



# Law Society of Ontario Competence Task Force Focus Groups

December 2021

thinking forward

# About the research

## Research objectives

- Explore lawyers' and paralegals' opinions and attitudes, as well as their needs when it comes to, competence and professional development.
- Obtain feedback from clients to ensure that the renewed framework meets their needs.

## Research approach

- We conducted a series of 10 focus groups.
- Six groups were conducted with lawyers, including 2 groups with barristers, 2 with solicitors, and 2 with barristers and solicitors. One of the barrister/solicitor groups was conducted in French.
- Two groups were conducted with paralegals.
- Two groups were conducted with clients. One was made up of individuals who had hired a lawyer or paralegal for personal matters in the past three years, while the other included institutional clients.

# Key Takeaways

- There is significant overlap between how lawyers, paralegals and their clients define competence. Each group prioritizes legal knowledge and skills, as well as a lawyer or paralegal’s awareness of their limitations.
  - Clients also particularly value clear communication and organization. An “ideal” lawyer or paralegal would listen actively to their client, communicate clearly and in plain language, and set realistic expectations.
  - Some, but not all, lawyers mentioned these skills when asked to define competence, but when prompted, all agreed that they are important.
  - Of note, paralegals mentioned that competence also involves “soft skills” like being a good listener and providing comfort to clients.
- Continuing Professional Development (CPD) is widely viewed as one of the most important components of the competence framework. Licensees use it to stay up to date with new developments in their field.
- Importantly, none felt the CPD requirement should be removed. However, licensees offered many ways CPD could be modified to better meet their needs, including:
  - A wider selection of CPD courses that focus on a specific practice area.
  - Make online CPD courses more engaging by using breakout rooms, as well as providing more substantive CPD offerings online.
  - Consider offering in-person CPD courses outside Toronto.

# Key Takeaways

- The importance of mentorship and peer interaction to competence was echoed throughout each group. Virtually every participant agreed that their competence is enhanced by consulting other licensees when they encounter an issue.
- Mentorship and peer interaction opportunities may have suffered throughout COVID, to the particular detriment of new licensees who have yet to develop their own network.
  - Participants felt that the Law Society could do more to foster “organic” mentorship and peer interaction. They were reluctant to be paired with a mentor or mentee through the Coach and Advisor Network but would welcome the opportunity to find their own mentor or mentee through a more informal networking experience, whether in-person or online in breakout room discussions, or even social media.
- In contrast, the idea of Peer Assessment was widely rejected. Participants felt it would be impossible to implement such an initiative in an inherently “adversarial” profession and were not open to being evaluated formally by someone who could be a competitor.
  - Others pointed out that everyone has a different way of working, and consequently were unsure how a peer could “rate” or “grade” their performance.

# Key Takeaways

- Licensees struggled with the idea of the Law Society including “excellence” as part of the Competency Framework. They did not view it as something a regulatory body should or could use to assess and classify licensees.
  - They were not opposed to the Law Society offering the Certified Specialist Program or something similar, but did not believe it would be particularly useful to them. Many expressed that they already strive for excellence in their everyday practice and did not believe that they needed an additional certification to help attract clients.
- Audits and reviews are another important component of the Competency Framework, according to the licensees who participated in the research. Most felt they are an effective means of ensuring competency.
  - Virtually all who had received a review or audit agreed that they had identified small problems and ensured they avoided larger issues in the future.
  - Some suggested that the Law Society should offer training specifically for soles and smalls that addresses the most common issues identified during these reviews.
- Clients had no knowledge of the CPD requirements nor the reviews and audits that licensees undergo. When told of them, they were enthusiastically supportive and claimed that it raised their confidence in the legal profession and instilled trust in lawyers and paralegals.

Defining and building  
competence



# Defining competence - lawyers

- Asked how they define competence, virtually all lawyers mentioned knowledge of practice area, legal skills, and keeping up with developments in their area of practice.
  - Barristers specified that for them, the ability to anticipate unexpected challenges in court is a large part of their preparation, which in turn contributes to their competence.
- Many mentioned that knowing where your expertise does and does not lie is an important part of being a competent lawyer. According to these participants, competent lawyers take on the work they know they can handle and refer work outside of their area of expertise to someone else.

# What does it mean to be a competent lawyer?

“It is important to stay current to stay competent.”

“Knowledge of the area, ability to research, understanding of your own limitations, follow timelines, communication with client.”

“Analytical skills - being able to understand and assess the information a client or other party presents to you to be able recommend and take the right steps and give the right advice.”

“Competency involves knowledge of and awareness of one's shortcomings and having the awareness to either maybe pass on something or to seek additional advice when when the circumstances call for it.”

“I think that being competent means to me being comfortable in your practice area, knowing how to handle the files that come to you. And, and knowing how to react in challenging situations”

“I think preparation for for larger trials and things of that nature is very important.”

“Voir le niveau d'expérience et le niveau de connaissances ainsi que les moyens à notre disposition pour pouvoir atteindre les objectifs de nos clients avec les qualités d'analyse, d'écoute, de compréhension, sans préjugés, sans barrières de langue ou d'idées préconçues.”

“Intégrité, recherche, compréhension.”

# Defining competence - paralegals

- Paralegals also described competence in terms of legal expertise and knowledge of their field. Much like lawyers, they spend time researching independently and reading case law, and rely on the Law Society's and the Ontario Paralegal Association's courses.
- Most agreed that peer interaction and mentorship builds competence, but many noted that this has been more challenging during the pandemic. They agreed with the lawyers that acknowledging when they are not equipped to handle a case and referring it to someone else is also essential to being a competent paralegal.
  - Of note, some paralegals were quick to mention that competence extends beyond legal knowledge and also involves “soft skills” like being a good listener and providing comfort to clients.

# What does it mean to be a competent paralegal?

- “People skills (dealing with the public), knowledgeable about your area of expertise, confidence in what you are doing.”
- “You have to have the ability to remove any anxieties from them and put their minds at ease and show them that you are able to best represent them and their needs...As much as you are a paralegal, you're also somewhat of a psychologist as well.”
- “I will say life experience is important rather than academic knowledge.”
- “Communication, advocacy, negotiation, analytical, human relations, networking.”
- “And it's not only knowing what you are supposed to be competent in, but it's also knowing when you're not competent, and you have to pass it off to someone else.”
- “I believe to be competent, you have to first you have to know your rules and regulations.”

# Building competence

## The most often mentioned ways that licensees build competence include:

- Attending CPD courses.
- Doing their own research into case law, new regulations, etc. Some use The Great Library and LIRN.
- Discussing challenges with their peers & learning from the experience of others (which has become more challenging during the pandemic).
- Attending conferences relevant to their field, such as the Criminal Lawyers Association Conference.
- Through mentorship, either as the mentor or the mentee.
- Reading newsletters, listening to podcasts, and following other lawyers who release information on relevant updates or changes.

Client perspectives and experiences



# Client perspective – what comes to mind when you think of lawyers?

## Genpop clients said...

- Cost/high cost
- Dependable
- Paperwork
- Helpful
- Specialist
- Details
- Safety

## Institutional clients said...

- Expensive
- Frustrating, tedious
- Time consuming
- Sometimes essential
- Not necessarily competent

# Client perspective - competency

## A competent lawyer...

- Listens actively to the client
- Communicates clearly and in writing
- Is educated, well-versed in the client's issue-set, and can draw on past experiences to inform their approach
- Is highly organized
- Helps a client navigate complex issues they could not manage on their own
- Recognizes their limitations

## An incompetent lawyer...

- Does not listen to clients or follow agreed upon strategy
- Takes a long time to respond/goes dark
- Is not organized, cannot meet deadlines
- Seems to be “running out the clock”, wasting clients' time, dragging things out (most often mentioned by institutional clients)
- Seems “profit-driven”

# Client perspective – the ideal lawyer

## Clients said that the ideal lawyer...

- Has superior communication skills and speaks in terms their clients will understand.
- Is very knowledgeable about the laws related to the client's case.
- Sets clear expectations with their client to avoid “surprises” later on.
- Knows their own limitations.
- Is very proactive and sticks to deadlines.
- Provides a budget and sticks to it, is “cost effective”.
- Is flexible and able to work around a client's schedule.

# Client perspective – positive experiences

“Positive - knowledgeable, experienced, professional.” – Institutional client

“Initially put mind at ease, lots of advice, knowledgeable.” – Institutional client

“What I really appreciated was the suggestions of how to word the documents, to prevent some surprises, should there be any issues with when both of us were gone... I wouldn't have thought of that in those details.” – GenPop Client

“I was separating, and he helped me through, he was very sympathetic, empathetic, good listener, and he listened. Obviously, such a moment in your life comes with frustration and full of bad experiences. He listened, he explained to me the process, he explained to me what is valid, what is invalid, what my expectation should be, and how to how he can help achieve them.” – GenPop Client

“Everything was in writing. Even if we spoke on the phone, everything that I said to them, it came back to me in an email. And I basically just said, acknowledged, confirmed. So, there was always a paper trail, that actually was very comforting to me.” – GenPop Client

“I just felt like I was suddenly on autopilot. And this was like one of these self driving cars, and they[the paralegal] were on top of everything... throughout the process, I felt like there was nothing to worry about, and that things were going to go smoothly, despite what seemed to be a hairy situation, right?” – GenPop Client

# Client perspective – negative experiences

“So we had one that we got rid of, because they kept losing our paperwork. Okay. And so I'd say that's highly incompetent, couldn't meet deadlines, it was super unprofessional.” – Institutional client

“No communication, either. If you're going months without hearing anything. And it's something that has a deadline, and it's like, I'm not hearing anything until the month before this deadline happens. I'm not impressed. I want to be up to date, at least.” –Institutional client

“I had to hand hold and still got a bill for more than what I expected.” –Institutional client

“I felt I had to explain so much about the industry.” –Institutional client

“When I got my lawyer, I ended up getting a referral through legal aid. And I kind of got the sense that unfortunately, you do, in fact, get what you pay for the first lawyer I retained ended up not doing any work at all, and sending me a big bill anyway.” –GenPop Client

“She was really cold, I understand she's getting paid to listen to me. But it felt like the she was too busy, she barely made any notes... I went in with a mindset that at least if I'm, you know, giving her my time, she would at least start making notes, a few details that might be unique to the case, or things that I'm saying that might come in handy down the road...” – GenPop Client

Support for soles  
and smalls



# Support for soles and smalls

- Some participants felt that the Law Society could play a more supportive role for licensees. Currently, there is a sense that the Law Society plays a watchdog role for clients and could do more to help soles and smalls as well as promote the competence of the profession.
- Much of the additional support participants said they could use from the Law Society involved changes to CPD.
  - Lawyers and paralegals alike agreed that more CPD courses specific to their field would be welcome.
  - Paralegals felt that their current options are limited.
- Some had heard of and taken the courses the Law Society offers on practice management and the business of law, while others had never heard of them.
  - Those who had taken them found them helpful at the time. As one paralegal noted, the course explained many things they had not been taught in school.
  - More experienced licensees felt such courses could be useful to new licensees, particularly those in sole practice, but did not feel taking one would help them today.
  - Some newer licensees were interested in these courses but were concerned that they are not specific enough to their area of expertise and the way they practice law to be useful.

# Support for soles and smalls

- Several participants noted that, given the circumstances surrounding the COVID-19 pandemic, the Law Society could do more for soles, who have not been able to interact with other licensees as easily, to encourage networking. They acknowledged the difficulty of creating opportunities for connection online. However, their comments suggest that providing more time for interaction during virtual CPDs or simply providing an online space for licensees to meet could be welcome.
- A few licensees based outside of the Greater Toronto Area expressed that they felt a bit disconnected from the Law Society. There was a sense that the Law Society caters to larger, Bay Street firms, in terms of the support it provides.
- French-speaking licensees also mentioned accessibility issues.
  - French CPD and networking options are limited. These licensees also routinely encounter difficulties with the website translation and availability of certain forms in French.

# Support for soles and smalls - technology

- Virtually all agreed that technological competence is increasingly important. Licensees have had to learn many new technological practices over the past few years, particularly since the pandemic began.
  - Some have started using new systems or software, including OneDrive (which facilitates working from home), new accounting software (Soluna), HTA Pro, Cosmo Lex.
  - Barristers were particularly aware of the fast pace of technological change of the past two years. They said it is now an expectation that they are able to conduct their business and go to court online.
- Most agreed that the Law Society could offer more support when it comes to technological competence.
  - Some licensees felt that technology courses could be offered as part of the menu of CPD options but should not be mandatory. They recognized that technological competence varies and noted that older licensees could stand to benefit from more training in this area, while younger licensees and those with a background in technology might not need it.
    - One mentioned that they feel some lawyers are wasting clients' time and money by not being more technologically competent.
  - A few felt that the Law Society is “behind the times” and does not keep up with changing technology.
  - Some also worried that the Law Society does not have the subject matter expertise to offer courses about technology advancements.

# Client perspective - technology

- Clients generally seemed satisfied with the way their lawyers and paralegals made use of technology.
- Most had used DocuSign or filled out electronic forms with details of their case. They trusted the safety and security of these programs and found them to be user-friendly.
- A few mentioned their lawyer using more advanced software to edit contracts and other documents, which updated changes automatically across several documents.

# Continuing professional development



# Continuing professional development

- Lawyers and paralegals believe that CPD is an essential component of the competence framework. None felt that the CPD requirement should be removed.
- It is an important way that licensees build competency, and it is a means of keeping up with changes to the law and developments within the profession.
  - One lawyer mentioned that when they decided to switch their area of practice, CPD courses were an important resource.
  - Perhaps unsurprisingly, the most useful CPD courses are those that deal specifically with a licensee's area of practice. The more specific the course or conference they can find, the better.
- One junior licensee particularly appreciated that CPD is mandatory. The requirement means that their employer has to allow time for professional development.
- Most take CPD courses to meet their requirements, but many also mentioned conferences, including those put on by the Criminal Lawyers Association, as a helpful and easy way to meet the minimum threshold.

# Positive impressions

“I would vouch for the reliability of the CPD material that I consume for wills and estates.” – Solicitor

“I think it should be sustained. I don't think it should be eliminated or reduced. It serves too strong of a purpose to depart from it.” – Solicitor

“Certainly, the CPDs are helpful, right, there's certain new areas of law or new or there's new legislation that comes down, and it's nice to sort of get a cross section of us about that, in addition to your own research.” – Barrister

“So I have found that every time I've attended a CPD focused on criminal law, I have utilized some aspects in that of that CPD in some sort of trial or issue that came up in my practice. So just being able to listen, hear them talk about the topic, read the associated documents that they reference, and then just kind of applying it to the issues. And again, just attending ones that are focused on my practice, have been the most useful.” – Barrister

“I think the Law Society has done a good job in tailoring the CPD programs to the current state of surviving and working professionally during the pandemic. There's been numerous courses that have sort of been tailored towards helping the lawyer and the paralegal during these tough times.” – Paralegal

# Improvements and suggestions

**Lawyers and paralegals offered many suggestions for improvements that would make CPD more accessible or more useful to them:**

- A wider selection of CPD courses that are specific and focused (particularly for paralegals).
- Use breakout rooms for online CPD courses to make them more interactive.
- Change the speakers (especially judges) for CPD courses more often.
- Limit the number of topics and speakers in a single course (should be more in-depth, less rushed and surface level).
- Provide more options for substantive CPD online (esp. for those outside the GTA as travelling is not always feasible).
- Reduce course costs, especially for “the basics” such as professional regulation, confidentiality, business management.
- Support inter-cultural competence and offer a CPD course relating to Indigenous law, free of charge.

# Improvements and suggestions

“It would be helpful if the Law Society could make available core parts of CPD going to our core practice for free or at vastly reduced costs. And I tell maybe they can even get Law Pro to make a donation since the more people that are competent, the fewer claims that are going to be.” – Solicitor

“A lot of the CPD I do is in Toronto and pre COVID it was always a serious decision-making process as to you know, whether this was worth a trip to Toronto itself. I'm sure this depends on numbers and this sort of thing as to what the likelihood of having CPD that is not right downtown Toronto would ever be in the future. You know, it's something that's prevented a lot of people from my way from attending in person and I agree entirely, something to be said [for the] in-person element. – Solicitor

“I find they try to cover maybe too many topics in one session, and then they're just kind of just briefly scratching the surface of issues, you kind of want to delve in a little bit deeper to kind of get a better understanding, but you really don't get the opportunity based on time.” – Barrister

“I do think that as the profession pivots away from the pandemic, and away from zoom, this as a flattening accessibility point has been really positive. And I think should be something that we consider going forward in offering CPD that it's not always about going to a physical space, that we do find a way to find this hybrid, that program delivery, because frankly, it's easier for me to access CPD from my office in a timeframe.” – Solicitor

“I would like to take more CPD, let's say I see something I want to take. But when I look at the prices, and again, that's my personal opinion, when they look at the prices, and I add it all up, I'm looking at few \$1,000. And that's hurting, let's say in the long run.” – Paralegal

# Client perspective on CPD

- Clients overwhelmingly believe that constant learning and on-going training is central to professional competency.
- On the other hand, they were largely unaware that lawyers are required to participate in CPD every year but when informed this was the case were universally supportive and reassured.
  - A few wondered if 12 hours a year was sufficient to keep up with changes in the law and “best practices”. Some also questioned whether there was enough rigour in ensuring hours were completed, particularly because online learning can be difficult to monitor.

Peer support



# Peer support and mentorship

- Lawyers and paralegals viewed mentorship as invaluable when it comes to building competence. Many participants explained how they had been mentored by more experienced lawyers or paralegals, which had in turn given them more confidence.
  - Some who currently act as mentors to other licensees explained that their relationship is mutually beneficial. By working with their mentee, they learn new things as well.
- Peer interaction is also key to competence. Almost all mentioned how helpful it is to be able to bounce ideas off colleagues or other licensees in their practice area.
- Mentorship and peer interaction opportunities may have suffered throughout COVID, to the particular detriment of new licensees who have yet to develop their own network.
  - Some said that if the Law Society can do anything to encourage both, it would be welcome, but many were reluctant to be paired with a mentor or mentee (i.e., a “stranger”) through the Law Society and the Coach and Advisor program. Some who had looked into the program were deterred by the deadlines and paperwork required to participate. Others wanted to be sure that they would be paired with a licensee practicing in their area.
  - Most wanted to find their own mentor through a more organic and informal networking experience, whether in-person or online in breakout room discussions, or even social media. They suggested that the Law Society could provide a forum for lawyers in the same practice area to meet and network.

# Mentorship

“When I first started out, the lawyer that took me under his wing, it was fabulous. And I gained so much experience and confidence.” – Paralegal

“You know, these guys, these people down at Bay Street, they've got people down the hall, they could go ask whether they're being told or they just watch for first 10 years of their practice, from older people learning. But, you know, there's a lot of young lawyers that are starting off on their own or small little firms or go out on their own after a couple years. I just don't understand how they would ever learn without it.” – Barrister

“I've got a guy who, who retired after 35 years, and still shows up the office a couple of times a week. We pick his brain about any questions we have. So that kind of coaching and mentoring and advisor role is for can be fulfilled, you know, within your community as opposed to being fulfilled through Law Society.” – Solicitor

“I have found a couple of Facebook groups, I would say it's probably the one reason I check my Facebook daily is that we've got these solo practitioner groups, and these real estate law groups that are fabulous, because here are people posing real questions and conundrums not just a general CPD of you know, I'm a presenter, because I like to hear myself talk, and I haven't given you any really useful information here.” – Solicitor

# Peer assessment

- Most rejected the idea of adding Peer Assessment to the competency framework.
- Lawyers and paralegals questioned whether peer assessment could work in their profession. Some said this was because the law is adversarial by nature and felt it was impossible for a “competitor” to offer an objective assessment of a colleague’s competency.
  - Others pointed out that everyone has a different way of doing their job, and one is not necessarily better than the other, and consequently were unsure how a peer could “rate” or “grade” their performance.
  - A few felt that they already assess their peers informally throughout the course of their day-to-day work or that their work is assessed in that way as well. They know opposing council checks their work, and they check theirs.
  - Sole proprietors also questioned who would assess them, since they do not have any colleagues with whom they work directly. They were uneasy at the idea of being assessed by someone they have never worked with before or who may be a competitor.

# Peer assessment

“I think it could become catty. I think it's like everybody has their own idea of the right way to do things. Rather than being open.” – Paralegal

“I have no problems being criticized about something that I do. But I want it to be objective. I don't want somebody to be subjective when they're doing something like that. And that's my biggest concern about peer review, is that it's almost always going to end up being subjective rather than objective.” – Paralegal

“I just think it's a difficult system unless you scope it very narrowly. And specifically, it's a difficult system to create in a profession that is inherently adversarial. You know, I don't think that that is a good model for us. I think like, you know, having an independent regulator to tell us whether we are engaging in appropriate practice management, whether we're maintaining our practices in accordance with law is one thing, but everyone kind of develops their own way that they meet those requirements. And for someone else to come into my practice and tell me that I'm not doing how they do it, and therefore it's deficient. Doesn't make sense.” – Barrister

“If someone's doing a real estate transaction, there's always a lawyer on the other side, or maybe two, looking at dotting the i's crossing the t's. If one side misses something, the other lawyer is going “oh, don't forget, you've got this to do.” So together, you're working to make sure you get it right. So, you are automatically in a peer review in that context.” - Solicitor



Fostering excellence

# What does excellence mean?

## Licensees defined excellence in the following ways:

- It is related to, but not the same as competence. In order to be excellent, one must be competent, but competency does not guarantee excellence.
- Excellence involves going “above and beyond” for the client.
- It includes being able to identify client needs, the optimal strategy for them, and communicate it clearly to all parties involved
- It is something licensees strive for in their day-to-day work as it is directly tied to their reputation
- The end result of excellence is high client satisfaction. Satisfied clients and referrals demonstrate that licensees are “excellent”.

# Should the Law Society promote or mandate excellence?

- Most felt that mandating excellence was beyond the scope and competency of a professional regulator.
  - They noted that excellence is difficult to measure.
  - Some said they are comfortable with the Law Society showcasing excellence.
- Some were open to the idea of the Law Society developing a curriculum that could lead to a specific certification or designation. Several explained that the Certified Specialist Program (CSP) already seems to provide this option for licensees.
- About half had heard of the CSP, but almost none had pursued the designation. They did not feel the designation was necessary to prove their skills or build their business and worried the process could be time consuming.
  - One paralegal who had looked into the CSP said there were significantly fewer options for paralegals than for lawyers.
  - One lawyer who practices intellectual property law felt some of the requirements for their specialty were too difficult to meet (e.g. required them to go to certain number of oral hearings, when for the most part these matters are settled).

# Fostering excellence

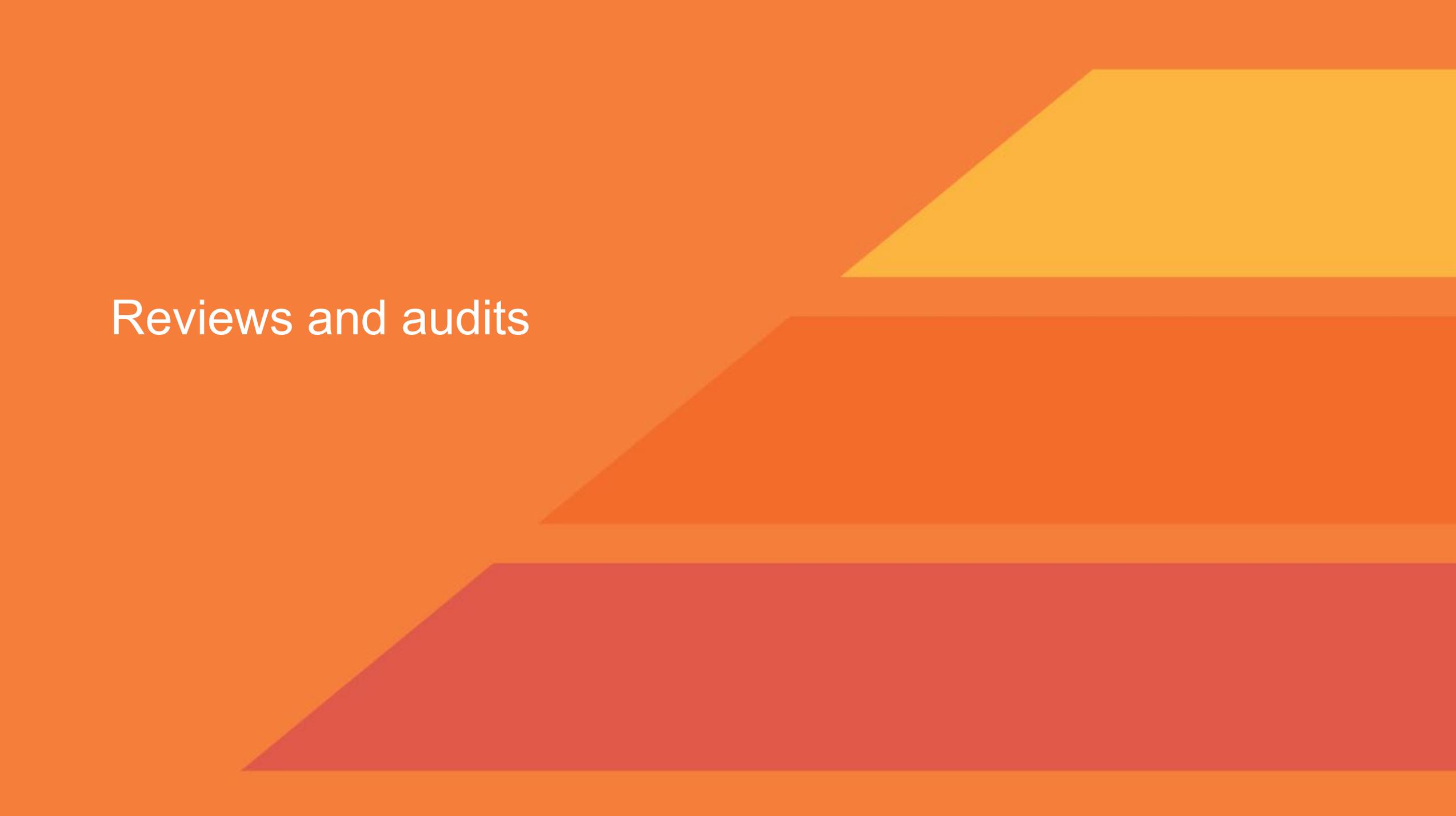
“Our clients certainly know what it is when it’s [excellence] on display, in a courtroom, in the in the, you know, sort of adversarial environments, we might find ourselves. But I don't think it's something that the Law Society as a measurement as a regulator, I think it's something quite qualitatively different than competence.” – Solicitor

“I think we put enough pressure on ourselves. And I just want the Law Society to make sure that I'm competent, I can make sure that I'm excellent.” – Barrister

“I think quite frankly, if we're going to talk about excellence, I don't mind the Law Society, highlighting what excellence looks like in any given area of law, and a guideline as to how they got there.” - Barrister

“But I think as a regulator excellence is a touchy subject. I think that we, we recognize excellence as a professional community. But you know, I think our tradition in the profession is that our regulator does not set apart classes of lawyers. And I think that that's something that has been in it that's codified in the Rules of Professional Conduct, even in how we hold ourselves out to do our practices. And so I would be very hesitant in seeing that kind of language work its way into how we're reviewed, how we're audited, how we're evaluated.” – Barrister

“I didn't feel it was necessary for me to register as a certified specialist because I'm satisfied with my workload. And I didn't feel like I needed it for referrals.” – Barrister

The background features a series of overlapping, semi-transparent geometric shapes in shades of orange and yellow, creating a layered, architectural effect. The shapes are primarily trapezoidal and rectangular, with some having diagonal edges. The colors range from a deep, muted orange to a bright, sunny yellow. The overall composition is clean and modern.

Reviews and audits

# Reviews and audits

- Those who had received a practice review, spot or practice audit had found them helpful, though stressful at the outset.
  - Some were reassured by their interactions with the reviewer or auditor that the process was meant to be constructive and helpful, rather than an attempt to punish them for errors.
  - Others had less helpful interactions and were concerned that the reviewer or auditor lacked the expertise in their field necessary to evaluate them. They suggested that the reviewer/auditor should have expertise in their area of specialization.
- Overall, most deemed the reviews and audits to be a useful component of the competence framework and an effective means of fostering competency.
  - One barrister made the distinction that these audits help build “service competency”, meaning how they deliver services to a client, rather than building substantive knowledge about the law.
- Most who had one of the three types of reviews had received helpful suggestions.
  - Lawyers who had received practice reviews or spot audits received helpful tips regarding record keeping, power of attorney, and wording a retainer agreement. They appreciated that the reviews had helped them avoid future problems.
  - Paralegals who had received a practice audit felt they benefitted from the experience. They received advice on file management and power of attorney. Much like the lawyers, those who had received them early on in their career said they were an important experience that helped them prevent future issues.

# Reviews and audits

- Licensees also felt that if soles and smalls are going to be the focus of practice reviews or spot audits, more should be done to prepare new licensees starting their own practice. They suggested that the Law Society could offer training specifically on the most common issues identified during reviews for new soles and smalls.
- While many felt audits or reviews were helpful at the outset of their career, a few thought they could be just as helpful to more experienced licensees to correct any “bad habits” developed over the years.

# Reviews and audits

“If you target sole practitioners or small firms quite often then the Society should help them to reduce or prevent such problems, common problems. Sometimes we don't know, what the problems are until the auditor tells us. The Law Society should do something from their past audits, or reviews, on what's the most lay our most common issues or problems that might happen for sole practitioners or small firms, so that they can give some training or lectures or something that to help these practitioners to improve, and then to avoid the hassles and problems or consequences.” – Barrister

“I had a good experience with my spot audit. And that's because it came down to the auditor who took a very sort of mentoring approach, if you will, making suggestions, working through vulnerabilities and making it a learning experience more than anything else.” – Solicitor

“I think that the Law Society should really have auditors that understand a criminal practice as well, though, because I don't really think that an auditor who's accustomed to a civil firm or something of that nature can really understand, you know, Legal Aid versus private clients and how that all works, you know, in terms of docketing, and how we docket and things of that nature.” – Barrister

“I was terrified. I really didn't know what to expect. What I learned, though, about the experience, and it is very much about how the Law Society presents the invitation. It actually was one of the best things that occurred. Because it wasn't an audit with a view towards finding punitive action or conduct. It was really one of identifying best practice and being able to do that early.” – Solicitor

# Client perspective - reviews and audits

- Clients were largely unaware that practice reviews or spot and practice audits took place in the profession or that the Law Society has oversight of these procedures.
- When informed this was the case, virtually all were enthusiastically supportive and claimed that it raised their level of confidence in the profession and instills client trust in their lawyers and paralegals.



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thinking forward