
New task force to examine licensing and accreditation issues

THE LAW SOCIETY RECENTLY FORMED A TASK FORCE TO LOOK AT AND MAKE RECOMMENDATIONS ON A NUMBER OF CRITICAL ISSUES FACING THE LEGAL EDUCATION LANDSCAPE – BOTH NOW AND IN THE FUTURE.

Over the next year, the group will examine a number of specific issues, including how to determine the most effective way the Law Society's established competency requirements for the call to the bar can be achieved within the pre- and-post-call legal education continuum.

To achieve this, each level of the legal education system will be analyzed, including law school, the skills program and articling portions of the Licensing Process, as well as post-call education.

The task force will also review the criteria for approving law degrees and make recommendations on more appropriate standards. It has been more than 35 years since a review of these requirements has taken place and the current criteria are considered to be outdated.



LICENSING Process

Another factor the task force will take into consideration is Bill 124, the *Fair Access to Regulated Professions Act*, which emphasizes the need for admission processes to be transparent, objective, impartial and fair. The Law Society must ensure its processes meet the necessary criteria as a result of the legislation.

As more foreign-trained professionals enter the profession as a result of Bill 124, and as the “double cohort” high school graduates completing law school reaches its zenith, the number of candidates in the Licensing Process is expected to be correspondingly higher. With this in mind, the task force will also

examine the impact of increased numbers of applicants for admission to the bar – both from domestic and international sources – as well as the viability of the current Licensing Process.

Broad Consultation

To help ensure a thorough and collaborative approach to this analysis and review, the task force will consult with a number of organizations, including law schools and law deans both within and outside of Ontario, the Ontario Bar Association, the County and District Law Presidents' Association, other legal organizations such as the Advocates' Society, the Criminal Lawyers' Association, and those representing Aboriginal and other equity-seeking groups.

Additional stakeholders to be consulted include large law firms that hire articling students, government lawyers, the National Committee on Accreditation, the Federation of Law Societies of Canada, the Ontario government, Legal Aid Ontario, the Law Foundation of Ontario, and the judiciary.

The task force is slated to provide interim progress reports to Convocation next winter and a final report is tentatively scheduled for June 2008. ■

Anti-Money Laundering: client identification and verification rule imminent

THE ANTI-MONEY LAUNDERING COMMITTEE OF THE FEDERATION OF LAW SOCIETIES OF CANADA (FLSC) HAS DEVELOPED A MODEL RULE ON CLIENT IDENTIFICATION AND VERIFICATION THAT IS BEING REVIEWED BY ALL THE LAW SOCIETIES. THE COMMITTEE HAS ALSO BEEN CONSULTING WITH THE DEPARTMENT OF FINANCE ABOUT THE PROPOSED RULE.

Once its precise language and form of implementation is worked out with the law societies and the Department of Finance, the model rule will become part of Canadian law societies' regulatory regimes as well as Canadian lawyers' responsibilities to clients.

The proposed model rule was developed to ensure lawyers follow certain client identification and verification procedures when the lawyer engages on behalf of a client or gives instructions on behalf of a client in respect of the activities specified in the proposed model rule.

It follows the amendment of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* by Bill C-25 in 2006 to, among other things, enhance identification and verification measures applicable to financial institutions and intermediaries. The amendments were made in response to recommendations from the Financial Action Task Force to “make regulations

concerning customer due diligence and record-keeping requirements for professional intermediaries.” The Standing Senate Committee on Banking Trade and Commerce had also noted, in its mandated report on the act, that there was a need to “close the ‘gap’ in the anti-money laundering regime by imposing legislative requirements for lawyers.”

As with the No-Cash Rule recently developed and implemented by the FLSC, law societies would monitor and enforce the model rule. Information recorded by lawyers pursuant to the model rule could be obtained by law societies only for the purpose of ensuring compliance with the applicable law society rules. Information obtained by Law Societies would not be provided to state authorities without a court Order that gives due consideration to solicitor-client confidentiality and privilege existing in respect of the information. It is likely that some, if not all, of the provisions of the model rule will be included in a by-law. Otherwise, provisions will be added to the *Rules of Professional Conduct*.

The model rule respects the threshold between constitutional

and unconstitutional requirements imposed on lawyers when it comes to the gathering of information from clients: A lawyer must obtain and keep all information needed to serve the client, but must not obtain any information that serves only to provide potential evidence against the client in a future investigation or prosecution by state authorities.

The model rule would apply when a lawyer engages on behalf of a client or gives instructions on behalf of a client with respect to receiving, paying or transferring funds other than in certain specified circumstances (similar to the requirement in the Federation’s Model Rule on Cash Transactions), or with respect to purchasing or selling securities, real properties or business assets or entities.

When engaged in these activities, including non-face-to-face transactions, the proposed model rule would prescribe specific requirements for obtaining information, verifying identity and keeping records. There would also be a requirement to withdraw where there is reasonable suspicion of wrongdoing, and to keep a record of that withdrawal. ■

A Quality Milestone for the Client Service Centre

The Client Service Centre (CSC) reached a significant milestone in March 2007 with the attainment of Level 2 certification through the National Quality Institute’s (NQI) Progressive Excellence (PEP) Program.

The PEP program is based on the NQI’s Canadian Framework for Business Excellence and the Canadian Quality Criteria for Public Sector Excellence. It is

designed specifically to assist organizations in developing a planned, target-driven approach to organizational excellence.

The CSC attained Level 1 certification in mid-2005. To reach Level 2, an internal team of CSC volunteers worked on various aspects of project preparation and promotion. Four members of this team also completed a course of study in Organizational Excellence Assessment at NQI’s Toronto offices.



CEO Malcolm Heins; Vaughan Kitson, CSC Service and Quality Specialist; Terry Knott, Director of Client Services; and Treasurer Gavin MacKenzie proudly accept the NQI Award of Excellence.

Next, the CSC conducted an internal assessment to ensure the department was ready to move forward. The team then submitted a written application to the NQI. Finally, the CSC underwent a mandatory site verification conducted by NQI representatives.

At a celebratory breakfast held on April 5th, NQI Vice-President and Chief Operating Officer Kathryn Cestnick awarded the PEP Level 2 plaque to the Client Service Centre.

“We have found that the

Progressive Excellence Program provides us with a well-organized, manageable method by which we can pursue our ongoing goal of excellence,” says CSC Director Terry Knott. “The program helps us build on our strengths, while identifying opportunities for growth and continuous improvement.”

There are four levels in the PEP program.