



## **Topic 4: Transitional Training**

### **Discussion Group Summary Report**

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## Dialogue on Licensing

**What:** Comprehensive analysis of the lawyer licensing process

**Goal:** To formulate long-term recommendations for an appropriate and sustainable licensing system for lawyers

**When:** Spring 2017

**Where:** Held in seven cities across Ontario

**Purpose of the Dialogue on Licensing:** Engage directly with the legal profession and other stakeholders (lead by a professional facilitator who is not a lawyer with no vested interest in the outcome of the discussions).

**Reference Materials:** To facilitate a more robust and fact-based dialogue, reference materials were provided on a microsite, accessible to all attendees and individuals wishing to contribute to the dialogue: <https://lsucdialogue.ca/>

**Topics:** The topics of the four dialogue sessions are as follows:

Topic 1: The Need For Change

Topic 2: Market Dynamics and the Lawyer Profession

Topic 3: Licensing Examinations: Assessment of Entry-level Competence (webcast)

Topic 4: Transitional Training

**Topic 4 Discussion Groups:** Six, two-hour discussion groups about Transitional Training were held in June.

1. June 12 in Sudbury
2. June 15 in Thunder Bay
3. June 20 in Hamilton
4. June 20 in London
5. June 22 in Ottawa
6. June 27 Toronto

### Objectives for discussion about Topic 4: Transitional Training

- To explore the continuing need for transitional training
- To consider the adequacy of current options for transitional training
- To propose solutions for the challenges facing transitional training

### Registrations and Attendance by Discussion Group Location

Discussion Group	Registered	Walked-In	No Show	Attended	Attended versus Registered
Sudbury	18	1	11	8	-10 (44%)
Thunder Bay	22	2	7	17	-5 (77%)
Hamilton	22	3	11	14	-6 (67%)
London	22	3	14	11	-11 (50%)
Ottawa	50	4	29	25	-25 (50%)
Toronto	143	9	103	49	-106 (34%)
Total	277	22	175	124 <sup>1</sup>	-153 (45%)

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<sup>1</sup> Sum of participants at the discussion groups including repeat attendance of 2 lawyers who attended three of the discussion groups, 1 lawyer who attended four of the discussion groups and 1 lawyer who attended five of the discussion groups.

## Discussion Group Participants

113<sup>2</sup> individuals attended one or more of the six discussion groups.

- 98 lawyers (87%)
- 2 paralegal (2%)
- 9 neither a lawyer nor a paralegal (8%)
- 1 licensing candidate (1%)
- 3 law students (3%)

## Organizations and Associations Represented at Discussion Groups

Of those who participated in a discussion group, 31 indicated that they were representing one of the following 18 organizations and associations:

- Association des juristes d'expression française de l'Ontario - AJEFO
- Bora Laskin Faculty of Law, Lakehead University (4)
- Carleton County Law Association (5)
- CCLA Real Estate Lawyers Committee
- Federation of Ontario Law Associations
- Temiskaming Law Association
- Indigenous Relations, Bora Laskin Faculty of Law
- Ministry of the Attorney General of Ontario
- Ontario Bar Association (2)
- Ontario Bar Association & Criminal Lawyers Association
- Osgoode Hall Law School
- Osgoode Legal and Literary Society
- Middlesex Law Association
- Ryerson Law Practice Program (3)

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<sup>2</sup> Number of *unique* participants at the discussion groups, excluding the repeat attendance of 2 lawyers who attended three of the discussion groups, 1 lawyer who attended four of the discussion groups and 1 lawyer who attended five of the discussion groups.

- The Advocates' Society (2)
- Toronto Lawyers Association (2)
- University of Ottawa, Faculty of Law
- University of Toronto Faculty of Law (2)
- University of Toronto, Faculty of Law, Career Development Office

### Discussion Group Participants by License Date

Time-frame	Participants (%)
Licensed pre-1990	24 (21%)
Licensed 1990-1999	23 (20%)
Licensed 2000-2009	18 (16%)
Licensed 2010-2017	36 (32%)
Not licensed	12 (11%)
Total	113 (100%)

### Discussion Group Participants by Work Setting

Work Setting	Participants (%)
Education	26 (25%)
Medium law firm (6 – 199 lawyers)	24 (21%)
Sole practice	19 (17%)
Large law firm (200+ lawyers)	9 (8%)
Small law firm (2- 5 lawyers)	9 (8%)
Government or public agency	6 (5%)
In-house counsel for a private corporation	4 (4%)
Legal clinic	2 (2%)
Other	2 (2%)
Non-governmental organization (NGO)	1 (1%)
Crown's office	1 (1%)
Tribunal	0
Total	103 <sup>3</sup> (100%)

<sup>3</sup> Work setting for 10 participants is unknown.

## Discussion Group Participants by Region

Region	Participants (%)
<i>Toronto (GTA)</i>	48 (43%)
<i>East, including Prescott/Russell (L'Original/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox &amp; Addington (Napanee), Frontenac (Kingston), Leeds &amp; Grenville (Brockville), Hastings (Belleville)</i>	22 (20%)
<i>Northwest, including Kenora (Kenora), Thunder Bay (Thunder Bay), Rainy River (Fort Frances)</i>	14 (13%)
<i>Southwest, including Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor)</i>	11 (10%)
<i>Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)</i>	10 (9%)
<i>Northeast, including Cochrane (Timmins), Algoma (Sault Ste. Marie), Sudbury (Sudbury), Temiskaming (Haileybury), Nipissing (North Bay), Parry Sound (Parry Sound)</i>	6 (5%)
<i>Central East, including Muskoka (Bracebridge), Victoria &amp; Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)</i>	1 (1%)
<i>Central West, including Bruce (Walkerton), Grey (Owen Sound), Dufferin (Orangeville), Wellington (Guelph), Peel (Brampton), Halton (Milton)</i>	0
<b>Total</b>	<b>112<sup>4</sup> (100%)</b>

<sup>4</sup> Region information for 1 participant is unknown.

## Discussion Group Polling

A poll was conducted at each discussion group; below is the question and the results.<sup>5</sup>

Question: Which of the following options best assures entry-level competence of new lawyers?

Option	Ranking
A. Work placements during licensing (including work placements during law school)	1 (41%)
B. Practical training course during licensing	1 (41%)
C. Supervised employment upon call to the bar before full licensing (graduated licensing)	3 (11%)
D. Separate training streams for barristers and solicitors	4 (6%)
E. Transitional training should not be part of the licensing process	5 (1%)

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<sup>5</sup> Participants were able to select more than one option; most participants selected both options A. and B.



## Topic 4: Transitional Training Dialogue Themes

Theme	Positive/Observations	Critique/Questions	Recommendations
<b>Law Schools, Experiential Training &amp; Practical Training; Role of Law Society</b>	Law schools teach you to be an appellant court judge but not to practise law and that is not their job.	What flexibility does the Law Society have to change the length of transitional training given that the Integrated Practice Curriculum (IPC) has a 15 week placement?	The Law Society should have a 3-5 day program before and after articling for all candidates (can be done by webinar) covering the business of law. Practitioners should volunteer to teach.
	There are opportunities for law students to obtain experience while in law school (Osgoode: Innocence Project, Criminal Intensive Program, 17 criminal law courses).	Osgoode law school and the articling program are designed to develop lawyers for Bay St. (and government to a lesser degree) who make a lot of money from articling candidates and those candidates get their schooling paid.	Law Society needs to make sure that law schools offer wide experience because that will help candidates down the road.  Law schools should be involved in any changes.
	It seems the Law Practice Program (LPP) is not very different from the IPC.	One of the challenges with experiential training in law schools is getting into those experiential training programs. It's competitive. I got lucky but I know people who tried for three years and never got in.	All law schools could implement the virtual law firm model for a course and articling can be 8 months.

Theme	Positive/Observations	Critique/Questions	Recommendations
	Universities are moving towards experiential learning across the board. There will come a day when other law schools look at IPC.	Class is never the same thing as a real client.	Lawyers should do residences like doctors while they are going through their education.
<b>Law Schools, Experiential Training &amp; Practical Training; Role of Law Society</b>	Law schools are not best positioned to teach practical know-how, that is not what they are designed for.	It is good to know about contracts law but when I leave school, I am going to have to draft a contract having never seen one. How do you learn how to adapt a contract to the needs of different clients?	All law schools could build a program similar to Lakehead IPC that could be approved by the Law Society.
			Law schools could add another year and charge another \$15,000 to \$16,000.
			You could add another semester to university; professors should be practitioners.

Theme	Positive/Observations	Critique/Questions	Recommendations
	It is not the Law Society's role / responsibility to be a legal educator but rather to assess competency.	It is the Law Society's role to educate lawyers.	If the Law Society cannot demand certain things be taught in law school, it may have to become an educator (preparing professionals for practice which is a different type of education than law school).
	You want to regulate your lawyers as little as possible and the way to do that is to ensure they are competent.		Law Society should focus on filling gaps not filled by universities.
	IPC is at one law school and is not going to change articling; it would have to be implemented at multiple law schools.	Law Society cannot force law schools to implement an IPC.	Use market forces to force law schools to offer a practical program and just have two years of law school
	Of the four transitional training paths, Lakehead IPC is the best. It is affordable; why can't we implement this province wide?	I had no practical training at Queen's University; ivory tower education.	
	We hire students from Lakehead IPC and it is normally more than 4 months –summer students that transition from 2 summers into a placement and then hiring to full time.	Lakehead IPC placement students are more engaged than articling candidates who are just putting in time.	Implement this program at other smaller communities across Ontario that do not have access to articling candidates.

Theme	Positive/Observations	Critique/Questions	Recommendations
	Lakehead IPC offers good contact with professors and practitioners.	You can only learn so much at law school to be launched on your own; dangerous from the public perspective.	The only way to learn is to be with senior people who have taken you on for articling.
	As an employer of a Lakehead IPC graduate, I can attest that those students hit the ground running. I am impressed with practicality of skills.	I have concerns about not having a ten month articling. Is four months enough?	
	Lakehead IPC model is based on Carnegie Report from 2007; they found that law schools did a great job teaching theory but not practical skills and ethics; recommended an integrated curriculum of all three: you take contracts, you draft a contract, you take real estate, you learn how to close a deal. You hear some law professors say we are not a trade school, but what is medical school?	From the perspective of a teacher at Lakehead in the IPC, I am concerned about the scalability of the program as there is a very small size in Thunder Bay but may not work as well elsewhere.	

Theme	Positive/Observations	Critique/Questions	Recommendations
	Some IPC graduates that opted to article made the decision to get called at the next bar proving the quality of these graduates.	Fellow graduates of Lakehead IPC decided to article for 10 months after graduation as it was a requirement from the firms that hired them regardless of whether the Law Society accepted their experience as sufficient.	
	There are many barriers for Indigenous articling candidates compared to mainstream candidates; many go into sole practice.		IPC is very much suited to aboriginal students providing mentorship and practical training opening up opportunities not normally available to them.
			Law Society should begin discussions with law schools with the proposition that law school curriculum remain unchanged for years one/two/ first semester of year three; LPP would be offered at each Ontario law school for second semester of year 3 three, followed by 4-6 month work placement. Current Ryerson program would cater to foreign trained.

Theme	Positive/Observations	Critique/Questions	Recommendations
Articling-Validity	We can't forget the socialization side of articling; we followed our articling principals around.	We are never going to have articles that do everything to ensure candidates are competent in all areas unless in a full service firm or general small firm in rural area – we don't practise law the way we did in the 1950's and we are trying to superimpose the basic competencies on a practice of law that doesn't exist anymore (specialties, boutique firms, etc.)	
		High risk to allow a new lawyer that has articulated for 10 months in one narrow focus area to start a practice in another area. How is this serving the public interest?	
		Articling does not consider the complexity of the law profession (generalists are a thing of the past).	Reinstating practical training such as the Bar Ads or LPP to all articling candidates will reduce the pressure on articling principals to have to develop all competency areas.

Theme	Positive/Observations	Critique/Questions	Recommendations
		<p>Since the new articling reporting was implemented, articling principals feel they cannot offer the opportunity for articling candidates to develop all of the competencies required.</p>	<p>Law Society should take on the responsibility to not only require paperwork to be completed but also to train principals which will lead to a better experience for articling candidates.</p>
		<p>The variety of articling positions is so broad that we are fooling ourselves to say we have a system that creates equally competent lawyers. How do we know articling positions are developing minimal competence? There is no consistency in articles (criminal firm vs. Bay St.)</p>	<p>The only way to achieve consistency is through a curriculum-based program.</p>
		<p>We check minimal competence for alternate pathways but do we impose the same rigour to articling?</p>	<p>Law Society should play a greater role in ensuring consistency in articles.</p>
		<p>LPP candidates have been well-represented at these sessions but articling candidates have not so we are getting a skewed view of articling. The vast majority of articling candidates have a positive experience but LPP candidates have gotten more air time.</p>	

Theme	Positive/Observations	Critique/Questions	Recommendations
	A four month curriculum based program does not address socialization but the four month placement could provide that but perhaps it should be 6 months.	Consistency is one of the biggest problems with articling. Some articling placements are great but others are just putting in time making photocopies.	LPP could be the solution to the inconsistency in articling—everyone takes the practical training, then breadth and consistency in articling is less of a problem.
		Articling can never cover all of the competencies required, especially skills required in dealing with clients which cannot be replicated in a classroom.	It would have been helpful to me to have the practical education before I articulated and use that as a basis to start articles or restricted practice.
<b>Articling-insufficient placements; two-tier perception</b>	Unfortunate that there are insufficient articling positions therefore alternatives or a solution must be found.	Articling is a cheap source of labour because candidates have to do it to be viewed as legitimate.	Unpaid articling should not be allowed if it remains at 10 months, but is feasible if it is only 4 months (Australia is unpaid but only 4 months).
		Why is the Law Society concerned about sufficient articling positions? In UK, many people obtain LLB but do not obtain license to practice.	If you don't have a job at the end of the day at articles, it just moves it along for ten months.



Theme	Positive/Observations	Critique/Questions	Recommendations
		The new reporting requirements are disincentive to many small/medium practitioners; you are required to assess a candidate's competence in 5 skill areas; difficult to provide that kind of training.	Increase lawyer's annual fees for all those who are not principals or LPP mentors to contribute to articling salaries.
	As long as there are Canadian and foreign trained candidates and multiple pathways, there will always be a two or three-tiered system.	How is ensuring transitional training for individuals who cannot get an articling position in the public interest?	It is in the public interest to stop inherent bias; there is always going to be a two-tiered system.
		How do we address the gender concerns and difficulties with racialized candidates?	Firms should pool together to offer one articling position and would share the candidate as part of a rotation (e.g., family law for sole practitioners, IP for 4 months, corporate law for 4 months). Law Society could organize this process.
	Racialized candidates are disproportionately affected by insufficient articling positions and not necessarily because they weren't good enough (inherent bias in the articling process)	We are not attracting articling applicants in Northern Ontario—racialized or not.	Candidates unable to find articling positions in Toronto have to realize that they will have to move.

Theme	Positive/Observations	Critique/Questions	Recommendations
		As an internationally trained lawyer, big Toronto firms won't look at you.	
	For a barrister it is not a big burden to have an articling student in a small firm; Candidates tag along, observe, and ask questions.	I am a lawyer who spends 90% of my time at my desk; there is not much for a candidate to observe.	
	Good to hear that 41% of law firms with fewer than 6 lawyers take on articling candidates.	As a sole practitioner, I don't feel I can offer a proper articling experience as I cover insufficient breadth and cannot cover the competencies.	The Law Society should promote and encourage smaller firms to take on articling candidates.
<b>Duration of Transitional Training; other jurisdictions</b>	UK requires 4 different placements (contentious + non-contentious)	Do not like shortening articling. 10 months is at the low end; many provinces do 12 months (Manitoba); 3-4 months is far too short to see cases through. Why did Law Society go from 12 months to 10 months? Articling candidates want more time.	
	Easier to leave your home for a 4 month placement than for a 10 month placement. It may be easier to attract articling candidates in the North.	10 months is too long if you have taken a program like the Practical Legal Training (PLT) or LPP.	

Theme	Positive/Observations	Critique/Questions	Recommendations
	I don't think any new call will say they are ready to be a lawyer.	We are the only profession actively shortening the experience requirement; are we sacrificing the competence of the legal profession?	
	Length of articling depends on the level of training you have had before. In traditional articling, you may not have had any experiential training and so 10 months is required but when practical training is offered, shorter placements are okay.	I think 15 weeks (IPC) and 4 months (LPP) is too short especially if the new call wants to hang out their shingle.	The goal should be to shorten the process and make it less expensive.

Theme	Positive/Observations	Critique/Questions	Recommendations
	<p>When I articulated for a big law firm, we had rotations and didn't stay on a case longer than a month so that is no different than the 4 month LPP program.</p>	<p>Length of articling caters to the large firms and does not help sole/small practitioners; also difficult for practitioners in a highly specialized practice (e.g., tax) to provide a good learning environment for the candidate and also continue to service clients while providing oversight and guidance to the articling candidate.</p>	
		<p>Can we compromise on 6 months for LPP?</p>	<p>If you shorten the length of articling you can double the amount of articling positions. This may not work for Bay Street but is a good solution for small/medium/sole firms.</p>
<p><b>Law Practice Program (LPP)</b></p>	<p>The goal was not to keep the LPP and articling running side by side indefinitely but rather to pilot this program and carry it forward.</p>	<p>LPP is seen as a second tier for people that couldn't get articling.</p>	<p>If the Law Society charged \$10-\$20K for one more year of transitional training, it would be consistent with what law schools are charging.</p>

Theme	Positive/Observations	Critique/Questions	Recommendations
	<p>A lot of things in legal practice are settled out of court or handled by paralegals, therefore it is important to have a system like the LPP that provides exposure to more areas of law than you would experience in an articling placement.</p>		<p>A virtual program is better than articling because there is the opportunity to practice a number of areas of law (civil, criminal, etc.).</p>
			<p>Given that articling candidates help to fund the LPP, they should be given access to the great LPP materials.</p>
	<p>My LPP candidate came in with skills that I did not have to pay her to acquire which is how I sold it to my partners to hire her and we have now hired her back. I would put my LPP candidate up against any lawyer.</p>	<p>If new lawyers all want to go to Bay Street, no one is going to go to the LPP. LPP was doomed from the beginning.</p>	<p>There should be some financial assistance for the LPP.</p>
	<p>I've been a mentor for 3 years in the LPP and practiced for 40 yrs. I am impressed with the rubrics, learning objectives, assessment tools and progress made by candidates in the LPP.</p>	<p>The LPP is very expensive. I only had to pay \$360 to be called as a solicitor in Australia. Is there anything the Law Society can do to make it cheaper as law students are coming out with a lot of debt?</p>	<p>We need data about the effectiveness/ineffectiveness of the LPP before it is eliminated.</p>

Theme	Positive/Observations	Critique/Questions	Recommendations
	<p>We can't gauge success or failure of the LPP in only 3 years. We are a profession with a reluctance to change.</p>	<p>Why is the Law Society looking to revisit transitional training again? Are there increased complaints / claims against new calls? Do new calls feel prepared to practice?</p>	<p>Provide evidence to show why we need to change the current pathways for transitional training.</p>
	<p>Within 6 months of their call to the bar, 75% of LPP candidates are working in law and law related roles; employer feedback is that these lawyers hit the ground running.</p>	<p>We have to get better buy in for the LPP from law firms and law students. Law Society has not done a good job of eliminating the stigma associated with LPP.</p>	<p>With time, the stigma associated with LPP will disappear once word gets out about the quality of these new lawyers.</p>
<p><b>Multiple Transitional Training Pathways</b></p>		<p>Why are we having these discussions if we are not thinking of getting rid of articling?</p>	<p>LPP and articling should merge.</p>
	<p>There is room for both streams, depending upon what suits candidates' needs.</p>	<p>If we look at objectives of licensing as a rubric, how does each pathway deliver on that rubric? How do they compare? If you look at the objectives of fair, transparent and valid, articling is very opaque and there are no assurances that articling candidates are obtaining the objectives of transitional training (LPP and IPC don't fail these tests).</p>	<p>Given that candidates come into transitional training with a variety of backgrounds and experience, I suggest assessing candidates at the beginning to determine what they need for transitional training and design a customized program for them based on an inventory of their needs and match it with an inventory of practitioners. Market may respond to that.</p>

Theme	Positive/Observations	Critique/Questions	Recommendations
	There is nothing wrong with multiple pathways including articling, LPP, and IPC.	It is not the measure of a pathway whether the candidate going through that pathway had a good experience but rather whether it achieved competency development.	We have to offer multiple pathways, as there is a bottleneck in articling but we cannot eliminate articling. There will always be a multi-tier system.
	Can we get an assessment at the end of transitional training to determine if someone is ready? The LPP can help improve consistency if used in articling.	The problem with multiple pathways is that articling is not just a way to get experience but also a way to get a job. From a law student's perspective, what is the use of better transitional training, if it doesn't lead to a job?	We should trust the mentor in the LPP, IPC or articling placement to assess competence.
	Multiple pathways would fit well with graduated licensing and supervised practice post licensing.	It is not supervision but mentorship that is needed.	Supervision of the trust account is recommended.
		With the various pathways out there in different jurisdictions, what data are we looking at like claims and complaints as you look at the different training programs?	Data-based decisions should be made based on where the current risk is based on complaints and law suits.

Theme	Positive/Observations	Critique/Questions	Recommendations
			The articling path does not fit as well with northwestern Ontario where Lakehead IPC better meets our needs and the LPP suits small firms / sole practitioners.
		Does the Law Society have statistics on lawyer competence after licensure? LawPRO has this information. Where are most of the complaints?	I do LawPRO work; training is an issue, especially with younger lawyers.
	Unhelpful to refer to articling as a single pathway as each articling position is unique. Each candidate picks up different skills, socializes differently and connects to the legal community in different ways. Anything that can help standardize the articling pathway (with LPP practical knowledge) would be welcome.		I don't see any way in which we can have anything other than multiple pathways; I would say that LPP is preferred course – cost, efficiency, consistency is most important, I don't think there's any reasonable prospect of eliminating articling.
	There is a program in Washington State where they pair up new lawyers in sole practice with sole practitioners approaching retirement age.		Law is entrepreneurial—do not limit people's passion but provide them with a circle of mentors to bounce ideas off of.



Theme	Positive/Observations	Critique/Questions	Recommendations
<b>Need for Transitional Training; Other Jurisdictions:</b>	Transitional training is an important part of the licensing process.	I have heard horror stories coming out of the US about lawyers who don't know what they are doing.	I support abolishing articling entirely and replacing it with supervision, particularly with sole practitioners fresh out of law school.
	I have spent time with colleagues in US and employers of large firms are expressing concerns about the lack of transitional training and are benchmarking Canada's requirement. New York now requires 50 hours pro bono before being called to bar.	It is not defensible or fair to have a licensing process that does not have transitional training and it is not in the public interest. People lose their children if we don't do our job right.	I believe in transitional training but there is a perception that no one can fail this component although they can fail the exams. We need to make sure that transitional training has enough teeth to prove its validity. Practitioners feel the weight of incompetent articling candidates admitted to the bar.
	If you have practical training, you will be able to contribute right away.		
	I don't know much about the American system except that you work as a junior for two years. However, I am in favour of articling.	No one takes the American model seriously but it's the model we are competing against. Firms and lawyers compete with firms and lawyers in New York. I don't see the legal market collapsing in the US.	

Theme	Positive/Observations	Critique/Questions	Recommendations
	<p>Experiential learning takes away from the public being the first guinea pig and the Law Society is protecting the public.</p>		<p>In the public interest, there is no choice but to have transitional training of determining entry-level competence to practice law.</p>
	<p>Transitional training is a necessary part of the licensing process, as Law Society cannot control course content in law schools in Ontario, let alone rest of the world.</p>		
<p><b>Practical Training Course; Bar Ads; Other Jurisdictions</b></p>	<p>Need practical training course to obtain knowledge in different areas of law where you will not be exposed during articling.</p>	<p>Law school taught me to think but not how to practice law (run a law firm, interacting with clients).</p>	<p>Reinstating practical training such as the Bar Ads will reduce the pressure on articling principles to have to develop all competency areas.</p>
	<p>UK requirement of 10 months practical legal training plus articling; the legal practice course covers business, litigation, corporate/commercial, solicitors' accounts, drafting defence, statement of claim, interviewing, advocacy skills. Articling is in addition to this and does not have to cover everything.</p>	<p>United Kingdom trained lawyer who did 2 years of articling plus 10 month practical legal training, had to do additional articling in Canada, yet IPC and LPP candidates only have to do 15-16 weeks. Inconsistent.</p>	<p>Have something similar to the 10 month practical training program in England and Wales plus articling—important to have both-practical course, experience in the trenches.</p>

Theme	Positive/Observations	Critique/Questions	Recommendations
	<p>I got my practical training from the bar exams and through the bar exams, I got exposure to areas outside of my articling experience. I now teach in the LPP and am a proponent of experiential teaching and the candidates say they now understand how what they learned at law school applies.</p>	<p>Not sure why we eliminated the Bar Ads.</p>	<p>We should reinstate something like the Bar Ads; distance learning has come a long way and can address some of the limitations experienced previously.</p>
	<p>Australia went through the 2-tier problem for the Practical Legal Training (PLT) when it was first introduced and overtime, once the marketplace saw the quality of the program and candidates, it subsided.</p>		<p>I went through the PLT in Australia and articulated in Canada. I can't see why you can't have articles and PLT-like program.</p>
	<p>For the Bar Ads, people had to relocate, but sometimes you have to relocate to get the education you need; a lot of it can be done online.</p>		<p>Bring back Bar Ads with articling.</p>

Theme	Positive/Observations	Critique/Questions	Recommendations
<b>Supervised / Graduated / Licensing; Law Society Audits; Other Jurisdictions</b>	Just because you can practice anything after admission to the bar doesn't mean you should. Lawyers will self-restrict.	Shouldn't the profession monitor minimal competence and not leave it up to the practitioner? Market pressures will drive people not to self-restrict. Also younger lawyers may not have the confidence to say no or want to build a new practice. (Experienced lawyers know enough to say no).	In favour of restrictions post practice because there are certain things you should demonstrate competence in before you can do them.
	Graduated licensing for lawyers would be like getting your G1 and G2.	It can be up to six years before the Law Society could audit a practice. This is too long.	In favour of post-licensing continued testing and the possibility of being de-licensed in areas you do not practice.
		Not enough to declare basic competence to practice law.	Suggest post graduate specialties, certifications and restrictions until the lawyer has demonstrated competence in that area.
		What does the supervisor get out of the deal? How do they watch over you for 5 years? What do they do? What are their liabilities?	We should have a system like New Zealand, England and Wales, restrictions for supervision for 3-7 years—you cannot hang your shingle right away (especially if Law Society eliminates articling)

Theme	Positive/Observations	Critique/Questions	Recommendations
	Australia does not have a solicitor exam but rather it is a graduated licence. It worked well and there was no confusion and I don't recall any claims.	Graduated licensing wouldn't be a problem in large firms but we would have to address the problem of rural and small community lawyers.	Implement a structured system such as that developed by Legal Aid restricting ability to be part of a panel based on experience.
			Lawyers can look at the broker model; supervising lawyers share a profit of the supervised lawyer.
	You would have to justify restrictions to practice such as decreasing claims.	The Competition Bureau may have issues with practice restrictions as it could hurt the public by decreasing the number of people in practice.	Advocate practice restrictions for the first few years until new lawyers get some experience and additional courses in areas of specialty.
	The profession should want more training by area of practice to avoid temptation where lawyers are in over their heads (either new lawyers or lawyers expanding their practice area) bringing down claims and increasing public confidence.		Suggest a designated supervisor/mentor for new practitioners.

Theme	Positive/Observations	Critique/Questions	Recommendations
<b>Separate Licensing Streams; Other Jurisdictions</b>		<p>The system in the UK is very different and would be difficult to implement in Canada. Barristers are not allowed to speak to clients—must go through solicitors. This should not be an option presented as the Ontario legal system is different.</p>	<p>Maybe we change placements to allow for both a barrister placement and solicitor placement; it will attract more articling principals; two placements (you still wouldn't get everything—e.g., personal injury).</p>
<b>Continuing Professional Development (CPD)</b>	<p>LawPRO is a great example on how to prepare lawyers to minimize risk (courses, precedents, checklists, etc.)</p>	<p>Twelve hours of CPD is insufficient in number and content (can go to meetings or wine nights which counts as CPD); should be more substantive to the work a lawyer does.</p>	<p>Need ongoing practical training after licensure as the law is always changing.</p>
	<p>Lifelong learning is a requirement to keep up with changes; you don't fall off a cliff at the end of articling; Law Society will do spot audits and it will get more onerous. Focus should be holistic and not just pre-licensing.</p>	<p>The Law Society isn't getting out of the business of regulating lawyers. Should require more than ten hours per year.</p>	<p>Make the CPD requirements for the first five years much more onerous and then less onerous as you become more senior.</p>
		<p>CPD is not a panacea as most is knowledge and not process based.</p>	<p>Go to law school then focus your training in CPD.</p>

Theme	Positive/Observations	Critique/Questions	Recommendations
			Licensing should allow for subsequent certification in specialties or a minimum number of hours in the area of your practice.

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