



**Law Society**  
of Ontario

**Barreau**  
de l'Ontario

## Tab 3

# Professional Development and Competence Committee

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## Implementation Date for the Practice Essentials Course

October 26, 2023

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## **MOTION**

**That Convocation extend the date for implementation of the practice essentials course from January 2024 to January 2025, so that it applies to all licensees who become sole practitioners in or after January 2025.**

## **BACKGROUND**

### **The Competence Task Force**

In 2021 the Law Society established the Competence Task Force to examine regulatory approaches to ensuring and improving career-long licensee competence. The objective of the Task Force was to recommend an effective, proportionate, and balanced regulatory framework addressing career-long competence in a manner that protects the public interest and is responsive to the public's legal needs. While licensee competence is intertwined with many aspects of Law Society regulation, the Task Force's mandate was focused on competence programs.

### **The Task Force Report**

The Task Force presented its report (available [here](#)) to Convocation on May 26, 2022. The Task Force made a number of recommendations that were, with minor modifications, adopted by Convocation. This included a recommendation that all licensees who are designating as sole practitioners be required to take a course of practical and effective "front end" training on the foundational topics.

The topics were identified as the areas that result in the highest incidence of complaints, malpractice claims and identified practice deficiencies. These include, broadly, client service and communication, financial and practice management, the business of running a law practice and professional responsibility in practice.

In its report, the Task Force noted that errors in practice management and client service can have profound implications for clients who cannot exercise their rights or experience financial losses. They also impact licensees. For a licensee starting a sole practice, a malpractice claim or Law Society complaint can be a devastating personal blow and have significant long-term implications on the practice's success.

The Task Force concluded that legal education and licensing placements for new licensees do not consistently provide all the necessary skills to understand and mitigate these risks and run effective legal practices. In addition, experienced licensees transitioning to sole practices need to develop skills, structures and systems to mitigate the risks associated with operating as a sole practitioner. As such, a mandatory practice essentials course was seen by the Task Force as a significant risk management achievement for the Law Society that would likely have a measurable impact on licensee competence and public interest protections.

Convocation adopted the motion to create the practice essentials course which stated:

That Convocation 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.

### **The Practice Essentials Course**

The practice essentials course will involve online classes delivered incrementally totalling approximately 30 hours. The course will be offered as an executive style course providing significant points of interaction, practical training and evaluative components. The Task Force recognized that this requirement will represent a significant time commitment for licensees in the process of setting up new sole practices. In recognition of this, the Task Force proposed a modular structure and online modality to create flexibility for participants. Further, the Task Force recommended that the Law Society explore incentives for course participants.

The topics covered will include, broadly, client service and communication; financial and practice management; the business of running a law practice and professional responsibility in practice. Practical lessons, advice and materials will be provided on issues such as financial obligations; accounting for law firms; available software for law firm financial records; how to deal with your financial institution; billing practices; hiring employees; setting up an office; file management and organization. Key features of the program delivery will include:

- **Online Delivery** – The course will be offered primarily online to ensure accessibility to licensees across the province.
- **Interactive** – Although the course will be delivered primarily online, it will be designed to facilitate interaction between participants and instructors through discussion groups and forums.
- **Self-paced modules** – Content will be broken down into separate modules to support the learning needs of practitioners who require flexibility to balance their professional and personal obligations. A modular format will allow learners to undertake the course in manageable sections and focus on specific themes and concepts in a progressive manner.
- **Practically-oriented** – The course will focus on application of principles and best practices to the individual licensee's practice. Learning outcomes will emphasize goal

setting, reflection, and business planning. Case studies, including lessons learned from the regulatory stream, with instruction and feedback from investigators and disciplinary counsel who “have seen it all” will be used to illustrate concepts and principles in context.

- **Evaluative** – The course will embed assessment activities appropriate for professional adult participants. Assessments will be focused on developing a thorough understanding of client service and practice management best practices.

Supplementary to the course, materials will be provided to participants. These will include supports that serve as both a workbook and a post-course reference tool for participants, consisting of practice guides, precedents, scenarios, and checklists. There will also be substantive law resources for core practice areas such as real estate and wills and estates.

### **Effective Date**

At the time that the report was drafted it was felt that a January 2024 implementation deadline would allow time for the Law Society to develop and operationalize the high-quality course outlined above and ensure that the appropriate administration is in place.

Much progress has been made to date including development of a course syllabus; course programs and much of the course material. Despite this progress, further administrative and technical changes, as well as adequate testing of the course technology is required to ensure smooth operation for all users.

Moreover, a later launch date would allow the Law Society to raise awareness of the course within the professions and with stakeholders.

Further, the practice essentials course still has outstanding policy decisions that will require recommendations from the Professional Development and Competence Committee and decisions from Convocation. For example, the Committee and Convocation will need to provide policy direction on the timeline for course completion, incentives and the nature of enforcement for non-compliance. Subsequently, by-law amendments will need to be drafted and approved.

It is anticipated that a report seeking policy directions from the Committee will come to the Committee for decision in early 2024 and that the draft by-law amendments will be provided to the Committee and Convocation in April or May of 2024.

This report recommends extending the implementation deadline by one year to January 2025 to allow time for:

- the course to be fully developed and tested;
- policy decisions to be made and operationalized; and
- awareness of the course to be raised within the professions.