



TAB 6

**Report to Convocation
February 27, 2014**

Professional Development & Competence Committee

COMMITTEE MEMBERS

Janet Minor (Chair)
Jacqueline Horvat (Vice-Chair)
Barbara Murchie (Vice-Chair)
Alan Silverstein (V-Chair)
Raj Anand
Jack Braithwaite
Robert Burd
Mary Louise Dickson
Adriana Doyle
Ross Earnshaw
Larry Eustace
Howard Goldblatt
Vern Krishna
Michael Lerner
Dow Marmur
Judith Potter
Nicholas Pustina
Jack Rabinovitch
Joseph Sullivan
Gerald Swaye
Robert Wadden
Bradley Wright

**Purpose of Report: Decision
Information**

**Prepared by the Policy Secretariat
(Sophia Spurdakos 416-947-5209)**

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COMMITTEE PROCESS

1. The Committee met by teleconference on February 18, 2014. Committee members Janet Minor (Chair), Jacqueline Horvat (Vice-Chair), Alan Silverstein (Vice-Chair), Raj Anand, Jack Braithwaite, Mary Louise Dickson, Adriana Doyle, Ross Earnshaw, Vern Krishna, Michael Lerner, Dow Marmur, Nicholas Pustina and Gerry Swaye participated. Staff members Diana Miles and Sophia Sperdakos also participated.

DECISION

PATHWAYS PILOT PROJECT – RELATED AMENDMENTS TO BY-LAW 4

Motion

2. That Convocation approve amendments to By-Law 4 in accordance with the bilingual motion set out at **TAB 6.1.1: By-Law 4 Bilingual Motion**.

Background

3. In November 2012 Convocation approved a pilot project consisting of two components - a Law Practice Program (“LPP”) and a continued articling requirement. In November 2013 it also approved Lakehead University Faculty of Law’s integrated practice curriculum as satisfying the Law Society’s experiential training requirement for lawyer licensing.
4. Proposed amendments to By-law 4 have been drafted to implement these Convocation policies. The draft bilingual motion to implement the amendments is set out at **TAB 6.1.1: By-Law 4 Bilingual Motion**. A track changes version of By-Law 4 setting out the amendments is at **TAB 6.1.2: By-Law 4 Amendments track changes**.

THE LAW SOCIETY OF UPPER CANADA

**BY-LAWS MADE UNDER
SUBSECTIONS 62 (0.1) AND (1) OF THE *LAW SOCIETY ACT***

**BY-LAW 4
[LICENSING]**

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON FEBRUARY 27,
2014

MOVED BY

SECONDED BY

THAT By-Law 4 [Licensing], made by Convocation on May 1, 2007 and amended by Convocation on May 25, 2007, June 28, 2007, September 20, 2007, January 24, 2008, April 24, 2008, May 22, 2008, June 26, 2008, January 29, 2009, June 25, 2009, June 29, 2010, September 29, 2010, October 28, 2010, April 28, 2011, June 23, 2011, September 22, 2011, November 24, 2011 and October 25, 2012 be further amended as follows:

1. Section 7 of the English version of the By-Law is amended by adding the following definitions:

“integrated law degree” means a bachelor of laws or juris doctor degree the conferral of which requires the successful completion of instruction and training in the practical skills and task competencies that the Society has determined are necessary for a Class L1 licence which instruction and training have been approved by the Society in advance of their delivery;

“law practice program” means a program approved by the Society in advance of its delivery that consists of a course component and a work placement component that provide instruction and training in the practical skills and task competencies that the Society has determined are necessary for a Class L1 licence;

2. Section 7 of the French version of the By-Law is amended by adding the following definitions:

« diplôme intégré en droit » S'entend d'un baccalauréat ou d'un doctorat en droit dont la remise est subordonnée à la réussite d'enseignement et de formation dans les habiletés pratiques et les compétences propres aux tâches considérées par le Barreau comme étant nécessaires à l'obtention d'un permis de catégorie L1 et qui ont été approuvées par le Barreau avant leur prestation.

« programme de pratique du droit » S'entend d'un programme approuvé par le Barreau avant sa prestation et qui comprend des cours et une période de placement professionnel qui fournissent l'enseignement et la formation dans les habiletés pratiques et les compétences propres aux tâches considérées par le Barreau comme étant nécessaires à l'obtention d'un permis de catégorie L1.

3. The definition of “licensing cycle” in section 7 of the English version of the By-Law is amended by striking out “articles of clerkship” in paragraph (a) and substituting “experiential training”.

4. The definition of “cycle d'admission” in section 7 of the French version of the By-Law is amended by striking out “conclure une convention de stage” in paragraph (a) and substituting “suivre une formation expérientielle”.

5. Paragraph 9 (1) 3 of the English version of the By-Law is revoked and the following substituted:

3. The applicant other than the applicant described in paragraph 4 must have,
- i. experiential training by successfully completing,
 - A. service under articles of clerkship for a period of time, not to exceed ten months, as determined by the Society and all other requirements, as determined by the Society, that must be completed during the time of service under articles of clerkship, or
 - B. the law practice program, and
 - ii. if the experiential training mentioned in subparagraph i was completed more than three years prior to the application for licensing, successfully completed the additional education and obtained the additional experience that the Society determines is necessary to ensure that the applicant is familiar with current law and practice.

6. Paragraph 9 (1) 3 of the French version of the By-Law is revoked and the following substituted:

3. Le requérant ou la requérante qui n'est pas visé à la disposition 4 doit :
- i. d'une part, avoir une formation expérientielle en ayant effectué avec succès :
 - A. soit le temps de service prévu en vertu de la convention de stage pour une période d'au plus dix mois, tel que fixé par le Barreau et toutes les autres exigences fixées par le Barreau auxquelles il doit être satisfait pendant le temps de service prévu en vertu de la convention de stage,
 - B. soit le programme de pratique du droit,
 - ii. d'autre part, si la formation expérientielle visée à la sous-disposition i a été terminée plus de trois ans avant la demande de permis, avoir réussi la formation complémentaire et obtenu l'expérience supplémentaire que le Barreau juge nécessaires pour veiller à ce que le requérant ou la requérante soit au fait de la loi et de la pratique en vigueur.

7. The marginal note to subsection 9 (3) of the English version of the By-Law is amended by striking out "articling and" and substituting "experiential training".

8. The marginal note to subsection 9 (3) of the French version of the By-Law is amended by striking out "du stage d'avocat" and substituting "de la formation expérientielle et autres exigences".

9. Subsection 9 (3) of the English version of the By-Law is amended by,

- (a) deleting "or" at the end of clause (d);
- (b) deleting the period at the end of clause (e) and substituting "; or"; and
- (c) adding the following clause:
 - (f) the applicant has an integrated law degree.

10. Subsection 9 (3) of the French version of the By-Law is amended by,

(a) deleting the period at the end of clause e) and substituting a semi-colon;

and

(b) adding the following clause:

f) le requérant ou la requérante est titulaire d'un diplôme intégré en droit.

11. The English version of the By-Law is amended by striking out the heading immediately before section 16 and substituting the following:

EXPERIENTIAL TRAINING

12. The French version of the By-Law is amended by striking out the heading immediately before section 16 and substituting the following:

FORMATION EXPÉRIENTIELLE

13. Section 16 of the English version of the By-Law is amended by striking out the introductory portion and substituting the following:

A person who meets the following requirements is entitled to enter into experiential training through service under articles of clerkship or the law practice program:

14. Section 16 of the French version of the By-Law is amended by striking out the introductory portion and substituting the following:

Quiconque satisfait aux exigences suivantes est habilité à suivre la formation expérientielle en entrant en service en vertu de la convention de stage ou du programme de pratique du droit :

15. Paragraph 3 of section 16 of the English version of the By-Law is amended by adding “or the law practice program” after “articles of clerkship”.

16. Paragraph 3 of section 16 of the French version of the By-Law is amended by adding “ou du programme de pratique du droit” after “convention de stage”.

17. Section 16 of the English version of the By-Law is further amended by adding the following paragraph:

4. The person must pay the applicable fees by the time specified by the Society.

18. Section 16 of the French version of the By-Law is further amended by adding the following paragraph:

4. L'intéressé ou l'intéressée acquitte les frais applicables dans le délai fixé par le Barreau.

19. Subsection 17 (1) of the English version of the By-Law is amended by adding “or the law practice program” after “articles of clerkship”.

20. Subsection 17 (1) of the French version of the By-Law is amended by adding “ou du programme de pratique du droit” after “convention de stage”.

21. Subsection 19 of the English version of the By-Law is revoked and the following substituted:

Registration into licensing cycle

19. A person who registers with the Society shall be registered into a specific licensing cycle.

22. Subsection 19 of the French version of the By-Law is revoked and the following substituted:

Inscription au cycle d'admission

19. Quiconque s'inscrit au Barreau doit être inscrit à un cycle d'admission déterminé.

23. Subsection 34 (1) of the English version of the By-Law is revoked and the following substituted:

Provision of legal services by student

34. (1) A student may, without a licence, provide legal services in Ontario under the direct supervision of a licensee who holds a Class L1 licence who is approved by the Society while,

- (a) in service under articles of clerkship; or
- (b) completing a work placement in the law practice program.

24. Subsection 34 (1) of the French version of the By-Law is revoked and the following substituted:

Prestation de services juridiques par des étudiants

34. (1) Sans permis, un étudiant ou une étudiante peut fournir des services juridiques en Ontario sous la surveillance immédiate d'un ou d'une titulaire de permis de catégorie L1 agréé(e) par le Barreau s'il se trouve dans l'une ou l'autre des situations suivantes :

- a) est en service en vertu de la convention de stage;
- b) est en période de placement professionnel dans le cadre du programme de pratique du droit.

TAB 6.1.2

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BY-LAW 4

Made: May 1, 2007
Amended: May 25, 2007
June 28, 2007
September 20, 2007
October 25, 2007 (editorial changes)
January 24, 2008
April 24, 2008
May 22, 2008
June 26, 2008
December 19, 2008 (editorial changes)
January 29, 2009
January 29, 2009 (editorial changes)
June 25, 2009
June 25, 2009 (editorial changes)
June 29, 2010
July 8, 2010 (editorial changes)
September 29, 2010
September 30, 2010 (editorial changes)
October 28, 2010
April 28, 2011
May 2, 2011 (editorial changes)
June 23, 2011
September 22, 2011
November 24, 2011
October 25, 2012

LICENSING

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PART II

ISSUANCE OF LICENCE

INTERPRETATION

Interpretation

7. In this Part,

“accredited law school” means a law school in Canada that is accredited by the Society;

“accredited program” means a legal services program in Ontario approved by the Minister of Training, Colleges and Universities that is accredited by the Society;

“integrated law degree” means a bachelor of laws or juris doctor degree the conferral of which requires the successful completion of instruction and training in the practical skills and task competencies that the Society has determined are necessary for a Class L1 licence which instruction and training have been approved by the Society in advance of their delivery;

“law practice program” means a program approved by the Society in advance of its delivery that consists of a course component and a work placement component that provide instruction and training in the practical skills and task competencies that the Society has determined are necessary for a Class L1 licence.

“licensing cycle” means,

- (a) for a person registering with the Society to be eligible to take a licensing examination or to enter into articles of clerkship experiential training that is a requirement for a Class L1 licence, a period running from May 1 in a year to April 30 in the following year; and
- (b) for a person registering with the Society to be eligible to take a licensing examination that is a requirement for a Class P1 licence, a period running from June 1 in a year to May 31 in the following year.

GENERAL REQUIREMENTS

Requirements for issuance of any licence

8. (1) The following are the requirements for the issuance of any licence under the Act:
 1. The applicant must submit to the Society a completed application, for the class of licence for which application is made, in a form provided by the Society.
 2. The applicant must pay the applicable fees, including the applicable application fee.
 3. The applicant must be of good character.
 4. The applicant must take the applicable oath.

5. The applicant must provide to the Society all documents and information, as may be required by the Society, relating to any licensing requirement.

Time for submitting application

(1.1) An application for a licence shall be submitted contemporaneously with the applicant's registration form under section 18.

Submitting another application after one is deemed abandoned

(1.2) If an application for a licence is deemed to have been abandoned by the applicant under clause (4) (b), another application for a licence may not be submitted until after one year after the date on which the previous application was deemed to have been abandoned and may only be submitted if a material change in circumstances is demonstrated to the Society.

Misrepresentations

(2) An applicant who makes any false or misleading representation or declaration on or in connection with an application for a licence, by commission or omission, is deemed thereafter not to meet, and not to have met, the requirements for the issuance of any licence under the Act.

Documents and information re good character requirement

- (3) An applicant shall provide to the Society,
 - (a) at the time she or he submits her or his completed application, all documents and information specified by the Society on the application form relating to the requirement that the applicant be of good character; and
 - (b) by the time specified by the Society, all additional documents and information specified by the Society relating to the requirement that the applicant be of good character.

Failure to do something: abandonment of application

- (4) An applicant's application for a licence is deemed to have been abandoned by the applicant if the applicant,
 - (a) fails to do anything required to be done under subsection (3), under paragraph 2 of subsection 9 (1), under paragraph 2 of subsection 13 (1), under subclause 13 (2) (b) (iii), subclause 13 (2) (c) (iii) or subclause 13 (2) (d) (iii) or under subsection 15 (2.2) within the time specified for the thing to be done; or
 - (b) takes the same licensing examination three, or if entitled four, times and fails to successfully complete the licensing examination.

LICENCE TO PRACTISE LAW

Requirements for issuance of Class L1 licence

9. (1) The following are the requirements for the issuance of a Class L1 licence:
1. The applicant must have one of the following:
 - i. A bachelor of laws or juris doctor degree from a law school in Canada that was, at the time the applicant graduated from the law school, an accredited law school.
 - ii. A certificate of qualification issued by the National Committee on Accreditation appointed by the Federation of Law Societies of Canada and the Council of Law Deans.
 2. The applicant must have successfully completed the applicable licensing examination or examinations set by the Society by not later than two years after the end of the licensing cycle into which the applicant was registered.
 3. The applicant other than the applicant described in paragraph 4 must have,
 - i. experiential training by successfully completing,
 - A. service under articles of clerkship for a period of time, not to exceed ten months, as determined by the Society and all other requirements, as determined by the Society, that must be completed during the time of service under articles of clerkship, or
 - B. the law practice program, and
 - ii. ~~successfully completed service under articles of clerkship for a period of time, not to exceed ten months, as determined by the Society,~~
 - ii. ~~successfully completed all other requirements, as determined by the Society, that must be completed during the time of service under articles of clerkship, and~~
 - ii.iii. ~~if the experiential training mentioned in subparagraph i service under articles of clerkship~~ was completed more than three years prior to the application for licensing, successfully completed the additional education and obtained the additional experience that the Society determines is necessary to ensure that the applicant is familiar with current law and practice.

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4. An applicant who is exempt from the requirements mentioned in paragraph 3 because of clause (3)(e) must have successfully completed a professional conduct course conducted by the Society.

Exemption from degree or certificate requirement

(1.1) An applicant is exempt from the requirement mentioned in paragraph 1 of subsection (1) if,

- (a) the applicant is a dean of an accredited law school and has entered upon the second consecutive year in that position; or
- (b) the applicant is a full-time member of the faculty of an accredited law school and has entered upon the third consecutive year in that position.

Exemption from examination requirement

(2) An applicant is exempt from the requirement mentioned in paragraph 2 of subsection (1) if,

- (a) the applicant,
 - (i) is authorized to practise law in a province or territory of Canada outside Ontario where the governing body of the legal profession would authorize a licensee holding a Class L1 licence to practise law in that province or territory without requiring the licensee to successfully complete an examination,
 - (ii) reviews the materials that the Society, acting reasonably, determines are necessary to ensure that the applicant is familiar with current law and practice in Ontario, and
 - (iii) certifies that he or she has reviewed and understands the materials mentioned in sub-clause (ii), in a form provided by the Society;
- (b) the applicant is a dean of an accredited law school and has entered upon the second consecutive year in that position;
- (c) the applicant is a full-time member of the faculty of an accredited law school and has entered upon the third consecutive year in that position; or
- (d) the applicant was previously licensed to practise law in Ontario as a barrister and solicitor.

Exemption from ~~articling~~ experiential training and requirement

(3) An applicant is exempt from the requirements mentioned in paragraphs 3 and 4 of subsection (1) if,

- (a) the applicant is authorized to practise law in a province or territory of Canada outside Ontario;
- (b) the applicant is a dean of an accredited law school and has entered upon the second consecutive year in that position;
- (c) the applicant is a full-time member of the faculty of an accredited law school and has entered upon the third consecutive year in that position;
- (d) the applicant was previously licensed to practise law in Ontario as a barrister and solicitor; ~~or~~
- (e) the applicant has practised law in a common law jurisdiction outside Canada for a minimum of ten months and the Society reasonably believes such practice compares to the requirements in paragraph 3; or
- (f) the applicant has an integrated law degree.

Requirements for issuance of Class L2 licence

10. The following are the requirements for the issuance of a Class L2 licence:

1. The applicant must be authorized to practise law outside Ontario
2. The Attorney General for Ontario must request the Society to issue the licence to the applicant.

Requirements for issuance of Class L3 licence

10.0.01 The following are the requirements for the issuance of a Class L3 licence:

1. The applicant must be a member of the Barreau du Québec, other than a member who qualified for membership under the Entente entre le Québec et la France en matière de reconnaissance mutuelle des qualifications professionnelles.
2. The applicant must be authorized to practise law in Quebec.

Forfeiture of Class P1

10.01. If an applicant for a Class L1 licence holds a Class P1 licence, the Class P1 licence is forfeited to the Society at the time the class L1 licence is issued.

LICENCE TO PROVIDE LEGAL SERVICES

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LICENSING EXAMINATIONS

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ARTICLES OF CLERKSHIP EXPERIENTIAL TRAINING

Requirements

16. A person who meets the following requirements is entitled to enter into service experiential training through service under articles of clerkship or the law practice program: ~~that is a requirement for the issuance of a Class L1 licence:~~

1. The person must be registered with the Society.
2. The person must meet the requirement of paragraph 1 of subsection 9 (1).
3. The person must provide to the Society all documents and information, as may be required by the Society, relating to any requirement for entering into service under articles of clerkship or the law practice program.
4. The person must pay the applicable fees by the time specified by the Society.

Student

17. (1) A person who has entered into service under articles of clerkship or the law practice program is a student.

Application of Act, etc. to students

- (2) The following apply, with necessary modifications, to a student:
 1. The following sections of the Act:
 - i. Sections 33 to 40.
 - ii. Section 45.
 - iii. Section 49.3.
 - iv. Sections 49.8 to 49.13.

- v. Sections 49.20 to 49.43.
2. Ontario Regulation 167/07, made under the Act.
3. Sections 2 and 3 of By-Law 8 [Reporting and Filing Requirements].
4. Parts I, II, III and VI of By-Law 11 [Regulation of Conduct, Capacity and Professional Competence].
5. The rules of practice and procedure.

PROFESSIONAL CONDUCT AND ADVOCACY COURSE

Requirements

17.1 (1) A person who meets the following requirements is entitled to take the professional conduct and advocacy course conducted by the Society the successful completion of which is a requirement for an exemption under clause 13 (2) (b), (c) or (d) from the requirement mentioned in paragraph 1 of subsection 13 (1):

1. The person must be registered with the Society.
2. The person must pay the applicable fees by the time specified by the Society.
3. The person must provide to the Society all documents and information, as may be required by the Society, relating to the taking of the course by the time specified by the Society.

REGISTRATION

General requirements

18. (1) A person who meets the following requirements is entitled to be registered with the Society:
1. The person must submit to the Society a completed registration form, as provided by the Society.
 2. The person must pay the applicable registration fee.
 3. The person must provide to the Society all documents and information, as may be required by the Society, relating to any registration requirement.

Registration after application for licence deemed abandoned

(1.1) Despite subsection (1), a person whose registration is cancelled because the person's application for a licence is deemed to have been abandoned by the person under clause 8 (4) (b) is not entitled to be registered with the Society again until the time when the person may submit another application for a licence under subsection 8 (1.2).

Misrepresentations

(2) A person who makes any false or misleading representation or declaration on or in connection with registration, by commission or omission, is deemed thereafter not to meet, and not to have met, the requirements for registration, the person's registration is deemed thereafter to be void, the successful completion of any licensing examination taken by the person is deemed thereafter to be void, the successful completion of any professional conduct course conducted by the Society taken by the person is deemed thereafter to be void and any service under articles of clerkship is deemed thereafter to be void.

Registration into licensing cycle

19. ~~(1)~~ A person who registers with the Society shall be registered into a specific licensing cycle.

Transition

~~Student at law in Bar Admission Course~~

~~(2) — Every person who is, immediately before May 1, 2007, a student at law in the Bar Admission Course under By-Law 12 as it read immediately before May 1, 2007, is deemed, on May 1, 2007, to be registered with the Society and to have been registered into the licensing cycle that corresponds to the academic year in which the person was admitted to the Course.~~

Cancellation of registration

19.1 A person's registration with the Society is cancelled if the person's application for a licence is deemed to have been abandoned by the person under subsection 8 (4).

Availability of name of registrant to public

20. The Society may make available for public inspection the names of its registrants at a given point in time.

OATH

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PART III

SURRENDER OF LICENCE

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PART IV

NOT PRACTISING LAW OR PROVIDING LEGAL SERVICES

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PART V

PROVIDING LEGAL SERVICES WITHOUT A LICENCE

Interpretation

29. In this Part,

“accredited law school” means a law school in Ontario that is accredited by the Society;

“accredited program” means a legal services program in Ontario approved by the Minister of Training, Colleges and Universities that is accredited by the Society;

“law firm” means,

- (a) a partnership or other association of licensees each of whom holds a Class L1 licence,
- (b) a professional corporation described in clause 61.0.1 (a) of the Act, or
- (c) a multi-discipline practice or partnership described in section 17 of By-Law 7 [Business Entities] where the licensee mentioned therein is a licensee who holds a Class L1 licence;

“legal services firm” means,

- (a) a partnership or other association of licensees each of whom holds a Class P1 licence,
- (b) a professional corporation described in clause 61.0.1 (b) of the Act, or

- (c) a multi-discipline practice or partnership described in section 17 of By-Law 7 [Business Entities] where the licensee mentioned therein is a licensee who holds a Class P1 licence;

“licensee firm” means a partnership or other association of licensees, a partnership or association mentioned in Part III of By-Law 7 [Business Entities] or a professional corporation.

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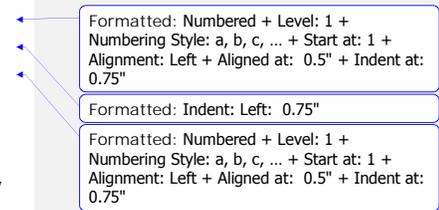
Provision of legal services by ~~Student~~ student under articles of clerkship

34. (1) A student may, without a licence, provide legal services in Ontario under the direct supervision of a licensee who holds a Class L1 licence who is approved by the Society while,-

- (a) in service under articles of clerkship; or
- (b) completing a work placement in the law practice program.

Other law student

- (2) A law student may, without a licence, provide legal services in Ontario if the law student,
 - (a) is employed by a licensee who holds a Class L1 licence, a law firm, a professional corporation described in clause 61.0.1 (c) of the Act, the Government of Canada, the Government of Ontario or a municipal government in Ontario;
 - (b) provides the legal services,
 - (i) where the law student is employed by a licensee, through the licensee’s professional business,
 - (ii) where the law student is employed by a law firm, through the law firm,
 - (iii) where the law student is employed by a professional corporation described in clause 61.0.1 (c) of the Act, through the professional corporation, or
 - (iv) where the law student is employed by the Government of Canada, the Government of Ontario or a municipal government in Ontario, only for and on behalf of the Government of Canada, the Government of Ontario or the municipal government in Ontario, respectively; and



- (c) provides the legal services,
 - (i) where the law student is employed by a licensee, under the direct supervision of the licensee,
 - (ii) where the law student is employed by a law firm, under the direct supervision of a licensee who holds a Class L1 licence who is a part of the law firm,
 - (iii) where the law student is employed by a professional corporation described in clause 61.0.1 (1) (c) of the Act, under the direct supervision of a licensee who holds a Class L1 licence who practise law as a barrister and solicitor through the professional corporation, or
 - (iv) where the law student is employed by the Government of Canada, the Government of Ontario or a municipal government in Ontario, under the direct supervision of a licensee who holds a Class L1 licence who works for the Government of Canada, the Government of Ontario or the municipal government in Ontario, respectively.

Same

- (3) A law student may, without a licence, provide legal services in Ontario that a licensee who holds a Class P1 licence is authorized to provide if the law student,
 - (a) is employed by a licensee who holds a Class P1 licence, a legal services firm or a professional corporation described in clause 61.0.1 (1) (c) of the Act;
 - (b) provides the legal services,
 - (i) where the law student is employed by a licensee, through the licensee's professional business,
 - (ii) where the law student is employed by a legal services firm, through the legal services firm, or
 - (iii) where the law student is employed by a professional corporation described in clause 61.0.1 (1) (c) of the Act, through the professional corporation; and
 - (c) provides the legal services,
 - (i) where the law student is employed by a licensee, under the direct supervision of the licensee,

- (ii) where the law student is employed by a legal services firm, under the direct supervision of a licensee who holds a Class P1 licence who is a part of the legal services firm, or
- (iii) where the law student is employed by a professional corporation described in clause 61.0.1 (1) (c) of the Act, under the direct supervision of,
 - (A) a licensee who holds a Class P1 licence who provides legal services through the professional corporation, or
 - (B) a licensee who holds a Class L1 licence who practises law as a barrister and solicitor through the professional corporation.

Interpretation: “law student”

(4) For the purposes of subsections (2) and (3), “law student” means an individual who is enrolled in a degree program at a law school in Canada that is accredited by the Society.

Paralegal student completing a field placement

34.1 A student enrolled in an accredited program and completing a field placement approved by the educational institution offering the program may, without a licence, provide legal services in Ontario that a licensee who holds a Class P1 licence is authorized to provide if the student,

- (a) is completing the field placement with a licensee who holds a Class P1 licence or a Class L1 licence, a legal services firm, a law firm, a professional corporation described in clause 61.0.1 (1) (c) of the Act, the Government of Canada, the Government of Ontario or a municipal government in Ontario;
- (b) provides the legal services,
 - (i) where the student is employed by a licensee, through the licensee’s professional business,
 - (ii) where the student is employed by a legal services firm or a law firm, through the legal services firm or the law firm,
 - (iii) where the student is employed by a professional corporation described in clause 61.0.1 (1) (c) of the Act, through the professional corporation, or
 - (iv) where the student is employed by the Government of Canada, the Government of Ontario or a municipal government in Ontario, only for and on behalf of the Government of Canada, the Government of Ontario or the municipal government in Ontario, respectively; and
- (c) provides the legal services,

- (i) where the field placement is with a licensee, under the direct supervision of the licensee,
- (ii) where the field placement is with a legal services firm, under the direct supervision of a licensee who holds a Class P1 licence who is a part of the legal services firm,
- (iii) where the field placement is with a law firm, under the direct supervision of a licensee who holds a Class L1 licence who is a part of the law firm,
- (iv) where the field placement is with a professional corporation described in clause 61.0.1 (1) (c) of the Act, under the direct supervision of,
 - (A) a licensee who holds a Class P1 licence who provides legal services through the professional corporation, or
 - (B) a licensee who holds a Class L1 licence who practises law as a barrister and solicitor through the professional corporation, or
- (v) where the field placement is with the Government of Canada, the Government of Ontario or a municipal government in Ontario, under the direct supervision of a licensee who holds a Class L1 licence or a Class P1 licence and who works for the Government of Canada, the Government of Ontario or the municipal government in Ontario, respectively.

PART VI

PRACTISING LAW WITHOUT A LICENCE

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INFORMATION

PATHWAYS PILOT PROJECT EVALUATION PROCESS

Background

5. As part of the Pathways pilot project, Convocation approved a recommendation for an overall evaluation of the pilot, to commence during its third year and be completed by the end of that year.
6. The goals of the evaluation are to capture,
 - a. objective data, to facilitate a determination of how well the two components of the pilot (the articling program and the LPP) are achieving their stated goals; and
 - b. subjective data to enable insight into the needs and perceptions of candidates, instructors, articling Principals and others involved in the process.
7. In keeping with Convocation's approved focus for the evaluation on the components of the pilot project, the process will not compare or contrast the individual performance of candidates in the licensing process across those components.
8. The Articling Task Force Report provided that "full details of the evaluation measures will be developed as part of the implementation plan and for the PD&C Committee's approval."
9. To develop an approach for the Committee's consideration and approval, the Pathways Working Group #2 consulted with Dr. Sadiq Ali, a scientific psychometrician, to further its understanding of approaches to evaluation.
10. To develop an appropriate framework for the evaluation model Dr. Ali,
 - a. reviewed the Pathways Report and the pilot project components and objectives,

- b. consulted with the PD&C Department, which already tracks and reports on various licensing process indicators and has expertise on the compilation and analysis of qualitative and quantitative data;
 - c. facilitated a discussion with the working group to determine the type of information the group considered important to gather as part of the evaluation; and
 - d. considered other relevant data points and analysis being done within the Law Society to enhance the analysis of information collected in the evaluation model, in accordance with Convocation's objectives. So, for example, to consider equity-related issues within the Pilot, the evaluation may take advantage of and build upon relevant data obtained by the Equity Department and the Challenges Faced by Racialized Licensees Working Group.
11. In keeping with the Pathways Report recommendation, which Convocation approved, the Committee considered and approved the proposed multi-phased evaluation model set out at **TAB 6.2.1: Evaluation Process Report**. The approval of the framework model will enable the PD&C Department to move forward with the development of the specific evaluation tools and activities essential to ensuring that the evaluation can be implemented in time for the fall of 2014.



Evaluation of the Pathways to the Profession Pilot Project

Submitted to: Pathways Working Group #2

Submitted by: Diana C. Miles, Executive Director
Professional Development and Competence
dmiles@lsuc.on.ca

January 2014

PURPOSE OF REPORT

This report will provide information on the components and particulars of the evaluation plan for the Pathways to the Profession Pilot Project (“Pathways”), pursuant to Convocation’s approval to implement a formal evaluation process to assist with an assessment of the results of the pilot in the final year of the project.

EVALUATING THE PILOT PROJECT

To provide context for the development of the evaluation plan, a statement of purpose for the Pathways Pilot Project is required to frame the development process. The statement of purpose acts a lens that will inform the scope and activities of evaluation. This purpose is as follows:

Having acknowledged that experiential training is an integral part of the licensing process for lawyers, and having accepted that the current experiential training pathway, articling, is no longer able to provide sufficient opportunities to support all candidates for licensing, the Law Society of Upper Canada will embark upon a three year plan of redevelopment in the licensing process that will address the expanded provision of transitional experiential learning. The response will be to develop an additional path to licensing, a Law Practice Program, and to concurrently enhance the existing Articling Program. The goal will be to gather evidenced-based information on the application and results of the two pathways with a view to measuring the effectiveness of those pathways to produce competent lawyers for entry into the profession. Ultimately, Convocation of the Law Society will use this information to assess the continuation of either or both of the pathways.

EVALUATION PLAN DEVELOPMENT

The Professional Development and Competence (PD&C) Department licensing team retained expert consultants to review the pilot project components and objectives and recommend a plan for evaluation. A multi-phased approach was recommended to allow informed and ongoing discussion with relevant participants such as the members of the Pathways Working Group and PD&C Committee. Critical to any evaluation process is a determination of the outcomes, or expectations, of the pilot project and how those expectations can be reasonably measured and reported.

In September 2013, the Working Group approved a phased plan for the evaluation of Pathways.

Phase 1 - Outcome Determination

The outcome determination phase of the project was of vital importance as the outcomes form the basis for the evaluation. An outcome is defined as the state of behaviour, relationships,

activities or actions of the people, groups and organization with whom a program works directly to change, and the outcomes are ultimately logically linked to a program's activities. The outcomes for the evaluation of Pathways were determined through a facilitated outcomes development session with members of the Working Group in October 2014.

Phase 2 – Logic Model

Development of the logic model for the evaluation of Pathways (Appendix 1) required the confirmation of long-term and medium-term outcomes. These outcomes were then distilled into four broadly-termed objectives to provide focus. The four objectives for Pathways are:

1. To introduce a fair, objective, accessible and defensible competency-based Law Practice Program that provides candidates with an opportunity to obtain effective transitional experiential training in defined areas of skills and tasks considered necessary for entry-level practice, fulfilling the Regulator's requirement for an assessable experiential training component in the Licensing Process.
2. To institute defined skills and tasks considered necessary for entry-level practice, including formal reporting by Principals/Supervisors and candidates in the Articling Program so that the Regulator may evaluate the effectiveness of this transitional experiential training option.
3. To gather qualitative and quantitative data that will provide insight into the application, assessment results, and user perceptions of the two pathways of the pilot project, with specific reference to the impact upon candidates, including equity-seeking candidates, and also with reference to instructors, work placement supervisors, Articling Principals, and other stakeholders.
4. To gather and assess information and data about the effectiveness of each of the pathways, Articling Program and the LPP, including comparative analyses where applicable, that will allow Convocation to determine next steps in the provision of transitional experiential training for lawyer licensing candidates.

Using these objectives and the outcomes determined by the Working Group, specific long-, medium- and short-term outcomes for each of the pathways were derived.

Outcomes for the Law Practice Program (LPP)

Long-Term Outcomes	Medium-Term Outcomes	Short-Term Outcomes
<ul style="list-style-type: none"> The LPP is an effective pathway to produce competent lawyers for entry to practice. The LPP is a valid (defensible) additional pathway to lawyer licensing. The Regulator is provided with data to evaluate the effectiveness of the LPP 	<ul style="list-style-type: none"> The LPP provides fair, objective and accessible transitional experiential training. Candidates demonstrate achievement of entry to practice level competency in defined areas of skills and tasks for transitional experiential training as assessed in the LPP. 	<ul style="list-style-type: none"> User (candidates, instructors, work placement supervisors and employers) perceptions of fairness, objectivity and accessibility of the LPP are measured. Candidates' learning in defined areas of skills and tasks for transitional experiential training are assessed in the LPP.

Outcomes for the Articling Program (AP)

Long-Term Outcomes	Medium-Term Outcomes	Short-Term Outcomes
<ul style="list-style-type: none"> The AP has been enhanced in its fairness, objectivity, and accessibility. The AP has been enhanced in its ability to report on candidates' exposure to defined skills and tasks and on performance in four core competencies. The AP is an effective pathway to produce competent lawyers for entry to practice. The Regulator is provided with data to evaluate the effectiveness of the AP. 	<ul style="list-style-type: none"> The AP provides fair, objective and accessible transitional experiential training. Candidates demonstrate improved performance on appraisals by Articling Principals. Candidates and Principals report on candidate exposure to defined skills and tasks during the AP. Candidates' training goals are considered sufficient and are achieved in the AP. 	<ul style="list-style-type: none"> User (candidates, Articling Principals and employers) perceptions of fairness, objectivity and accessibility of the AP are measured. Formal performance appraisal of candidates in the AP, using BARS-based tool by Articling Principals. Formal skills and tasks exposure measurement using BARS-based tool completed by Articling Principals and candidates. Training plans for candidates are submitted by Articling Principals.

In addition to the outcomes, the logic model identifies the Inputs, the Activities (Processes) and the Products (Outputs) for Pathways.

See Appendix 1 for the logic model.

Phase 3 – Evaluation Framework

The Evaluation Framework (Appendix 2) includes the long-, medium- and short-term outcomes and is structured by addressing four high-level evaluation questions that the Law Society would like to answer as a result of implementing Pathways. The evaluation questions are:

1. Does the Law Practice Program provide licensing candidates with effective transitional experiential training in defined areas of skills and tasks considered necessary for entry-level practice?
2. Does the Articling Program provide licensing candidates with effective transitional experiential training in defined areas of skills and tasks considered necessary for entry-level practice?
3. How does each pathway, LPP and Articling, support the licensing candidates' opportunity to obtain the transitional experiential training requirement of the Licensing Process?
4. Is one Pathway, LPP or Articling, more effective in delivering transitional experiential training in defined areas of skills and tasks considered necessary for entry-level practice?

The Framework identifies the information required for evaluation and specifies the evaluation activities that will be used to gather the information to answer each of the evaluation questions. Specifics on the evaluation activities, including target groups, methodology of data collection, dimension of the data gathered and timing of data collection activities are also included in the Framework. The Framework responds to the “who, what, how, when and why” questions about the data collection activities for evaluation.

While it is not specified on the Evaluation Framework, the PD&C Department has in the past and will continue to track and report upon a variety of indicators that will support and inform all information collection outlined in the framework. This ranges from demographic information through to individual performance information. This includes information on candidates who self-designate into equality-seeking categories, the educational background of all candidates, including Canadian or international, the law school they attended and, for international candidates, information on their citizenship (Canadian's returning or non-Canadians entering).

The licensing team will also continue to report on exemptions, abridgements and alternatives to traditional articling placements, along with the standard statistics regarding articling, such as

the number and location of articling placements and the number of unplaced candidates, and the completion of the online course during articling.

In addition, the team will begin to track the qualitative information that is provided in the mid-term and end of term evaluations that the candidate and Principal will be required to complete during the Articling Program.

See Appendix 2 for the Evaluation Framework.

Phase 4 – Evaluation Activities

Phase 4 is the implementation phase of the evaluation plan; it begins August 2014 and ends December 2017. The evaluation activities listed on the Framework will be undertaken in order to gather the required data to answer the evaluation questions.

Each of the evaluation activities listed is a discrete project requiring significant development time for instrument design, focus group protocol, pilot studies, data management and analysis.

Evaluation Question	Evaluation Activities
<p>1. Does the Law Practice Program provide licensing candidates with effective transitional experiential training in defined areas of skills and tasks considered necessary for entry-level practice?</p>	<p>a) LPP Entry Survey of candidates to determine a profile of LPP candidate including experiences and needs in September 2014, 2015 and 2016.</p> <p>b) LPP Survey of candidates, instructors and work placement supervisors to determine perceptions of the value of the LPP with focus on fairness, objectivity and accessibility in April 2015, 2016 and 2017.</p> <p>c) Post-entry to Practice Survey and Post-entry to Practice Focus Group of newly licensed lawyers (LPP) to determine perceptions of the value of the LPP with focus on rating of transitional skills training for entry to practice in November 2015, 2016 and 2017.</p> <p>d) LPP assessments on defined areas of skills and tasks to determine candidates' performance in the LPP as submitted by providers in January 2015, 2016 and 2017 (training course) and in May 2015, 2016 and 2017 (work placement).</p> <p>e) Employer Focus Group to determine employers' perceptions on quality of candidates from LPP in November 2015, 2016 and 2017.</p>

Evaluation Question	Evaluation Activities
<p>2. Does the Articling Program provide licensing candidates with effective transitional experiential training in defined areas of skills and tasks considered necessary for entry-level practice?</p>	<p>a) Articling Program Survey of candidates and Articling Principals to determine perceptions of the value of the AP with focus on fairness, objectivity and accessibility in May 2015, 2016 and 2017.</p> <p>b) Post-entry to Practice Survey and Post-entry to Practice Focus Group of newly licensed lawyers (AP) to determine perceptions of the value of the AP with focus on rating of transitional skills training for entry to practice in December 2015, 2016 and 2017.</p> <p>c) Employer Focus Group to determine their perceptions on quality of candidates from AP in December 2015, 2016 and 2017.</p> <p>d) BARS-based performance appraisal of candidates by Articling Principals to determine the performance of candidates in four core competencies in August through May 2015, 2016 and 2017.</p> <p>e) BARS-based exposure measurement by candidates and Articling Principals to determine the skills and tasks candidates have been exposed to in the AP in August through May 2015, 2016 and 2017.</p> <p>f) Training Plan submissions and evaluations to determine the achievement and sufficiency of training goals in August through May 2015, 2016 and 2017.</p>
<p>3. How does each pathway, LPP and Articling, support the licensing candidates' opportunity to obtain the transitional experiential training requirement of the Licensing Process?</p>	<p>a) Integrated into all of the above for evaluation questions 1 and 2.</p> <p>b) Equity Candidates Focus Group of equity candidates to determine perceptions of the LPP and AP experiences for equity candidates in April and May 2015, 2016 and 2017.</p>
<p>4. Is one Pathway, LPP or Articling, more effective in delivering transitional experiential training in defined areas of skills and tasks considered necessary for entry-level practice?</p>	<p>a) Integrated into all of the above for evaluation questions 1, 2 and 3.</p>

SUMMATION OF EVALUATION ACTIVITIES FOR EACH PATHWAY

Law Practice Program	Articling Program
1. LPP Entry Survey	1. Articling Program Survey
2. LPP Survey	
3. LPP assessments	2. BARS-based performance appraisal of candidates by Principals
	3. BARS-based exposure measurement of candidates by Principals and candidates
	4. Training Plan submissions and evaluations
4. Equity Candidates Focus Group	5. Equity Candidates Focus Group
5. Post-entry to Practice Survey of new calls from LPP	6. Post-entry to Practice Survey of new calls from AP
6. Post-entry to Practice Focus Group of new calls from LPP	7. Post-entry to Practice Focus Group of new calls from AP
7. Employer Focus Group of employers of new calls from LPP	8. Employer Focus Group of employers of new calls from AP

EVALUATION REPORTING SCHEDULE

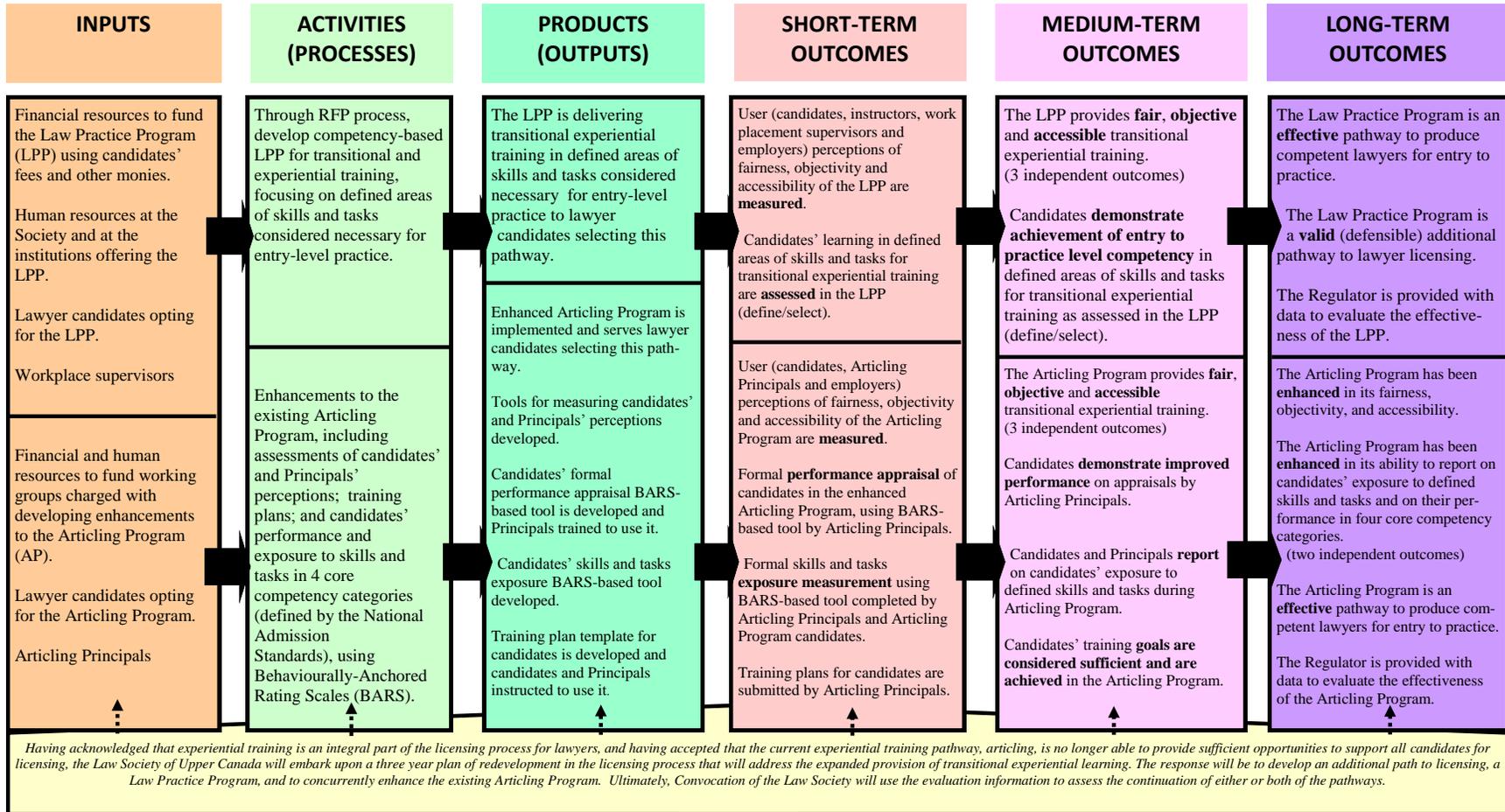
Convocation approved a plan of development and assessment that requires the PD&C Committee to receive the evaluative information and consider next steps in the licensing process during the final year of the pilot project.

Assuming that there will be sufficient information upon which to base decisions in a three year, as opposed to a five year, pilot project, the final year of the project corresponds with a timeframe that starts on May 1, 2016 and ends on April 31, 2017.

The realities of operational changes to the licensing process will require decision-making about the pathways to be completed no later than the Fall of 2016 to have time to incorporate any required changes into the 2017-18 licensing year which commences May 1, 2017 (the first year following completion of the pilot project).

A report outlining the evaluation findings for the pilot based on years one and two will be provided to the PD&C Committee in September 2016 for discussion and decisions regarding any proposed changes to the pathways on or before the end of November 2016.

The Law Society of Upper Canada *Pathways to the Profession Pilot Project* Logic Model—Version 4.1



CONTEXT



Research and Evaluation Consulting: Delivering the Analytic Edge

The Law Society of Upper Canada *Pathways to the Profession Pilot Project* Evaluation Framework

Evaluation Question	Short-Term Outcomes	Medium-Term Outcomes	Long-Term Outcomes	Target Group	Methodology (Data Collection)	Dimension (Data)	Timelines
1. Does the Law Practice Program (LPP) provide licensing candidates with effective transitional experiential training in defined areas of skills and tasks considered necessary for entry-level practice?	User (candidates, instructors, work placement supervisors and employers) perceptions of fairness, objectivity and accessibility of the LPP are measured .	The LPP provides fair transitional experiential training.	The Law Practice Program is an effective pathway to produce competent lawyers for entry to practice.	Candidates	LPP Entry Survey	Profile of LPP candidate including experiences and needs	September 2014, 2015, 2016
		The LPP provides objective transitional experiential training.		Candidates, Instructors, Work Placement Supervisors	LPP Survey	Perceptions of the value of the LPP with focus on fairness, objectivity and accessibility	April 2015, 2016, 2017
		The LPP provides accessible transitional experiential training.		New calls (LPP)	Post-Entry to Practice Survey Post-Entry to Practice Focus Group	Perceptions of the value of the LPP with focus on rating of transitional skills training for entry to practice	November 2015, 2016 and 2017
	Candidates' learning in defined areas of skills and tasks for transitional experiential training are assessed in the LPP (define/select).	Candidates demonstrate achievement of entry to practice level competency in defined areas of skills and tasks for transitional experiential training as assessed in the LPP (define/select).	The Law Practice Program is a valid (defensible) additional pathway to lawyer licensing.	Candidates	LPP assessments on defined areas of skills and tasks - submitted by LPP provider	Candidates' performance in the LPP	January 2015, 2016 and 2017 and in May 2015, 2016 and 2017
				Employers	Focus group for employers of new calls (LPP)	Perspectives on quality of candidates from LPP	November 2015, 2016 and 2017
			The Regulator is provided with data to evaluate the effectiveness of the LPP.				

Convocation - Professional Development and Competence Committee Report

The Law Society of Upper Canada

Evaluation of the Pathways to the Profession Pilot Project

V.2.0

Evaluation Question	Short-Term Outcomes	Medium-Term Outcomes	Long-Term Outcomes	Target Group	Methodology (Data Collection)	Dimension (Data)	Timelines
<p>2. Does the Articling Program (AP) provide licensing candidates with effective transitional experiential training in defined areas of skills and tasks considered necessary for entry-level practice?</p>	<p>User (candidates, Articling Principals and employers) perceptions of activities, fairness, objectivity and accessibility of the AP are measured.</p>	<p>The AP provides fair transitional experiential training.</p>	<p>The AP has been enhanced in its fairness, objectivity, and accessibility.</p>	<p>Candidates and Articling Principals</p>	<p>Articling Program Survey</p>	<p>Perceptions of the value of the AP with focus on fairness, objectivity and accessibility</p>	<p>May 2015, 2016, 2017</p>
		<p>The AP provides objective transitional experiential training.</p>		<p>New calls (AP)</p>	<p>Post-Entry to Practice Survey Post-Entry to Practice Focus Group</p>	<p>Perceptions of the value of the AP with focus on rating of transitional skills training for entry to practice</p>	<p>December 2015, 2016 and 2017</p>
		<p>The AP provides accessible transitional experiential training.</p>	<p>The AP is an effective pathway to produce competent lawyers for entry to practice.</p>	<p>Employers</p>	<p>Focus group for employers of post-call lawyers</p>	<p>Perspectives on quality of candidates from AP</p>	<p>December 2015, 2016 and 2017</p>
	<p>Formal performance appraisal of candidates in the AP, using BARS-based tool by Articling Principals.</p>	<p>Candidates demonstrate improved performance on appraisals by Articling Principals.</p>	<p>The AP has been enhanced in its ability to report on candidates' exposure to defined skills and tasks and on performance in four core competency categories. (two independent outcomes)</p>	<p>Candidates</p>	<p>BARS-based performance appraisal by Principals</p>	<p>Performance of AP candidates in four core competency categories</p>	<p>August through May of each Articling year</p>
	<p>Formal skills and tasks exposure measurement using BARS-based tool completed by Articling Principals and candidates.</p>	<p>Candidates and Principals report on candidates' exposure to defined skills and tasks during AP.</p>		<p>Candidates</p>	<p>BARS-based exposure measurement by Principals and candidates</p>	<p>The skills and tasks candidates have been exposed to in AP</p>	<p>August through May of each Articling year</p>
	<p>Training plans for candidates are submitted by Articling Principals.</p>	<p>Candidates' training goals are considered sufficient and are achieved in the AP.</p>	<p>The Regulator is provided with data to evaluate the effectiveness of the AP.</p>	<p>Candidates</p>	<p>Training plan submissions and evaluations</p>	<p>Achievement and sufficiency of training goals</p>	<p>August through May of each Articling year</p>

Convocation - Professional Development and Competence Committee Report

The Law Society of Upper Canada

Evaluation of the Pathways to the Profession Pilot Project

V.2.0

Evaluation Question	Short-Term Outcomes	Medium-Term Outcomes	Long-Term Outcomes	Target Group	Methodology (Data Collection)	Dimension (Data)	Timelines
3. How does each pathway, LPP and Articling, support the licensing candidates' opportunity to obtain the transitional experiential training requirement of the Licensing Process?	All of the above for Evaluation Questions 1 and 2.	All of the above for Evaluation Questions 1 and 2.	All of the above for Evaluation Questions 1 and 2.	All of the above for Evaluation Questions 1 and 2. Candidates (Equity)	All of the above for Evaluation Questions 1 and 2. Equity Candidates' Focus Group	All of the above for Evaluation Questions 1 and 2. Perceptions of LPP and AP experiences for equity candidates.	See above. April/May 2015, 2016 and 2017.
4. Is one Pathway, LPP or Articling, more effective in delivering transitional experiential training in defined areas of skills and tasks considered necessary for entry-level practice?	All of the above for Evaluation Questions 1, 2, and 3.	All of the above for Evaluation Questions 1, 2, and 3.	All of the above for Evaluation Questions 1, 2, and 3.	All of the above for Evaluation Questions 1, 2, and 3.	All of the above for Evaluation Questions 1, 2, and 3.	All of the above for Evaluation Questions 1, 2, and 3.	See above.

TAB 6.3

INFORMATION

PD&C DEPARTMENT ANNUAL REPORT ON PROGRAMS AND RESOURCES

12. The PD&C Department Annual Report on Programs and Resources is set out at **TAB 6.3.1: PD&C Resources and Programs Report** for Convocation's information.



Professional Development and Competence Department Resource and Program Report

FOR INFORMATION ONLY

Diana C. Miles
Executive Director
Professional Development and Competence
(416) 947-3328
dmiles@lsuc.on.ca

February 2014

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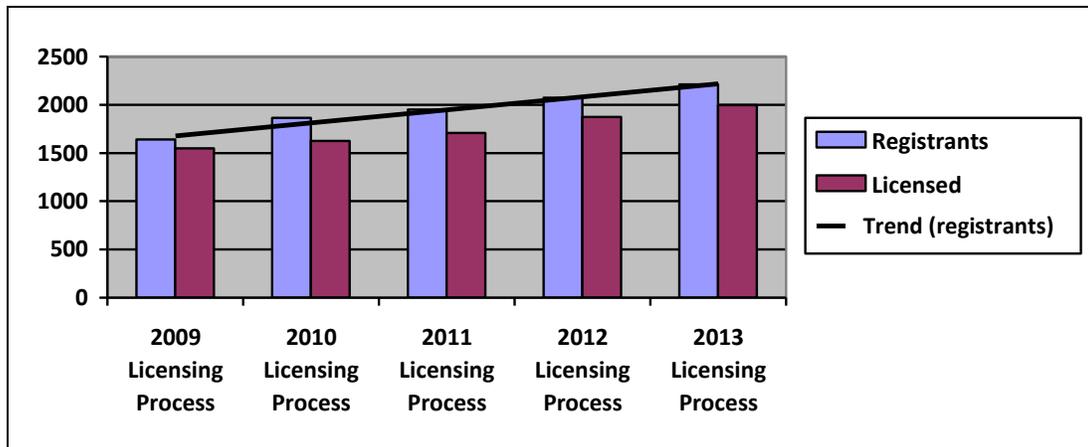
PROFESSIONAL DEVELOPMENT AND COMPETENCE DEPARTMENT

The Professional Development and Competence (PD&C) Department supports policy development and operational implementation for all activities, products and programs related to practice management and supports, continuing professional development, legal information services, the lawyer and paralegal licensing processes, and post-licensing quality assurance.

The Department focuses on the relationship between pre- and post-call substantive, procedural, practice management and professional responsibility competencies within the profession and strives to create a platform of services that assists lawyers and paralegals to maintain viable practices and provide competent service.

LICENSING AND ACCREDITATION: LAWYER LICENSING

The following chart indicates the number of candidate registrations, and the number of L1 licences issued in the past five years of the Licensing Process. The Process is governed by the three-year rule which requires a registered lawyer candidate to be called to the bar within three years from the time of their entry into a licensing year. For the calendar year 2013, there were 2212 candidates newly registered in the licensing process.



Articling Program

National/International Articles

Candidates may complete up to ten months of articles outside of Ontario (national) or outside of Canada (international). The total number of candidates who completed articles outside of Ontario is as follows:

Licensing Year	National Articles	International Articles
2009	15	23
2010	18	22
2011	16	16
2012	18	16
2013	19	16

Exemption from Articles and the Professional Conduct and Practice Course

In 2009, candidates became eligible to apply for and be granted a full exemption of articles if they have practice experience in a common law jurisdiction that exceeds 10 months.

Candidates who are exempted from articles must successfully complete a mandatory three-day course. The Professional Conduct and Practice course provides instruction on professional responsibility and practice management topics in an Ontario context using lectures, panel presentations and roundtable discussions. There were 159 candidates who attended the 2013 courses for a total of 498 exempted articling candidates who have completed the mandatory course since inception.

There have been eight sessions of the Professional Conduct and Practice course since it began in May 2009:

Year	May	December	Total
2009	22 attendees	19 attendees	41 attendees
2010	51 attendees	45 attendees	96 attendees
2011	42 attendees	53 attendees	95 attendees
2012	54 attendees	53 attendees	107 attendees
2013	77 attendees	82 attendees	159 attendees

Candidates exempted from articles must also successfully complete the two Licensing Examinations. As a result of this significant reform, candidates exempted from articles could be eligible for a call to the bar within six months depending on the timing of their receipt of the Certificate of Qualification from the National Committee on Accreditation.

Pathways Pilot Project

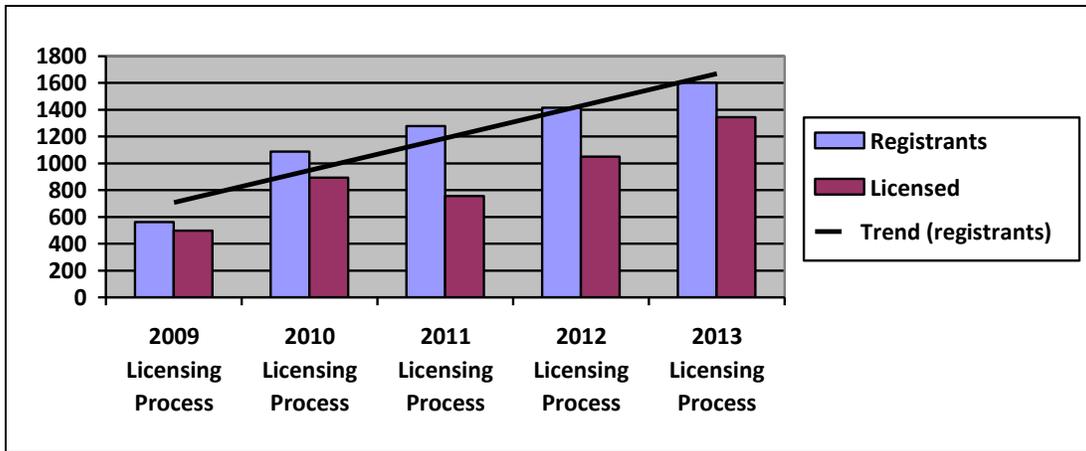
Since the approval of the Articling Task Force Report in November 2012, the PD&C department has been methodically working through the design and development of each of the components of the Pathways Pilot Project. This project is a three year pilot that will result in changes to the Law Society's licensing process that will be developed and implemented for the launch of the new system in 2014. These components include:

- a) Creation of a Law Practice Program (LPP) as a path to licensing;
- b) Enhancements to the Articling Program as a path to licensing;
- c) Implementation of an evaluation framework for the pilot project.

The development work with respect to each of these components is both time sensitive and substantial. Work on these individual projects within the Pathways Pilot has been very intensive, taking significant time and effort of the licensing team and an extended group of the PD&C team, in order to meet the deadlines for the new process. That work will continue through to August/September 2014, at which time both the LPP and the newly enhanced articling program will be launched.

LICENSING AND ACCREDITATION: PARALEGAL LICENSING

The following chart indicates the number of candidate registrations, and the number of P1 licenses issued in the past five years in the Licensing Process. The Licensing Process for paralegal candidates is governed by the three-year rule which requires a registered paralegal candidate to complete licensing requirements within three years from the time of their entry into a licensing three-year term. For the calendar year 2013, there were 1600 candidates newly registered in the licensing process.



PD&C launched the Integration Licensing Process for the Exempted Group/Collection Agents on October 1, 2010. As of May 31, 2014 the three years allowed for the Integration Licensing Process will end for the Exempted Group/Collection Agents applicants.

The chart below indicates the distribution of candidates from the eligible groups for licensing as an exempted category identified in By-Law 4, and their current status.

Exempted Group Integration Category	Still Active	Licensed	Withdrawn
Appraisal Institute of Canada	11	1	0
Board of Canadian Registered Safety Professionals	12	16	3
Human Resources Professionals Association of Ontario	5	14	0
Trade union and/or Designated by OFL	8	13	0
Registered Collection Agent (Collection Agencies Act)	23	21	1
Advisor for Office of the Worker and Employer	25	14	1
Employee of a Legal Clinic (not a student)	15	31	7
In-house legal services provider	81	103	31
Injured Workers group funded by the WSIB	10	3	0
Legal services in a not-for-profit organization	11	11	8
Ontario Professional Planners Institute	1	0	0
Total	202	227	51

Note: 24 of the 34 withdrawals in the "in-house legal services provider" category represent 24 WSIB adjudicators who were assigned status by Convocation and are completing the paralegal licensing requirements under the new designation.

Paralegal College Program Accreditation

As part of its mandate to govern and regulate paralegals, the Law Society accredits paralegal education programs that have been approved by the Ministry of Training, Colleges and Universities. Institutions must submit a detailed application package and participate in a rigorous audit process in order to demonstrate that the program's curriculum, infrastructure and systems support the accreditation criteria. The Law Society provides the Ministry with copies of accreditation approvals or denials of all college programs, with reasons, and liaises with the Ministry on accreditation issues as required.

As of December 31, 2013, PD&C has approved the accreditation of 27 paralegal college programs at 44 college campus locations throughout Ontario. Applications continue to be received and reviewed by the accreditation team, including resubmissions from colleges that have revised their program content and re-applied. Currently there are an additional four applications for accreditation being reviewed by PD&C.

The audit process for accredited college paralegal programs began in November 2009. Audits consist of a documentation review and a two-day site visit at the institution to observe classes and facilities, and meet with program administrators, faculty and students. As of the end of December 2013, the paralegal accreditation team has conducted 27 college program audits. Audit and reporting processes are conducted in a standardized, fair and transparent manner, with a draft audit report to be sent to colleges for clarification prior to the report being finalized. Under the current framework, all colleges will be audited within three years of the date of their accreditation and at least once every five years thereafter.

Expansion of Paralegal Licensing Examination

PD&C continues to prepare for the expansion of the paralegal licensing examination to include substantive areas of law, as approved by Convocation in the fall of 2012. In 2013, the licensing team worked with psychometricians and members of the profession to develop a new set of substantive competencies and create a blueprint for the expanded licensing examination. The competencies were validated through various focus groups and a survey that was sent to

approximately 2500 paralegal members. The new paralegal licensing examination is on track to be launched for the August 2015 writing of the examination.

CONTINUING PROFESSIONAL DEVELOPMENT

CPD Accreditation and Policy Development

PD&C has continued to receive a high volume of applications for accreditation of programs and activities during the third year in which the CPD requirement has been in effect. As at the end of December 2013, 6288 applications had been processed.

This includes approximately 3900 applications for program accreditation from education providers including approximately 2,400 activity applications from members seeking accreditation of activities such as teaching, writing, mentoring and study groups.

A total of 3,725 education programs received accreditation by the end of December 2013. Program applications were received from major education providers, law firms and in-house legal departments, government legal divisions and related agencies, non-profit entities and a number of legal associations at a provincial and national level.

The following table provides information only on program activity within which professionalism content appears; it does not reflect any substantive program activity.

Category of Applicant	Number of Program Applications Received	Number of Program Applications Accredited
Education Providers (OBA, advocates' Society, etc.)	755	741
Law Firms In-House	926	908
Law Associations	844	808
Government In-House	521	509
Colleges and Universities	43	34
Private	815	725
TOTAL	3,904	3,725

The 2,384 applications received for accreditation of activities, as opposed to formal education programs, are broken down as follows:

Activity Type	Number of Activity Applications Received	Number of Activity Applications Accredited
Teaching	1,305	1,234
Writing/Editing	21	20
Mentoring/Articling	706	703
Study Groups	323	315
Other	29	27
TOTAL	2,384	2,299

The Licensing and Accreditation team has been preparing for implementation of changes to CPD requirement processes and policies arising from the two-year review of CPD announced by Convocation in May 2013. In September 2013, a live webcast was delivered to education providers to explain the changes, which include a new Accredited Provider Framework, elimination of the New Member Requirement, and streamlining of the Law Society Portal. The response from education providers to these outreach efforts has been very positive.

CPD Programs and Products

In 2013, PD&C produced 149 programs, including 111 combined substantive/professionalism programs and 38 free professionalism-only programs. Registration percentages for free (56%) and fee-based (44%) programs in 2013 very closely resembled the 2012 breakdown.

New professionalism programs for 2013 included “Dealing with the Self-Represented” (3,597 registrations) and “The First Client Interview” (2,258 registrations). While registrations for free programs are generally in the thousands, actual attendance can be as low as 50% of the registration total. In October 2013, Convocation approved charging a nominal fee of \$25-\$50 for professionalism-only programs, beginning in 2014. Professionalism programs are designed to give lawyers and paralegals the tools and information to avoid claims of negligence or misconduct. The assumption is that charging a small fee will increase the likelihood that members will honour their commitment to attend.

2013 CPD Registration Results

	2009	2010	2011	2012	2013
Total number of CPD programs (<i>all formats</i>)	69	94	164	145	149
Attendance at paid CPD programs (<i>all formats</i>)	15,382	19,785	33,504	36,118	37,449
Attendance at free CPD programs (<i>all formats</i>)	n/a	n/a	60,732	47,582	51,244
Total number of all attendees	15,382	19,785	94,236	83,700	88,693
Average attendance at CPD programs (<i>all formats</i>)	223	210	575	577	595

Program Formats and Materials

CPD provides members with a variety of flexible options for fulfilling their CPD Requirement. Seventy-seven of the 2013 programs were accessible solely via webcast; 67 were presented both in person and via webcast; and five (5) were presented in person only. Almost all programs are also available for purchase on demand after the original presentation date. CPD also schedules a number of replay dates to fit member schedules. Since the CPD Requirement was introduced in 2011, there has been a continual shift away from live attendance in favour of online viewing. In 2013, 90% of registrants viewed programs online.

Scheduled CPD programs all contain an interactive component, either in the form of a question and answer period, a poll of the audience or a live online chat. Closed captioning services are made available to members upon request. Both live attendees and webcast viewers receive access to the on demand video recording so they can review sections of the program if they wish. All registrants also receive access to the electronic program materials as part of their registration fee, with an option to purchase hard copy for a small additional fee. In 2013, only 8.8% of registrants purchased hard copy materials.

Live (in person) Programs

	2009	2010	2011	2012	2013
Total Number of programs	56	64	114	78	72
Total number of attendees	5,607	6,552	14,306	9,562	8,595
Average Attendance	100	102	125	123	119

Webcast

	2009	2010	2011	2012	2013
Total Number of programs	57	65	150	137	144
Total number of attendees	5,649	7,084	67,072	60,331	63,622
Average Attendance	99	109	447	440	442

Post-Program Products

Once programs are held, electronic and hard copy materials, on demand webcasts, and MP4 video files are made available for members to purchase. CPD also works with the County Law Associations to arrange local group replay sessions. In 2013, 18 counties ordered a total of 405 replays with a total of 771 members participating across the Province. In conjunction with the Great Library, CPD produces AccessCLE, an online repository of articles from CPD programs. In 2013, PD&C began making articles from programs held 18 months or more in the past available free of charge. Although the mix of post-program product purchases has changed dramatically, overall sales continue to grow.

	2009	2010	2011	2012	2013
On Demand	1,419	1,510	4,946	13,832	16,476
Hard Copy Publications	10,379	9,590	8,313	7,546	6,770
TOTAL	11,798	11,100	13,259	21,378	23,246

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CPD Program Development Highlights

The CPD team works closely with volunteer lawyers and paralegals to develop relevant and timely programs. Programs are designed for a variety of practice areas and experience levels. In 2014, approximately 130 programs will be presented, including 40 live webcast programs and interactive online courses focusing on professional responsibility, ethics, and practice management issues in a variety of practice areas.

2013 CPD program highlights included the “Intensive Child Protection Training Program,” a 4-day program presented in cooperation with the Association of Family and Conciliation Courts (AFCC). In conjunction with the Equity Department, CPD presented “Droit au but! Parlons grammaire,” a legal writing program in French. “Enhancing Access to the Courts for People with Disabilities, Part II,” presented in conjunction with the Courts Disabilities Accessibility Committee and The Advocates’ Society, drew 1238 attendees. The 10th Annual Real Estate Law Summit attracted a record number of registrants for a fee-based program with 1,197 attendees.

PRACTICE MANAGEMENT

Practice Management Helpline

The Practice Management Helpline provides licensees with assistance and insight regarding the application of the *Rules of Professional Conduct*, the *Paralegal Rules of Conduct* and other Law Society regulations. The service is confidential and the Helpline strives to return all calls within 24 hours.

Representatives screen the call, assist the caller to identify the issue(s), refer the caller to existing resources such as articles, professional development programs, the online FAQs, and other resources (including transferring the call to other more appropriate departments for additional information or recommending alternatives for additional support, such as LAWPRO, Legal Aid, Teranet, etc.) and escalate the call to counsel, if necessary. Counsel will discuss the ethical issues, applicable legislation, potential options and the advantages and disadvantages of each option with the caller.

In 2013, the Practice Management Helpline received approximately 7,090 inquiries from licensees for an average of over 600 calls per month. Of the calls that were received, 85% were handled by representatives, meaning the question could be answered by reference to existing resources, fifteen per cent were answered by counsel, meaning an interpretation of the *Rules of Professional Conduct* or a discussion of ethical issues was required.

The calls received as at December 31, 2013 can be broken down by size of practice:

	Lawyers		Paralegals		Total Licensees	
	# of calls	% of total	# of calls	% of total	# of calls	% of total
Sole practitioners	2,740	46.0	604	53.3	3,344	47.1
Small Firms (2 to 5)	1,504	25.2	239	21.1	1,743	24.6
Medium Firms (6 to 10)	342	5.7	28	2.5	370	5.2
Larger Firms (>10)	597	10.0	17	1.5	614	8.7
Other	776	13.0	246	21.7	1022	14.4
Total calls for assistance	5,959	100	1,134	100	7,093	100

The majority of lawyers who called the Helpline in 2013 defined their primary areas of practice (more than 30% of their practice) as real estate law and civil litigation. The most frequent calls from lawyers by practice management issue were:

1. Conflicts of Interest
2. Confidentiality
3. Trust Accounts
4. Lawyer Annual Report
5. Client Identification and Verification
6. Withdrawal From Representation
7. Books and Record Keeping
8. Client Property
9. Fraud
10. File Ownership/Transfer

The majority of paralegals who called the Helpline in the same period defined their primary areas of practice as Small Claims Court and *Provincial Offences Act* matters.

The most frequent calls from paralegals by practice management issue were:

1. Paralegal Scope of Practice
2. Conflicts of Interest
3. Trust Accounts
4. Confidentiality
5. Withdrawal from Representation
6. Firm Name
7. Paralegal Annual Report
8. Advertising/Marketing

9. Practice Arrangements
10. File Ownership/Transfer

Practice Management Resources

By tracking frequently asked questions, the Helpline identifies areas of concern within the lawyer and paralegal professions and responds to those concerns by developing new resources and relevant information pieces through Practice Tips, the e-Bulletin or the Manage Your Practice section of the Law Society Web site. Counsel and representatives have direct contact with the members on a daily basis and are in a unique position to assess the Law Society's resources and identify, recommend and create new, valuable and necessary resources.

The Technology Practice Tips are podcasts that provide practical information on a variety of issues in MP3 format. In response to feedback from members, twelve new podcasts were developed in 2013, including tips on texting, clean devices internet printing, browsing, news readers and RSS feeds.

In 2013, counsel also began an intensive review of all existing lawyer and paralegal practice management resources to ensure their currency, relevance to the profession and effectiveness in the new Web site environment. Reviewing, revising and streamlining of the existing practice management resources will continue in 2014, including the update of all resources in preparation for the implementation of the Model Code.

Practice Mentoring Initiative

The Mentoring Initiative connects licensees to mentors where the caller's issue or matter falls outside the mandate of the Helpline. To be matched with a mentor, the licensee must have a unique and complex legal or procedural issue that the lawyer or paralegal has been unable to resolve through his or her own research. Though the program does not offer a traditional long term mentoring relationship, mentors are available for a focused discussion about the licensee's issue.

There are currently 174 lawyers and 7 paralegals on the Practice Mentoring roster, representing a number of practice areas. In 2013, 35 lawyers and 3 paralegals were each matched with a mentor.

CERTIFIED SPECIALIST PROGRAM

In order to qualify for the Certified Specialist Program, a lawyer must meet the following criteria:

- practised for a minimum of seven years prior to the date of the application
- substantial involvement in the specialty area during five of the seven years, i.e.,
 - mastery of substantive law, practices and procedures, and
 - concentration of practice in the specialty area;
- complied with the professional development requirements; and
- complied with the professional standards requirements.

The number of certified specialist lawyers in the profession has changed only marginally in

the past 10 years and remains low at approximately 2.5% of practising lawyers.

	2009	2010	2011	2012	2013
Number of Specialists	720	714	775	763	766
Specialists in Toronto Area	408	402	443	442	459
Specialists Outside Toronto	312	312	332	321	307
Number of Specialty Areas	15	15	15	15	15

The following chart breaks down the number of certified specialists by practice area in 2013.*

Areas of Specialization	Number of Specialists	Areas of Specialization	Number of Specialists
Bankruptcy and Insolvency Law	9	Family Law	64
Citizenship and Immigration Law	51	Health Law	19
Civil Litigation	294	Intellectual Property Law (Trademark/Patent/Copyright)	39
Construction Law	35	Labour Law	23
Corporate and Commercial Law	20	Municipal Law	30
Criminal Law	91	Real Estate Law	23
Environmental Law	39	Work Place Safety and Insurance Law	9
Estates and Trusts Law	39		

*The total number of specialists in this chart is slightly greater than the total number of specialists in 2013 (first chart above) as some specialists are certified in more than one area of law.

The Certified Specialist Board continues to expend approximately \$40,000 per annum on marketing efforts to increase awareness of the Certified Specialist designation in the public and the profession. In 2013, Specialists were provided with new promotional tools, including a lapel pin and series of bookmarks designed to provide key information about the program.

Other recent activities have included a series of notices in the Ontario Reports and articles in the Ontario Lawyers Gazette.

PD&C has begun planning for the development of the Aboriginal Law specialty area, as approved by Convocation in June 2013. Practitioners and subject matter experts have been engaged to assist with the creation of the practice experience competencies and learning criteria, and a list of potential working group members has been compiled for use in validation activities.

All of the ongoing program maintenance and promotional activities for the Certified Specialist program continue to be completed within an operating budget that maintains costs at the lowest possible levels. The program is supported by one full-time coordinator who is assisted by legal counsel in PD&C as required.

LEGAL INFORMATION

The Legal Information team supports research and information needs of Law Society licensees and staff. Lawyers and paralegals access the Great Library's large print collection and electronic databases, as well electronic resources available from their desktops. While the Great Library is the primary legal research resource for paralegals, lawyers also use the Great Library's services through their local law associations.

Library Services

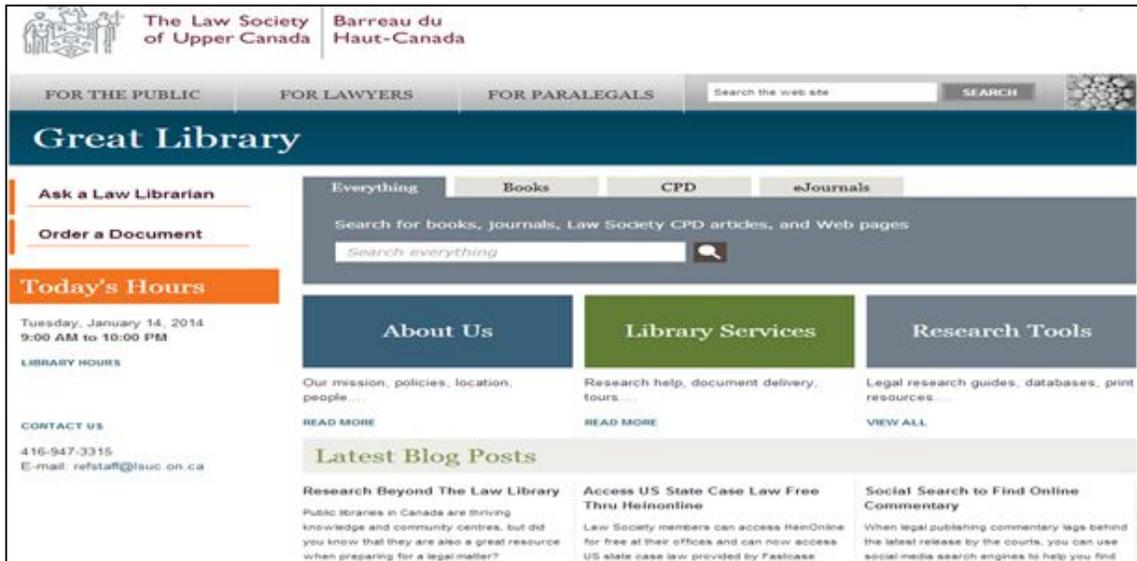
Lawyers and paralegals ask reference librarians for assistance with legal research. The Reference team works primarily with Toronto-based lawyers, articling candidates, and law firm administrators. The number of reference questions received in 2013 increased. The library team answered 23,504 questions in 2013, up from 21,157 in 2012.

Rebooted Web Site

The Great Library's team worked with the PD&C Web Content Management team to design a new, more streamlined Web site for the library. Reference staff culled much of the content from the old Web site, collapsing most of the content into a handful of pages. At the same time, they migrated pathfinders on how to find specific types of legal information to Libguides. This service is used by thousands of libraries to host this type of guide. By placing the Great Library's "finding" tools into Libguides, the Reference team achieves heightened visibility for those using the Libguides platform while also having an easier framework for maintaining these documents.

Library managers led the design process and usability testing to create a more modern and easy to navigate site. Visitors are presented with a variety of search tools as soon as they reach the library's home page. These tools highlight the depth of content that is accessible within the library, and much of this content can be accessed for free from anywhere.

The library team also started a blog on legal research topics for lawyers and paralegals. The Reference staff contributes a weekly post and the blog will act as a current awareness tool and proactive information sharing resource for Law Society members.

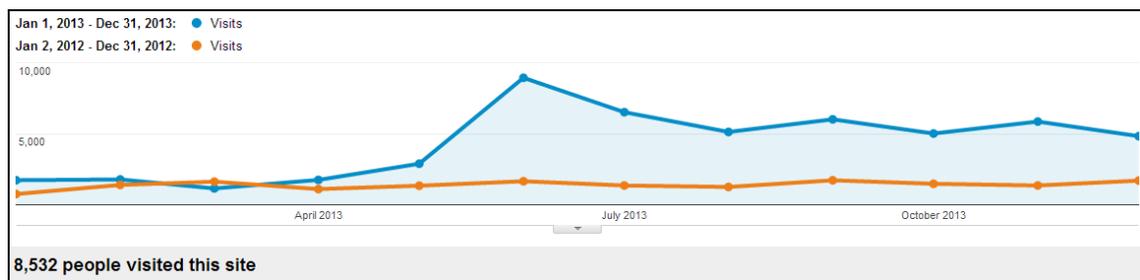


Searching More Content

Primo is the library's search tool, which provides access to a wide variety of information through the library's Infolocate.ca search site, and powers the Law Society's Web site search.

Convocation's minutes had been searchable in an outdated tool known as Folio Views and a replacement was required. Corporate Records and Archives converted the minutes into PDF documents, maintained the necessary security on *in camera* documents, and prepared them for access through Infolocate. The group worked with the systems team to import the content into the same database that provides access to the Law Society's CPD articles. The documents were then redefined so that Law Society staff will be able to search content securely while the public will be able to find minutes that are public records.

The library's collaboration with the CPD team on AccessCLE continued, with one significant change. Law Society CPD articles that are older than 18 months are now available to download for free. There was a huge surge of interest when the announcement occurred, and the policy change has increased the overall use of the service. There was an 83% increase in unique visitors to the site, from 4,649 in 2012 to 8,352 in 2013. These additional visitors led a 208% increase in visits and a 232% increase in page views.



Corporate Records and Archives

The Corporate Records and Archives team has been involved in various projects within the Law Society in 2013. The Corporate Records team has supported the initial stages of the Law Society's move towards enterprise content management. The Archivist also supported ongoing research by the Heritage Committee into historic discipline matters.

In addition to collaborations with the Great Library's systems team on Convocation's Minutes, the Archives have been extending the information on the Web. Ontarians interested in the Law Society's history can watch video clips on You Tube of historic CLE seminars with well-known members of the legal profession. The Archives team also maintains a blog for current awareness on items within their collection.

Web Content Management

The Web Content Management team focused on behind the scenes projects in 2013. Following the successful implementation of the Tribunals smart forms in 2012, the team adapted similar forms to enable Equity and Aboriginal Affairs staff to manage the Contract Lawyers Registry. The forms provide editorial control, to approve new positions or remove old ones, without requiring, technical expertise to make every change.

Another significant improvement will only be noticeable to those visitors who access the Law Society's Web site on mobile devices. The team converted the site to use responsive design, so that the Web pages resize depending upon the size of screen the visitor is using. Rather than creating a mobile version of the Law Society's Web site, it enables the Society to create one set of content, and the responsive design fits it to the particular device.

The team also worked on refreshing some sites. The Great Library Web site was migrated from its old server and into the content management system, and given a new look and feel that is more intuitive for users. At the same time, the team reconsidered the lay out of the Law Society's Intranet site. The revised navigation and functionality replaced the current site in early 2014.

QUALITY ASSURANCE: SPOT AUDIT, PRACTICE MANAGEMENT REVIEW AND PRACTICE AUDIT PROGRAMS

The audit and review programs of the Law Society are an integral part of the Law Society's quality assurance activities in the public interest. These programs have also received extremely positive feedback from lawyers and paralegals. The programs are making a measurable impact on law practices and legal services practices, with sole and small firm sustainability significantly improved for those firms that receive an audit.

Spot Audit Program: Lawyers

Spot Audit is a proactive quality assurance program that assesses a firm's compliance with financial record keeping requirements. The goal of the Spot Audit program in 2013 was to audit every law firm in the province once every five years. In 2013 over 1,815 audits were conducted.

The majority of the 2013 audit engagements found that the firm had either minor or no books and records' deficiencies (50%) or deficiencies that were readily remediated to the Law Society's satisfaction (44%).

Lawyers selected for an audit continue to report extremely high approval ratings for both the auditors (100%) and the overall experience (97%).

Some of the more significant books and records deficiencies are as follows:

Books and Records Issues	% Failed to Meet Requirements
Completeness of books and records information	86%
Completeness of client ID information	52%
All cash receipts recorded	52%
Inactive accounts managed	46%
Currency of records	21%
Transfer funds from trust account after delivery of fee bill	19%
Maintained security over E-reg diskette	18%

As of 2014, the audit routines will change in accordance with Convocation's recent approval to streamline these activities. The Law Society has recently conducted a review of its operations with the intention of improving efficiency in the delivery of its programs. As a result, the Spot Audit program has refined its risk management strategy to focus on sole practitioners and two lawyer firms with a real estate practice, as they are the group of practitioners posing the documented highest risk to the public. These firms will be audited every five years. The remaining lower risk sole practitioner and small firms (2-5 lawyers) will be audited every seven years, and the very low risk firms (mid-large sized firms) will be audited every ten years.

These changes to the Spot Audit program goals will generate savings of \$500,000 over 2014 and 2015, resulting from 230 fewer audits in 2014 and a further reduction of 170 audits in 2015.

Practice Review Program

A Practice Review addresses an individual licensee's practice activities and management. The Law Society now conducts three separate types of reviews of a practice:

- 1) **Focused Practice Review:** for licensees showing significant signs of deterioration in their practices as evidenced by increases in complaints and other indicia. The number of focused reviews varies, but is generally between 20 and 40 per year;
- 2) **Re-entry Review:** replaced the former Private Practice Refresher Program. Lawyers re-entering the private practice of law after a hiatus of five (5) years are required to undergo a review within 12 months from their return to practice as a sole or small firm

practitioner. It is anticipated that the number of re-entry reviews for 2014 will be less than 20;

- 3) Practice Management Review (PMR): risk based random selection process of lawyers in their first eight years of practice, and which also ensures that those selected reflect the percentage of law firms presented in Law Society conduct matters, segregated by firm size (50% soles, 25% firms with 2 to 5 lawyers, etc.). Over 400 practice management reviews will be conducted in 2014;
- 4) Practice Audits (PA): combined financial audit and practice management review conducted on Paralegal practices. Over 75 originating practice audits, and an additional 50 revisits, will be conducted in 2014.

Practice Management Review Program: Lawyers

Practice management reviews ensure that practitioners meet competency standards and identify areas for improvement in managing the lawyer's practice. Reviewers provide practical suggestions on how to maintain practice at optimal levels, leading to greater efficiencies, high quality service and greater lawyer and client satisfaction.

The Practice Management Review unit conducts over 400 original random reviews on individual lawyers and up to an additional 40-60 focused and re-entry to practice reviews per year.

In 2013, 549 practice management reviews were conducted (433 initial reviews plus 116 revisits). Approximately, 25% of initial attendances found that lawyers were not meeting standards of professional competence: sole practices at 37%; small firms at 15%; mid/large firms at 5%. As a result, a revisit is required to assess the implementation of recommendations made in the initial reviewer's report.

Over 98% of lawyers that underwent a practice management review responded that they found the process to be constructive and value-added to managing their practice.

Common Practice Deficiencies: Lawyers

The majority of law firms in Ontario are either sole practices or small firms (2 to 5 lawyers), making up approximately 94% of all law firms in the province. The following charts provide information on the breakdown of deficiencies found in practice reviews of sole and small firm lawyers in 2013 compared to 2009 when the program first initiated a risk based approach in selecting lawyers, based on the percentage of law firms represented in Law Society conduct matters and LawPRO negligence claims. The specifics of each deficiency, the recommendations to remediate and reference to resources, are made in the Reviewer's report to the lawyer for response.

General Observations on Law Firm	% Failed to Meet Minimum Standards		
	2009	2013	Difference
Power of Attorney to another lawyer	78%	71%	(7%)
Written office manual	60%	34%	(26%)
Written business arrangements	49%	39%	(10%)
Contingency planning	34%	30%	(4%)
Data security	22%	12%	(10%)
Client Service and Communication			
Written retainer agreements	44%	26%	(18%)
Sufficiency of written retainers	34%	29%	(5%)
Phantom clients	32%	22%	(10%)
Conflicts management	29%	28%	(1%)
File Management			
Limitation periods and other key dates	27%	28%	1%
Key information in files	25%	9%	(16%)
Adequate documentation in file	17%	15%	(2%)
File management system	12%	10%	(2%)
Financial Management			
Duplicate cash receipts	45%	19%	(26%)
Books and records are current	24%	16%	(8%)
Manage financial health of the firm	23%	23%	(0%)
Trust reconciliations done monthly	18%	9%	(9%)

For many of these top practice management deficiencies, there has been a significant improvement for practitioners. A number of program initiatives have had a cumulative positive impact on making the membership more aware of the importance of effective practice management process in their firm and for their clients. The Review team had a presence at the annual Sole and Small Firm Conference, the Articling and Beyond Conference, and presented at many practice management CPD sessions. All have made a difference in getting the word out and making effective practice management top of mind.

Spot Audit and Practice Management Review Revisits: Lawyers

A revisit by an Auditor or Reviewer is required any time the lawyer (practice review) or law firm (spot audit) fails to meet minimal expectations of competence and the issues are significant enough (contrary to the public interest, could result in direct harm to clients) to warrant another visit to assure improvements have been made in the public interest.

Of those lawyers who underwent a revisit for a review, almost all of them (99%) were found to have implemented the recommendations from their initial practice management review report and were now meeting minimum competence standards.

Spot Audit History of Revisits for Sole and Small Firms	Number of Firms Audited	Return Visits Required	Revisit Percentage of Total
2009 – 2013	6, 862	499	7%
2002 – 2008	6, 172	341	6%

Practice Review History of Revisits for Sole and Small Firms	Number of Firms Audited	Return Visits Required	Revisit Percentage of Total
2011 – 2013	999	313	31%
2008 – 2010	709	203	29%

Noticeably, the rate of revisits in Practice Review for sole and small firms has increased over the most recent five year period.

Paralegal Practice Audits: Paralegals

Practice audits of paralegals mirror the format of practice management reviews for lawyers, with the goal of providing targeted advice to achieve effective and efficient practices.

In 2013, there were 181 practice audits of paralegal practices conducted (113 initial audits plus 68 revisits). The program has been well received by paralegals, with 100% of those who underwent a practice audit finding it to be constructive and value added.

Since the inception of the Practice Audit Program in late 2008 to December 31, 2013, 55% of initial attendances found that paralegals were not meeting standards of professional competence and a revisit would be required to assess the extent of remediation.

Practice Audits		
Number of paralegals reviewed since inception (2008 – 2013)	436	
Return visit required	238	55%

The top ten practice management deficiencies found in conducting a practice audit of paralegal practices in 2013 and compared to 2009 (the first full year of the practice audit program), are:

Paralegal Practices – Areas of Review	% Failed to Meet Minimum Standards		
	2009	2013	Difference
Power of Attorney to another legal services provider	87%	71%	(16%)
Written business arrangements	75%	31%	(44%)
Phantom clients	72%	30%	(42%)
Written office manual	80%	9%	(71%)
Time docketing	62%	30%	(32%)
Conflicts management	60%	34%	(26%)
Duplicate cash receipts	51%	48%	(3%)
Books and records comply with By-Law #9	53%	46%	(7%)
Data security	37%	12%	(25%)
File management	35%	27%	(8%)

The type of practice management deficiencies found in paralegal practices is similar to those found in practice reviews of lawyers. The major difference is in the extent of failure in each of the categories where paralegal practices have failed to meet minimum competence standards. The percentage of practice management deficiencies in every one of these practice areas has declined significantly over the past five years.

Spot Audit and Practice Review Educational Initiatives

General aggregated information and trends on areas of deficiency encountered in reviews of lawyer and paralegal practices is exchanged with other areas of PD&C for the purpose of developing resources and tools that will assist practitioners to avoid/address these problems. Reviewers have presented to local law associations on key practice management deficiencies, the steps to remediate and a list of applicable resources.

Practice Review has worked with other PD&C units to develop CPD programs on effective practice management processes. These seminars have been presented by experienced practice reviewers to various local law associations. Three such seminars were conducted in 2013, in addition to six presentations to specific associations (Hamilton Family Law Association, Halton District, Sudbury District, Hamilton Criminal Law Association, Licensed Paralegal Association of Ontario, Ontario Bar Association).

Spot Audit continues to be actively involved on a number of educational initiatives ranging from developing CPD courses and materials to presenting at CPD sessions on a variety of financial books and records topics to both lawyers and paralegals, providing their “on the ground” insights to ensure the resources are practical and user friendly.

Continuing Professional Development Compliance Audit Program

The CPD compliance audit program's objective is to assess licensees' compliance with the documentation requirements as proof of their CPD reported activities, as per section 5 of By-Law 6.1. The CPD Audit program's goal is to conduct 1,000 CPD audits (lawyers: 900 and paralegals: 100) through a combination of desk audits and practice review engagements which assess a licensee's compliance to the Law Society's CPD documentation requirements.

Staffing complement for the CPD audits is included in the Practice Review and Practice Audits units. For 2013, the team conducted 1,034 CPD compliance audits, comprised of 591 CPD desk audits and 443 audits integrated into practice reviews.

Approximately 96% of licensees were in full compliance with the Law Society's CPD record keeping requirements, 3% were in partial compliance, and less than 1% were not compliant.

Detailed and specific information were provided to licensees to assist them in ensuring full compliance with their CPD record keeping requirements for future reported professional development activities.