



TAB 2

Report to Convocation November 21, 2013

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

**Prepared by the Policy Secretariat
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COMMITTEE PROCESS

1. The Committee met on November 7, 2013. Committee members Janet Minor (Chair), Jacqueline Horvat (Vice-Chair), Barbara Murchie (Vice-Chair), Alan Silverstein (Vice-Chair), Raj Anand, Jack Braithwaite, Adriana Doyle, Ross Earnshaw, Howard Goldblatt, Vern Krishna, Dow Marmur, Judith Potter, Nicholas Pustina, Joe Sullivan, Gerry Swaye, Robert Wadden and Bradley Wright attended. Julian Falconer attended part of the meeting. Staff members Diana Miles and Sophia Sperdakos also attended.

PROPOSAL FOR INTEGRATED PRACTICE CURRICULUM AT LAKEHEAD UNIVERSITY FACULTY OF LAW

MOTION

- 2. That Convocation approve Lakehead University Faculty of Law’s integrated practice curriculum as satisfying the Law Society’s experiential training requirement for lawyer licensing.**

Background

3. The Articling Task Force Report (The Pathways Report) that Convocation approved in November 2012 recommended a Law Practice Program (“LPP”) that would take place following law school. In both the Task Force’s consultation report and its final report, however, it addressed the issue of practical legal training occurring during law school as part of the curriculum. It noted the potential result that students who graduated from a law school whose curriculum addresses the Law Society’s standards might be credited with their [LPP]¹ requirement, or part of it. The report noted that this “would shorten the licensing program for those students and address some of the financial challenges of [an LPP] that occur after law school.”
4. The Pathways Report specifically noted the following:

Although the pilot project the Task Force is recommending will take place after law school, the Task Force is of the view that this would not and should not preclude a law school that wishes to propose a Carnegie-like² law degree from seeking approval from the Federation’s Common Law Approval Committee and exploring with the Law Society whether its practical component could satisfy part or all of the transitional training requirements. In the Task Force’s view there is nothing to preclude such a proposal, properly framed so that it meet the goals of transitional training, and approved, from operating alongside the pilot project.

¹ The Consultation Report referred to a “Practical Legal Training Course (PLTC).” The Final Pathways Report uses the term “Law Practice Program (LPP)” instead.

² Carnegie Foundation’s report entitled *Educating Lawyers: Preparation for the Profession of Law* (“the Carnegie Report”) in which a greater role for skills-based learning in American law schools is discussed.

5. During the RFP process the Law Society received a proposal from Lakehead University's Faculty of Law to integrate the Law Society's LPP competency requirements and work placement requirement within and throughout its three-year law school curriculum.
6. In the first instance, Pathways Working Group #1³ considered the proposal. In addition to the working group receiving written material on the proposal, some members of Working Groups #1 and #2 attended a presentation by Lakehead's Dean, Lee Stuesser, and one of its Faculty members, Jason MacLean, respecting the law school's three-year curriculum.
7. The Law Faculty's proposal demonstrates how both the Law Society's licensing competency requirements for experiential training and the work placement requirement are met within and throughout its three year law school curriculum.
8. The Chair will provide Convocation with an overview to the Lakehead integrated practice curriculum.
9. The working group and the Committee are of the view that Lakehead University Faculty of Law's integrated practice curriculum will satisfy the Law Society's experiential training requirement for lawyer licensing. The Committee agrees with the Pathways Report that nothing in that report should preclude consideration of this type of program, provided the Law Society's standards are met.
10. If Convocation approves the recommendation, necessary amendments to By-law 4 will be prepared for Convocation's subsequent approval.

³ Two working groups were established to consider the implementation of the Pathways Report. Both report to the PD&C Committee. Working Group #1 focuses on the RFP for the LPP and on general implementation of the Pathways Pilot Project, which includes both articling and the LPP. Working Group #2 focuses on culminating assessments and the overall pilot project evaluation.

PATHWAYS REPORT IMPLEMENTATION

MOTION

11. That Convocation approve a one million dollar lawyer licensee contribution to the 2014-2015 licensing process to defray the costs to licensing candidates.

Background

12. Since the approval of the Pathways Report in 2012, the design of the implementation of each component has been ongoing. The anticipated overall cost of the new licensing process for the 2014-2015 licensing year can now be reasonably estimated within a range that is dependent upon the number of registrations within the LPP. These overall costs relate to both the *new* components of the licensing process emerging from implementation of the Pathways Report¹ and the *existing* components of the licensing process.² The final fee for the 2014-2015 licensing process cannot be determined until mid-to-late January 2014, after candidates have selected their experiential learning path.
13. Based upon the assumption, however, that approximately 400 candidates select the LPP stream in 2014-2015, the anticipated fee attributable to the new components of the licensing process is \$2,400 dollars per candidate. The anticipated fee attributable to the existing components of the licensing process is \$2,810. The total anticipated licensing fee per candidate for 2014-2015 is \$5,210, before HST and \$5,887, including HST.

¹ These consist of the LPP, enhancements to the articling program and implementation of an evaluation framework.

² Existing components are (1) two licensing examinations (Barrister and Solicitor), held three times per annum, in four locations across the province, (2) existing articling program administration activities, including relevant document filings and supports, (3) support for the accommodation and special needs requirements of candidates, (4) call to the bar administration, support and events, (5) web enabled application, registration and ongoing communications processes and client service, (6) online Professional Responsibility and Practice Course offered during the articling term including annual updates, ongoing improvements and hosting costs, (7) processing of applications, registrations and good character and other administrative items that are required to support the day-to-day oversight of the licensing system.

14. In November 2012 Convocation approved a motion respecting defraying licensing process costs to licensing candidates. Pursuant to the approved motion Convocation is to approve an appropriate licensee contribution to the licensing process on the PD&C Committee's recommendation.
15. In reaching its recommendation the PD&C Committee has considered what would constitute an appropriate lawyer licensee contribution for the 2014-2015 licensing year. It has considered a number of factors, including the intent of Convocation's November 2012 motion, the overall licensing fee and lawyers' historic contribution to the licensing process, which over the last number of years has averaged one million dollars per year.
16. The Committee recommends that an appropriate lawyer licensee contribution for the 2014-2015 licensing process to defray the costs to licensing candidates is one million dollars. This will result in a reasonable reduction in the overall fee to candidates of approximately \$500 each, based on estimates discussed above. There is precedent for a contribution in this range.
17. With this contribution, the adjusted candidate licensing fee would be approximately \$4700 (\$5311 with HST). As a frame of reference, in 2005 the final year of the bar admission process that preceded the current licensing process, the comparable fee for licensing was \$4735 plus GST per candidate.
18. While the Committee considers this lawyer licensee contribution appropriate for the 2014-2015 year, it is also aware that licensing candidates may have differing abilities to pay the licensing fee depending upon a number of factors.
19. Over the coming months, as the PD&C Committee continues to work on the Pathways Report implementation, it will also explore the creation of a bursary program and report its findings to Convocation in the fall of 2014. With additional information and details respecting candidates, which will become available over the coming months, the Committee will be in a position to consider this issue and make recommendations.