

ARTICLING REQUIREMENT AND PROJECTED INCREASE IN CANDIDATES FOR LICENSING

Background

The Law Society had approximately **1408** NEW candidates in the licensing process eligible for articling in 2007/08 after National Committee on Accreditation and law school failures cause candidates to withdraw from registration, or some candidates chose to withdraw for other reasons, as at the end of December 2007. Approximately 100 students withdraw annually for various reasons after they have applied and been accepted.

To accurately calculate the articling numbers the candidates who are returning to the Law Society licensing process (i.e., were originally registered in previous years but did not complete all of their requirements and have to come back) must be added into the calculations. As of December 2007 there were 250 returning candidates; 125 of them had yet to complete the articling term.

Therefore, the number of new and returning candidates registered in the 2007/08 process who were potentially in need of articles or were involved in articles as at December 2007: $1408 + 125 = \mathbf{1533}$.

Of the 1408 new candidates, 121 were unplaced as of December 2007. Most candidates begin their articling placement in August or September of the licensing year, but those without positions continue to search and many will find positions.

Based on the previous 6 years of experience, approximately 20 to 40 candidates who are actively seeking placements will still remain unplaced. There has also been an average of 20 to 30 candidates who were no longer seeking placements, having given up their search and moved on. There is also an annual average of 15 to 20 candidates who could not be contacted and for whom the Law Society has no information about the desire to continue to seek an articling placement. Therefore, in the past 6 years 55 to 75 candidates per licensing period have failed to find articling positions a full year after entry into the licensing process, in a positive economic period. The calculation includes all candidates, whether actively seeking or not, because it is reasonable to assume that a majority of these candidates would have taken an articling position in order to complete their requirements and be called to the bar. **This annual calculation does not include candidates from previous years who are still searching.**

To determine how many articling placements there are in Ontario, the Law Society database was analyzed and the number of candidates registered in articling (filed articles of clerkship) was extrapolated, regardless of whether that candidate was new or returning.

The data shows that there are approximately 1300 articling positions across the province. Again, this is likely a high number of placement opportunities due to the positive

economic climate. If the positive economic climate ends, the number of spaces will decrease and the number of unplaced candidates will increase.

Increases in Registrations for Licensing

As stated above, in 2007/08 the number of NEW registrants is 1408.

The Law Society expects to continue to see a 4% increase in NEW registrants (who do not otherwise have to withdraw). This increase reflects the average increase annually for the past 6 years. The majority of this increase is through international candidates.

$$2008: 1408 \text{ plus } 4\% = 1408 + 56 = 1464$$

$$2009: 1464 \text{ plus } 4\% = 1464 + 59 = 1523$$

Accordingly, the Law Society anticipates starting the 2008 licensing year with approximately 1523 candidates in the NEW registered group.

Add to this number the returning candidates from previous years still seeking articling positions. According to Law Society files this was 125 candidates as of December 2007 and reflects past experience and what we can expect in the future.

The 2009 group of candidates requiring articling positions is potentially **1648**.

Added to this, we have the following:

60 additional candidates are also expected to enter the process as a result of an increase in class size at the University of Ottawa Law School.

It is anticipated that candidates graduating from Bond University in Australia will be entering the system. Bond's graduating class size is 175. At this time, we are advised that at least **25** graduates per year are Canadian born students who will be returning to Canada to be called to the bar, and the majority are from Ontario. Other universities in Australia are now indicating an interest in attracting Canadian candidates and we anticipate the number of candidates from Australia will increase.

Without including additional calculations for proposed new law schools and other factors (see below) it is a fair estimation that the number of students seeking ARTICLES ONLY in 2009 will be in the range of **1733**.

Based on the earlier calculation and assuming a stable economy, in 2009 there will be approximately **1300** articling positions to place what may be approximately **1733** candidates.

[In addition, the Law Society will also be serving over 100 additional candidates as they return to finish up components of the process not including articling (pass examinations,

etc.). In 2009 the Law Society can expect to be serving approximately 1833 registered candidates during the licensing period.]

The Gap

Therefore, it is estimated that in the 2009/2010 licensing year there may be as many as 400 candidates unable to find articling placements. This assumes that the economy remains stable. If there was a downturn in the economy that number will increase.

Unplaced candidates will be entitled to continue to look for articling positions into the following years to fulfill their requirements, but the problem exacerbates itself year on year as the candidates bump into one another in their efforts to secure a placement.

Additional Factors

The proposed law schools at Lakehead University and Wilfrid Laurier University, if approved, are projected to add 30 and 75 more graduates to the licensing candidate group respectively. In addition, Laurentian University and Nippissing University have also expressed an interest in canvassing the potential of starting law schools.

A variety of international law schools are now also catering to Canadian born candidates who are unable to find law school placements in Canada. Schools such as Leicester and Wolverhampton in the U.K., and potential new law schools in New South Wales and other common law jurisdictions are opportunities for these potential candidates, and most will seek to return to Canada upon completion of their law degree.

In the 2010/2011 licensing year, the Law Society might expect some issues around the double cohort (the first group that went from grade 12 to university, skipping grade 13/OAC - the final year for OAC was 2003 - the 2003/04 academic year no longer had OAC). There could potentially be a larger group coming through the system either because Canadian law schools have accommodated increases to support this cohort or because the candidates obtained their degree internationally. Even if the law schools only increased their class sizes by a very small 5% (on average this would only add perhaps 10 to 20 new students per class which would not be too difficult for them to balance), there could be an additional 100 or more students in 2010 and every year following.

Finally, there are some ongoing discussions at the Law Foundation of Ontario respecting a system for part-time law degree studies that could lead to further increases in the candidate group.