

# Professional Development & Competence Division 2022 Program and Resource Report

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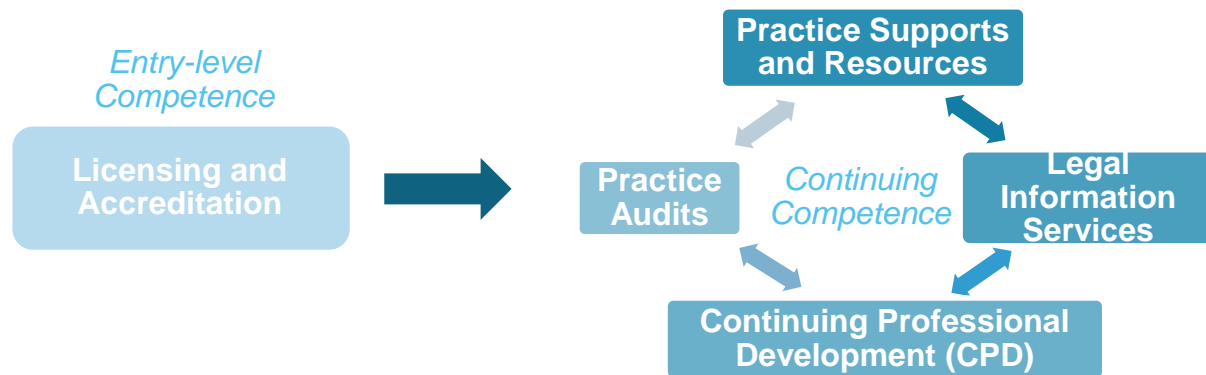
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## Overview

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 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 operational outcomes.



Throughout 2022, PD&C remained focused on facilitating the competence of lawyers and paralegals through programs and supports that are responsive to the needs of the legal professions across multiple practice areas and settings. The themes of adapting legal services to remote delivery and digital processes continued to inform offerings, with a greater emphasis on enabling baseline technological competence to effectively serve the public. The topics of reflective practice, wellness strategies, mentorship, and approaches to addressing mental health challenges were also integrated into competence programs to address the ongoing impacts of the pandemic on licensees and their practices. Highlights from 2022 include:

**Technology Resource Centre** – The LSO launched the Technology Resource Centre, which provides one-stop access to resources, supports, and training to assist licensees with building, maintaining, and enhancing their technological competence. The collection of materials on the Technology Resource Centre includes over 400 guides, checklists, and FAQs on a range of practical topics such as security and data protection, cloud computing, and working remotely. Also included are videos and CPD programs that address technology best practices. See <https://lso.ca/lawyers/technology-resource-centre>.

**Innovative CPD Offerings** – The LSO's Mental Health Summit for Legal Professionals was held for a second year. The 2022 program focused on practical strategies that support licensee well-being. In addition, CPD programs featured discussions about setting and growing a practice, building resilience, mindfulness, sleep hygiene, and challenging conversations. See <https://store.lso.ca/cpd>.

**Book the Helpline** - The Practice Management Helpline recently introduced an online scheduling tool to enhance licensee access to this “just in time service.” The tool allows licensees to schedule a call with the Helpline at a convenient time and reduces wait times. See <https://bookpmh.timetap.com/#/>.

Looking ahead to 2023, work in PD&C will support continuous improvement and implementation of recently approved policy initiatives, all aimed at ensuring competent and effect provision of legal services.

# 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.

In 2022, the LSO returned to ceremonial calls to the bar, while maintaining an administrative call to the bar option. Nine ceremonies were held in Toronto, Ottawa and London to welcome 1,510 candidates to the profession, and an additional 1,037 candidates were administratively called to the bar.

In the spring of 2023, the LSO will implement a requirement for mandatory minimum compensation to ensure fair remuneration and working conditions for licensing candidates completing articling or Law Practice Program placements. In addition, an orientation program aimed at facilitating consistent and quality experiential training will be available for principals, supervisors, and candidates.

### Registrations

- 2,804 newly registered lawyer candidates
- 62% graduated from a Canadian law degree program
- 38% graduated from law school outside of Canada

### Licensing Examinations

- A total of 6,766 examinations written
- The LSO transitioned from online examinations to in person delivery in the spring of 2022 to maintain the integrity of the licensing examinations

2022 First Attempt Success Rates – Lawyer Licensing Examinations			
	Overall	JD/LLB	Internationally trained (NCA)
Barrister	71%	84%	49%
Solicitor	69%	80%	50%

### Experiential Training Pathways

- 2,140 candidates started an articling placement
- 224 candidates enrolled in the 2022-2023 Law Practice Program
- 7 candidates enrolled in the 2022-2023 Programme de pratique du droit
- 213 candidates completed the Integrated Practice Curriculum and applied to the licensing process (56 Lakehead, 157 Toronto Metropolitan University)

### 2022 Highlights

6,055 active candidates in the Lawyer Licensing Process

Just over half (51%) of articling placements were 10 months long

25% of articling placements were 8 months long

11% of articling placements were 9 months long

2,547 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 120-hour field placement. The LSO requires accredited programs to seek approval of major changes and conducts program audits every five years.

In 2022, the LSO 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. To date, 11 colleges have been approved to offer hybrid paralegal education. In addition, the LSO has developed a college outreach initiative to create a structured forum for regular dialogue with paralegal education program coordinators regarding the challenges and opportunities arising in paralegal education.

### Registrations

- 1,372 newly registered paralegal candidates
- 75% were graduates from a college of applied arts and technology
- 25% were graduates from a private career college

### Licensing Examinations

- A total of 1,526 paralegal examinations written
- The LSO transitioned from online examinations to in person delivery in the spring of 2022 to maintain the integrity of the licensing examinations

2022 First Attempt Success Rates – Paralegal Licensing Examination		
Overall	Community College	Private College
67%	64%	48%

### Accreditation

- 39 accredited paralegal education programs at campuses across Ontario
- 14 colleges of applied arts and technology are offering paralegal education
- 10 private career colleges are offering paralegal education
- 1 new application for accreditation in progress

### 2022 Highlights

2,715 active candidates in the Paralegal licensing process

8 program audits conducted

714 newly licensed paralegals

Paralegal reception held in November 2022

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## 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. 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 program is governed by the Certified Specialist Board, comprised of certified specialists and benchers.

The Certified Specialist Program is under review, following the direction from LSO Convocation in September 2022. The Law Society will consult with specialists, lawyers and paralegals, stakeholders, and others to obtain feedback and perspectives on the program and its effectiveness in assuring competence in the public interest. The outcomes of the consultation will inform next steps regarding the Certified Specialist Program.

#### Applications

- 13 new applications received\*
- 6 new certified specialists approved\*
- 1.2% of practising lawyers in Ontario are specialists

#### Practice Areas

- A total of 742 certified specialists
- 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
- 65% of specialists practise in Toronto
- 35% of specialists practise outside of Toronto

#### Did you know?

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 experience in their area of practice.

\*Numbers are reflective of a pause in Certified Specialist program activities from June to December 2022.

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## Practice Supports and Resources

### Coach and Advisor Network

The Coach and Advisor Network (CAN) was introduced in 2016 in recognition of the critical importance of peer support and mentorship 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 2022, consistent with recent trends, CAN supported 1,147 engagements, a 35% increase in overall volume from 2021. In particular, advisor engagements increased by 24% and coaching engagements increased by 51%. As a result of improved workflow processes and through the support of its dedicated roster of volunteer lawyers and paralegals, CAN was able to meet this demand. Feedback on CAN remains extremely positive, with 95% of participants likely to recommend CAN to other licensees.

Volunteers and participants may count their time involved in CAN towards the annual CPD requirement, including Professionalism hours and EDI hours, provided they fulfill the criteria and receive accreditation by the Law Society.

#### Volunteers

- Total roster of 458 licensees
- 87% are lawyers
- 13% are paralegals
- 72% are sole and small firm practitioners

#### Participants

- 1,037 lawyer participants, 110 paralegal participants
- 89% are sole and small firm practitioners
- 52% have requested coaching or advising more than once in the calendar year

#### Matches

- 824 advisor engagements
- Top areas for advising: civil litigation (18%), real estate (18%) and estates (17%)
- 288 coaching engagements
- Top areas for coaching: opening your own practice (37%), career development (36%), and file management (27%)

#### CAN Testimonials

“My advisor was excellent. He was thorough and got back to me very quickly!”

“My coach went above my expectations of the program. It was an educational and valuable experience.”

“My advisor was down to earth and encouraging. I often feel intimidated by senior counsel, but she was so kind and helpful and generous with her time.”

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## 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.

The Helpline recently introduced “Book the Helpline,” an online scheduling tool to enhance licensee access to the service and create efficiencies. The tool allows licensees to schedule a call with the Helpline at a convenient time and reduces wait times. Initial feedback on the tool has been extremely positive, with callers praising this service enhancement. Consistent with previous years, 95% of callers were satisfied with the service and would recommend it to others.

In 2022, the LSO launched the Law Society’s Technology Resource Centre, which provides one-stop access to resources, supports, and training to assist licensees with building, maintaining, and enhancing their technological competence. The collection of materials on the Technology Resource Centre includes over 400 guides, checklists, and FAQs on a range of practical topics such as security and data protection, cloud computing, and working remotely. Also included are videos and CPD programs that address technology best practices.

#### Helpline Inquiries

- 9,781 inquiries in total
- 68% from licensees working as sole or small firm practitioners
- 41% are within their first five years of practice
- 24% have been practising for more than 20 years

#### Lawyers

- 7,483 inquiries from lawyers
- Top areas of inquiry are conflicts of interest
- Most common practice areas were real estate (23%), family law (17%), and civil litigation (16%)

#### Paralegals

- 1,577 inquiries from paralegals
- Top area of inquiry is paralegal scope of practice
- Most common practice areas for callers were Small Claims Court (32%), landlord and tenant (30%), and provincial offences (13%)

#### Helpline Testimonials

“The issue was time sensitive, and I received a call back within the hour and the advice was very helpful, focused, and appropriate. The material to which I was referred was on point.”

“Excellent service - helped direct me to the needed sources for a question that could not be answered in the FAQ's or otherwise! So impressed!”

“This is an excellent service. In many ways there's nothing more that can be done to improve it.”

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# 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. Remote library services have remained the preferred mode of access even after the Great Library reopened its doors to licensees in April 2022 and then to the public in September 2022. Some of the digitally enabled services offered by the Great Library are as follows:

- 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 Great Library is seeing user volumes of most services return to or exceed pre-pandemic levels.

### Reference Services

- 9,094 legal research questions answered
- 45 hours of reference support each week
- 104,756 electronic pages sent to licensees
- 4,016 electronic pages sent to law associations

### Digital Services

- 155,354 visits to *AccessCLE*
- 4,101 searched on Great Library mobile app
- 143,514 website page views, a 12% increase from 2021 to 2022

### Physical Collection

- 93,337 books in the collection
- 3,926 library books consulted
- 9,296 pages copied by library users

### Reference Support Testimonials

"Once again, thank you for the comprehensive response that I am reviewing in detail."

"This is going to take me to another level in lawyering skills. I really appreciate it."

"Thank you for your excellent work on this, and the quick turnaround. The sources you provided are immensely helpful. I greatly appreciate your help and your thoroughness."



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# 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 LSO's Archives was established in 1982 to preserve the heritage of the legal profession in Ontario. The Archives team oversees documents and other artifacts of historical significance to the Law Society and Ontario's legal professions. The LSO Archives serves as a resource to LSO staff, the legal professions, and the public. The LSO also participates in the Internet Archive project, which is a global, online collection of free content available to the public.

In 2022, the team successfully implemented a digital preservation system to ensure long term access to the LSO's electronic records. Over 17,000 records were preserved over the past year, including Convocation minutes and transcripts, committee agendas, annual reports, photographs, periodicals, and licensee records. The team also upgraded the archival records databases to a cloud-based system as part of the LSO's modernization and move away from on-premises storage.

### Corporate Records

- 4,232 new records created and managed, an 89% increase compared to 2021
- 84,288 total records managed across the organization

### Archives

- Supported ~300 internal research requests\*
- 5,365 archival images posted on Flickr
- Over 760,000 Flickr views
- 1,324 Instagram followers

### 2022 Highlights

12,846 Internet Archives resource views, a 34% increase from 2021

~10,000 YouTube views, a 67% increase from 2021

\*External research requests were limited for part of the year due to pandemic restrictions.

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# 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 on demand 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 2022, the LSO continued to provide innovative and responsive programming to support lawyers and paralegals in delivering competent legal services in the public interest. The second annual Mental Health Summit for Legal Professionals attracted over 7,600 participants (6,144 live, 1,593 on demand), a 45% increase from registrations compared to the previous year. In addition, the LSO expanded Bridge to Practice (B2P) to newly licensed paralegals. B2P is 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 was initially developed to support the entry-level competence of articling candidates and newly licensed lawyers during the pandemic. Over the past year, there were 1,048 and 693 downloads of lawyer and paralegal B2P content, respectively.

### Offerings

- 82 original English and 4 original French programs
- 73 program replays (71 English, 2 French)
- 4 on demand only programs
- 1 eCourse
- 41 free Lawyer Bridge to Practice offerings
- 28 free Paralegal Bridge to Practice offerings

### Registrations

- 46,616 registrations for paid offerings
- 24,767 registrations for free offerings

### Programs of Interest

- Reflecting on Your Practice: Goal Setting for Success in 2022 (and Beyond)
- The Client-Centered Practice for Lawyers and Paralegals
- The Business of Sleep: A Productivity and Success Toolkit for the Legal Practitioner
- Technology and the Law
- Our Civil Justice System: Pandemic Lessons and Forward Thinking
- Mindfulness – An Invaluable Resource for Legal Professionals

### 2022 Highlights

In the fall of 2022, CPD transitioned to a hybrid delivery model, with in person attendance available for some programs in addition to virtual delivery. Lawyers and paralegals continue to demonstrate a strong preference for virtual delivery, and increasingly for asynchronous, on demand options that allow for viewing anytime, anywhere.

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## 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 2022, the LSO implemented a hybrid approach to quality assurance. Audits and practice reviews are conducted in person, remotely, or a combination thereof depending on the nature of the licensee's practice, the regulatory context, and other factors. Many licensees, particularly those in their first 8 years of call, are increasingly operating fully digitized practices. The standards of competence remain the same for all practitioners, regardless of modality.

The LSO is piloting a new Check Up Program for law firms that have demonstrated compliance with the LSO's financial and bookkeeping requirements during a previous audit and whose practices are considered lower risk. Lower risk law firms will not be excluded from a regular full scope audit, but these will be conducted less frequently under the Check Up Program. Instead of undergoing a full scope audit, a Check Up audit is focussed primarily on the law firm's trust accounts. This proportionate approach saves licensees time and effort, and allows LSO resources to be allocated to practices that present greater risk, in the public interest. The impact of this pilot on law firm compliance with books and records requirements will be closely monitored over the next year.

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## Practice Audits continued

### Spot Audit and Practice Review Programs

#### Spot Audits

- 735 law firm audits
- 71% of law firms had minor or no books and records deficiencies and 23% had deficiencies that were remediated
- 6% had serious books and records deficiencies

#### Practice Reviews – Lawyers

- 234 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

- 89 paralegal practice reviews
- 58% of initial reviews met standards of professional competence
- 42% of reviews required a follow-up, resulting in 99% compliance

### 2022 Highlights

LSO auditors have been involved in teaching 2<sup>nd</sup> year law students at Toronto Metropolitan University about law firm accounting and bookkeeping.

Auditors shared an overview of the spot audit process, common deficiencies, and best practices with the Ottawa Legal Managers' Association.

Practice reviewers and auditors participated in 9 CPD programs aimed at making licensees more aware of the importance of effective practice management processes and compliance with books and records requirements.