

# Topic 2

# Market Dynamics and the Lawyer Profession



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: [lsucdialogue.ca](https://lsucdialogue.ca)
- On the website, you may register for discussion groups, access the reference materials and discussion group summary reports, and submit written input

# Dialogue on Licensing

- Each discussion group focusses 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

# Focus of Today's Discussion

1. Discuss the ability of the current licensing process for lawyers to fairly and validly support entrants into the system while assuring competence in the public interest

# Focus of Today's Discussion

2. Consider the future of legal services provision – for example, how to ensure that the licensing process adequately assesses ability to practice in this new world at the time of entry to the profession

# Focus of Today's Discussion

3. Consider developments in licensing processes in other jurisdictions and professions that may offer potential opportunities to address supply and demand in the long term

# 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: Market Dynamics and the Lawyer Profession

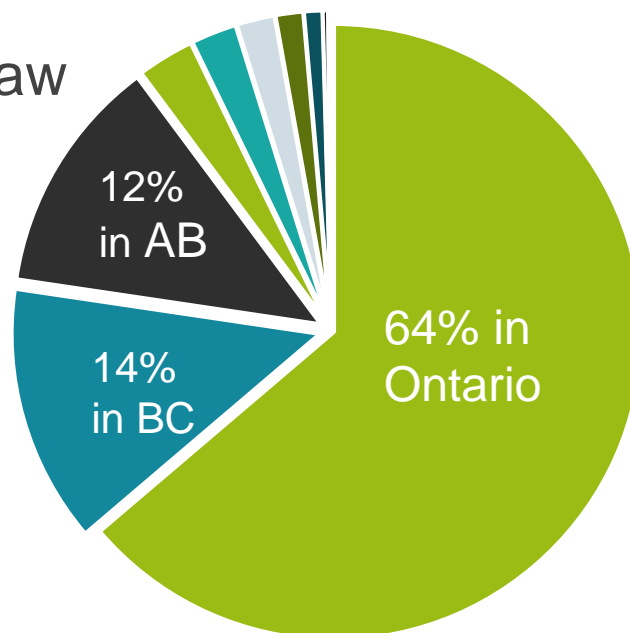
- The Purpose of Licensure
- Overview of the Lawyer Licensing Process in Ontario
- Labour Market Study
- Lawyer Licensing Processes in other Jurisdictions and other Professions
- Process for Credentialing Individuals with Legal Training from Outside Canada
- Lawyer Licensing Processes Across Canada

# Part 1

# Lawyers and The Labour Market

# Licensing Processes in Canada

- 13 jurisdictions
- ~ 5,000 applicants to licensing processes across Canada annually
- ~ 3,700 applicants to licensing processes in common law jurisdictions annually
- ~ 64% or 2,350 of common law applicants are entering the Ontario licensing process

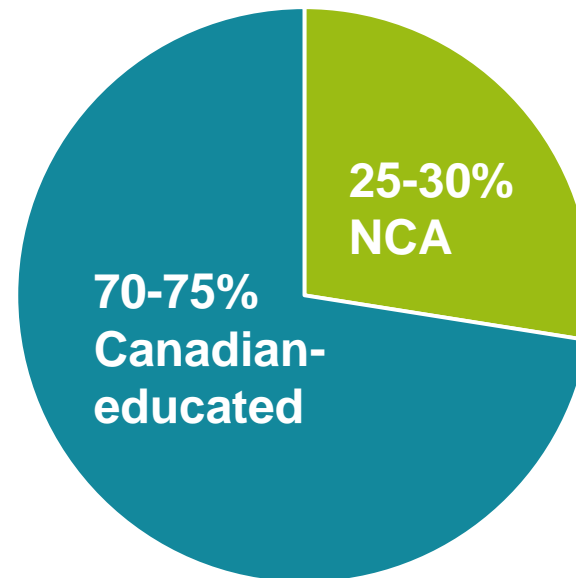


# Canadian Law Schools

- Currently 20 law schools in Canada
- ~ 3,000 graduates from Canadian law schools annually
- ~ 1,800 Canadian law school graduates entering Ontario's licensing process annually

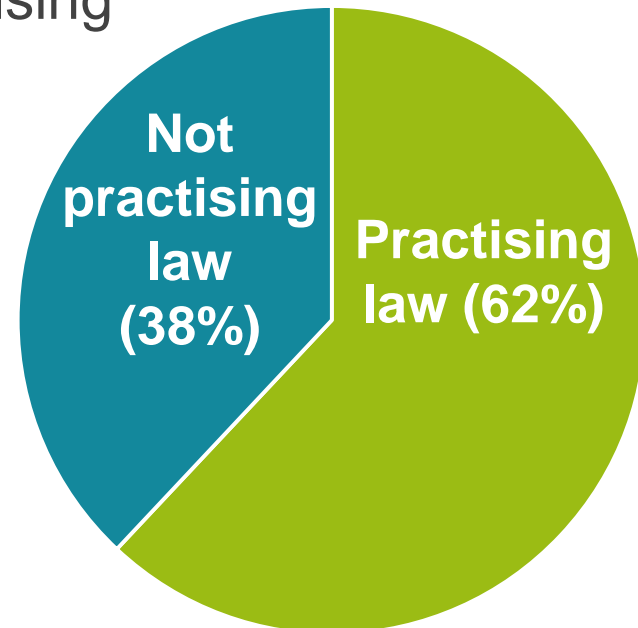
# International Entrants to Lawyer Licensing

- ~ 650 internationally educated candidates apply to the Ontario licensing process annually (National Committee on Accreditation (NCA))
- Represents 25-30% of the number of candidates in Ontario's licensing process each year



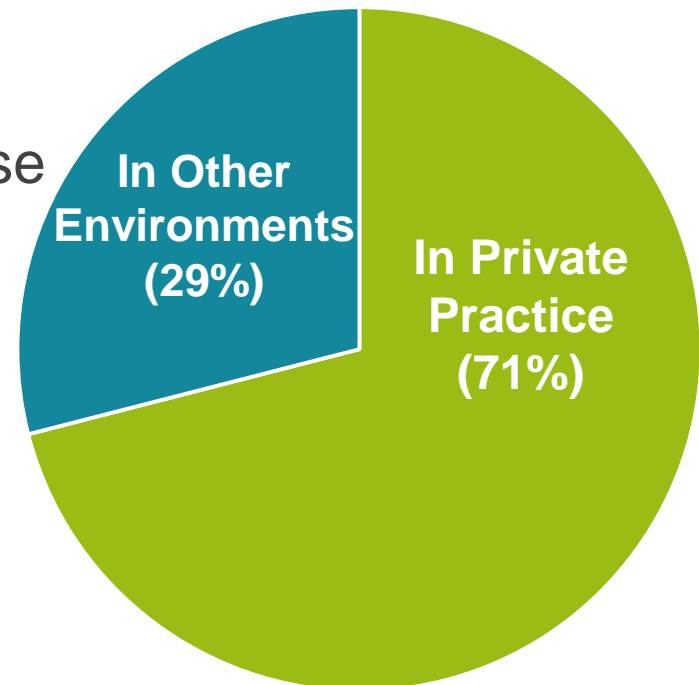
# Where Are Our Lawyers?

- ~ 55,000 lawyers in Ontario
  - ~ 34,000 or 62% are practising law
  - ~ 21,000 or 38% are not practising law



# Practising Lawyers

- ~ 34,000 licensed lawyers in Ontario are practising law
  - ~ 24,000 or 71% in private practice
  - ~ 10,000 or 29% in other environments such as legal clinics, government, in-house counsel, etc.



# Labour Market Study of Professional Occupations

- Study commissioned by Higher Education Quality Council of Ontario
- Released in November 2016
- Considered six (6) regulated professions: teachers, lawyers, physicians, nurses, architects, and engineers
- Includes projections for entrants from Canadian and international law schools



# Labour Market Study - About Lawyers

- By 2026 there will be 1.6 lawyers for every 1 job
- Number of licensed lawyers in Ontario has grown by 30% over the past 10 years – well ahead of growth in other professions
- Number of lawyers in private practice (a segment of licensed lawyers) has increased by only 2.6% annually—over the same period
- Evolution in the provision of legal services may change this outcome – innovation, new service models, and technology could provide employment opportunities

# Labour Market Data and Changes to Lawyer Licensing

- Should the projected labour market imbalances and lawyer job preferences influence change?
- In what way should the process be changed to respond to market conditions and job preferences?
- How could the regulator address these challenges and preferences in a sustainable manner?
- How do proposed changes protect the public?

## Part 2

# Options: Licensing Processes of Other Professions and Jurisdictions

# Features of Licensing Processes in Other Professions and Jurisdictions

1. Distinct licensing streams by area of focus, e.g. barrister or solicitor
2. Earlier integration of experiential training opportunities in academic (pre-licensing) phase, e.g. more clinics, more skills training
3. Completion of licensing process components in a defined sequence, e.g. pass exam before starting transitional training

# Features of Licensing Processes in Other Professions and Jurisdictions

4. Shifting skills training to post-licensing period, e.g. supervised practice for one or more years
5. Limited licences in specific practice areas to facilitate targeted service provision, e.g. family law credential, real estate law credential, etc.

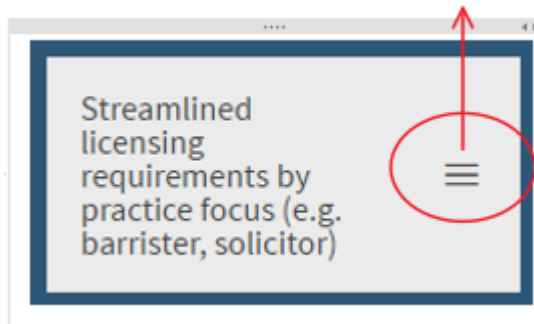
# Licensing Processes from Other Jurisdictions and Professions

1. How could these processes be incorporated into the licensing process for lawyers in Ontario?
2. How will these processes address the objectives of licensing?
3. What are the potential benefits?
4. What are the challenges or risks?

# Polling

We will be conducting a poll now. Please complete the following steps on your phone to participate:

1. Go to: [www.PollEv.com/dialogue2017](http://www.PollEv.com/dialogue2017)
2. Using the bars, drag the options into the order that you would like them ranked (#1 to #4).



# Polling Question

Which of the following models from other regulators could be considered to address the objectives of lawyer licensing in today's market? Please rank the following in order of priority from #1 to #4.

- Streamlined licensing requirements by practice focus (e.g. barrister, solicitor)
- Limited licences in specific areas of law to facilitate targeted service provision (e.g. family law, real estate law, etc.)
- A shift of some requirements to the post-licensing period (e.g. supervised practice in first few years)
- Additional pathways for fulfillment of licensing requirements (e.g. accreditation of more experiential learning in law school, or development of more simulated training courses to fulfil the licensing process requirements)

Rank these options at: [www.PollEv.com/dialogue2017](http://www.PollEv.com/dialogue2017)



# Next Topic for Discussion

## Topic 3

### Licensing Examinations: Assessment of Entry-level Competence (by Webcast)

- Monday, June 5 at 6:00 pm – 8:00 pm
- The Law Society of Upper Canada  
130 Queen Street West, Toronto

# Thank you for participating

Register to participate in upcoming discussion groups near you at [lsucdialogue.ca](https://lsucdialogue.ca)

Submit written input online at [lsucdialogue.ca](https://lsucdialogue.ca)

Mail written input to:

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



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