

**LAW SOCIETY OF ONTARIO**

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON JUNE 28, 2022

MOVED BY:

SECONDED BY:

THAT Convocation approve the consent agenda set out at Tab 1 of the Convocation Materials.

## LAW SOCIETY OF ONTARIO

### MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON JUNE 28, 2022

THAT Cheryl Siran, having satisfied the requirements contained in subsections 43(1) and 45 of By-Law 3, and having consented to election as bencher in accordance with paragraph 12(1)(d) of the By-Law, be elected by Convocation in accordance with subsection 43(1) of the By-Law as bencher to fill the vacancy in the number of benchers elected from the Province of Ontario "B" Electoral Region (Outside the City of Toronto) on the basis of the votes cast by all electors, as a result of the election of Jacqueline Horvat as Treasurer, who was elected from the Province of Ontario "B" Electoral Region (Outside the City of Toronto) on the basis of the votes cast by all electors, and being elected as Treasurer on June 15, 2022 and taking office as Treasurer on June 28, 2022, ceased to hold office as an elected bencher in accordance with subsection 25(2) of the *Law Society Act*.

DRAFT

MINUTES OF CONVOCATION

Thursday, 26<sup>th</sup> May, 2022  
9:00 a.m.

PRESENT:

The Treasurer (Teresa Donnelly), Adourian, Alford, Banack (by videoconference), Banning (by videoconference), Brown, Burd, Charette, Chiumminto (by videoconference), Corbiere, Corsetti, Desgranges (by videoconference), Epstein, Esquega (by videoconference), Fagan, Falconer (by videoconference), Goldstein, Graham (by videoconference), Groia, Horgan, Horvat, Klippenstein, Krishna (by videoconference), Lalji, Lau (by videoconference), Lean, Lesage (by videoconference), Lewis, Lippa (by videoconference), Lockhart (by videoconference), Lomazzo, Lyon (by videoconference), Marshall, Merali (by videoconference), Minor (by videoconference), Murchie (by videoconference), Painchaud, Parry (by videoconference), Pawlitz, Pineda (by videoconference), Poliacik, Pollock (by videoconference), Prill (by videoconference), Rosenthal (by videoconference), Ross (by videoconference), Sellers (by videoconference), Sheff, Shi (by videoconference), Shin Doi (by videoconference), Shortreed, Spurgeon, Strosberg (by videoconference), Troister, Walker (by videoconference), Wellman (by videoconference), Wilkes (by videoconference), Wilkinson and N. Wright (by videoconference).

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Secretary: James Varro

The Reporter was sworn.

IN PUBLIC

TREASURER'S REMARKS

The Treasurer welcomed everyone to Convocation.

The Treasurer recognized that Convocation is meeting in Toronto which is a Mohawk word that means "where there are trees standing in the water".

When Convocation meets in Toronto, the Treasurer acknowledges that Convocation meets on the traditional territory of the Mississaugas of the Credit First Nation. She advised that for this Convocation, benchers are participating across the province and perhaps elsewhere, and across many First Nations territories. She recognized the long history of all the First Nations in Ontario and the Inuit and Métis peoples and thanked all Indigenous peoples who lived and live in these lands for sharing them with us in peace.

## INDIGENOUS PEOPLES CEREMONY

The Treasurer introduced the ceremony and welcomed Elder Myeengun Henry and his son Aaron to Convocation.

Elder Henry performed a ceremony acknowledging the relationship between the Law Society of Ontario and the Indigenous community.

Elder Henry performed a smudging ceremony and performed a ceremony to polish the eagle feathers and a pipe ceremony.

The Treasurer thanked Elder Henry for honouring Convocation with the ceremony and continuing to guide the Law Society forward in a good way.

## ADDRESS ON BEHALF OF THE COMMONWEALTH LAWYERS ASSOCIATION

The Treasurer welcomed Brian Speers, President of the Commonwealth Lawyers Association and Dr. Peter D. Maynard, Vice-President of the Americas at the Commonwealth Lawyers Association to Convocation.

Mr. Speers addressed Convocation on the work of the Association.

## TREASURER'S REMARKS

The Treasurer expressed condolences to the family and friends of former Law Society of Ontario Chief Executive Officer Malcolm Heins who passed away on May 17, 2022.

The Treasurer acknowledged the 15<sup>th</sup> anniversary of paralegal regulation by the Law Society and the opportunity to celebrate the many contributions of paralegals to the justice system in Ontario. The Treasurer also noted the launch of the Bridge to Practice program for paralegals on May 16, 2022.

The Treasurer updated Convocation on the Access to Innovation (A2I) project and new applications for the project.

The Treasurer noted the events of Mental Health Week May 2 to 8, 2022, and in particular the Mental Health Summit for Legal Professionals.

The Treasurer provided her final outreach report to Convocation and stressed the importance of these initiatives especially during the pandemic.

The Treasurer noted the Law Society Awards ceremony last evening and congratulated all recipients.

The Treasurer noted that the June calls to the bar will be in person in Toronto, Ottawa and London and mentioned those who will receive honorary LL.D.s at the ceremonies.

The Treasurer reminded benchers that nominations are open for the Law Society Human Rights Award which close October 3, 2022.

The Treasurer noted upcoming events:

- National AccessAbility Week program “Advancing accessibility through legislation and litigation”, June 1, 2022
- Pride Month program, June 6, 2022
- National Indigenous History Month and Solidarity Day 2022, June 14, 2022

The Treasurer noted the Law Society’s virtual Annual General Meeting held on May 11, 2022.

The Treasurer noted the candidates for Treasurer:

- Philip Horgan, nominated by Marian Lippa and Lubomir Poliacik
  - Jacqueline Horvat, nominated by Shelina Lalji and Sidney Troister
- and advised that the new Treasurer will be elected on June 15, 2022.

The Treasurer referred benchers to several information reports in the Convocation Materials.

### MOTION – CONSENT AGENDA – TAB 1

It was moved by Mr. Desgranges, seconded by Ms. Lean, that Convocation approve the consent agenda set out at Tab 1 of the Convocation Materials.

Carried

### Tab 1.1 – DRAFT MINUTES OF CONVOCATION

The draft minutes of April 28, 2022 Convocation were confirmed.

### FINANCIAL UPDATE

Mr. Groia provided a financial update for information.

### FINAL REPORT OF THE COMPETENCE TASK FORCE

Mr. Troister presented the Report.

### Re: Renewing the Law Society’s Continuing Competence Framework

It was moved by Mr. Troister, seconded by Mr. Marshall, that Convocation:

1. Approve the creation of a practice essentials course that will have the following requirements:
  - Effective January 2024, all licensees will be required to take the practice essentials course within one year of designating as a sole practitioner for the first time.
  - The practice essentials course will be offered at a modest fee for licensees required to take the course.

2. Recommend that the Professional Regulation Committee amend the Commentary of Rule 3.1-2 of the *Rules of Professional Conduct* to adopt the Federation of Law Societies of Canada Model Code of Professional Conduct commentary regarding technological competence.
3. Recommend that the Paralegal Standing Committee amend the Rule 3.01 Reference in the *Paralegal Professional Conduct Guidelines* to adopt the Federation of Law Societies of Canada Model Code of Professional Conduct commentary regarding technological competence.
4. Approve the wind up of the Certified Specialist Program, effective September 1, 2022 subject to the following qualifications:
  - The Indigenous Legal Issues specialization will be continued subject to any future recommendation made by the Equity and Indigenous Affairs Committee to Convocation regarding the specialization.
  - Current Certified Specialists will continue to be able to use the C.S. designation until they retire, cease practicing or surrender their practicing license with the Law Society.
5. Approve the elimination of the six-hour limit on archived or recorded CPD programs that are eligible for CPD credit.

Mr. Rosenthal moved, seconded by Ms. Sellers, that paragraph 4 of the motion, second bullet, be amended to remove the words after “until” and replace them with “December 31, 2022.”

Carried

ROLL-CALL VOTE

Adourian	For
Alford	Against
Banning	For
Brown	Against
Burd	For
Charette	Against
Chiumminto	For
Corbiere	For
Corsetti	For
Desgranges	Abstain
Epstein	Abstain
Esquega	For
Fagan	For
Falconer	For
Goldstein	For
Graham	Against
Groia	For
Horgan	For
Horvat	For

Klippenstein	For
Lalji	For
Lau	Against
Lean	Against
Lesage	For
Lewis	For
Lippa	For
Lomazzo	For
Lyon	Against
Marshall	Abstain
Murchie	For
Painchaud	For
Parry	For
Poliacik	For
Pollock	Against
Prill	Against
Rosenthal	For
Ross	For
Sellers	For
Sheff	For
Shi	For
Shin Doi	For
Shortreed	For
Spurgeon	For
Troister	Abstain
Walker	Abstain
Wellman	For
Wilkes	For
Wilkinson	For
Wright	Against

Vote: 34 For; 10 Against; 5 Abstain

At the request of two benchers, the Treasurer agreed to call separate votes on paragraph 1 of the motion and paragraphs 2 through 5 of the motion.

The main motion as amended carried.

PARAGRAPH 1 ROLL-CALL VOTE

Adourian	For
Alford	For
Banning	Against
Brown	Against
Burd	For
Charette	Against
Chiumminto	Against
Corbiere	For
Corsetti	For
Desgranges	Against
Epstein	For
Esquega	Against
Fagan	Against

Falconer	For
Goldstein	For
Graham	For
Groia	For
Horgan	For
Horvat	For
Klippenstein	For
Lalji	For
Lau	For
Lean	For
Lesage	Against
Lewis	For
Lippa	For
Lomazzo	For
Lyon	Against
Marshall	For
Merali	For
Murchie	For
Painchaud	For
Parry	For
Pineda	For
Poliacik	Against
Pollock	Against
Prill	For
Rosenthal	For
Ross	For
Sellers	For
Sheff	For
Shi	For
Shin Doi	For
Shortreed	For
Spurgeon	For
Troister	For
Walker	For
Wellman	For
Wilkes	For
Wilkinson	For
Wright	Against

Vote: 39 For; 12 Against

PARAGRAPHS 2 THROUGH 5 (PARAGRAPH 4 AS AMENDED)  
ROLL-CALL VOTE

Adourian	For
Alford	For
Banning	For
Brown	For
Burd	For
Charette	For
Chiummiento	For
Corbiere	For
Corsetti	For

Desgranges	For
Epstein	For
Esquega	For
Fagan	For
Falconer	For
Goldstein	For
Graham	For
Groia	For
Horgan	For
Horvat	For
Klippenstein	For
Lalji	For
Lau	For
Lean	For
Lesage	For
Lewis	For
Lippa	For
Lomazzo	For
Lyon	Abstain
Marshall	For
Merali	For
Murchie	For
Painchaud	For
Parry	For
Pineda	For
Poliacik	For
Pollock	For
Prill	For
Rosenthal	For
Ross	For
Sellers	For
Sheff	For
Shi	For
Shin Doi	For
Shortreed	For
Spurgeon	For
Troister	For
Walker	For
Wellman	For
Wilkes	For
Wilkinson	For
Wright	For

Vote: 50 For; 1 Abstain

## STRATEGIC PLANNING AND ADVISORY COMMITTEE REPORT

Ms. Horvat presented the Report.

### Re: By-Law 3 Amendments – Convocation Procedural Reforms

It was moved by Ms. Horvat, seconded by Ms. Shortreed, that on the recommendation of the Strategic Planning and Advisory Committee, Convocation make amendments to By-Law 3, as set out in the motion at Tab 3.1.1, to implement procedural reforms respecting motions at Convocation.

At the request of Mr. Desgranges, the Treasurer agreed to call for separate votes on each of the two amendments to By-Law 3.

The motions carried.

Mr. Wright abstained on the vote for the amendment with respect to a motion to amend.

### NOTICE OF MOTION

It was moved by Mr. Fagan, seconded by Mr. Klippenstein, that at the LSO's Call to the Bar ceremonies in June, 2022, the names of the individual Candidates for Admission shall be read out by Benchers of the LSO, and by no other person.

Lost

### ROLL-CALL VOTE

Adourian	Against
Alford	For
Banning	Against
Brown	For
Burd	Against
Charette	For
Chiumminto	For
Corbiere	Against
Corsetti	Against
Desgranges	For
Epstein	Against
Esquega	Against
Fagan	For
Falconer	Against
Goldstein	For
Graham	For
Groia	Against
Horgan	For
Horvat	Against
Klippenstein	For
Lalji	Against
Lau	Against
Lean	For

Lesage	For
Lewis	Against
Lippa	Abstain
Lomazzo	Against
Lyon	For
Marshall	Against
Merali	Against
Murchie	Against
Painchaud	Against
Pineda	For
Poliacik	For
Pollock	For
Prill	For
Rosenthal	Against
Ross	Against
Sellers	Against
Sheff	Against
Shi	For
Shin Doi	Against
Shortreed	Against
Spurgeon	Against
Troister	Against
Walker	Against
Wellman	Against
Wilkes	For
Wilkinson	Against
Wright	For

Vote: 20 For; 29 Against; 1 Abstain

#### NOTICE OF MOTION

It was moved by Mr. Fagan, seconded by Mr. Charette, that at the LSO's Call to the Bar ceremonies in June, 2022, the individual Candidates for Admission shall be given their relevant Certificates one by one in front of those in attendance at the ceremonies, in keeping with the tradition in this connection that has been in place in recent years.

Lost

#### ROLL-CALL VOTE

Adourian	Against
Alford	For
Banning	For
Brown	Against
Burd	Against
Charette	For
Chiummiento	For
Corbiere	Against
Corsetti	Against
Desgranges	For
Epstein	Abstain

Esquega	Against
Fagan	For
Falconer	Against
Goldstein	For
Graham	For
Groia	Against
Horgan	For
Horvat	Against
Klippenstein	Abstain
Lalji	Against
Lau	For
Lean	For
Lesage	Against
Lewis	Against
Lomazzo	Against
Lyon	For
Marshall	Against
Merali	Against
Murchie	Against
Painchaud	Against
Pineda	For
Poliacik	For
Pollock	For
Prill	For
Rosenthal	Against
Ross	Against
Sellers	Against
Sheff	Against
Shi	For
Shin Doi	Against
Shortreed	Against
Spurgeon	Against
Troister	Against
Walker	Against
Wellman	Against
Wilkes	Against
Wilkinson	Against
Wright	For

Vote: 18 For; 29 Against; 2 Abstain

REPORTS FOR INFORMATION ONLY

UPDATE ON THE LAWYERS FEED THE HUNGRY PROGRAM

AUDIT AND FINANCE COMMITTEE REPORT

- Law Society of Ontario Financial Statements for the Quarter ended March 31, 2022
- Investment Compliance Reports for the Quarter ended March 31, 2022

HUMAN RIGHTS MONITORING GROUP REPORT

- Update on the Work of the Human Rights Monitoring Group

TREASURER'S WOMEN IN LAW ADVISORY GROUP REPORT

- Update on the Work of the Treasurer's Women in Law Advisory Group

LAW SOCIETY TRIBUNAL 2021 ANNUAL REPORT

CONVOCATION ADJOURNED AT 1:50 P.M.

## LAW SOCIETY OF ONTARIO

### MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON JUNE 28, 2022

THAT Thomas Conway and Jay Sengupta be reappointed to the Hearing Division of the Law Society Tribunal upon the expiry of their terms on September 30, 2022 for terms expiring June 28, 2024.

THAT Teresa Donnelly be appointed to the Hearing Division and the Appeal Division of the Law Society Tribunal for a term expiring June 28, 2024.

#### Explanatory Note

Thomas Conway and Jay Sengupta have served on the Tribunal for a number of years. Each has made a positive contribution to the Tribunal as an adjudicator and is recommended for reappointment by the Tribunal Chair.

Thomas Conway was called to the bar of Ontario in 1989. He is a partner in Conway Baxter Wilson LLP, an Ottawa-based litigation boutique. In June 2012, Mr. Conway was acclaimed as the Treasurer of the Law Society of Upper Canada. In 2014, he served as president of the Federation of Law Societies of Canada. From 2007 to 2012 and since 2014, Mr. Conway has been an adjudicator on what is now the Tribunal. In 2017, the Law Society of Ontario granted Mr. Conway a Doctor of Laws degree, honoris causa. Mr. Conway speaks English and French.

Jay Sengupta is a mediator, investigator and ADR practitioner. She has worked in the school board sector advancing human rights and equity initiatives and as senior counsel at the Office of the Ombudsman of Ontario. Jay was a Vice-chair with the Human Rights Tribunal of Ontario, the Child and Family Services Review Board and Custody Review Board and a member of the Ontario Special Education Tribunal. Before being appointed as a Tribunal adjudicator in 2018, Jay was a staff lawyer, clinical instructor and executive director at several community legal clinics representing low-income populations.

Prior to election as Treasurer in 2020, Ms. Donnelly served on the Tribunal and made a positive contribution. In light of her experience and contributions as a bencher, an adjudicator and Treasurer, Ms. Donnelly is recommended for appointment by the Tribunal Chair.

Teresa Donnelly was called to the Bar of Ontario in 1991 after receiving an LLB from the University of Toronto (1989). She has practiced as a prosecutor with the Ministry of the Attorney General for 26 years including as the West Region Sexual Violence Crown with the Sexual Violence Advisory Group with the Ministry, from 2015 to 2020. She was elected as a bencher of the Law Society of Ontario in 2015 and 2019 and as Treasurer in 2020 and 2021.



## Tab 1.4

# Articling Term Length

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## Professional Development and Competence Committee

June 28, 2022

### Committee Members:

Barbara Murchie (Chair)  
Robert Adourian (Vice Chair)  
Alexander Wilkes (Vice-Chair)  
Jared Brown  
Murray Klippenstein  
Michael Lesage  
Atrisha Lewis  
Marian Lippa  
Cecil Lyon  
Isfahan Merali  
Sidney Troister  
Tanya Walker  
Doug Wellman  
Claire Wilkinson

### Authored By:

Priya Bhatia  
Executive Director, Professional Development & Competence  
pbhatia@lso.ca

Jessica Weiss  
Counsel, Office of the Executive Director, Professional Development & Competence  
jweiss@lso.ca

Jason Pichelli  
Strategic Policy Advisor  
jpichell@lso.ca



# Table of Contents

**Motion ..... 2**

**Executive Summary ..... 2**

A. Previous Decisions ..... 4

B. Considerations..... 5

**Discussion ..... 12**

A. Analysis of Options..... 12

B. Discussion and Feedback ..... 14

## Motion

That Convocation approve the continuation of a minimum eight-month term for articling placements for the next two licensing cycles: 2023/24 and 2024/25, to allow the Law Society to gather additional information and feedback from stakeholders while providing certainty to employers and candidates for the next two licensing cycles.

## Executive Summary

As a result of a series of decisions since April 2020, the Law Society has provided flexibility to three licensing cohorts with respect to articling term length by reducing the articling term to a minimum of eight months. This was done in order to protect the number placements, as it was believed that the supply of placements was at risk as a result of the financial impact of the COVID-19 pandemic. Additionally, reducing the minimum term gave principals flexibility regarding the timing of the placement offer and allowed the Law Society to adhere to the traditional June call period for new licensees.

The most recent continuation of the eight-month minimum articling term for the 2022/23 licensing cycle was approved in October 2021, with a commitment to make a long-term decision on the length of articling in spring 2022.

Internal data gathered by the Law Society to evaluate the impact of the reduced articling term appears to indicate that there has not been a reduction in the quality of articling placements while the minimum articling term has been reduced. There has also been a significant uptake of the reduced term by articling candidates and principals, and there remains a limited number of articling positions in the province and an increasing number of candidates each year. In addition, the Law Society recently approved mandatory minimum compensation in experiential training, which has the potential to further impact the number of articling positions in the province.

However, a recent survey of articling principals indicates a preference for a 10-month articling term. While there were some differences between the strength of the preference as between larger and smaller firms, there was consistency in terms of the preference for longer placements. Interestingly, there was a large minority of respondents who indicated a preference for an articling term of more than 10 months. In addition, many respondents to the survey as well as comments received from other stakeholders indicate that the flexibility afforded by an eight-month minimum articling term is not ideal and that a fixed term would be preferable.

The disparate feedback and data with respect to the articling term length suggests that there may be a need to gather additional feedback from a variety of stakeholders, including articling candidates and students. Given the potential impact of mandatory minimum compensation on the availability of articling placements, there may also be a benefit to waiting to see the impact of that decision on the number of articling placements in the province before making a longer-term decision with respect to articling term length.

The Professional Development and Competence Committee considered three options:

1. Revert to a 10-month articling term
2. Continue with a minimum eight-month articling term for the next two licensing cycles (2023/24 and 2024/25)
3. Continue with a minimum eight-month articling term permanently

Upon careful review of the issue, the Committee determined that the Law Society should proceed with option two: Continuing with a minimum eight-month articling term for the next two licensing cycles. This option would provide the Law Society time to gather additional feedback from stakeholders while providing employers and candidates with information about what to expect for the next two licensing cycles. It will also allow time to determine whether the implementation of mandatory minimum compensation in experiential training will impact the number of articling placements in the province.



## A. Previous Decisions

In April 2020, Convocation, convened as a Committee of the whole, approved two short-term policy decisions recommended by the Professional Development & Competence Committee (“PD&C Committee”) in response to the impacts of COVID-19 on key licensing activities. Those policy decisions temporarily reduced the length of licensing examinations from 7 to 4 hours, as well as the minimum required length of articling placements from 10 to 8 months and was directly followed by a suite of other operational changes, including replacing in-person licensing examinations with online exams.

These policy decisions were made in direct response to the unique challenges presented by COVID-19. The initial lockdown resulting from the pandemic was disruptive and interrupted normal operations across the board, and the legal professions, including law schools and licensing candidates, were no exception. Law firms and legal employers were economically impacted by the pandemic. There was a sense that an abridged minimum term could preserve placements in a market where positions were in short supply and the pandemic risked further reducing the number of placements. A shorter articling term also provided leeway in terms of start date while preserving the continuity of the licensing process and the ability of candidates to be called to the Bar in June 2021.

In February 2021, Convocation approved the continuation of the eight-month minimum articling term for the 2021/22 licensing cycle. In October 2021, Convocation once again approved the continuation of the eight-month minimum articling term for the 2022/23 licensing cycle, with a commitment to make a long-term decision on the length of articling in spring 2022. These decisions were made in response to the continued impact of the COVID-19 pandemic as well as data which suggested that the shorter articling term was not resulting in any shortcomings in candidates’ learning or competency when compared to previous licensing cycles.

This report outlines the policy options related to the minimum required length of articling placements.

## B. Considerations

### Quality of Placements

Overall, when looking at the data from 2021 and 2022 (to date), it appears as though the quality of placements, as assessed by candidates and principals, has not reduced and has returned to pre-pandemic levels despite the articling term being a minimum of eight months.

One of the tools used by staff to assess the quality of placements is the Articling Placement Reporting Tool (ARPT).<sup>1</sup> The APRT filed by articling principals and candidates in relation to 2020/21 articling placements indicate that overall, the quality of placements remains similar to pre-pandemic levels, with some of the following exceptions related primarily to remote working conditions:

- There was a reduced level of candidate exposure to courtroom procedures and related advocacy activities;
- There was a slight reduction in exposure to client interactions such as interviewing clients, attending client meetings, and keeping the client informed of the matter; and
- There was an increase in exposure to legal research, legal writing, and drafting related competencies.

These impacts were likely less of a factor for 2021/22 placements as pandemic restrictions have been gradually lifted, courts and tribunals have opened to in-person proceedings, and workplaces have adjusted to the new normal of hybrid work. See Tab 1.4.1 for a summary of the 2020/21 Articling Reports.

Another tool that can be an indication of quality of articling placements is the annual Licensing Questionnaire, which is sent to candidates on a rolling basis at or near the time of licensure.

The 2022 Licensure Questionnaire was sent in spring 2022 to 356 candidates who had been called to the Bar in February and March 2022, consisting of a majority of candidates who completed the articling program and a small minority who completed the LPP. There was a response rate of 54% (192 responses).

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<sup>1</sup> The Articling Placement Reporting Tool (APRT) is a mandatory report filed by both principals and candidates at the conclusion of an articling placement. Principals and candidates use the APRT to rate the level of exposure candidates have had to experiential training competencies. Principals also rate a candidate's performance on 5 tasks (Establishing a relationship with a client, drafting a legal opinion, representing a client in an appearance, demonstrating professional conduct, and use of practice management systems).

Preliminary results from the 2022 Licensure Questionnaire indicate that articling conditions are consistent or slightly improved from 2021 levels and continue to be consistent with pre-pandemic benchmarks. Most notably, from a candidate perspective, there has been a reduction in the impacts of the pandemic on the quality of experiential training since 2021.

- 66% of candidates indicated that the pandemic impacted experiential training, which was significantly fewer than the year before;
- 69% of candidates felt that their articling or LPP/PPD placement prepared them very well or well to enter the practice of law, while ~25% felt that the placement prepared them fairly well and six percent felt that their placement did not prepare them well to enter the practice of law;
- 90% of candidates indicated that the majority of their work during their placement (more than 50% of their work) enabled them to further develop their legal skills while nine percent of candidates indicated that less than 50% of their work during their placement enabled them to develop their legal skills;
- 57% and 58% of candidates were highly satisfied with the timeliness and quality, respectively, of feedback received from their principal or supervisor. Approximately 27% were only somewhat satisfied;
- Overall, 68% of candidates reported feeling prepared to enter the practice of law, while 32% felt only somewhat prepared or not prepared to enter the practice of law.

## Number of Placements

As Table 1 illustrates, in 2021, the number of articling placements returned to pre-pandemic levels. While the majority of 2021 placements were for the traditional 10-month period, there continued to be a significant number of shorter placements—32% of 2021 placements were eight months long.

It should be noted that although the number of placements in 2021 appears to have returned to 2019 levels, the Law Society has seen an 18% increase in the number of lawyer candidates seeking licensure over the past five years: in 2016 there were approximately 2,300 applicants compared to approximately 2,730 applicants in 2020 and 2,835 newly registered lawyer candidates in 2021. There has not been a corresponding increase in the number of articling placements over the same time period.

**TABLE 1 – NUMBER AND LENGTH OF ARTICLING PLACEMENTS**

Length of Articling Placements	Number of Articling Placements					
	2019 Placements	% of 2019 Placements	2020 Placements	% of 2020 Placements	2021 Placements	% of 2021 Placements
<b>8 months</b>	66	3.1%	1,029	<b>53.1%</b>	710	32.0%
<b>9 months</b>	55	2.6%	180	9.3%	312	14.0%
<b>10 months</b>	1,593	<b>75.7%</b>	438	22.6%	832	<b>37.4%</b>
<b>Other**</b>	390	18.5%	289	12.5%	368	16.6%
<b>TOTAL</b>	<b>2,104</b>	<b>100%</b>	<b>1,936</b>	<b>100%</b>	<b>2,222</b>	<b>100%</b>

\*2021 Articling data is current as of March 28, 2022.

\*\*Candidates may apply to the Law Society for abridgments from the minimum articling term based on compassionate grounds or prior practice experience that aligns with the experiential training competencies. Abridgments are granted on a case-by-case basis.

As Figure 2(a), below, illustrates, shorter placements remain prevalent in sole and small firms (1-5 licensees), where 54% of placements are for eight months. Across medium firms (6-200 licensees, Figure 2(b)), while more than 40% of placements are 10 months long, 30% of placements are for eight months. Large firms (200+ licensees, Figure 2(c)) are showing a strong preference for longer placements, where 85% of placements are nine or 10 months long. These numbers suggest that smaller law firms may still be experiencing the economic impacts of the pandemic and tending to favour shorter placements. In contrast, the majority of articling placements in government have returned to the traditional 10-month duration (Figure 2(d)).

FIGURE 2(A) - ARTICLING PLACEMENTS IN SOLES/SMALL FIRMS (1-5 LICENSEES)

Total 651  
articling  
placements

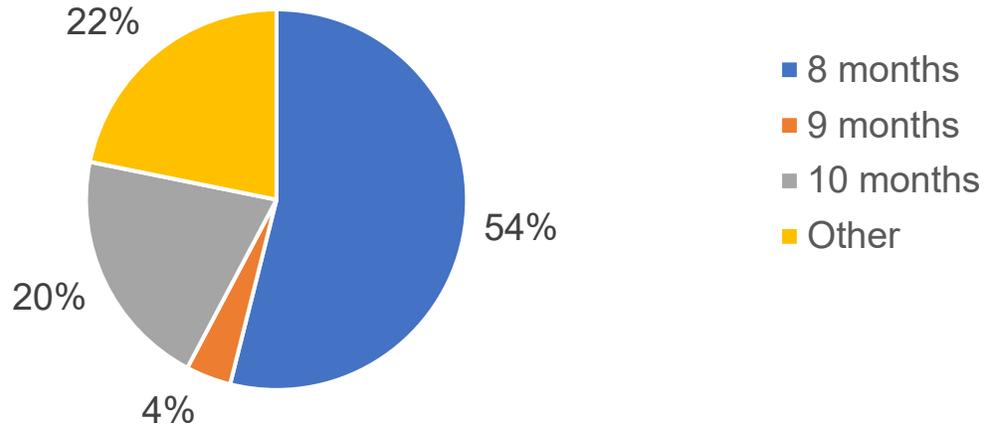


FIGURE 2(B) - ARTICLING PLACEMENTS IN MEDIUM FIRMS (6-200 LICENSEES)

Total 707  
articling  
placements

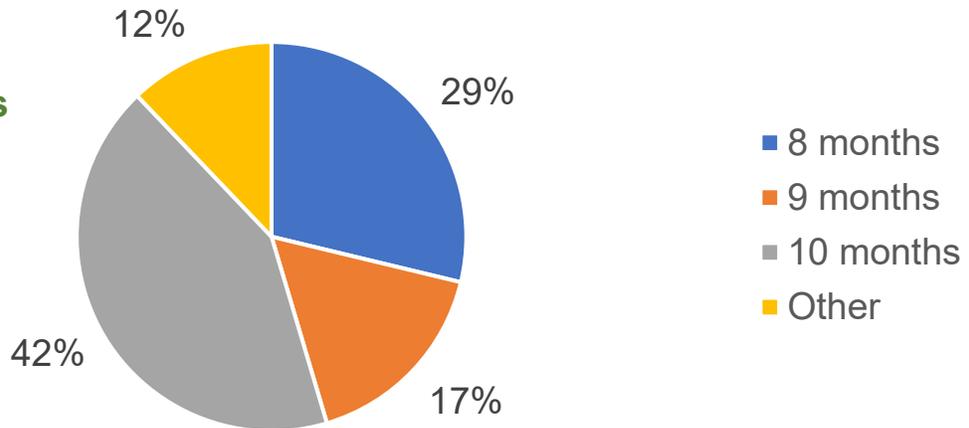


FIGURE 2(C) - ARTICLING PLACEMENTS IN LARGE LAW FIRMS (OVER 200 LICENSEES)

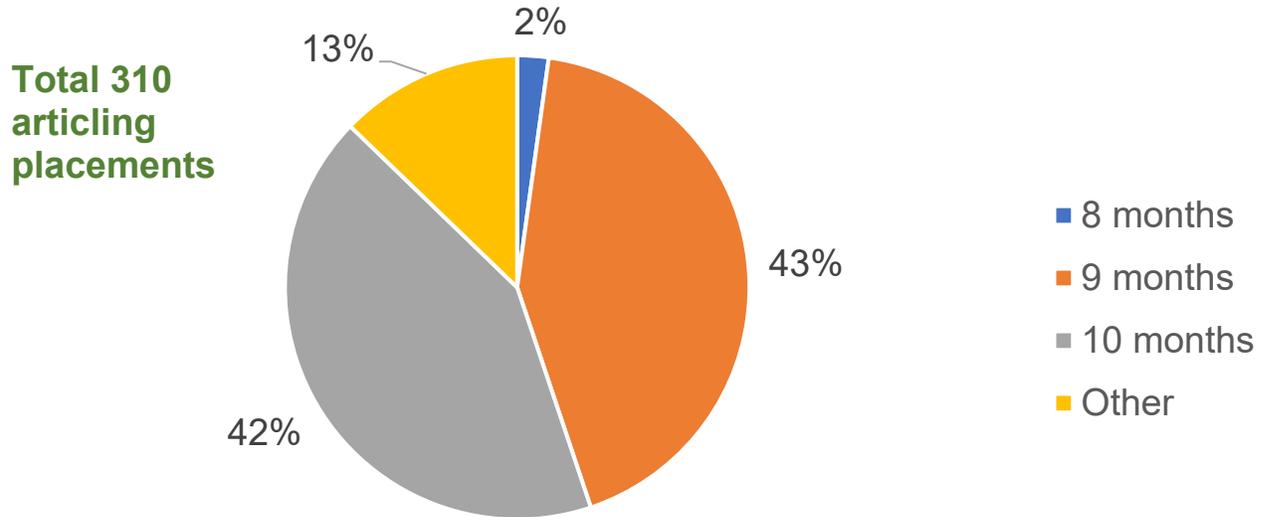
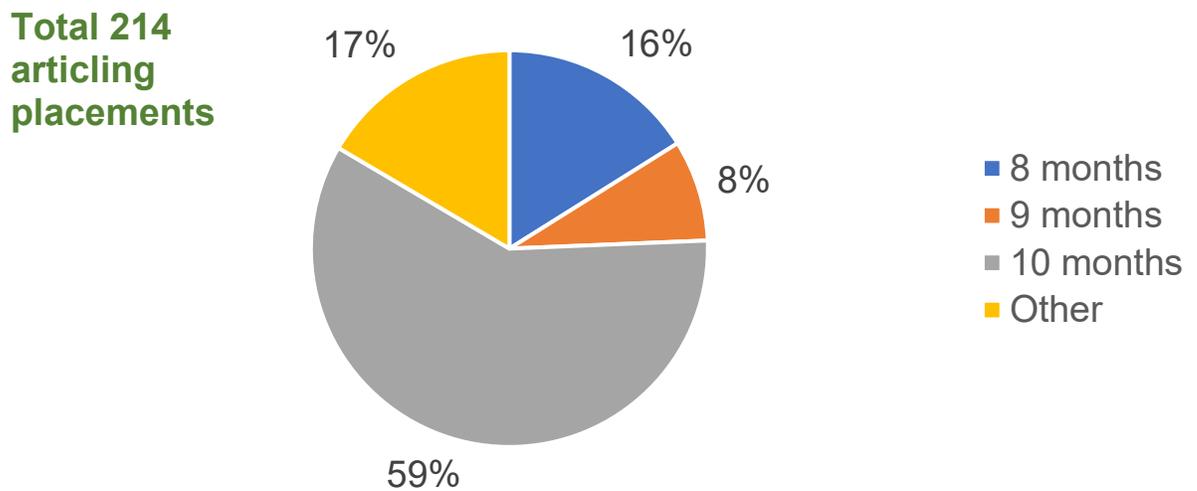


FIGURE 2(D) - ARTICLING PLACEMENTS IN GOVERNMENT



In the past, placements that have run shorter than 10 months would have been approved as compassionate abridgements<sup>2</sup> or prior practice abridgements<sup>3</sup> on a case-by-case basis and were the exception rather than the rule. The vast majority of placements were 10 months long.

The significant uptake of eight-month placements supports continued flexibility in the length of articling placements.

### Stakeholder Response

Since 2020, the Law Society has been engaging with various stakeholders to solicit feedback on the impact of the eight-month term, including the provincial government, law schools and students, a large GTA municipality, and firms of medium to large size. The response has been varied.

It appears that many stakeholders – employers and students alike – have adapted to the flexibility afforded by a minimum eight-month articling term. However, the flexible policy has raised challenges for some employers. The provincial government chose to offer 10-month positions in 2020/21, and 2021/22. In recent discussions, they noted a preference for longer placements but ultimately indicated that a fixed term is preferable to a flexible term, even if the fixed term is reduced to eight months. Large firms have generally returned to offering a nine or 10-month articling term.

In May 2022, a survey was sent to approximately 2700 articling principals seeking feedback about articling term length. The Law Society received responses from 678 individuals (response rate of 25%), almost all of whom had a candidate article with them in the last 3 years. Approximately 27% of respondents work in sole practice or at a small firm (2-5 lawyers), 34% are at a medium firm (6-199 lawyers), 13% are at a large firm (200+ lawyers), and 18% are in-house or work for the government. Most respondents (62%) practice in Toronto/GTA, 14% in the East, and approximately 5% in each of the Southwest, Central South, Central West, and Central East.<sup>4</sup>

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<sup>2</sup> The Licensing and Accreditation Department may approve a reduction in the length of articling term required for licensure in special circumstances based on compassionate grounds for a period of up to six weeks. Compassionate grounds may include family responsibilities, prolonged illness or injury or any other ground deemed compassionate by the Licensing and Accreditation Department.

<sup>3</sup> The Licensing and Accreditation Department may approve a reduction in the length of articling term required for licensure for individuals who have prior legal experience, either as a lawyer who practiced in another jurisdiction or other legal experience obtained after completion of a law degree.

<sup>4</sup> East includes Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville); Southwest includes Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor); Central South includes Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand

- **Ideal Length of Articling Placement:** Approximately 66% of the total survey respondents felt that the ideal length of an articling placement is 10 months; eight percent thought the ideal length is nine months, and eight percent thought it is eight months. Approximately 18% of respondents (116 respondents) listed “other” as the ideal length of an articling placement; of those, 78 (or 12% of total respondents) stated that articling should be more than 10 months, with most indicating that articling should be 12 months.

There was variation across firm sizes, with larger firms generally preferring a longer articling term and smaller firms generally being more divided. Of the 178 respondents from sole practice or small firm, 55% indicated that the ideal length of an articling placement is 10 months while 11% felt it is eight months. Another 25% (46 respondents) indicated “other,” 29 of whom (16%) indicated that the articling term should be longer than 10 months. Approximately 70% of respondents from medium firms, 75% from large firms, and 64% from government felt that the ideal length of an articling placement is 10 months.

- **Flexibility:** Survey respondents were divided about whether articling principals should have the flexibility to determine whether the articling term is eight, nine, or 10 months. Overall, 46% of respondents felt that there should not be flexibility whereas 36% wanted flexibility. Again, there was variation across firm sizes and settings, with 48% of sole practitioners and small firms generally preferring flexibility while 58% of large firms, 57% of government respondents and 45% of medium firms prefer not providing flexibility to articling principals.

Conversely, in the responses to the recent call for comment with respect to mandatory minimum compensation for experiential training, some organizations indicated their preference for an eight-month articling term. One prominent legal organization suggested that providing for an eight-month minimum articling term would assist sole practitioners and small firms in providing articling positions to candidates. Another requested that the experiential training requirement be met after eight months “as has been done for the past two years without any noticeable difference in quality.”

## Environmental Scan

Five other Canadian law societies took similar approaches in 2020 and shortened their articling requirements for 2020/21 to address the impacts of the pandemic. Four of those

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(Cayuga); Central West includes Bruce (Walkerton), Grey (Owen Sound), Dufferin (Orangeville), Wellington (Guelph), Peel (Brampton), Halton (Milton); and Central East includes Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg), York (Markham).

jurisdictions continued with the reduced articling term for 2021/22. For 2022/23, three jurisdictions have continued with the reduced articling term. See **Appendix A** for details.

At this time, only Alberta appears to be in a position where the reduced articling term (from 12 months to eight months) could be a permanent change. Alberta changed its bylaw such that a reinstatement of the 12-month term would require a further amendment, and it is also engaged in a review of its entry level and continuing competence programs. The reduction to eight months may therefore be aligned with other policy objectives.

The two other law societies that have continued with the reduced articling term in 2022/23 (Manitoba and Nova Scotia) are currently examining the issue and have not made a permanent decision for the future.

## Discussion

### A. Analysis of Options

#### 1) Revert to a 10-month articling term

Many of the larger firms and the principals in the public sector have returned to the 10-month articling term. This option has the benefit of providing two additional months of pay for articling students, many of whom are heavily indebted. This option also ensures that all articling students can benefit from the additional time for training and development.

A drawback of this option is the potential reduction of articling placements. The Law Society's most recent data indicates that 54% of placements in sole practice and small firms continue to be eight months in length. The Law Society has heard from some members of the profession that the flexibility of having shorter articling placements was a key factor in their decision to hire an articling candidate. Moving back to a 10-month articling term would place additional financial pressure on firms. It could push some firms into a position where it is no longer financially viable to host articling students and thus reduce the total number of positions available. This would make it harder for candidates to meet their licensing requirements and gain entry into the profession, which may be exacerbated once mandatory minimum compensation in experiential training is implemented in 2023.

#### 2) Continue with a minimum eight-month articling term for the next two licensing cycles (2023/24 and 2024/25)

Approximately 32% of articling positions in this past licensing cycle were offered for the eight-month minimum term, which is a strong indication that candidates and principals see the eight-month term as a worthwhile option. An eight-month minimum also preserves



flexibility for employers who choose to offer longer placements—nine-month and 10-month placements are both possible with this option.

This option has the benefit of allowing the Law Society more time to examine articling term length and consult with stakeholders. While the Law Society has been consistently consulting with a few stakeholders throughout the last two years, the additional time will give the Law Society the opportunity to gather additional feedback specifically about the issues surrounding articling term length from the Law Students Society of Ontario (LSSO), candidates, and other stakeholders.

The risk of fewer principals (especially among sole practitioners and smaller firms) agreeing to accept articling students due to the financial commitment associated with a 10-month placement continues to be high in light of the recent decision to institute mandatory minimum compensation in experiential training. This option would allow the Law Society to have time to measure the impact that the introduction of mandatory minimum compensation will have on the availability of articling placements in the province.

As noted above, preserving an eight-month minimum term for the next two licensing cycles will continue to permit placements of nine or 10 months, based on the individual circumstances and needs of the firm, principal, and candidate.

A drawback of this option is continuing in a state of limited uncertainty into the future length of articling placements beyond the next two licensing cycles. The Law Society had hoped to be able to make a definitive decision on articling term length at this time.

### 3) Continue with a minimum eight-month articling term permanently

Many of the same benefits as listed in Option 2, above, apply to this option. This option preserves flexibility for employers and candidates while also limiting the risk of fewer articling placements. An additional benefit of this option is providing certainty as to the articling term length beyond the next two licensing cycles.

This option has the drawback of making a decision without the benefit of additional feedback from stakeholders. As was previously noted, the results of the articling term length survey indicate that some articling principals have concerns that an articling term of less than 10 months may not allow articling students or principals sufficient time to fulfill the experiential training competencies. While there was a desire to be in a position to provide clarity to the profession with respect to articling term length, given the recent survey and feedback from stakeholders, as well as the recent decision to implement mandatory minimum compensation in articling, it may be difficult to do so at this juncture.



## B. Discussion and Feedback

Given the disparate feedback and data with respect to articling term length, it appears as though the issue of articling term length is less straightforward than perhaps originally contemplated in October 2021, when the decision was made to try to make a long-term decision by spring 2022.

From the APRT data discussed above, it appears as though an eight-month minimum articling term does not have a detrimental impact on candidates' ability to meet the experiential training competencies. There has also been a significant uptake of the reduced term by articling candidates and principals, and there remains a limited number of articling positions in the province and an increasing number of candidates each year. In addition, the Law Society's recent approval of mandatory minimum compensation in experiential training has the potential to further impact the number of articling positions in the province.

Implementing an eight-month minimum term recognizes the financial realities the profession continues to face while ensuring flexibility for both candidates and principals. In reducing the costs associated with an articling placement, the eight-month minimum term minimizes the risk of a reduction in placements as a result of financial or timing pressures felt by principals.

However, the results of the articling term length survey indicate that there is a divide about the ideal length of the articling term. The survey results show that many principals, especially at medium and larger firms, felt that 10 months is the most appropriate length for an articling placement. The survey also indicates, as have conversations with the provincial government, that flexibility within the articling term (that would be provided for with an articling term of a minimum of eight-months) may not be desirable. At the same time, the Law Society heard from organizations during the call for comment about mandatory minimum compensation that the best way forward is to maintain an articling term of eight months.

While the Law Society has been consistently consulting with many stakeholders throughout the last two years, more feedback from stakeholders, including students and candidates, with respect to both the articling term and the issue of flexibility within the articling term, may be desirable.

**APPENDIX A**

**Articling Term Length  
Environmental Scan as of May 2022**

<b>Jurisdiction</b>	<b>2020-2021 Articling Term</b>	<b>2021-2022 Articling Term</b>	<b>2022-2023 Articling Term</b>
Alberta	<p>Reduced from 12 months to a minimum of 8 months and a maximum of 12 months.</p> <p>Note that the reduction for the 2020-2021 articling term was implemented through a formal rule amendment, which means the rule would have to be amended again to reinstate the 12-month term.</p>	Reduced articling term continued.	Reduced articling term continued and is currently being assessed.
British Columbia	No change – 9 months.	No changes expected.	No changes expected.
Manitoba	Reduced from 12 months to 9 months.	Reduced articling term continued.	Reduced articling term continued to those in the December 2021 intake of PREP; evaluating whether to continue with the change into the future.
New Brunswick	Reduced from 12 months to 9 months.	Restored to 12 months.	No changes expected.
Newfoundland and Labrador	No change – 12 months.	No changes expected.	No changes expected.
Nova Scotia	Reduced from 12 month to 8 months; however, it was not automatic. There was an application process.	Reduced articling term continued.	Reduced articling term expected to continue, subject to approval by the Nova Scotia Barristers' Society.
Nunavut	No change – 12 months.	No changes expected.	No changes expected.
NWT	No change – 12 months.	No changes expected.	No changes expected.

Ontario	Reduced from a maximum of 10 months to a minimum of 8 months.	Reduced articling term continued.	
PEI	No change – 12 months.	No changes expected.	No changes expected.
Quebec	No change – 6 months.	No changes expected.	No changes expected.
Saskatchewan	Reduced from 12 months to a minimum of 8 months.	The reduced articling term was permitted on a case-by-case basis for articles commencing up to December 31, 2021.	The articling term was reinstated to a minimum of 12 months after December 31, 2021.
Yukon	No change – 12 months.	No changes expected.	No changes expected.

## Articling Placement Reporting Tool Results for 2020-2021

### 1. Overview

Articling principals and candidates use the Law Society’s online Articling Program Reporting Tool to report on the candidate’s exposure to the experiential training competencies during the placement. Articling principals must also use the Tool to report on candidate fulfillment of the five performance appraisal competencies or tasks.

Principals report on the competencies are using a five-point, behaviourally anchored rating scale which describes the candidate’s exposure or performance through specific behaviours. For example:

#### Experiential Training Competency – Focussed on Candidate Exposure

Area	Competency		BEHAVIOURAL ANCHORS
<b>4. DRAFTING AND LEGAL WRITING</b>	Prepare drafts of litigation documents (e.g., pleadings, notices of motion, notices of application, draft orders, offers to settle, notices of appeal, affidavits, facta, minutes of settlement, releases)	<b>5</b>	Prepared drafts of a wide variety of litigation documents.
		<b>4</b>	Prepared drafts of a variety of litigation documents.
		<b>3</b>	Prepared drafts of a limited range of litigation documents.
		<b>2</b>	Prepared drafts of litigation documents for one type of matter.
		<b>1</b>	Not applicable in this context.

#### Performance Appraisal Competency – Focussed on Candidate Performance

ORDER	Skill Competency	Competency To Be Assessed		BEHAVIOURAL ANCHORS
2	Interviewing a Client	Eliciting information from the client.	<b>5</b>	Identifies and collects relevant information that exceeds the expectations of the instructing lawyer.  Determines the level of sophistication and communication needs of the client and tailors the general level of discourse accordingly.
			<b>4</b>	Uses active listening skills to confirm understanding of the client’s responses.  Employs an effective plan for eliciting information from the client.
			<b>3</b>	Asks relevant questions tailored to the situation and client (e.g., open-ended or focused as required).  Obtains sufficient information required to proceed.

			<b>2</b>	Does not tailor the type of questions asked to the situation or client.  Does not obtain the necessary information required to proceed.
			<b>1</b>	Spends a disproportionate amount of time collecting irrelevant information.  Obtains little or no relevant information from the client.

## 2. Summary of Experiential Training Competency Ratings (based on 1,337 filings as of August 31, 2021)

- 24/43 or 56% of the experiential training competency ratings dropped marginally compared to the previous year.
- The aggregate ratings for five experiential training competencies dropped by more than a quarter of a rating point. Most of these were in the area of advocacy, reflecting reduced opportunities for candidates to engage in court appearances and related activities as a result of the pandemic:
  - Q2 - Observe procedures related to engagements/retainers and/or documenting the scope of services (-0.28)
  - Q32 - Conduct negotiations under supervision of a lawyer (e.g., small claims, simple tribunal matter) (-0.41)
  - Q36 - Attend court or tribunal, where permitted, to speak to routine administrative matters (e.g., unopposed adjournments, uncontested and consent motions, and set dates). (-0.69)
  - Q37 - Prepare clients or witnesses for trial or other examination (-0.32)
  - Q38 - Conduct a hearing or trial where permitted (e.g., status hearings, judgment-debtor examinations, Small Claims Court and tribunal matters). (-0.37)

## 3. Summary of Performance Appraisal Competency Ratings (based on 1,332 filings as of August 31, 2021)

- 3/21 or 14% of performance appraisal competency ratings dropped marginally compared to the previous year.
- The rating for one performance appraisal competency dropped by over half a rating point, reflecting reduced opportunities for court and tribunal appearances resulting from the pandemic:
  - Q13 - Conducting a motion, application or simple hearing before an adjudicative body (-0.57)

Experiential Training Competencies (Principal Reporting)	Average rating for 2017-2018 + 2018-2019 (N = 3,948)	Average rating for 2021-2022 (N = 1,337)	Difference
<b>Ethics and Professional Responsibility</b>			
Q1 - Discuss ethical obligations and responsibilities of a lawyer	4.34	4.29	-0.05
Q2 - Observe procedures related to engagements/retainers and/or documenting the scope of services	3.63	3.35	-0.28
Q3 - Discuss the lawyer's duty to preserve client confidentiality and the appropriate measures to be taken	4.26	4.22	-0.04
Q4 - Discuss potential client conflict of interest issues and observe or use client conflict management process	3.62	3.50	-0.12
Q5 - Discuss appropriate steps to take when asked by a client to do something that would breach professional obligations	3.73	3.61	-0.12
<b>Interviewing</b>			
Q6 - Participate in/observe client interviews	3.77	3.57	-0.20
Q7 - Document client meetings (e.g., meeting notes, memos to file)	4.19	4.18	-0.01
Q8 - Attend interviews with witnesses and/or experts	2.92	2.73	-0.19
Q9 - Prepare witness statements, affidavits, or other court documents based on interview	3.41	3.27	-0.14
<b>Fact Investigation and Legal Research</b>			
Q10 - Review and/or summarize relevant documentation (e.g., transcripts, client's personal or internal files, corporate minute books, contracts, files maintained by government or administrative bodies)	4.55	4.63	0.08
Q11 - Identify applicable areas of law and legal issues	4.66	4.73	0.07
Q12 - Conduct research on substantive and procedural issues	4.56	4.68	0.12
Q13 - Interpret and apply results of research	4.54	4.63	0.09
Q14 - Report results of research to lawyer orally and/or in writing	4.71	4.78	0.07
<b>Drafting and Legal Writing</b>			
Q15 - Use precedents to prepare legal documents	4.39	4.51	0.12

<b>Experiential Training Competencies (Principal Reporting)</b>	<b>Average rating for 2017-2018 + 2018-2019 (N = 3,948)</b>	<b>Average rating for 2021-2022 (N = 1,337)</b>	<b>Difference</b>
Q16 - Formulate and draft legal argument, analysis, advice or submissions	4.10	4.24	0.14
Q17 - Prepare drafts of litigation documents (e.g., pleadings, notices of motion, notices of application, draft orders, offers to settle, notices of appeal, affidavits, facta, minutes of settlement, releases)	3.66	3.62	-0.04
Q18 - Prepare drafts of solicitor-type documents (e.g., correspondence, resolutions, officer's certificates, powers of attorney, agreements, letters of opinion, reporting letters, Wills)	3.45	3.51	0.06
<b>Planning and Advising</b>			
Q19 - Conduct due diligence to ensure all relevant information has been obtained and reviewed	3.85	3.86	0.01
Q20 - Generate options and formulate strategy with lawyer in light of client's needs and circumstances.	3.95	3.96	0.01
Q21 - Observe client meetings in which remedies, options, advice, and instructions are discussed	4.00	3.93	-0.07
Q22 - Advise client under direct supervision of lawyer	3.28	3.07	-0.21
<b>File and Practice Management</b>			
Q23 - Keep client informed of progress of the matter	4.02	3.83	-0.19
Q24 - Document a file (e.g., records of telephone calls, memos to file, client instructions)	4.40	4.39	-0.01
Q25 - Organize a file	4.23	4.20	-0.03
Q26 - Use time docketing system and/or follow process for recording expenses and disbursements	4.20	4.32	0.12
Q27 - Become familiar with and apply cost and time saving techniques that benefit the client	3.71	3.73	0.02
Q28 - Use a tickler system (bring forward and limitation dates)	3.82	3.79	-0.03
<b>Negotiation</b>			
Q29 - Prepare for negotiations (e.g., transactional, litigation, ADR)	3.20	3.06	-0.14

<b>Experiential Training Competencies (Principal Reporting)</b>	<b>Average rating for 2017-2018 + 2018-2019 (N = 3,948)</b>	<b>Average rating for 2021-2022 (N = 1,337)</b>	<b>Difference</b>
Q30 - Observe negotiations	3.38	3.22	-0.16
Q31 - Review and discuss status or outcome of negotiations with lawyerQ31	3.20	3.05	-0.15
<b>Q32 - Conduct negotiations under supervision of a lawyer (e.g., small claims, simple tribunal matter)</b>	2.45	2.04	<b>-0.41</b>
Q33 - Observe forms of alternative dispute resolution (e.g., mediation, arbitration, conciliation)	2.77	2.71	-0.06
<b>Advocacy</b>			
Q34 - Observe and/or support advocacy in a variety of settings (e.g., motions, tribunal hearings, trials, pre-trial conferences, discoveries, applications, references, assessments of costs, examinations).	3.83	3.74	-0.09
Q35 - Request, provide or participate in document disclosure as required (e.g., affidavits of documents, Crown disclosure, Children's Aid Society).	3.34	3.21	-0.13
<b>Q36 - Attend court or tribunal, where permitted, to speak to routine administrative matters (e.g., unopposed adjournments, uncontested and consent motions, and set dates).</b>	2.82	2.13	<b>-0.69</b>
<b>Q37 - Prepare clients or witnesses for trial or other examination</b>	2.75	2.43	<b>-0.32</b>
<b>Q38 - Conduct a hearing or trial where permitted (e.g., status hearings, judgment-debtor examinations, Small Claims Court and tribunal matters).</b>	1.98	1.61	<b>-0.37</b>
<b>Transactional/Advisory Matters</b>			
Q39 - Use transactional checklists as appropriate (e.g., due diligence checklist, closing agenda)	2.79	2.91	0.12
Q40 - Prepare drafts of relevant transactional documents (e.g., closing agenda, due diligence summaries, resolutions, receipts, requisition letters, purchase agreements, promissory notes, opinions, shareholders agreements, reporting letters)	2.36	2.56	0.20
Q41 - Fulfill appropriate regulatory requirements and/or identify forum/parties/stakeholders	2.46	2.56	0.10

<b>Experiential Training Competencies (Principal Reporting)</b>	<b>Average rating for 2017-2018 + 2018-2019 (N = 3,948)</b>	<b>Average rating for 2021-2022 (N = 1,337)</b>	<b>Difference</b>
Q42 - Conduct and/or review relevant searches (e.g., PPSA, Bulk Sales Act, bankruptcy, executions, title, corporate names, tax certificates, trademarks, liens).	2.57	2.64	0.07
Q43 - Participate in closing	2.17	2.28	0.11

<b>Performance Appraisal Competencies</b>	<b>Average rating for 2017-18 and 2018-19 (N = 3,948)</b>	<b>Average rating for 2021-2022 (N = 1,332)</b>	<b>Difference</b>
<b>Task: Interview a Client</b>			
Q1 - Establishing rapport with the client	3.80	3.81	0.01
Q2 - Eliciting information from the client	3.80	3.87	0.07
Q3 - Determines the client's legal needs	3.95	3.97	0.02
Q4 - Advising the client (under a lawyer's supervision) in light of the client's circumstances	3.50	3.52	0.02
Q5 - Documenting advice given to the client and instructions received from the client	3.83	3.96	0.13
Q6 - Managing client expectations	3.44	3.48	0.04
<b>Task: Draft a Legal Opinion</b>			
Q7 - Identifying the client's goals and objectives	3.47	3.67	0.20
Q8 - Gathering facts	4.23	4.33	0.10
Q9 - Identifying applicable areas of law and conducting legal research and analysis	3.94	4.09	0.15
Q10 - Identifying and assessing possible courses of action and range of outcomes	3.89	3.96	0.07
Q11 - Developing a legal strategy in light of the client's circumstances	3.66	3.74	0.08
<b>Task: Represent a Client in an Appearance or ADR or Settlement Process</b>			
Q12 - Formulating and articulating a well-reasoned and accurate legal argument, analysis, or submission	3.98	4.01	0.03
Q13 - Conducting a motion, application or simple hearing before an adjudicative body	2.34	1.77	-0.57
Q14 - Advocating in a non-adjudicative context	3.20	2.97	-0.23

<b>Performance Appraisal Competencies</b>	<b>Average rating for 2017-18 and 2018-19 (N = 3,948)</b>	<b>Average rating for 2021-2022 (N = 1,332)</b>	<b>Difference</b>
Q15 - Negotiating the resolution of a dispute or legal problem	2.99	2.80	-0.19
<b>Task: Demonstrate Professional Conduct</b>			
Q16 - Identifying ethical issues and problems	3.95	4.06	0.11
Q17 Making informed and reasoned decisions about ethical issues	4.02	4.09	0.07
<b>Task: Use of Law Firm/Legal Practice Management Systems</b>			
Q18 - Using systems supporting management of potential client conflicts	3.31	3.32	0.01
Q19 - Using systems supporting the management of timelines and limitation periods	4.01	4.12	0.11
Q20 - Using systems supporting management of client records and files	4.32	4.44	0.12
Q21 - Using systems supporting docketing	4.12	4.30	0.18