

Topic 1

The Need For Change



Dialogue on Licensing

Dialogue sur l'accès
à la profession



The Law Society of
Upper Canada

Barreau
du Haut-Canada

Dialogue on Licensing

- The Law Society is undertaking a comprehensive analysis of the lawyer licensing process
- The goal of this analysis is to formulate long-term recommendations for an appropriate and sustainable licensing system for lawyers
- To support this analysis, the Law Society is committed to engaging directly with the profession and other stakeholders

Dialogue on Licensing

- Discussion groups are being held in seven cities across Ontario
- A dedicated website has been developed for the Dialogue on Licensing at: sucdialogue.ca
- On the website, you may register for the discussion groups, access the reference materials and discussion group summary reports, and submit written input

Dialogue on Licensing

- Each discussion group will focus on one of the following four topics:
 1. The Need For Change
 2. Market Dynamics and the Lawyer Profession
 3. Licensing Examinations: Assessment of Entry-level Competence
 4. Transitional Training
- Today's discussion group topic is The Need For Change
- Reference Materials for this topic were available on the website at the end of March and we hope you have had an opportunity to review these materials

Polling Question 1

Why did you join the Dialogue on Licensing?

- A. I want to learn more about the licensing process for lawyers
- B. I would like to hear the views of my colleagues about the licensing process
- C. I would like to share my own views about the licensing process
- D. I have questions I would like to have answered about licensing before I provide my input

Text your response (A, B, C or D) to 37607

Objectives of Today's Discussion

- Gain a better understanding of today's challenges in lawyer licensing in the public interest
- Review the components of the continuum of legal learning and discuss the need for change
- Discuss realistic opportunities for change that will lead to a fair, valid and sustainable licensing process

Objectives of Licensing

1. Fair, transparent and valid
2. Assuring entry-level competence
3. Sustainable (realistic and acceptable)
4. In the public interest

Reference Materials: The Need For Change

- Purpose of licensure
- Overview of licensing process and statistics
- Key participants in preparing candidates for entry to practice
- Canadian law school curricula
- Process for credentialing individuals with legal training from outside Canada
- External regulatory oversight over licensing requirements
- Licensing processes across Canada

Part 1 – Pre-licensing

Law School Curricula and Activities

- Law degree approval requirements set a standard across all law schools
- Experiential training opportunities are integrated and increasing
- Number of Canadian law school candidates entering the Law Society licensing process annually is now ~ 1800 or 75% of applicants in each cycle

National Committee on Accreditation Process for Internationally Trained Entrants

- Independent credential supported by all law societies across Canada
- Equivalency to a Canadian law school degree is the assessment benchmark
- Required to be successful on a minimum of five challenge examinations to earn the certificate of qualification

National Committee on Accreditation Process for Internationally Trained Entrants

- ~ 1153 Certificates of Qualification issued nationally per annum
 - 650 and increasing are coming to the Ontario licensing process
 - Of those, ~ 50% are Canadian born returning to Ontario after an international legal education

Current Components of the Licensing Process

- Three years to complete all components
- Licensing examinations: procedural law in substantive contexts
 - Barrister licensing examination: civil litigation, family law, criminal law, administrative law
 - Solicitor licensing examination: real estate law, business law, estates and trusts law
 - Minimum of 25% of the questions, embedded throughout, focus on professional responsibility, ethics and practice management

Current Components of the Licensing Process

- Transitional training
 - Articling Program or
 - Law Practice Program
 - Exemption based on prior practice experience in another jurisdiction
- Good Character requirement

Are There One or More Components of the Continuum of Legal Learning That Should Change?

Components of the continuum of legal learning:

- Law school curricula and activities
- National Committee on Accreditation process for internationally trained entrants
- Licensing process components:
 - Licensing examinations
 - Transitional training: Articling Program, Law Practice Program, exemption based on prior practice experience in another jurisdiction

Why?

What are the alternatives?

Polling Question 2

Which component of legal learning, if changed, would have the most positive impact on assuring entry-level competence of lawyers?

- A. Law school education model
- B. Internationally trained entrants assessment model
- C. Barrister and Solicitor licensing examinations
- D. Transitional training – Articling Program, Law Practice Program or Exemptions/Abridgements

Text your response (A, B, C or D) to 37607

Part 2 – Licensing Process

Current Demographics in the Legal Profession

- ~ 55,000 licensed lawyers in Ontario
- ~ 34,000 lawyers actively practising
 - ~ 24,000 lawyers in private practice
 - ~ 10,000 lawyers practising who do not give advice to the public

Licensing Process

Statistics and Demographics

- ~ 4500 candidates in the licensing process at any given time
 - ~ 2400 new applicants annually
- ~ 2200 new lawyers being called to the bar annually
- ~ 1900 articling positions
- ~ 230 candidates choosing the Law Practice Program
- ~ 200 candidates exempted or receiving an abridgement from transitional training based on prior practice experience

Are There One or More Components of the Licensing Process That Should Change?

Law Society licensing process components:

- a) Barrister and Solicitor licensing examinations
- b) Transitional training – Articling Program
- c) Transitional training – Law Practice Program
- d) Transitional training – exemptions/abridgements based on prior practice experience in another jurisdiction

Why?

What are the alternatives?

Polling Question 3

If you believe that the licensing process requires change, which component do you think should be modified?

- A. Licensing examinations
- B. Articling Program
- C. Law Practice Program
- D. Transitional training as a whole (both the Articling and the Law Practice Programs)
- E. None

Text your response (A, B, C, D or E) to 37607

Next Topic for Discussion

Topic 2: Market Dynamics and the Lawyer Profession

- Toronto on Tuesday, May 23 at 6:00 pm – 8:00 pm
- Ottawa on Thursday, May 25 at 6:00 pm – 8:00 pm
- Thunder Bay on Tuesday, May 30 at 6:00 pm – 8:00 pm
- Windsor on Thursday, June 1 at 6:00 pm – 8:00 pm

Thank you for participating

Register for upcoming discussion groups near you at lsucdialogue.ca

Submit written input online at lsucdialogue.ca

Mail written input to:

Dialogue on Licensing
The Law Society of Upper Canada
130 Queen Street West
Toronto, ON M5H 2N6



dialogue@lsuc.on.ca

Dialogue on Licensing
The Law Society of Upper Canada
130 Queen Street West
Toronto, ON M5H 2N6



Dialogue on Licensing

Dialogue sur l'accès
à la profession



The Law Society of
Upper Canada

Barreau
du Haut-Canada