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Information Report: 2021 Program and Resource Report from the Professional Development & Competence Division

Professional Development & Competence Committee

February 24, 2022

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Professional Development & Competence Division 2021 Program and Resource Report



FEBRUARY 2022

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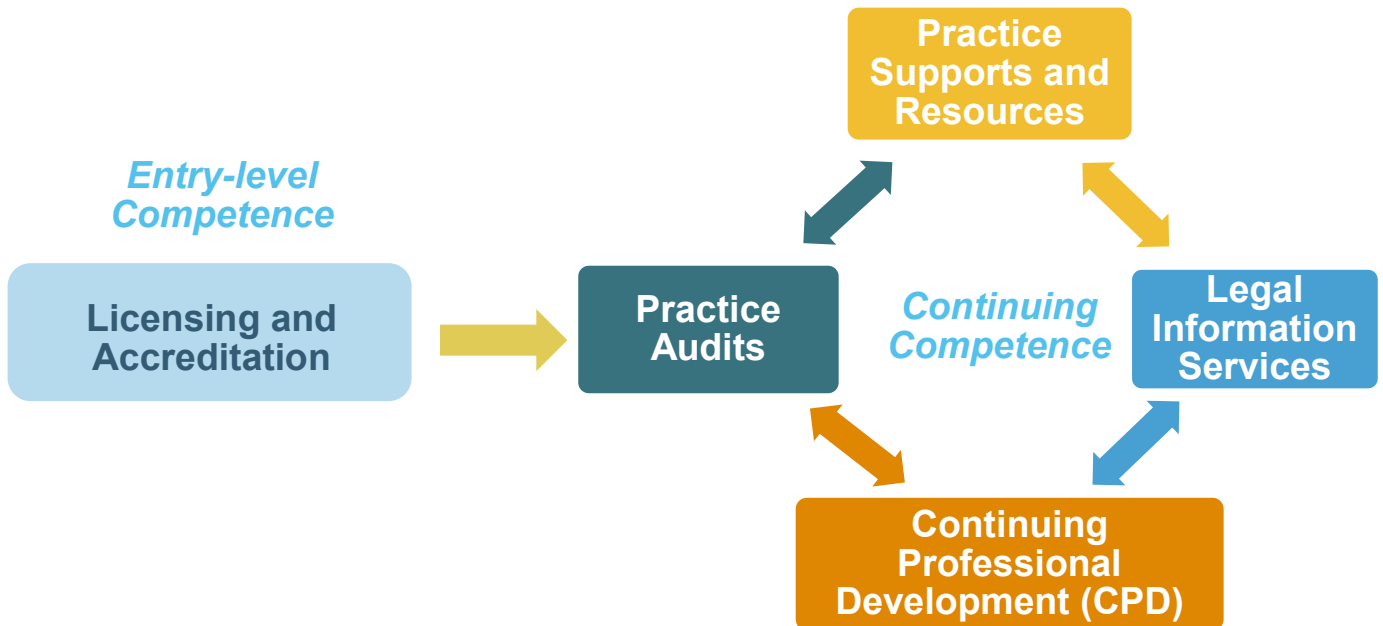


Law Society
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Overview

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.



Throughout 2021, PD&C remained focused on facilitating the competence of lawyers and paralegals through offerings that are responsive to the needs of the legal professions across multiple practice areas and settings. The theme of adapting legal services to remote delivery and digital processes continued to inform programming, along with strategies for addressing mental health challenges and new workplace requirements related to the COVID-19 pandemic. In addition, PD&C was on hand to support the implementation of key policy initiatives aimed at ensuring that lawyers and paralegals continue to serve their clients competently and effectively. Notable activities have included:

- **New Contingency Fee Agreements Requirements** – PD&C produced checklists, FAQs, and CPD content to enable lawyers and paralegals to comply with their obligations under the new contingency fee regime that took effect last year. In particular, two interactive checklists and 35 new FAQs were created to provide licensees with practical guidance for implementing the requirements. The CPD program entitled, “Understanding the New Contingency Fee Reforms for Lawyers and Paralegals: What You Need to Know Before July 1st” garnered a total of 874 registrations.
- **Anti-Money Laundering and Terrorist Financing Requirements** – PD&C created resources and CPD content aimed at supporting lawyers and paralegals in fulfilling new by-law amendments

related to anti-money laundering and terrorist financing (AMLTF). A total of 37 new resources have been developed, including precedent forms, flowcharts, FAQs, sample agreements, case studies, and worksheets. In addition, the CPD program, “The New Anti-Money Laundering Requirements: What You Need to Know Before January 1, 2022” has had a total of 3,282 registrations and 625 downloads to date. AMLTF requirements have been integrated into quality assurance audits and practice reviews to facilitate licensee compliance.

- **COVID-19 Supports** – PD&C continues to offer practice guidance, CPD programs, and resources to address the most pressing questions facing lawyers and paralegals as the pandemic evolves. New content has been developed on topics such as workplace health and safety requirements, vaccine policies, remote hearings, and electronic document filing. Easy access to these supports has been maintained through complimentary offerings and online delivery formats. Lawyers and paralegals have remained highly engaged in seeking LSO assistance on these topics – over 285,000 registrations, inquiries, and page views were received in relation to pandemic-related competence issues in 2021.

Looking ahead to 2022, PD&C will build on the diverse array of supports and services that facilitate lawyer and paralegal competence. Over the next year, the division will implement the Experiential Training Enhancements that were recently approved by Convocation, which include development of an orientation program for principals, supervisors, and candidates to ensure quality and consistent placement experiences in the Lawyer Licensing Process. In addition, PD&C will continue to evolve its suite of supports on technology related topics for lawyers and paralegals. The Bridge to Practice CPD platform will be expanded to include newly licensed paralegals, and legal information service provision will continue to adapt to the changing preferences of licensees seeking research assistance.

Licensing and Accreditation

Lawyer Licensing Process

The Lawyer Licensing Process ensures that lawyer candidates have demonstrated that they possess the required entry-level competencies 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. A new Virtual Information Series has been developed to provide candidates with information about each stage of the licensing process through modular videos.

In 2021, PD&C evaluated the effectiveness of the online delivery model of the licensing examinations, assessing initial outcomes and seeking candidate and stakeholder feedback. A number of strengths of the online model were identified, including accessibility and cost effectiveness. Opportunities for improvement were also identified. Working with its providers, the LSO has introduced new processes to stabilize the online delivery model. These include a sample online examination to allow candidates to experience the software and features of the online platform, and an examination pre-check to confirm that the candidate’s testing area and system are properly configured, limiting the potential for technical issues. The LSO has committed to online delivery of the lawyer and paralegal licensing examinations for the next three years, until April 2024.

Registrations

- 2,835 newly registered lawyer candidates
- 59% graduated from a Canadian law degree program
- 41% graduated from law school outside of Canada

Licensing Examinations

- A total of 7,153 online examinations written
- Overall first attempt pass rate of ~77% on the Barrister examination and ~76% on the Solicitor examination

Experiential Training

- 2,189 candidates started an articling placement
- 286 candidates enrolled in the 2021-2022 Law Practice Program (LPP)
- 15 candidates enrolled in the 2021-2022 Programme de pratique du droit (PPD)
- 57 candidates completed the integrated practice curriculum at Lakehead University

2021 Highlights

6,086 active candidates in the Lawyer Licensing Process

58% of articling placements were 9 or 10 months long

28% of articling placements were 8 months long

2,504 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 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 five years.

In response to the ongoing COVID-19 pandemic, the LSO modified its requirements for paralegal education to allow colleges to deliver training remotely through synchronous online instruction. The LSO monitored the quality of remote paralegal education through virtual classroom audits and solicited feedback from colleges, paralegal students, and licensing candidates. In response, the LSO has modified its accreditation policies to allow for hybrid delivery of paralegal education, prioritizing certain courses for in person learning and creating flexibility for colleges to determine the optimal delivery model for other components of the curriculum. The LSO will work with colleges to implement the hybrid delivery model once restrictions to ensure public health and safety are no longer required.

Registrations

- 1,332 newly registered paralegal candidates
- 73% were graduates from a college of applied arts and technology
- 27% were graduates from a private career college

Licensing Examinations

- A total of 1,756 online examinations written
- Overall first attempt pass rate of ~67%

Accreditation

- 38 accredited paralegal education programs at campuses across Ontario
- 14 colleges of applied arts and technology are offering paralegal education
- 9 private career colleges are offering paralegal education

2021 Highlights

2,679 active candidates in the Paralegal licensing process

6 program audits across 13 campuses were conducted

1,269 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

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

Practice Areas

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

Practice Settings

- 52% 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

2021 Highlights

A total of 765 certified specialists

19 new certified specialists, an 60% decrease compared to 2020

Recruitment for new board members is in progress

Practice Supports and Resources

Coach and Advisor Network

2021 marked five years since inception of the Coach and Advisor Network (CAN) in the fall of 2016. CAN was introduced in recognition of the critical 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 skills development, and advisors assist with substantive and procedural law inquiries on client files.

In 2021, CAN undertook a project to enhance the program's technical infrastructure and improve workflows. This resulted in significant process improvements, allowing the team to support a 32% increase in matches while maintaining response times and service standards. CAN has provided coaching support across a range of practice management and skills topics including financial management, hearing preparation, precedent development, technology management, and entrepreneurial approaches. Similarly, CAN has provided advising services to lawyers and paralegals working in all areas of law on a range of entry-level and more complex substantive and procedural law questions.

Volunteers

- Total roster of 435 licensees
- 84% are lawyers
- 16% are paralegals
- 75% are sole and small firm practitioners

Participants

- 91% are sole and small firm practitioners
- 46% have requested coaching or advising more than once in the calendar year

Matches

- 662 advisor engagements
- Top areas for advising: civil litigation (21%), family law (21%) and real estate (21%)
- 191 coaching engagements
- Top areas for coaching: opening your own practice (42%), career development (41%), and file management (29%)

2021 Highlights

853 matches with a coach or advisor, an overall 30% increase from 2020

Advisor engagements increased by 23% and coaching engagements increased by 32%

98% 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 2021, the Helpline introduced an automated feedback collection process to assess caller experience. Feedback to date has been significant, with 96% of callers indicating that they would recommend the Helpline and are likely to call the Helpline again. The Helpline also maintained over 60 new resources to address new practice management challenges arising from the COVID-19 pandemic. These included the creation of new FAQs covering topic such as protecting confidentiality in remote workplace environments, remote hearings, vaccine policies, electronic document filing, and wills and powers of attorney execution.

Helpline Inquiries

- 10,381 inquiries in total
- 71% from licensees working as sole or small firm practitioners
- 44% are within their first five years of practice
- 21% have been practising for more than 20 years

Lawyers

- 8,036 inquiries from lawyers
- Top area of inquiry is dealing with conflicts of interest
- Most common practice areas were real estate (19%), civil litigation (18%), and family law (16%)

Paralegals

- 1,595 inquiries from paralegals
- Top area of inquiry is paralegal scope of practice
- Most common practice areas for callers were Small Claims Court (37%), landlord and tenant (24%), and provincial offences (15%)

2021 Highlights

95% of callers were satisfied or very satisfied with the service

Created ~95 new resources related to practice management, including contingency fee reforms, anti-money laundering, and COVID-19 related topics

~213,600 page views for COVID-19 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 over 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 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 2021. Despite this change, the Great Library has adapted its approaches to support licensees and county law libraries remotely. The number of electronic pages sent to licensees and law libraries more than doubled in 2021. In addition, the Great Library enhanced its *Infolocate* discovery system to leverage its electronic content and to provide an accessible compliant search and retrieval system for its users.

Reference Support

- 7,629 legal research questions answered
- 40 hours of reference support each week

Digital Services

- 122,618 visits to *AccessCLE*
- 128,608 electronic pages sent to licensees
- 2,301 electronic pages sent to law associations

2021 Highlights

The Great Library’s *Know How* blog won a 2021 Canadian Law Blog Award (*Clawbie*)

The reference team provided virtual one-on-one and group research lessons and library orientations which were attended by 232 licensees and articling candidates

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 2021, the team completed the remediation of Corporate Records and Archives website documents in order to comply with the *Accessibility for Ontarians with Disabilities Act (AODA)*. The team also coordinated the configuration and migration of records management software to a cloud-based solution, as part of the LSO move to SharePoint Online from the on-premises version. Corporate Records and Archives 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 Policy department.

Corporate Records

- 2,239 new records created and managed
- 80,065 total records managed across the organization

Archives

- Supported over 300 internal research requests
- 9,546 Internet Archives resource views

Social Media

- 5,353 archival images posted on Flickr
- 825,000 Flickr views
- 1,224 Instagram followers
- 5,669 YouTube views

2021 Highlights

19% increase in Instagram followers

14% increase in YouTube views

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. Volunteers from the professions contribute to learning sessions covering a range of substantive and procedural legal issues as well as professionalism, ethics, and practice management. All CPD programs are available online as live and/or recorded programs. In order to provide busy practitioners with accessible learning formats, the majority of programs are two hours or half-day in length.

In 2021, the LSO continued to provide responsive programming to support lawyers and paralegals throughout the pandemic. In 2021, the LSO held its first Mental Health for Legal Professionals Summit which incorporated the lived experience of legal professionals dealing with mental illness and focused on strategies for reducing the stigma of mental health challenges in the legal professions. In addition, the LSO created Bridge to Practice (B2P), a collection of archived programs focused on the needs of new practitioners, including topics such as setting up a practice, delivering effective client service, and managing professional responsibility obligations. B2P is available free to articling candidates and lawyers in their first few years of practice and will be expanded to newly licensed paralegals in 2022.

Offerings

- 172 CPD programs
 - 97 original English programs
 - 1 original French program, plus simultaneous French translation of the 29th Immigration Law Summit
 - 74 program replays
- 34 free Bridge to Practice offerings
- 18 free COVID-19 related programs

Registrations

- 46,713 registrations for paid programs
- 32,683 registrations for free programs

Programs of Interest

- Equity, Diversity, and Inclusion for Indigenous Peoples
- A Guide for Law Practice Transition: Full-Time to Part-Time or Full-Time to Retirement
- Managing High Conflict Personalities for Lawyers and Paralegals -
- LSO Treasurer Presents: The 12-Minute Paralegal 2021
- ADR for Paralegals

2021 Highlights

Over 4,350 registrations and 1,000 downloads for the Mental Health for Legal Professionals Summit

2,912 downloads of Bridge to Practice programs for articling candidates and new lawyers

Practice Audits

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.
- The Paralegal Practice Review Program is a combined financial audit and practice management review of a paralegal practice.

In 2021, in response to ongoing restrictions related to the pandemic, the team delivered a fully remote quality assurance program. Using a combination of virtual meeting and document sharing software, the team leveraged technology to monitor law firm and licensee compliance with LSO obligations, while offering additional convenience to lawyers and paralegals. Feedback from licensees on the remote approach has been very positive. In 2021, the team also contributed to the new, streamlined lawyer and paralegal annual report and participated in various CPD programs to proactively disseminate information about practice management best practices for the benefit of lawyers and paralegals who have not undergone a spot audit or practice review.

Spot Audits

- 671 law firm audits
- 74% of law firms had minor or no books and records deficiencies and 20% had deficiencies that were remediated
- 6% had serious books and records deficiencies

Practice Reviews – Lawyers

- 266 lawyer practice reviews
- 77% of initial reviews met standards of professional competence
- 23% of reviews required a follow-up, resulting in 99% compliance

Practice Reviews – Paralegals

- 95 paralegal practice reviews
- 68% of initial reviews met standards of professional competence
- 32% of reviews required a follow-up, resulting in 99% compliance

2021 Highlights

74% of law firms had minor or no books and records deficiencies

77% of initial reviews of lawyer practices met standards of professional competence

68% of initial practice audits of paralegal practices met standards of professional competence