

Professional Development & Competence Division 2020 Program and Resource Report

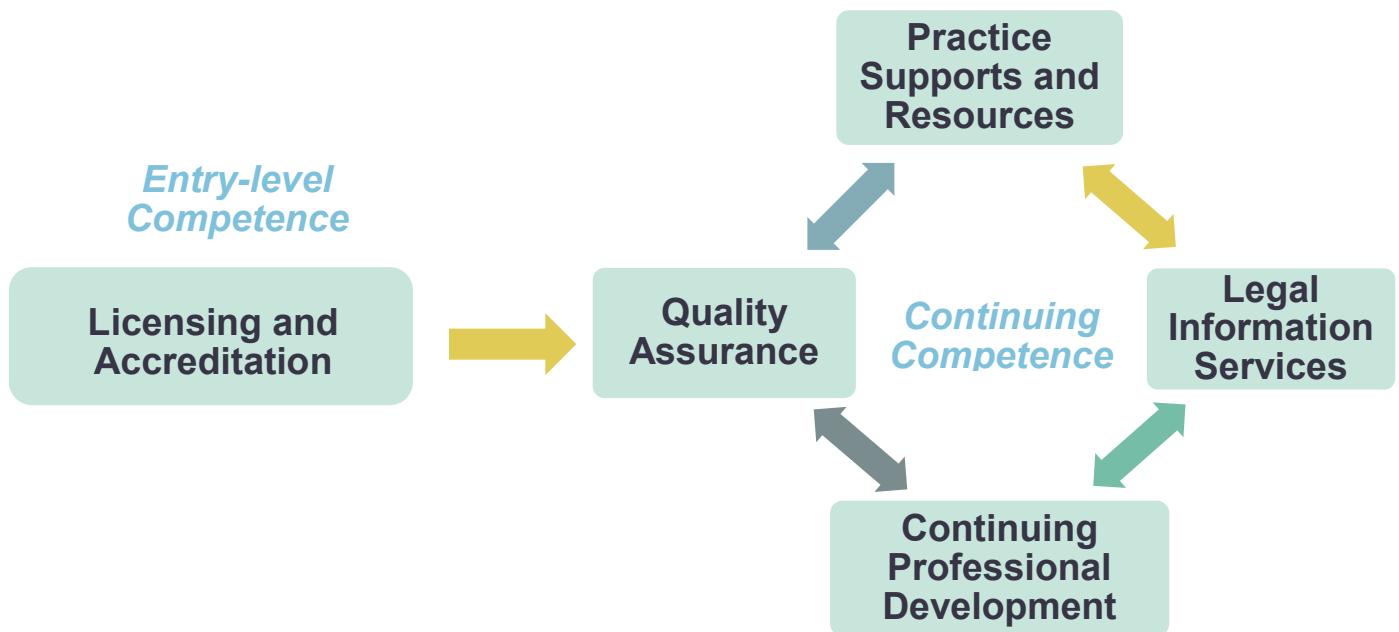


FEBRUARY 2021

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Overview

The Professional Development and Competence (PD&C) division of the Law Society is responsible for licensing, continuing professional development, practice management support, and quality assurance for lawyers and paralegals. PD&C is made up of the Office of the Executive Director and five departments that support the policy development and operational implementation of the Law Society of Ontario's (LSO) competence related activities. This report provides information about core programs and resources in PD&C and summarizes key outcomes for 2020.



The sudden onset of the COVID-19 pandemic in early 2020 brought upheaval in all industries, including the regulatory sector. Like other areas of the LSO, PD&C made a number of quick pivots to its programs and services to support candidates and licensees through lockdown measures and restrictions:

- The lawyer and paralegal licensing examinations were transitioned from an in-person, paper-based delivery model to an online remote proctored model within a nine-week period. The LSO contracted with new providers, assessed and revised its processes and procedures, and communicated with candidates and stakeholders while committing to ensuring that its licensing examinations continued to defensibly assess entry-level competence. Over 6000 licensing examinations were written online in 2020.
- An administrative process was implemented to license lawyers and paralegals in a timely and efficient manner, notwithstanding the cancellation of traditional call to the bar ceremonies and welcome receptions. In December 2020, the Law Society hosted a Virtual Welcome to the Professions to recognize the achievements of new licensees. Over 3000 lawyers and paralegals were licensed in 2020.

- New practice guidance, CPD programs, and resources were developed to address the most pressing questions and challenges facing lawyers and paralegals. Access to these supports was enhanced through complimentary offerings and flexible delivery formats. Lawyers and paralegals were highly engaged in these activities— over 300,000 registrations, inquiries, and page views were received.

The shift to a digital environment has created an opportunity to rethink old approaches and test out new ones. While this has been a challenging time, it has allowed for innovation. PD&C is well positioned to build on these developments and to continue to evolve the LSO's competence platform in a modern manner that supports quality legal services provision in the public interest.

2020 OUTCOMES and COVID-19 RESPONSES

ONLINE EXAMINATIONS	PRACTICE RESOURCES
<p>Rescheduled March 2020 solicitor examination completed online by 700+ candidates in June 2020</p> <p>4,949 online lawyer examinations written in the summer and fall</p> <p>890 online paralegal examinations written in the summer and fall</p>	<p>9,887 Practice Management Helpline inquiries</p> <p>46 new FAQs addressing COVID-19 impacts</p> <p>New remote commissioning best practice guide and checklist</p>
CPD PROGRAMS	COACH AND ADVISOR NETWORK
<p>119,269 total registrations</p> <p>142 free programs, including 18 COVID-19 related programs</p> <p>70,000 registrants for free programs</p>	<p>654 matches with a coach or advisor</p> <p>103 new volunteers</p> <p>96% of participants are satisfied</p>
GREAT LIBRARY	QUALITY ASSURANCE
<p>59,121 electronic pages sent to licensees</p> <p>125,230 visits to <i>AccessCLE</i></p> <p>5,928 searches on the Great Library mobile app</p>	<p>Remote limited scope audit and practice review program launched in fall 2020</p> <p>316 remote audits and reviews</p>
EXPERIENTIAL TRAINING	
	<p>1,913 articling placements</p> <p>270 LPP and 12 PPD registrants</p>

Licensing and Accreditation

Lawyer Licensing Process

The Lawyer Licensing Process ensures that lawyer candidates have demonstrated that they possess the required entry-level competencies in order to provide legal services effectively and in the public interest. The process consists of a Barrister licensing examination, Solicitor licensing examination, experiential training, and a good character requirement. There are multiple pathways to fulfill the experiential training component – articling, the Law Practice Program or Programme de pratique du droit, or graduation from an integrated practice curriculum program.

The LSO made several critical adjustments to the Lawyer Licensing Process in response to the COVID-19 pandemic. This included reducing the minimum length of the articling term from 10 months to 8 months to account for the disruption to business operations, adopting more flexible abridgement policies to recognize the impacts of the pandemic on candidate's employment circumstances, and providing guidance to support remote articling placements. As noted above, the LSO transitioned to online licensing examinations and introduced an administrative process to facilitate the timely licensure of applicants.

Registrations

- 2,727 newly registered candidates in the Lawyer Licensing Process
- 67% graduated from a Canadian law degree program
- 33% graduated from a law school outside of Canada

Licensing Examinations

- 716 candidates wrote the rescheduled March 2020 solicitor examination online in June 2020
- A total of 6,270 in-person and online examinations written
- Overall first attempt pass rate of ~79% on the Barrister examination and ~80% on the Solicitor examination

Experiential Training

- 1,913 candidates started an articling placement
- 270 candidates enrolled in the 2020-2021 Law Practice Program (LPP)
- 12 candidates enrolled in the 2020-2021 Programme pratique du droit (PPD)
- 64 candidates completed the integrated practice curriculum at Lakehead University

2020 Highlights

4,583 active candidates in the Lawyer Licensing Process

4,949 summer and fall lawyer licensing examinations written online

50% of articling placements were 8 months long

2,445 newly licensed lawyers

Licensing and Accreditation

Paralegal Licensing Process

The Paralegal Licensing Process ensures that paralegal candidates have demonstrated that they possess the required entry-level competencies in order to provide legal services effectively and in the public interest. The process consists of a Paralegal licensing examination and a good character requirement. Applicants must have graduated from a Law Society accredited paralegal education program at a college of applied arts and technology or a private career college. Accredited paralegal education programs must comply with requirements related to the quality of instruction, curriculum design and delivery, and assessment best practices. Accredited programs must also include experiential training in the form of a minimum four-week field placement. The LSO requires accredited programs to seek approval of major changes and conducts program audits every 5 years.

In response to the COVID-19 pandemic, the LSO modified its requirements for paralegal education and its approach to monitoring. Colleges were permitted to deliver training remotely through synchronous online instruction. The LSO provided guidance to colleges and work placement supervisors to support remote and simulated field placements. Paralegal candidates were licensed through an administrative process.

Registrations

- 1,282 newly registered candidates
- 82% were graduates from a college of applied arts and technology
- 19% were graduates from a private career college

Licensing Examinations

- A total of 1,429 in-person and online examinations written
- Overall first attempt pass rate of ~71%

Accreditation

- 28 accredited paralegal education programs
- 14 colleges of applied arts and technology are offering paralegal education
- 9 private career colleges are offering paralegal education
- 7 program audits conducted

2020 Highlights

2,338 active candidates in the Paralegal licensing process

890 summer and fall examinations written online

631 newly licensed paralegals

Licensing and Accreditation

Certified Specialist Program

The Certified Specialist Program assists members of the public to identify lawyers who can meet their needs for specialist legal representation and assistance. The program is governed by the Certified Specialist Board, comprised of certified specialists and benchers.

Lawyers seeking a certified specialist designation must submit a detailed application, references, and other supporting documentation to demonstrate their eligibility. Each area of specialization is developed with the support of lawyers recognized as exemplars within the practice areas chosen for the program. The LSO also seeks out specialists to support periodic review of the standards. These features ensure that the experiential prerequisites for the program remain relevant and responsive to the needs of the public.

Certified Specialists are permitted to use “C.S.” as a post-nominal designation. The C.S. designation is an indication to the public and to colleagues that the specialist has demonstrated elevated standards of competence in their area of practice.

Applications

- 54 new applications received
- 2% of practising lawyers in Ontario are specialists

Practice Areas

- 17 areas of specialization
- Top areas are civil litigation, criminal law, family law, and citizenship and immigration law

Practice Settings

- 51% of specialists are sole practitioners or work in a firm of 10 or fewer lawyers
- 58% of specialists practise in Toronto
- 42% of specialists practise outside of Toronto

2020 Highlights

A total of 784 certified specialists

49 new certified specialists, an 80% increase compared to previous years

Highest number of new specialists in civil litigation, followed by family law, and criminal law

Practice Supports and Resources

Coach and Advisor Network

The Coach and Advisor Network (CAN) was launched in the fall of 2016 in recognition of the important role that peer support and mentorship plays in facilitating continued professional competence. CAN provides lawyers and paralegals with access to short-term, outcome-oriented relationships with coaches and advisors drawn from the professions. Coaches support the implementation of best practices and advisors assist with substantive and procedural law inquiries on client files.

In 2020, CAN built on its strong foundations and focussed its efforts on supporting licensees as they managed the many challenges of the COVID-19 pandemic. Access to coaches and advisors was enhanced through the creation of a CAN Volunteer Roster webpage, and processes were modified to pre-confirm volunteer availability to ensure timely matches. CAN engaged in frequent promotion over social media channels to create awareness of the program. In addition, CAN shifted its learning events and town halls to Zoom, all of which were free to attendees.

Volunteers

- Total roster of 389
- 86% are lawyers
- 14% are paralegals
- 78% are sole and small firm practitioners

Participants

- 92% are sole and small firm practitioners
- 96% are satisfied or very satisfied with the service
- 29% have requested coaching or advising more than once

Matches

- 509 advisor engagements
- Top areas for advising: real estate (23%), civil litigation (21%) and estates (16%)
- 145 coaching engagements
- Top areas for coaching: career development (42%), opening your own practice (32%), and file management (28%)

2020 Highlights

103 new volunteers – a 50% increase from 2019

654 matches with a coach or advisor

Advisor engagements increased by ~30% compared to 2019

96% of participants are satisfied or very satisfied with the service

Practice Supports and Resources

Practice Management Helpline

The Practice Management Helpline is a confidential telephone service that answers questions about the *Rules of Professional Conduct*, the *Paralegal Rules of Conduct*, and other professionalism and practice management topics. The Helpline provides “just in time” guidance and information to enable callers to make informed decisions, often at a critical juncture in a file or in their practices. Inquiries are returned by telephone within one business day in most cases.

In 2020, the Helpline responded to the needs of the professions by developing and updating over 70 new resources to address new practice management challenges arising from the COVID-19 pandemic. These included the creation of a new best practices guide and checklist to support remote commissioning, new banking technology FAQs, and new FAQs to support the launch of CaseLines, the new cloud-based document sharing system for the Superior Court of Justice.

Helpline Inquiries

- 9,887 inquiries in total
- 67% from licensees working as sole or small firm practitioners
- 37% are within their first five years of practice
- 27% have been practising for more than 20 years

Lawyers

- 7,945 inquiries from lawyers
- Top area of inquiry is dealing with conflicts of interest
- Most common practice areas were real estate (22%), civil litigation (18%), and family law (16%)

Paralegals

- 1,271 inquiries from paralegals
- Top area of inquiry is scope of practice
- Most common practice areas for callers were Small Claims Court (34%), provincial offences (19%), and landlord and tenant (19%)

2020 Highlights

Inquiries increased by 15% compared to 2019

46 new FAQs created to address COVID-19 impacts on practice management, trust accounting and bookkeeping

170,000 page views for new resources

Great Library

Legal Information Services

The Great Library supports legal research and information needs of licensees in accordance with the Law Society's competence mandate. Lawyers and paralegals across the province can use the Great Library's services in person and remotely. Lawyers who belong to their local law associations can also access services through their law association libraries.

While the Great Library has operated out of Osgoode Hall for 160 years, services are increasingly designed to leverage technology tools and platforms to make legal information accessible to licensees more broadly.

- The Great Library operates *AccessCLE*, a free, full-text, searchable website of all articles and materials from LSO continuing professional development programs dating back to 2007. Licensees can use *AccessCLE* to get a quick update on practice area topics right from their desks.
- The Great Library has a mobile app that can be downloaded from the iTunes and Google Play stores and allows researchers to search a wide variety of resources, including the library's catalog.
- Lawyers and paralegals across the province can access law journals remotely through a *HeinOnline* subscription.

The restrictions created by the COVID-19 pandemic necessitated closure of the Great Library to licensees and the public for much of 2020. Despite this change, the Great Library has adapted its approaches to support licensees and county law libraries remotely. In addition, virtual library orientation sessions have been organized for licensing candidates to introduce them to the resources and supports available at the Great Library.

Reference Support

- 9,229 legal research questions answered
- 40 hours of reference support each week

Digital Services

- 125,230 visits to *AccessCLE*
- 5,928 searches on the Great Library mobile app
- 59,121 electronic pages sent to licensees
- 930 electronic pages sent to law associations

2020 Highlights

The Great Library's Twitter account (@greatlibrary) won a 2020 Canadian Law Blog Award (*Clawbie*):

“This feed shares useful and interesting information, uses photos to great effect, and runs weekly fun facts, legal research tips and more.”

Corporate Records and Archives

Records Retention and the Law Society's History

The Corporate Records and Archives team manages the life cycle of business documents generated by the Law Society, including managing the retention policy and processes of corporate documents. Corporate Records acquires, arranges, describes, and makes available records that detail the development and operation of key Law Society functions. The Archives team oversees documents and other artifacts of historical significance to the Law Society and Ontario's legal professions. The LSO also participates in the Internet Archive project.

In 2020, the team focused on remediation of Corporate Records and Archives website documents in order to comply with the *Accessibility for Ontarians with Disabilities Act* (AODA). The team also continued its roll-out of records management software for improved information management and access across the organization, completing implementation of the new system for the Corporate Secretary of Convocation.

Corporate Records

- 2,297 new records created and managed
- 77,846 total records managed across the organization

Archives

- Supported 300 internal research requests
- 10,691 Internet archives resource views

Social Media

- 5,310 images posted on Flickr
- 910,039 Flickr views
- 1,028 Instagram followers

2020 Highlights

37% increase in the use of Internet archive resources compared to 2019

85% increase in Flickr views compared to 2019

84% increase in Instagram followers compared to 2019

Continuing Professional Development

Live and on Demand CPD Programs

The Continuing Professional Development (CPD) department provides peer-led education programs for lawyers and paralegals to enhance and maintain competence. In 2020, nearly 80 original programs were offered to licensees on topics of substantive and procedural law, professionalism, ethics, and practice management. All CPD programs are available online as live and/or recorded programs.

Like other CPD providers, the LSO quickly modified its approach in response to the challenges created by the COVID-19 pandemic. CPD's agile operations team continued production of programming remotely, and dedicated volunteer lawyers and paralegals continued their valued contributions as chairs and speakers. In addition to regular programming, the CPD department produced a series of free programs aimed at assisting lawyers and paralegals with managing the most immediate impacts of the pandemic, the first of which was released within two weeks of the initial March 2020 lockdown. In addition, the CPD team also created *CPD Assists* – a curated set of free modules on practice management topics such as running a digital law practice, conducting paperless hearings, and disaster planning for legal practices. The CPD team received a marketing award for *CPD Assists* from the Association of Continuing Legal Education Association.

Offerings

- 138 regular CPD programs – 77 English programs, 1 French program and 60 replays
- 18 free COVID-19 related programs
- 142 free archived programs

Registrations

- 119,269 total registrations for 2020
- 98% of registrations for online formats
- 2% registrations for in-person formats

Sample Program Titles

- Your Real Estate Practice and the COVID-19 Pandemic: What You Need to Know Right Now
- Expert Opinion Evidence at Bail and Sentencing Hearings During COVID-19
- How to Run a Home-Based Practice
- How to Use Technology to Improve Your Family Law Practice
- LSO Treasurer Presents "The 12-Minute Paralegal: Practice Tips in a Pandemic"

2020 Highlights

160 free programs for lawyers and paralegals

~70,000 registrations for free programming

High rates of satisfaction by program attendees in response to quality and timely content

Quality Assurance

Spot Audit and Practice Review Programs

The Law Society's spot audit and practice review programs are quality assurance activities that ensure competence of the legal professions in the public interest. The programs provide proactive, remedial support to lawyers and paralegals and ensure compliance with LSO rules and requirements.

- Spot Audits assess a law firm's compliance with the LSO's financial record-keeping requirements. Law firms are selected for an audit based on approved risk criteria that include firm size, area of practice, newly formed practices, and other financial indicators.
- The Lawyer Practice Review Program addresses an individual lawyer's practice management activities. The program is comprised of random reviews, focused reviews, and re-entry reviews.
- Practice Audits are combined financial audit and practice management reviews conducted on paralegal practices.

The restrictions imposed as a result of the COVID-19 pandemic had an immediate impact on the LSO's quality assurance function, which normally involves attending at law offices in person. The team proactively turned its attention to several projects aimed at adapting to the virtual environment and streamlining the program to focus on core obligations that have the most impact on public protection. Based on this work, a new remote audit and review program was developed to facilitate the continued assessment of licensee compliance with practice management and bookkeeping obligations using a proportionate regulation approach. The remote program launched in the fall of 2020 and began with a limited scope. The team is now conducting full scope audits and practice reviews using a streamlined approach. Licensee feedback on this new program has been extremely positive.

Spot Audits

- 285 regular spot audits
- 237 remote limited scope spot audits

Practice Reviews

- 104 regular lawyer practice reviews
- 53 remote limited scope practice reviews

Practice Audits

- 32 regular practice audits
- 26 remote limited scope practice audits

2020 Highlights

79% of law firms had minor or no books and records deficiencies

69% of initial reviews of lawyer practices met standards of professional competence

53% of initial practice audits of paralegal practices met standards of professional competence