

Topic 4

Transitional Training



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 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. Explore the continuing need for transitional training
2. Consider the adequacy of current options for transitional training
3. Propose solutions for the challenges facing transitional training

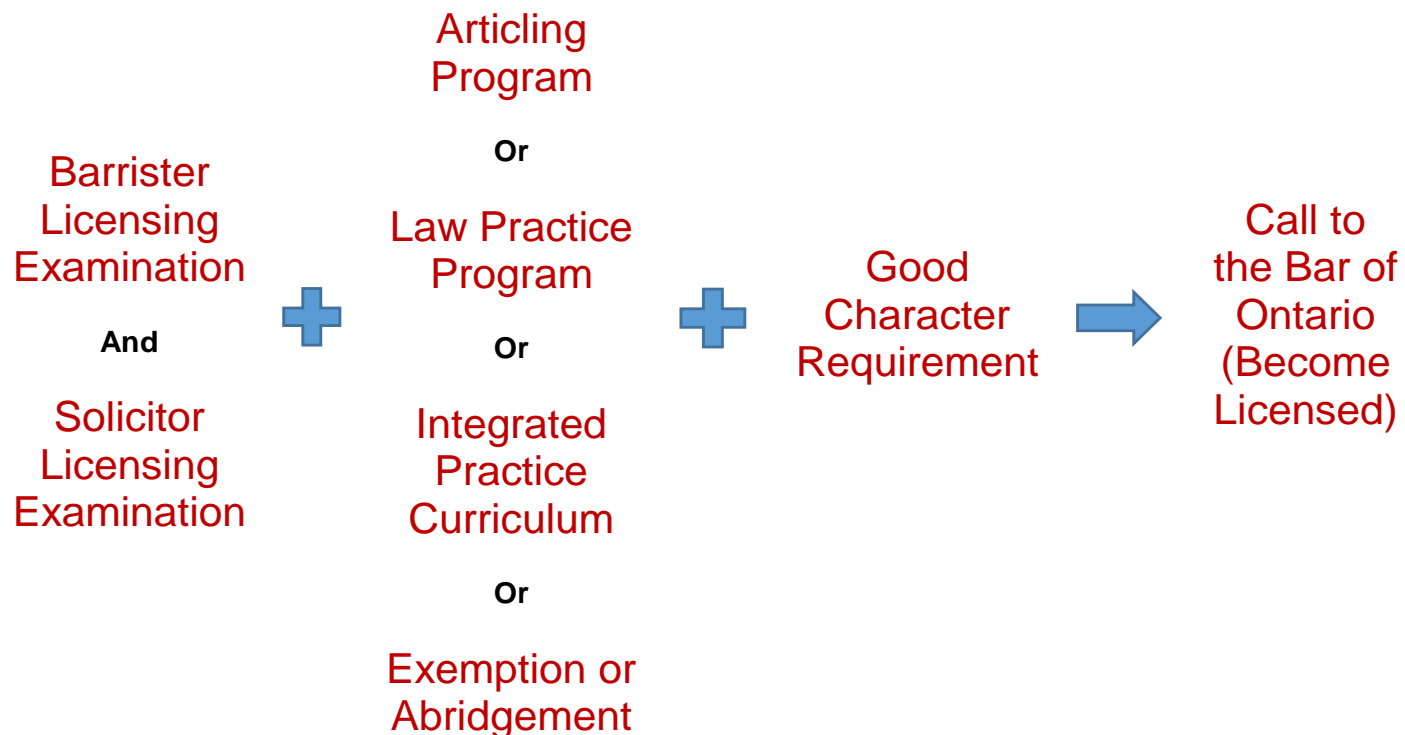
Reference Materials – Transitional Training

- Experiential Training Options in the Lawyer Licensing Process
- Experiential Training Competencies for Candidates
- Experiential Training Plan
- Sample Behaviourally Anchored Rating Scales in the Record of Experiential Training in Articling Program
- Recruitment Procedures for Summer Students and Articling Candidates
- Pathways Evaluation – Interim Results: Years One and Two

Objectives of Licensing

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

Current Components of Licensing Process



Task Force Report, October 2012

Goals of Transitional Training:

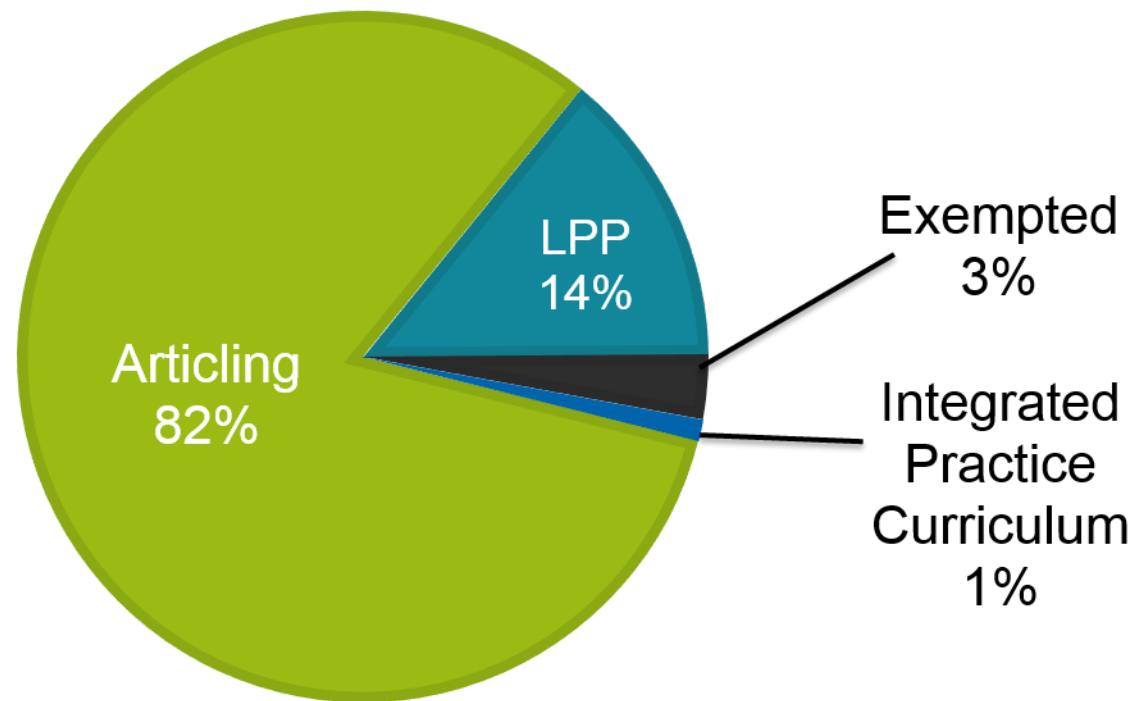
1. Application of defined practice and problem solving skills
2. Consideration of practice management issues
3. Application of ethical and professionalism principles
4. Socialization from candidate to practitioner
5. Introduction to systemic mentoring

The Pathways to the Profession Pilot Project

1. Established the Law Practice Program as an additional pathway to licensing
2. Enhanced the existing articling program
3. Evaluation activities related to the effectiveness of the pathways are ongoing until 2019

Transitional Training Pathway Selection

- Articling is the most common pathway selected by candidates to obtain required experiential training



Articling

- Ten month placement with approved articling principal
- Can be fulfilled through a joint articling placement, a part-time articling placement, a national placement or an international placement
- Law Society offers the Articling Registry, Articling Mentorship Program and Recruitment Procedures

Articling

- 1,945 articling placements started in 2016
- ~ 10% of private law firms offer articling positions
- Over 90% of articling placements are traditional, 10-month placements
- Over 60% of the articling placements are in the Toronto area
- 59% of articling placements are in law firms with 6 or more lawyers

Law Practice Program

- Consists of a 4 month training course and a 4 month work placement
- Skills and Tasks Competencies and criteria for programs established by the Law Society
- Offered in both official languages
- English LPP –predominantly virtual interaction, assessments in person, replicates working in a law firm using teams of candidates
- French LPP –in person only, teams of candidates working together in a “law firm”

Law Practice Program

- 254 candidates (232 English, 22 French) were enrolled in the 2016-17 LPP
- Over 60% of the LPP placements in the Toronto area
- In the first two years, an average of 45% of the work placements were in small firms or sole practices - as compared to an average of 16% of articling placements
- Compared to articling, a larger proportion of LPP placements are located in-house, in government and in legal clinics

Integrated Practice Curriculum

- Skills training within law school courses and 15 week practice placement embedded in candidates' third year
- Satisfies the Law Society's experiential training requirement
- Students and practice placement supervisor agree to an education plan

Exemptions

- Assessed on a case-by case bases through an application process
- Candidates' practice experience in another jurisdiction must align with the Law Society's experiential training competencies
- On average, ~100 exemptions granted annually in the last 3 years

The Challenges

1. Assuring each pathway supports entry-level competence
2. Ensuring transitional training development is consistent between and within pathways
3. Addressing perceptions of a two tiered system
4. Considering sustainability implications for the profession and regulator, and cost implications to the candidates
5. Supporting fairness and accessibility for candidates

Other Options

- Practical legal training course for all candidates (England and Wales, Scotland)
- Separate training streams for barristers and solicitors (England and Wales, Ireland, Scotland)
- Graduated licensing with supervised practice term and practice restrictions prior to full licensure (New South Wales, Australia – 1 year for Barristers; UK – 2 years; New Zealand – 3 years)
- No articling or vocational work placement in the licensing process (United States, New Zealand)

Some Questions for Consideration

1. Is transitional training a necessary part of the Law Society's licensing process?
 - Why or why not?
 - If so, what is the appropriate length of time?
2. Are multiple transitional training pathways, as opposed to a single consistent pathway, appropriate?
 - Why or why not?
3. Are there other pathways that might be considered?
 - If so, what do they look like?

Polling Question

Which of the following options best assures entry level competence of new lawyers? You may select more than one option.

- A. Work placements during the licensing process
- B. Practical training course during the licensing process
- C. Supervised employment upon call to the bar before full licensing (graduated licensing)
- D. Separate training streams for barristers and solicitors
- E. Transitional training should not be part of the licensing process

Thank you for participating

Submit written input online at lsucdialogue.ca

Mail written input to:

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