Gallant
20. Harold Geller
21. Simon Gencher
22. John Gravel
23. J. Douglas Grenkie
24. Kenneth G. Hare
25. Marjorie Hiley
26. Paul N. Iacono, Q.C.
27. Mark Johnson
28. Michael A. Katzman
29. John Mark Keyes
30. Denelle Lambert
31. Lucy Lee
32. Barn-Yen Li
33. Mary Mackinnon
34. Denise Marshall
35. D.Bruce McChesney
36. Greg McConnell
37. Scott McEachran
38. Gary McKay
39. Catherine McKenna
40. Anne Mundy-Markell
41. Marcia Mills
42. G. Edward Oldfield

43. Allison Ostafew
44. Michael Pasquale
45. Natalija Popovic
46. Robert D. Preston
47. Gordon Prisco
48. Helene Bruce Puccini
49. Gerald P. Sadvari
50. William Sharpe
51. Jack B. Siegel
52. Jennifer Dietrich Suzor
53. Margaret R. Truesdale
54. Peter I. Waldmann
55. John C. Walker, Q.C.
56. John W. Whiteside, Q.C.
57. Eric M. Wolfman
58. Roger D. Yachetti, Q.C

There were additional submissions from lawyers who provided comments for the Task Force's use only or did not provide consent for public attribution.

INSTITUTIONAL COMMENTS

Judiciary

1. Chief Justice Heather Smith, Ontario Superior Court of Justice
2. Chief Justice Annemarie E. Bonkalo, Ontario Court of Justice
3. Justice Peter Harris, Ontario Court of Justice

Law Faculties/Universities

4. University of New Brunswick, Faculty of Law
5. Osgoode Hall Law School, Dean's Office
6. Osgoode Hall Law School, Director, Professional Development
7. University of Ottawa Faculty of Law (Common Law)
8. Queens University, Faculty of Law
9. University of Toronto Faculty of Law, Career Development Office,
10. Faculty of Law, University of Windsor
11. Dean Ian Holloway, Q. C. (Faculty of Law, Western University) [in individual capacity].
12. Neil Gold, University of Windsor [in individual capacity]
13. Wilfrid Laurier University

Law Firms

14. Harrison Pensa LLP
15. Heenan Blaikie LLP
16. Lerner LLP
17. McCarthy Tetrault LLP
18. McMillan LLP

19. Ridout & Maybee LLP
20. Stikeman Elliott LLP
21. Submissions from Law Firm Professional Development and Student Program Officers

Law Society of Upper Canada Committees

22. Access to Justice Committee
23. Equity and Aboriginal Issues Committee (prepared taking into account the vies of the Equity Advisory Group and the Aboriginal Working Group)

Law Societies

1. Law Society of British Columbia
2. Allan Fineblit, Q.C., Chief Executive Officer, Law Society of Manitoba.
3. Chambre des notaires du Québec
4. Law Society of Saskatchewan

Legal Organizations

5. The Advocates' Society
6. ARCH Disability Law Centre
7. Association of Law Officers of the Crown
8. Canadian Association of Black Lawyers
9. County and District Law Presidents' Association
10. County of Carleton Law Association.
11. Federation of Asian Canadian Lawyers
12. Ontario Bar Association
13. South Asian Legal Clinic of Ontario (SALCO) and South Asian Bar Association (SABA) - joint submission
14. Thunder Bay Law Association
15. Toronto Lawyers Association

Other

16. Competition Bureau of Canada
17. Office of the Fairness Commissioner
18. City of Toronto Legal Division, Diana W. Dimmer, Chair, Articling Program

One additional institutional submission was provided for the Task Force's use.

SUMMARY OF SUBMISSIONS ON ARTICLING

1. Of the individual responses only four appear to support outright abolition of articling. One proposes further study to ensure that the system cannot be fixed and only then abolition. Six individuals propose a re-conceptualization of law school education to include skills training either through co-op programs or as a replacement for the third year curriculum.
2. Of the institutional responses, two support the abolition of articling, one of which is the Office of the Fairness Commissioner. Three of the responses also propose fundamental change to law school education to incorporate co-op programs and skills training. The remaining submissions strongly oppose the abolition of articling for a number of reasons that will be discussed below. A number make suggestions for improvement.
3. Respondents made a number of the same general comments:
 - a. The Task Force appears to have based its approach on an anticipated substantial increase in the number of candidates seeking admission to the bar of Ontario. Making radical change based on predictions would be premature.
 - b. The Task Force's approach is based less on the view that articling is unnecessary and therefore could be abolished than that it is difficult to sustain for practical reasons. This is the wrong way of approaching the issue and "any decision about articling ought to consider the public interest as its paramount concern." "To suggest that because of large numbers being taken into law schools we might abandon articling is a complete abdication of our responsibility to the public." "The numbers issue should not be addressed by resolving it at the expense of the integrity of the profession."
 - c. The Law Society is considering changes to articling because Aboriginals, Francophones, members of racialized communities, and NCA candidates face potential barriers to finding jobs in disproportionate numbers. Rather than do away with articling, the Law Society should directly address the equity issues.
 - d. The Law Society does not have an obligation to guarantee that all graduates of law school will be called to the bar or guaranteed articling

positions. No other profession makes such a guarantee. The Law Society should, however, do all it can to maximize the number of articling positions. Individuals, law schools, legal organizations, and law firms all opposed a guarantee of jobs.

- e. The Task Force is unwarranted in concluding that there would be little point in exhorting the Law Society to find more placements.
- f. The Task Force is incorrect in suggesting that since articling experiences are inconsistent, the value of articling may be undermined. It would be unrealistic to expect consistency across 1300 positions. The articling experience is still invaluable in bridging academic learning with practice.

SUBMISSIONS ON THE TASK FORCE REPORT OPTIONS – PROS AND CONS

Option 3: Support for Abolition of Articling

- 4. A limited number of respondents supported the abolition of articling:
 - a. A respondent stated that the profession has outgrown “forced apprenticeship that is tailored to general practice lawyers and does not accommodate the highly specialized modern lawyer.” The free market has bypassed articling with most law firms now hiring first year law students as summer students who eventually become articling students. Articling, therefore, is a barrier to entry that adds no value and should be replaced with an experience requirement that any newly licensed lawyer must work under supervision of a licensed lawyer for one year before practising alone.
 - b. A respondent with international training and experience considered articling unnecessary for those who already have legal experience or who simply want the credential without wanting to practise law in Canada. With multiple degrees these individuals have already proven themselves academically, and have worked in the field for years.
 - c. One respondent noted that the United States does not require articling and questioned its necessity in Canada.
 - d. One institutional respondent stated that articling results in talented Ontario law graduates going elsewhere. If the requirement to article were eliminated, legal employers would continue to hire graduate law students, likely in similar numbers, and would incorporate many of the training and mentoring elements of the articling process into the educational plan for the first-year law associate curriculum. “Continued reliance by the Law Society on the availability of private-sector articling positions is an arbitrary, and arguably inequitable, means of determining practice eligibility - particularly in light of pervasive quality discrepancies in

articling experiences.” The respondent acknowledged, however, that those jurisdictions that do not have articling or apprenticeship requirements have rigorous licensing exams with historically lower pass rates than has been the norm in Ontario.

- e. One respondent noted that articling skews students’ career choices since they are driven to the large law firms where the majority of jobs exist.
- f. The Fairness Commissioner supported the abolition of articling for a number of reasons:
 - i. It would accelerate the licensing process for all applicants.
 - ii. It would remove the burden of securing articles.
 - iii. For those who already have practical experience, articling is unnecessary.
 - iv. It may not be the only way to demonstrate competency and the necessary skills to practise as a lawyer.
 - v. The value added of the program is uncertain.
 - vi. Elimination of the program is the only way to ensure that a potentially unreasonable barrier to call to the bar is eliminated.
 - vii. It does away with ongoing concerns that the educational value of the articling program is only as good as the principal's commitment.
- g. A further submission supported the abolition of articling, but proposed alternatives to ensure students have skills, knowledge and professional responsibility for practice through co-op education, pre-and post-call learning, and clinical training in law school.

Option 3: Support for Retention of Articling

- 5. The vast majority of respondents strongly supported the retention of articling. A number of common themes emerged.

Competence and the public interest

- 6. Respondents from all groups clearly linked articling, competence and the public interest. Most who supported articling said it represents the only substantial practical training that students receive before call to the bar. To allow graduates with no training to practise law unsupervised would undermine a critical Law Society mandate - protection of the public. Respondents emphasized the importance of mentorship and guidance prior to call to the bar and suggested that without this experience there could be an increase in negligence claims and

disciplinary complaints. They disagreed with any characterization of articling as a potentially unreasonable barrier. It is a valuable and necessary prerequisite for admission to the Ontario bar.

7. A number of respondents who have acted as principals noted that law graduates do not have the practical knowledge to practise law. Articling, regardless of unevenness and limited substantive coverage, is still better than no pre-call practical training. To do away with it would undermine the justification for self-regulation.
8. The Chambre des notaires du Québec, the Law Society of British Columbia and Law Society of Saskatchewan emphasized the importance of licensing bodies providing practical training.

Articling and National Mobility

9. Respondents said that the abolition of the articling program would affect national mobility. The National Mobility Agreement is premised on law societies having similar pre-call requirements for their members, thereby allowing lawyers from one jurisdiction to work in another jurisdiction without having to meet additional requirements.
10. If Ontario has the shortest call requirement it may be flooded with candidates seeking admission to this bar.
11. Assuming other provinces retain articling, clients might prefer to hire graduates who have articulated over ones who have not.
12. Two of the licensing bodies referred to the importance of a national response to pressures on articling, suggesting that under national mobility it is inadvisable for law societies to act individually on such national issues. One urged the Law Society of Upper Canada to take the lead in encouraging a national discussion.

Minimal Impact of Abolition on Equity and Other Issues

13. Abolition of articling would simply push placement problems to post-call. At the same time, its abolition would remove a valuable tool that many candidates use to establish contacts within the legal community, learn about practising, and absorb lessons about the legal culture. The same people who have difficulty obtaining articling positions would have difficulty post-call obtaining jobs, but would be in a position to practise on their own having had no practical experience.

14. Some suggested that abolishing articling could flood the Ontario market. Although articling shortages would not be an issue, job shortages would. Moreover without articling there would be a wide open market, and no reason for law schools not to continue to increase enrollments.

Untapped placement opportunities

15. Many respondents believe that additional placements could be found if the Law Society, in partnership with law associations and organizations, is prepared to work on this issue. Even if placement shortages are the problem, any discussion of abolition is premature until concentrated efforts are made to address this.

Option 1 (No guarantee of placement)

16. Having rejected the abolition of articling respondents considered the other options. Reactions to Option 1 fell within three categories:
 - a. No profession guarantees that all candidates will be admitted to practice. The Law Society has never done so. Given that the Law Society has no control over,
 - i. the number of graduates from law schools;
 - ii. the number of Ontario or Canadian students who will attend law school outside the country and then seek to return; or
 - iii. the number of foreign lawyers who will seek admission in Ontario;

it cannot and should not guarantee that those who seek admission will obtain it, regardless of what the market will bear. To make such a guarantee would suggest that even in cases where candidates were not

suiting to practice they would be guaranteed a job. The Law Society has never made such a guarantee and there is no reason to begin now.

- b. It is wise to warn students that there is no guarantee they will complete all licensing requirements just because they have been accepted to law school. Market forces have traditionally played a role in providing articling placements. However, the Law Society cannot absolve itself of the obligation to proactively assist as many qualified graduates as possible to obtain articling positions. The number of graduates not finding placements should be as low as possible. Option 1 should be a first or temporary step while improvements are made to the program and further placements are sought. Students should be advised that they may have to extend their search for articles beyond their preferred choice of firms, city, or substantive law area and pay scale. This was the most common response to Option 1.
- c. This option is unacceptable. Even if it is already made clear to students that they are not guaranteed articling positions, they are not really in any position to assess that information. Law schools do not provide information on how many students are still currently looking for work. The option would have differential effects on students depending on their background. It puts all the responsibility on the shoulders of students, while pretending that all students are treated the same. The Law Society has an obligation to eliminate barriers.

Option 2 (Practical Legal Training Course)

- 17. Most who commented on this option opposed it, in a number of cases because a general discussion did not allow for evaluation. Respondents agreed with the limitations the Task Force had identified in its consultation report:
 - a. The potential development of a two-tiered legal community, made up of those who had articulated and those who had taken the course.
 - b. Candidates having to pay for the course while those who article receive salaries.
 - c. The course atmosphere could not replicate the practical training that articling students receive. Further, the students might view the experience as artificial.
- 18. Respondents also suggested,
 - a. it might be difficult to find appropriate providers;

- b. no Canadian jurisdiction has experience with this model. The Australian experience may not be comparable to the Canadian one, making it difficult to assess how its introduction would work here;
 - c. the introduction of such a program could have the unintended effect of making Ontario a preferred location for individuals who might have difficulty qualifying to practise elsewhere.
19. Those who supported the option or at least investigating it further suggested,
- a. it might be the most reasonable compromise to ensure that articling continued;
 - b. it would be necessary to have an assistance fund for students who could not afford the course; and
 - c. it was the most acceptable of the options provided it was implemented with ongoing practice supervision, perhaps for one or two years, for lawyers who become sole practitioners or work in firms under a certain size. The supervision could include a limited or graduated license, mandatory mentorship programs, regular file audits and mandatory post-call learning.

Option 4: Additional Suggestions

20. The majority of additional suggestions addressed ways to increase the number of articling placements.

BRIDGING PROGRAMS

What are Bridging Programs?

Bridging programs help immigrants fill education gaps or other professional requirements, provide them with cultural and/or workplace orientation, and/or help them find work that makes use of their skill set and former training.⁸

Bridging programs include those that bridge towards specific qualifications and requirements of regulatory bodies, professional practices, and/or job market and cultural awareness. Private companies and businesses, municipal and provincial governments, NGOs, and institutions of higher learning usually operate them.

Ontario Regulated Professions' Current Bridging Programs

Bridging programs exist in Canada and in Ontario for many professions. Their development has been ad hoc. As a result, the programs take various forms and models. Some programs are occupation-specific while others focus on providing participants with Canadian work experience.

The Public Policy Forum's report notes that the most important barriers faced by immigrants when attempting to join the labour force include the following:

- lack of Canadian work experience;
- lack of information about available programs and services;
- barriers relating to licensing and accreditation;
- lack of access to language and technical skills upgrading.

Bridging programs aim at alleviating those barriers. They are available in many professions in Ontario, including accounting, architecture, engineering, nursing and teaching. The design and implementation of bridging programs usually involves a number of partners, including regulatory bodies, governments and educational institutions. Educational institutions are particularly important in developing such initiatives, as they are able to provide information regarding Canada's labour market mechanisms, as well as advice and career counseling services. They typically have the capability to offer labour market preparation programs in addition to mentorship programs and in some cases, routes to funding.

⁸ Public Policy Forum, *Improving Bridging Programs*, January 2008. See online report at www.pppforum.ca/common/assets/publications/en/bridging_programs.pdf

ELIGIBLE ARTICLING PLACEMENTS

The Law Society continues to offer candidates a high degree of flexibility in completing the articling program. The Professional Development and Competence department emphasizes the availability of non-conventional placements such as international articles, national articles, joint articles, part-time articles and the rescheduling of articles.

The “traditional” articling placement involves the articling student spending the entire length of the articling term in one firm under the supervision of one principal approved to oversee such a placement.

This can include placements in any type of practice setting: private law firm, government office, in-house legal department, legal clinic, or other setting where a lawyer in good standing with the Law Society of Upper Canada and approved as a principal is present to supervise the development of legal skills of an articulated student and the experience includes those competencies that are expected to be achieved during that learning process. The Articling Office has worked with many lawyers in a variety of settings to develop placements that will achieve the learning outcomes of articling.

Other permitted articling placements include the following:

National Articles

National articles are placements served anywhere within Canada and supervised by a lawyer in good standing who has been called to the bar in the relevant Canadian jurisdiction, or by an approved Ontario principal practising in that jurisdiction. Candidates may complete articles within the Federal government, not-for-profit organizations and in-house legal departments. In the past placements have included, for example, the Royal Canadian Mounted Police, the Canadian Red Cross, Office of the Superintendent of Bankruptcy, and the Commission for Environmental Cooperation in Montreal.

International Articles

International articles are placements served outside Canada and supervised by a lawyer in good standing who has been called to the bar in another jurisdiction, or by an approved Ontario principal practising in that jurisdiction.

Each year candidates take advantage of this flexibility and, currently, complete a portion of their articles abroad in law firms as far away as Dubai, the Republic of Congo, Greece and Singapore. Or they may remain close to home and complete international articles for a foreign lawyer or Foreign Legal Consultant advising on international law for Ontario clients. International articles have also been completed at the World Trade Organization in Geneva, the Extraordinary Chambers in the Courts of Cambodia (ECCC) in Cambodia

and the International Criminal Tribunal for the former Yugoslavia, The Hague, the African Development Bank in Tunisia, the Supreme Court of Israel in Israel and the Special Court for Sierra Leone, in Africa.

Joint Articles

A candidate may enter into joint articles to expand the range of the articling experience. Two or more principals may agree to share the obligation of supervising an articling student for the articling period. The joint articles may be either concurrent or consecutive.

Candidates who wish to complete joint Ontario articles may also divide their time between two sole practitioners by structuring an arrangement where the student works 2 or 3 days a week at each office.

Part-Time Articles

Candidates have been completing articles on a part-time basis since 1994. This allows flexibility in accommodating the individual circumstances or special needs of an articling student.

Students may work on a part-time basis toward completing the ten-month term equivalent. Since students have three years to complete their licensing process requirements, some have articulated on a part-time basis while pursuing other career or educational opportunities or maintaining family responsibilities.

SUMMARY OF SUBMISSIONS ON THE SKILLS AND PROFESSIONAL RESPONSIBILITY PROGRAM

1. Approximately one-third of the individuals and approximately half of the institutional respondents provided comments on the skills and professional responsibility program. The majority of the individuals supported the continuation of some form of skills and professional responsibility program, be it the current program or a variation on it. A few of the institutional respondents supported outright elimination of the program with no Law Society training to replace it. A number supported the continuation of the current program. Others supported some form of Law Society training. Still others agreed with the program's elimination only if there were assurance that all candidates were acquiring the training in law school.

Support for Continuation of a Skills and Professional Responsibility Component

2. Of those who supported continuation of professional responsibility and skills training at the Law Society, the majority did so because they disagreed with the Task Force's initial view that law school skills training is sufficient. Most respondents claimed that although skills training opportunities at law schools have increased significantly over the years,
 - a. there are still insufficient law school courses to ensure that all students can take them because skills training is resource intensive;
 - b. content is not consistent across all law schools, and not all students receive the same basic skills training as they would in the licensing program;
 - c. the mandates of law schools differ from those of law societies and may emphasize a different focus on skills training; and
 - d. professional responsibility, the ethical requirements of practice, and the Rules of Professional Conduct should not be left solely to law schools.
3. While law schools agree that skills training and professional ethics form an increasingly important part of the law school curricula, as attested by the survey

results, they do not believe they have the necessary resources to ensure that all students have exposure to practice skills. Moreover a Law Society course acts as an important bridge between law school and practice.

4. Other reasons for supporting a skills and professional component included,
 - a. it is important to provide candidates with an opportunity to interact with practising lawyers (even in the face of some difficulty recruiting);
 - b. although there is negative candidate feedback about the program, there is some support as well, particularly for those with limited exposure to skills in law schools, and with respect to the professional responsibility module. Moreover, recent graduates are not always in the best position to evaluate the long term benefits of what they have experienced in the program;
 - c. given the prevalence of NCA candidates in sole and small firm practice after call to the bar, the Law Society's skills program is an essential bridging program to practice. Respondents expressed similar concerns respecting the needs of candidates from Aboriginal, Francophone, racialized, disabled and other communities;
 - d. elimination of the skills program could have implications for national mobility given that the National Mobility Agreement was premised on similar law school and bar admission requirements across jurisdictions;
 - e. if difficulties in mounting the program influenced the proposal to eliminate it, this should be addressed by making changes to the program, not abolishing it.

Support for Elimination of a Skills and Professional Responsibility Component

5. Respondents supported the abolition of the program for a variety of reasons:
 - a. The current program is an impediment to the attraction and integration of foreign trained lateral associates.
 - b. Elimination would result in cost savings to candidates and the Law Society.
 - c. Elimination is acceptable provided articling continues and there are alternate mechanisms in place to ensure students receive a minimum level of skills and professional responsibility training, including,
 - i. mandatory requirements for law school curricula;
 - ii. post-call education requirements for new lawyers or NCA candidates; and

- iii. mandatory elements within the articling program.
- d. If the program is unsustainable, replace it with enhanced web-based training.
- e. Replace the program with mandatory post-call learning for new lawyers as the learning will be more relevant to their needs as practitioners.

PROPOSED PROFESSIONAL RESPONSIBILITY AND PRACTICE REQUIREMENT COURSE OUTLINE

1. Professional Responsibility Module (2 days)

Learning Objectives:

1. Become aware of the critical issues in professional responsibility
2. Develop an ethical approach to resolving the conflicts among the duties lawyers owe to their clients, the administration of justice, the profession, the public and themselves

Day One - Outline of Activities

After a brief introduction, candidates will view a series of vignettes based on a hypothetical case study that raises a variety of professional conduct dilemmas. Using a suggested model for analyzing ethical issues, the problems facing the lawyer in the case study will be highlighted and proposed solutions will be explored. In a panel presentation, lawyers and judges will outline the approaches they have taken to ethical issues that have arisen throughout their careers.

Topic Summary:

- Understanding the requirement to practise with civility
- Upholding the dignity and integrity of the profession
- Recognizing conflicts of interest between the lawyer's duty to the client and to the administration of justice
- Avoiding becoming a tool or dupe of the client
- Taking steps to avoid inadvertent breaches of the duty of confidentiality
- Knowing the rules for when lawyers are permitted to withdraw from representation

Day Two – Outline of Activities

The facts involved in a professional regulation case will be presented, followed by interviews with the lawyer and the client involved. The ethical issues involved in the case will be the subject of a demonstration of a hearing of the matter before a discipline panel. Following the demonstration, there will be a discussion about the issues presented in the hearing, the disposition of the matter and the ways in which the lawyer could have avoided the situation.

This session lends itself to introducing critical areas of risk in the practice of law by demonstrating the consequences of engaging in high-risk practice. For instance, a real estate fraud matter, where the lawyer has been duped, would provide important

knowledge and reinforce the need for lawyer vigilance in accepting clients and legal work.

Topic Summary:

- Know your client
- Doing business with clients
- Understanding the obligations involved in joint retainers
- Identifying and dealing with conflicts of interest
- Meeting the obligation to protect client property

2. Client Communication Module (1 day)

Learning Objectives:

1. Understand when the lawyer-client relationship begins
2. Understand the fiduciary nature of the lawyer-client relationship
3. Become familiar with effective techniques for interviewing clients
4. Develop strategies for engaging in difficult conversations with clients
5. Understand lawyers' obligations to clients with disabilities
6. Understand the responsibility to keep the client informed
7. Know techniques for effective written communication

Outline of Activities:

The various stages and types of communications in the lawyer-client relationship, from the first contact to the reporting letter, will be examined. Vignettes will be used to illustrate best practices and potential pitfalls in lawyer-client communications. Examples of difficult lawyer-client conversations will be used to illustrate professional approaches to dealing with the issues. The barriers to effective oral and written communication will be outlined, along with techniques for overcoming communication challenges.

Topic Summary:

- Handling the initial contact with a potential client
- Understanding the lawyer's fiduciary duty to the client
- Interviewing effectively
- Keeping the client informed at all stages of the matter
- Keeping client information and communication confidential
- Managing client expectations
- Meeting obligations to clients with disabilities
- Dealing with difficult clients and difficult conversations
- Mastering written communication

3. Managing a Client File (1 Day)

Learning Objectives:

1. Identify the key requirements involved in managing a client file
2. Become familiar with techniques for fact-gathering and issue analysis
3. Know how to work with the client to develop a strategy
4. Know how to prepare for negotiation
5. Become familiar with post-negotiation steps to take
6. Become familiar with how to report to the client when the matter has concluded

Outline of Activities:

Candidates will be guided through the “life cycle” of a hypothetical client file, focusing on the key steps in handling the matter. A demonstration of an initial interview will be presented, followed by a discussion about the additional facts that would need to be explored on a follow-up interview. Candidates will be shown how to do an analysis of the good and bad facts and how to prepare for negotiation. After a demonstration of the negotiation, presenters will lead a discussion about the techniques used and the results achieved in the negotiation, as well as the steps to take post-negotiation. A sample reporting letter will be presented, along with the rules and best practices for concluding a client matter. The module will conclude with a panel discussion about what to do when something goes wrong in the course of managing a client file.

Topic Summary:

- Gathering and assessing the facts
- Analyzing the issues
- Working with the client to develop a strategy for dealing with the matter
- Preparing for negotiation
- Taking the appropriate post-negotiation steps to conclude the matter
- Reporting to the client

4. Practice Management (1 day)

Learning Objectives:

1. Understand the considerations involved in deciding whether to enter into sole practice or to join a firm
2. Understand how to set and achieve career goals
3. Become familiar with the steps involved in building and maintaining a practice
4. Become familiar with appropriate strategies for marketing legal services
5. Understand financial and trust accounting obligations
6. Become familiar with time and stress management techniques
7. Become familiar with the options for alternative legal careers
8. Understand the importance of committing to life-long learning

Outline of Activities:

Through a series of mini-lectures and panel presentations, candidates will be introduced to the considerations for choosing the type and size of practice that suits their needs and abilities. They will learn the steps in opening a practice and building a client base, as well as appropriate methods for marketing their services. Through sample case scenarios, presenters will demonstrate the importance of meeting financial and trust accounting obligations. Panel presentations will feature discussions on the need to be realistic about the time and effort that will be required to achieve career goals and the importance of maintaining a healthy personal life. Candidates will be provided with information and suggestions for committing to investing time in professional development throughout their careers.

Topics Summary:

- Choosing a practice
- Strategic planning and goal setting
- Formulating a business plan
- Managing finances
- Marketing services
- Using law office technology to save time and money
- Delegating to staff
- Planning for interruptions and disruptions in the practice
- Balancing work and personal life
- Committing to life-long learning

COMPETENCY PROFILE FOR POST-CALL PROFESSIONAL DEVELOPMENT REQUIREMENT PROGRAM ACCREDITATION

Barrister Practice Skills Competencies

1. Identifying the Client

- Taking appropriate steps to determine who the client is and the client's role in the matter (e.g. multiple parties, spouses/family members, business partners, trustee v. beneficiary, officers/directors/shareholders v. corporation, authority to bind)
- Taking appropriate steps to avoid problems associated with phantom clients
- Obtaining identification from the client where appropriate (e.g. follow the *Proceeds of Crime and Terrorist Financing Act*)
- Taking steps to identify fraudulent transactions

2. Conflicts of Interest

- Using a conflict of interest checking system and monitors for conflicts of interest on an ongoing basis
- Identifying potential conflicts of interest before acquiring confidential information (e.g. multiple parties)
- Taking appropriate action in situations where a potential conflict of interest is identified

3. Interviewing Principles

- Interviewing to obtain an understanding of the problems, issues, context and goals or objectives of the client and to gather relevant information
- Making an initial assessment of whether or not the client's goals, objectives, and expectations can be met through legal processes and ethical solutions
- Determining whether or not the client is capable to giving instructions (e.g. mental capacity, authority, duress, undue influence)
- Determining issues that might affect the resolution of the problem
- Demonstrating cultural and logistic awareness and sensitivity

4. The Retainer

- Establishing the scope of the retainer
- Addressing the key solicitor-client issues in the retainer
- Confirming the retainer and any limitations in writing
- Confirming changes to the retainer

5. Client Communication

- Communicating with clients in a timely and effective manner
- Managing and updating the client's expectations with respect to timeframes, results, and costs
- Recognizing and being sensitive to clients' circumstances, special needs, and intellectual capacity (e.g. multi-cultural, language (need for interpreter), gender, disability, socioeconomic status, demeanour)
- Explaining to clients the risk of communicating by means of electronic media (e.g. cell phones, blackberries, e-mail)
- Dealing with client complaints
- Drafting letters to clients
- Drafting written legal opinions
- Drafting reporting letters
- Keeping the client informed about legal fees and costs
- Drafting statements of accounts that will be understood and accepted by your client

Solicitor Practice Skills Competencies

1. File Administration

- Maintaining an electronic and written record for each matter

2. Information Gathering and File Analysis

- Obtaining and reviewing relevant facts
- Recognizing urgency and taking emergency steps where necessary
- Ascertaining the completeness of the documentation provided by the client
- Identifying factual and legal issues
- Identifying and obtaining additional information and/or resources as needed (e.g. experts, legal research, specialized counsel)
- Conducting or delegating research and investigation related to the matter as appropriate
- Complying with privacy legislation

3. Developing the Action Plan

- Generating options and recommendations and presenting them to the client
- Identifying the risks and costs of various options
- Confirming client instructions with respect to options and recommendations

4. Executing the Action Plan

- Conducting due diligence as appropriate for the client
- Conducting negotiations related to the matter as appropriate
- Preparing and/or reviewing documentation appropriate for the transaction
- Communicating with the other parties in a timely manner (e.g. other lawyers)

- Utilizing and revising checklists where appropriate
- Determining and satisfying third party requirements
- Identifying problems, solutions/options and obtaining client instructions (e.g. conflicts)

5. Closing the Transaction

- Preparing a closing agenda
- Completing original organization of companies, including by-laws, resolutions and Form 1 filings
- Reviewing documentation with the client and obtaining signatures as appropriate
- Updating searches and certificates and obtaining necessary pre-closing clearances and consents as appropriate
- Supervising staff or others involved in the closing
- Providing interim reports on a timely basis as required
- Arranging closing logistics (e.g. transfer of funds and third party consents)
- Arranging for appropriate undertakings
- Conducting a final review of the checklist
- Taking appropriate steps when the transaction fails to close (e.g. tendering)
- Completing the transaction in a timely and appropriate manner (e.g. exchanging of deliverables, completing registrations)

6. Post-Closing Actions

- Ensuring appropriate undertakings, both given and received, are completed
- Advising all necessary parties of the closing
- Obtaining documents to complete the file
- Providing final reports and accounting to clients and third parties
- Conducting a final review of the file prior to making the file inactive

General Practice Skills Competencies

1. Time Management

- Managing time and setting priorities
- Docketing
- Using technology effectively
- Researching thoroughly and efficiently

2. Office Systems

- Setting up a conflict checking system
- Setting up a tickler system
- Managing and delegating work appropriately to support staff
- Maintaining orderly and up-to-date files
- Storing and/or destroying files in an appropriate manner

- Developing and using a knowledge management system (precedents, databases, etc.)

3. Financial Management

- Securing a retainer
- Billing and collecting
- Trust accounting

4. Risk Management

- Understanding obligations regarding insurance and liability
- Knowing when not to take a client
- Taking steps to avoid fraudulent clients and transactions
- Dealing with client complaints regarding billing and other issues
- Communicating with the Law Society and LawPRO

**POST-CALL PROFESSIONAL DEVELOPMENT ACCREDITATION
PROCESS**

1. Legal education providers may apply for accreditation of programs. To be eligible to receive accreditation, the provider must submit an Accreditation Application (“Application”) to the Law Society in the prescribed form. A list of accredited modules and information about providers and scheduling will be published on the Law Society’s website.
2. The Law Society will review the Application for completeness and will provide a letter of acknowledgement once the Application is received. If a review of the Application reveals that one or more modules do not meet one or more of the requirements or do not contain the required competency topics listed in the Competency Profile for Program Accreditation, or if additional information or revisions are required to complete the Application, the Law Society will notify the provider and will provide specific details regarding the information that is necessary to complete the application. The Law Society will reconsider the revised Application.
3. The Law Society reserves the right to attend the presentation of accredited modules delivered by the provider to validate the information in the Application and to assess the effectiveness of the module content and processes.