ONTARIO
BAR ASSOCIATION
A Branch of the CANADIAN BAR ASSOCIATION

OBA Response to the Law Society of Upper Canada Licensing and Accreditation Task Force Consultation Report

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ABOUT THE ONTARIO BAR ASSOCIATION

The OBA is the voice of the legal profession in Ontario, representing and advancing the interests of almost 17,000 lawyers, judges, students and legal professionals, while promoting respect for the justice system and the rule of law. As the voice of the legal profession in Ontario, the OBA, among other things, advances reasoned positions to the public, governments and LSUC for the benefit of our members and to improve the law and the administration of justice, provides our members with professional and personal support and with a variety of forums in which they can participate, and promotes equality and the elimination of discrimination.

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General principles and introduction

The Ontario Bar Association (OBA) is pleased to provide its comments on the Law Society of Upper Canada's (LSUC) Licensing and Accreditation Task Force Consultation Report (the "Report").

The LSUC is the regulator of the legal profession in Ontario[i]. Its legislative mandate is to govern the profession to protect the public's interest. As such, it sets standards for entry into and continuation in the profession of law, and ensures that these standards are met by all candidates and members of the profession for the bar in Ontario.

Legal education and training, academic and practical, whether at law school, before the call to the bar, or after, are an integral part of the administration of justice in our society. Protecting the integrity of the administration of justice by ensuring that all lawyers practising in Ontario meet high standards of education, training and knowledge is an essential part of the LSUC's duty to protect the public. Failure to fulfill this role jeopardizes the administration of justice and the profession's continued self-regulation. We applaud the LSUC for emphasizing life-long legal education and training and for focussing on the need to ensure that all changes to any part of the licensing process in Ontario be made only in the context of, and with a view to enhancing, the whole process of legal education and training.

The OBA shares this view.

In reviewing the Report and in preparing this response, the OBA has adhered to several guiding principles.

First, the qualifications of each person seeking to practise law in Ontario must be evaluated based upon objective standards that ensure that lawyers are highly skilled and knowledgeable professionals.

Second, entry into the profession should not be based on, or affected by, a candidate's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability. The LSUC has a responsibility to ensure the continued promotion of equity and diversity in the legal profession. Striving for equity should be an integral part of the LSUC's overall striving for high standards of education, training, knowledge and practice. Standards of ethics and equity go hand in hand with standards of professional competence. Any policy, rule, procedure or action that, directly or indirectly, does not ensure that the practice of law reflects all the peoples of Ontario must be reviewed and eliminated.

We have indicated where we do not agree with certain assumptions, reasoning, suggested options and recommendations in the Report. We have accepted the Report's request for alternate options we find persuasive and practical. We have also made suggestions and recommendations where we believe an option has not been considered.

Having reviewed the Report, in order to generate a substantive response that reflected the views of its members, we convened a gender-balanced committee from diverse practice environments, co-chaired by our vice-president and the chair of our Young Lawyers Division, comprising newer and seasoned calls, articling students and equity-seeking groups. The OBA consulted as broadly as possible within the time allotted, by a) conducting a survey of its members, b) discussions between committee members, lawyers and students, and c) the common experience of the committee members. This report reflects the consensus of our committee's members and the survey responses received from the OBA members who responded.

Part III of the Report - Skills and Professional Responsibility Program

Recommendations:

LSUC Option

ONE: The current skills and professional responsibility program should be abolished. In its current form, it cannot teach skills and professional responsibility effectively. Our reasons are set out below.

OBA Options

TWO: The LSUC must set stringent criteria for skills and professional responsibility that law schools are required to meet in their curriculum that are linked to the LSUC examination subject matter.

THREE: The LSUC must set stringent, meaningful examinations that test the candidates' competence in the subject matter.

FOUR: The LSUC should abandon the "bell curve" in favour of clear pass/fail delineations to ensure that only highly qualified candidates are admitted to the profession.

Discussion:

LSUC Option

According to the Report, many of the subjects covered by the LSUC's skills and professional responsibility program are taught in most law schools, often in more depth and breadth than in the program and, in many cases, are part of mandatory courses. The OBA agrees. The OBA is also comfortable with the LSUC increasing the number of questions on the licensing exams related to professional responsibility and ethics.

OBA Options

The OBA, however, is concerned that there will be a lack of uniformity in instruction between law schools, and inconsistency overall in the proficiency of candidates' understanding of skills and professional responsibility. The LSUC must set specific criteria that the law schools must meet in their skills and professional responsibility curricula. The LSUC ought not rely on law schools themselves to teach students the necessary ethics, professional responsibility and professional competency skills and knowledge.

There are several reasons for this.

First, universities generally perceive law schools to be profit-making institutions. This may explain applications by several Ontario universities to open new law schools to meet the demand of prospective students willing to pay whatever tuition is required to obtain a law degree. There appears to be little motivation to fail students accepted into a law degree program.

Second, law schools may not wish to teach skills, ethics and professional responsibility. Some do not require these subjects at all, preferring to be centres of critical legal and academic analysis.

Third, it is difficult to teach skills and professional responsibility in a classroom setting, without practical application. Skills and professional ethics develop in a practical setting, not an academic one. We will return to this issue in our discussion of proposed changes to the articling process.[1]

Obtaining a law degree from a university does not, and should not, guarantee one admission to the practice of law. There must be a gatekeeper to ensure that those admitted to the practice have a high level of skill, knowledge, and competence. The best place for this gatekeeper to function is immediately before the call to the bar. Only the LSUC can set stringent requirements on recent law school graduates to establish that they have met the high, objective and ethical standards necessary to receive accreditation as a lawyer in Ontario. While the LSUC should provide criteria for current and future law schools to meet, the LSUC cannot assume that this alone will fulfill its ultimate gatekeeper responsibility to the public at large. This responsibility is at the core of self-regulation, and self-regulation depends in great part upon the proper discharge of this responsibility.

The skills and professional responsibility program, in its current incarnation, has very modest goals, and it is not meeting these goals. The modesty of the goals and lack of results of the program warrant its abolition. We also believe that the LSUC may not be the best provider to teach skills and professional responsibility to law students. The LSUC, however, must set and administer examinations to ensure that all candidates for the bar have learned the ethics, professional responsibility and professional competencies that lawyers need to know to begin practice. Such examinations are essential to protect the public, the fundamental responsibility of the LSUC.

As the regulator of the profession, the LSUC must continue to be the gatekeeper and ensure that all candidates for the bar in Ontario have met high, objective standards before being called to the bar. High, objective standards, of necessity, mean that some candidates will not be called to the bar in Ontario. Given that there are many things that a person can do with a law degree that do not involve practising law, we do not believe that this is unfair to potential candidates, as long as the standards and the consequences of failing to meet them are clearly and publicly spelled out.

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[1] We are indebted to Nora Rock, for her article "Law Society Should Still Teach Ethics say Critics", *Lawyers Weekly*, April 18, 2008, page 1 and 21, which reflects the conflicting views of practitioners and academics on this point.

The subject matter of the examinations on ethics, professional responsibility and professional competencies should be given in detail to law schools and professional organizations, such as the OBA, to ensure that candidates have access to courses that cover the necessary subject matter. All professional competencies that cannot be tested in examinations of this kind must be learned, and certified as learned, through practical coursework, clinical experience, or articling experience, or a combination thereof.

The LSUC list of skills and professional competencies (Appendix 3 of Report – full list, Appendix 4 of Report – key components list) is the standard for professional skills and competencies used by the LSUC. We find this list to be very thorough and well thought out. Candidates for the profession must demonstrate competence in these skills before being licensed. A candidate who cannot meet the standard should not be allowed to practise law in Ontario. This is necessary to protect the public and to retain the confidence of the profession, the public and the government in the licensing process.

The OBA is willing and able to create skills and professional responsibility courses, taught by practitioners, to replace the current LSUC skills phase curriculum, so all students have the opportunity to learn the skills and competencies that they may have missed or not covered in sufficient depth in law school. We appreciate the difficulties encountered by the LSUC in maintaining quality programs of value to students and the profession at large. The OBA is more than willing to work with the LSUC to create OBA-run programs to replace those programs that the LSUC currently provides. Of course, the OBA will strive to provide the services and programs that the profession needs, regardless of which of the options in the Report that the LSUC ultimately adopts.

Part IV of the Report - The Articling Program

Recommendations:

General

ONE: The LSUC should examine the equity and diversity problems of the current articling program in more detail and depth to determine the specific causes and potential solutions to these problems.

LSUC Options

LSUC Option 1

TWO: A practical, skills-based training period such as the articling program be maintained.

LSUC Option 2

THREE: The alternative program proposed in Option 2 must be explored in more depth by the LSUC.

LSUC Option 3

No recommendations. The OBA does not support this option.

OBA Options

OBA Option 1

FOUR: The LSUC set stringent, meaningful examinations that test the candidates' understanding of the subject matter (in all subject matters) with pass/fail delineations intended to result in only highly qualified lawyers being admitted to the profession.

OBA Option 2

FIVE: The definition of an articling principal must be expanded to create additional articling opportunities. As well, new ways for students to obtain "credit" towards the articling component of the call to the bar requirements should be explored.

SIX: The administrative burden of being a principal must be simplified and clarified.

OBA Option 3

SEVEN: More work should be done with law schools to educate students about career opportunities for law graduates given the stringency of the call to the bar process and requirements.

OBA Option 4

EIGHT: The LSUC should explore and create incentives for lawyers to take on articling students, such as a stipend for small firm lawyers who take on articling students, similar to that proposed by the Report on the Retention of Women in Private Practice, waiving LSUC fees for principals taking on articling students, or approaching the Law Foundation to fund grants for clinics, sole practitioners or small firms taking on articling students.

OBA Option 5

NINE: Co-operative learning in law schools must be explored.

Discussion:

Regarding the equity and diversity issues of the current articling program raised in the Report, the LSUC should study the *Guide to Developing a Policy Regarding Workplace Equity in Law Firms (Updated March 2003)* to ensure that the recommendations contained in the Guide continue to promote equity and diversity and are adopted by all members of the legal profession. At present, the issues have not been reported in enough detail or canvassed in enough depth to allow the OBA to comment more specifically or make recommendations regarding them. Such issues deserve their own task force and report, especially as they appear to stem from wider equity problems within the legal profession.

LSUC Options

LSUC Option 1

We believe that in order to maintain the high standards of, and public confidence in, the profession, there must be a period of practical training for all law school graduates before they are called to the bar. In the OBA's view, while law school may teach a student to think like a lawyer, articling teaches a student to practise law. Nothing can replace the practical experience, ethical training and mentoring provided during the articling experience.[2]

Whether this practical training period continues in the current articling program form, it is vital that such a practical training period continue to exist. The total abolition of a

[2] See then OBA President Ian Kirby's President's report in *Briefly Speaking*, January, 2005, which reflects the Committee's view of the irreplaceable value of articling.

practical training period for would-be lawyers would greatly reduce the standards of lawyers entering the profession, causing harm to the public and the administration of justice in Ontario.

A practical training period, monitored by a qualified lawyer, is essential in providing law school graduates with requisite experience in the day-to-day practice of being a lawyer, as well as professional competencies that cannot be taught adequately in a classroom setting.

All other professions, and most trades, require practical training before licensing. To eliminate this requirement for lawyers is to fundamentally alter the status of the profession, and to place the public in jeopardy. It will not solve the problems of equity, diversity and the numbers entering the profession, but merely shift these problems from articling to the first year after call.

We recommend that the articling program be retained in its current form for the present. Any decision on such a broad-reaching issue taken without further extensive research and consultation would be precipitous and disastrous for all parties. We also recognise, however, the challenges to the articling program and that some potentially drastic changes are needed. Therefore, we have several specific recommendations, both long and short term, to address these challenges.

LSUC Option 2

There should be no guarantee, real or implied, of an articling position for each candidate. No one will be admitted into the profession who does not meet high objective standards. This is the case with accountants, doctors, engineers, and most other professions. We agree that more help must be given to candidates for the bar in obtaining access to articling positions, both for equity reasons and due to the large numbers of new candidates anticipated. For these reasons, the alternative program proposed in this option should be explored in more depth, to determine the interest in and viability of such a program in Ontario.

An alternative program has great potential as a solution in the long term to the issue of increasing numbers of law school graduates and provides flexibility for candidates. An effective alternative program must address the problems of equity and diversity within the profession and consistent training. In addition, the alternative program must address financial considerations and potential inequities of participation in such a program.

The challenge of creating a sustainable form of articling, or a course equivalent in practical legal training, which achieves the excellence necessary to maintain the high level of skill, knowledge and competence of the bar, may be difficult but is not impossible. Ontario can benefit from the experience of, and solutions found by regulatory educators in other jurisdictions which have goals and standards similar to ours. For example, a wider and closer review of the admission to practice requirements in the States of Australia and in New Zealand could help us to identify viable possibilities for Ontario.

In order to address the needs of their diverse populations of entrants into the profession, Australia and New Zealand have developed a number of alternative training models, combinations of course-work and practical workplace experience, and online and in-person delivery options, with various approved providers.

Attached as an appendix is an overview of programs and options offered in these jurisdictions.

LSUC Option 3

The OBA does not support this option.

OBA Options

OBA Option 1

Given the problems with the current program, some adjustments and creative options to improve and augment traditional articling should be explored and/or implemented.

As stated above, the LSUC, as the gatekeeper and regulator of the profession, in the public interest, must ensure high, objective standards are met by all candidates to the bar. License examinations imposed by the LSUC should be sufficiently challenging, and only a certain number of rewrites should be allowed, to ensure a high standard of competence from newly called lawyers, as in, for example, New York state. By setting standards at such high levels, the LSUC would also address the inevitable increase in the number of law school graduates who qualify to practise and ensure that only qualified and competent lawyers are granted the privilege to practise law in Ontario.

OBA Option 2

To maintain a period of practical training, the LSUC must encourage lawyers to take on articling students. There are several options to be considered. Articling principal categories should be opened up to create more articling positions. A way should be found to allow legal clinics and practitioners working in groups to take on one or more articling students as a group, instead of individually. More creative options regarding shared articling positions should be explored.

New ways for students to obtain "credit" towards the articling component of the call to the bar requirements should be explored, such as law school clinical experience, summer legal work and volunteer legal work. New combinations of experience should be explored in this context, such as a period of legal clinic volunteering added to a short law firm or government articling contract, to give just one of dozens of possibilities.

Further, the OBA recommends that LSUC consider ways to ease the burden of the articling principal, including simplifying and clarifying the administrative burden of being a principal. As the Report states, the current onerous paperwork involved in being a principal is not meeting its goal of creating more consistency among articling positions, and therefore we see no reason to continue requiring it.

OBA Option 3

More work should be done with law schools to promote appreciation of the options available to students who have a law degree and the alternative careers that can be considered. Also, more effort should be made to educate law students and potential law students on the profession, the call to the bar process and requirements, and the potential for non-admittance to the profession. The OBA is prepared to work with the LSUC and the law schools on these matters.

OBA Option 4

The LSUC should consider financial incentives for lawyers to take an articling student, such as the possibility of a stipend for small firm lawyers, based upon objective criteria. This will create a significant incentive for small firms, sole practitioners and those outside of Toronto, Ottawa and London to take on articling students. Other possible funding initiatives could involve waiving LSUC fees for principals taking on articling students, or working with the Law Foundation for grants for articling students at small firms or legal clinics. The Consultation Report - Retention of Women in Private Practice Working Group recommended funding for leaves of absence for self-employed lawyers in small firms, and the numbers shown in this report demonstrate that such funding can be done at minimal yearly costs to LSUC members. This suggests that such a plan for articling student placement can also be accommodated.

OBA Option 5

Co-operative learning in law schools should be explored. A significant majority of our members surveyed preferred this alternative to traditional articling. There is great positive potential for this kind of program.

Conclusion:

The OBA recognizes that there are significant challenges the LSUC and the profession face with the increasing numbers of applicants for call to the bar. These increasing numbers notwithstanding, it is incumbent on the LSUC to ensure that those who provide skills and professional training to candidates ensure that the candidates meet high standards of competence. The LSUC must make sure that these standards are met by both the providers and the candidates. The best way of doing this is to set criteria for curricula for skills and professional responsibility training at law schools, and accreditation examinations that ensure that only those meeting high standards of proficiency and competency are admitted to the profession.

The OBA recommends that a practical training phase of legal education must be maintained. While our members prefer a traditional articling process, there are others options that require exploration.

Adopting the foregoing recommendations is necessary to ensure that new lawyers are competent, that the administration of justice is maintained and the people of Ontario are protected in accordance with the LSUC's mandate.

[1] **The Law Society Act,** R.S.O. 1990, c. L.8, as amended

Function of the Society

4.1 It is a function of the Society to ensure that,

(a) all persons who practise law in Ontario or provide legal services in Ontario meet standards of learning, professional competence and professional conduct that are appropriate for the legal services they provide; and

(b) the standards of learning, professional competence and professional conduct for the provision of a particular legal service in a particular area of law apply equally to persons who practise law in Ontario and persons who provide legal services in Ontario. 2006, c. 21, Sched. C, s. 7.

Principles to be applied by the Society

4.2 In carrying out its functions, duties and powers under this Act, the Society shall have regard to the following principles:

1. The Society has a duty to maintain and advance the cause of justice and the rule of law.
2. The Society has a duty to act so as to facilitate access to justice for the people of Ontario.
3. The Society has a duty to protect the public interest.
4. The Society has a duty to act in a timely, open and efficient manner.
5. Standards of learning, professional competence and professional conduct for licensees and restrictions on who may provide particular legal services should be proportionate to the significance of the regulatory objectives sought to be realized. 2006, c. 21, Sched. C, s. 7.

Appendix A – Letter from OBA Official Languages Committee

NOTE AU DOSSIER

AUTEUR	Christian Paquette
DATE	Le 20 mai 2008
NUMÉRO DE DOSSIER	**Compte rendu de la réunion du sous-comité sur l'accès à la profession du mercredi 14 mai 2008**

La présente fait suite à la publication du rapport du Barreau du Haut-Canada concernant le processus d'accès à la profession (le « Rapport »). Le Comité des langues officielles de l'Association du Barreau de l'Ontario (« Comité ») a étudié le Rapport et ses recommandations et soumet les commentaires qui suivent concernant les enjeux que soulèvent les divers scénarios proposés dans le Rapport pour la communauté de juristes et de futures juristes francophones.

Programme de cléricature

Dans l'optique de la communauté francophone de l'Ontario, il est intéressant de noter deux observations détaillées dans le Rapport. D'abord, le Rapport reconnaît explicitement que les candidats francophones, autochtones et de communauté minoritaire sont confrontés à des défis particuliers comparativement aux autres candidats. Selon le comité d'étude, il y a lieu de s'inquiéter que ces défis deviennent plus marqués au fil du temps, particulièrement en raison du nombre croissant de candidats au stage de cléricature et à la concurrence accrue dans les années à venir. Ensuite, le Rapport note qu'il existe peu d'opportunités de stage en dehors des grands centres métropolitains au sein des firmes d'avocats comptant moins de dix avocats. Cet état de fait a des répercussions sur la capacité du programme de cléricature actuel de réaliser ses objectifs d'assurer une transition au sein des firmes comptant moins de dix avocats ou d'assurer une formation adéquate des candidats qui compte s'établir comme praticien indépendant. Comme en fait l'état du Rapport, si la plupart des candidats complètent leur stage au sein d'un grand cabinet, il est peu probable qu'ils recevront la formation et qu'ils développeront les habiletés pratiques dont ils auront besoin pour établir leur propre pratique ou travailler au sein de petit cabinet d'avocat.

Le Comité désire d'abord souligner qu'il est bien connu que les opportunités d'acquérir de l'expérience pratique en français en Ontario sont rares. Cela présente des défis particuliers pour la communauté francophone. L'expérience pratique acquise au cours de la formation en stage est cruciale pour offrir des services juridiques de qualité aux justiciables francophones. De toute évidence, la pénurie de telles opportunités a un impact encore plus significatif pour les praticiens et praticiennes qui comptent pratiquer seuls ou en petits cabinets et dont les services seront sollicités en français. Il leur est important d'acquérir de l'expérience de travail, autant que possible en français, pour être en mesure d'acquérir les habiletés dont ils ont besoin pour établir leur propre pratique ou travailler au sein de petit cabinet d'avocat.

D'emblée, le Comité est défavorable à l'idée que puisse disparaître le programme de cléricature. Le Comité est d'avis qu'il s'agit d'un outil important permettant aux

candidats d'obtenir une expérience valable et de gagner en maturité professionnelle au cours de ces dix mois. Il s'agit d'une étape particulièrement importante pour les francophones issus des programmes d'étude en droit civil mais qui pratiquent en Ontario : ces candidats tendent à être plus jeunes que leurs collègues des programmes ontariens. De plus, bien que la période de stage est importante pour l'ensemble des avocats, le Comité fait valoir qu'elle revêt une importance particulière dans le cas des praticiens francophones qui comptent retourner desservir leurs communautés au sein de petits cabinets ou comme praticiens indépendants.

Dans cet ordre d'idée, le Comité est d'avis que la seconde option offre de nombreux avantages. D'une part, la disponibilité d'un programme de stage en français géré par le Barreau permettrait de combler une grande lacune au sein de la communauté francophone en offrant aux candidats des ressources en français et l'opportunité d'obtenir de l'expérience pratique en français, deux défis auxquels sont confrontés les individus désireux de pratiquer dans cette langue, peu importe qu'ils souhaitent pratiquer au sein de cabinets ou développer des pratiques indépendantes. Un tel programme assurerait que tous les candidats désireux d'obtenir une expérience pratique en français puissent l'obtenir. Par ailleurs, ce programme pourrait intéresser des candidats n'ayant pas nécessairement complété leurs études de droit en français, mais disposant autrement des habiletés linguistiques pour offrir des services juridiques en français. Le Comité est d'avis qu'il s'agirait là d'un excellent moyen de promouvoir les services juridiques en français en même temps que d'assurer une formation adéquate des avocats qui seront appelés à pratiquer dans cette langue.

Qui plus est, le Comité est d'avis qu'un tel programme devrait être offert, en français comme en anglais, en modules selon les champs de pratiques principaux, à l'image des programmes de cléricature dans les grands centres urbains. De cette manière, les candidats pourraient s'inscrire aux modules les mieux adaptés à leurs ambitions professionnelles. Un tel programme pourrait être offert en conjonction avec les programmes de stage actuels. Par exemple, un étudiant complétant un stage de trois « rotations » au sein d'un cabinet d'avocat devrait pouvoir avoir le choix de compléter une partie de son stage en s'inscrivant à un module quelconque du programme offert en français. Il y a donc lieu de considérer mettre sur pied un programme plus flexible et d'encourager les candidats à compléter une partie de leur stage en participant aux modules francophones. Pour tout dire, le Comité appuie le concept de formation alternative auquel songe le Barreau, notamment la possibilité d'offrir un programme de stage pratique plutôt que de ne reconnaître que des stages de cléricature particuliers.

Le Comité note également de passage que le Barreau devrait songer à réduire le nombre d'années d'expérience requises pour superviser un stagiaire de manière à augmenter le nombre de stages disponibles.cordant des opportunités de stage en français de manière à combler la pénurie de stages et d'expérience pratique disponible aux francophones.

Le Programme de responsabilité professionnelle (le « Programme »)

Le Rapport recommande l'abolition du Programme, selon les termes suivants :

1. À l'heure actuelle, 15% des questions d'examen du barreau portent sur l'éthique et la responsabilité professionnelle. Le Rapport recommande

d'augmenter à 30% la proportion des questions portant sur l'éthique et la responsabilité professionnelle de manière à encourager à la fois les candidats de porter davantage attention à cette composante des examens et à encourager les écoles de droits à offrir davantage d'instruction à cet égard.

2. Le Rapport recommande de créer un programme similaire, mais adapté aux besoins des étudiants en droit provenant d'autres juridictions que l'Ontario ou, dans l'alternative (ou en parallèle), des opportunités d'apprentissage ciblées pour les avocats nouvellement assermentés et les praticiens indépendants, ainsi que des opportunités de mentorat et des ressources disponibles en ligne pour appuyer ces candidats.

3. Dans la mesure où certaines inquiétudes persisteraient quant au faussé entre les apprentissages à l'école de droit et les nécessités de la pratique dans le « vrai monde », le Rapport recommande de miser sur des opportunités de développement professionnel « post call ».

Le Comité note d'abord que plusieurs ressources étaient mises à la disposition des candidats dans le cadre du Programme, notamment des précédents de divers actes de procédure et d'entente. Ces ressources étaient disponibles en français et en anglais. Le Comité est d'avis que ces ressources constituent des outils utiles pour la communauté d'avocats et de candidats francophones. Il est bien connu que les ressources pour les juristes en langue française sont limitées, peu importe les milieux dans lesquels pratiquent ces juristes (bien que le phénomène soit particulièrement marqué dans les petits cabinets d'avocats et chez les avocats pratiquants seuls). Le Comité est donc d'avis que le contenu actuel du Programme, notamment les exercices, les divers exemples, modèles ou précédents qui sont distribués aux candidats et aux instructeurs devraient demeurer disponibles en-ligne en dépit de l'abolition du Programme. Ces ressources seront ainsi disponibles aux candidats comme aux membres de la profession. Le Comité est également d'avis qu'il faille assurer la mise à jour annuelle de ces ressources auxquelles se réfèreront les candidats et les membres de la profession.

Bien que le Comité reconnaisse que le Programme ne réalise plus nécessairement de manière efficace les objectifs qui lui ont été attribués, le Comité est d'avis que le Programme joue un rôle particulier dans le contexte de l'instruction des candidats du Programme français. Pour la plupart des candidats désireux de pratiquer en français, il existe relativement peu d'opportunités d'obtenir de l'expérience pratique dans cette langue dans les écoles de droit, dans le cadre du programme de cléricature, voir même une fois praticien (à titre d'exemple, il existe moins de ressources en français, moins d'opportunité de participer à des concours ou un tribunal-école en français). Le Comité est d'avis qu'un peu d'expérience pratique est préférable à aucune expérience pratique en français. Pour ces raisons, le Comité favorise le maintien du Programme en dépit de ses lacunes. Il y aurait donc lieu d'étudier davantage les moyens de remédier aux lacunes soulevées dans le Rapport.

Appendix B - Examples of Requirements for Admission to Legal Practice in Australia and New Zealand:

New Zealand

A law graduate must complete a professional legal Studies course (PLSC or PLESCO) prescribed by the Council of Legal Education. There is no articling or traineeship option. The PLSC includes a range of skills and knowledge for general practice, litigation practice and professional development. The course includes professional responsibility, which is complementary to ethics courses at the university law schools. A candidate must have completed an undergraduate course in legal ethics.

Accredited providers are:

Institute of Professional Legal studies (IPLS) offers its practical training course in two formats: Professionals Onsite, which is a 13 week, full-time, onsite course, and Professionals Online – a 19 week course that is online 15 weeks and onsite four weeks , with flexible scheduling. Problem-solving and transaction-based teaching methods are employed.

The College of Law, New Zealand, (part of the Australasian College of Law Group and College of Law Alliance in England and Wales, Australia and New Zealand) offers an 18 week course combining two modules of online distance learning; 60% (seven weeks) online phase, and 30% (nine days) onsite face-to-face phase; online can be taken part-time; online instructors are experienced practitioners and act as mentors and facilitators.

After admission to legal practice, a lawyer cannot practise as a principal (either as a partner of a law firm or as a sole practitioner), unless she/he has first been approved by the Council of the Law Society to practice on her/his own account. To practise as a principal, a practitioner must have three years' prior legal practice experience (out of the last eight years) and must complete the "Flying Start" training program. An examination is then administered, followed by an interview by Law Society inspectors. Sole practitioners or those managing trust accounts must also complete the Trust Account Training program.

Australian States and Territories

General:

Admission is regulated at the state/territory level. Most jurisdictions have a dedicated regulatory body that supervises admissions and formulates the rules for that jurisdiction. The Uniform Admissions Rules, published in 1992 and revised in 2002, have been adopted in most Australian jurisdictions. There is, however, still considerable variation in admission requirements and procedures amongst the states/territories. Essential requirements common to all of them are:

- An Australian law degree or equivalent – under the Uniform Admission Rules, the degree must include as a minimum, the "Priestly 11" areas of study which includes professional conduct;

- An accredited legal practice course/ practical legal training course (which include ethics and professional responsibility) or articles of clerkship, depending on the jurisdiction;

- To work as a solicitor, the candidate must apply to the relevant law society or institute for a practising certificate. In some jurisdictions he/she may have to serve out a period of restricted practice as an employee (2-3 years) before becoming a proprietor or partner of a firm (as in New Zealand – see above).

- The candidate must also be admitted to the Supreme Court in his State/Territory and be entered on the roll of practitioners.

Practical legal training may be gained in an increasingly diverse number of ways: articles of clerkship; traineeships conducted through a law firm and external course provider; courses delivered by dedicated institutions; courses offered in conjunction with law degrees at universities; and in-house training in law firms. Course work and training components are offered online, in person and combinations thereof, and some are available on a flexible part-time basis.

Victoria:

A law graduate must complete one year , full time, as an articled clerk in a law office. This will be replaced from July 1 2008 with a new system of Traineeship. The Trainee Admission Program (TAP), offers 3 options to employers :

  - An approved provider conducts certain (ethics, professional responsibility, lawyer's skills and risk management) training off-site or in-house, and the employer provides all other training in the workplace;

  - An approved provider conducts training either off-site or in-house in all mandatory and required elective topics. Or

  - Graduates complete a Professional Legal Training course (PLT) (employer may sponsor) with on-site and online options.

The firm must provide the trainee with training in all areas covered by the National Competency Standards, and where the firm does not practise in some fields, external, supplementary instruction by an approved provider, is required. External training is also required in ethics, skills and some areas of practice management.

Accredited PLT providers include:

The Leo Cussen Institute offers a seven-month (31 weeks) PLT course, which includes a three-week practical experience "Professional Placement" in a law office that the Institute arranges. Online and on-site options are available.

The College of Law Victoria, in association with the **Law Institute of Victoria**, provides a professional online program, (two weeks onsite) with a 15-week coursework component; a 75 day (15 week) Work Experience component, for which the candidate must find his/her own work placement; and 10 hours of CLE seminars.

Monash University provides a course of 39 weeks (approximately 10 months) having a combination of online and in person training for the Postgraduate Diploma in Legal Practice, Skills and Ethics (PDLP). The in person components include a clinical practice program in community legal centres, as an alternative to a work place placement. Victoria prescribes Supervised Legal Practice for all local legal practitioners who take out their first practising certificate. For those completing a Traineeship it is 18 months. For those completing a PLT course it is two years. Supervised Legal Practice refers to employed solicitors under the supervision of a partner or other employee of the law practice; a partner of a law firm under the supervision of another partner; or a person employed in any other capacity approved under a legal profession regulation.

Queensland:

For admission to practise as a legal practitioner, a candidate with an LLB or JD completes either a Queensland Professional Program (QPP) , or a one year Solicitor Traineeship with a law office, which has now replaced the Articled Clerk scheme. The College of Law Queensland, in association with the Queensland Law Society, offers both paths.

In the case of Supervised Traineeships, trainees must cover set competencies and complete a mandatory 90 hours of Approved Programmed Training which includes ethics. If a firm cannot provide training in a particular area, the trainee will need to cover this area either through secondment to another firm, or by undertaking supplementary training provided by The College of Law or other accredited providers. Teaching methods are a combination of online and face-to-face instruction.

Bond University, Queensland, is accredited by the relevant Queensland Admitting Authority to provide the Professional Legal Training (PLT) Program, for a Graduate Diploma in Legal Practice (GDLP)which totals 30 weeks. It models its program on the New South Wales Law Society's Professional Program, and mutual recognitions legislation facilitates graduates to be admitted as solicitors in one or other state.

Students complete a 15 (or 12) week intensive on-campus component in small classes, followed by a 15-week placement in a law firm, with a possible three-week credit to those who have done a legal skills subject in their LLB or JD programs. Faculty assists students with arranging the practical experience component. The program concentrates on "lawyering skills" taught in a practical context in a simulated office environment. (Note: After admission a legal practitioner has the further option of practising as a Barrister in the Queensland courts. Barristers who practise primarily in Queensland must also hold a Queensland Barrister's Certificate to appear in Court. The 12-month Pupillage scheme (during which the candidate has a right of audience) provides practical training,

guidance and mentoring under the supervision of two experienced barristers. If a barrister is unable to nominate a necessary master, then the Pupilage committee of the Queensland Bar Association will assist. The candidate must also complete a six-week full-time Bar Practice Course which is joint venture of the Queensland Bar Association and the Queensland University of Technology. On completion, the legal practitioner may apply to the Bar Association of Queensland for a practising certificate as a Barrister.)

New South Wales:

The Law Society, who assumed control of practical legal training over 30 years ago, replaced the system of articled clerkships with institutional practical training. It regulates and conducts a course in practical legal training (PLT) through the Professional Program at The College of Law**:** Coursework Component is 15 weeks of full-time or 30 weeks' part-time study offered via distance learning online or on-campus courses; Work Experience Component consists of 75 working days (Mon-Fri, 9am – 5 pm,) or 15 weeks), and may be completed full-time or part-time. The candidate must work at least two days per week, and must arrange his/her own Work Experience. The CLE component consists of two self-assessable parts: Workbook (reflective materials re: the work experience), and 10 hours of CLE training seminars.

The PLT was designed to improve legal training by recognizing the importance of on-the-job experience as a supplement to the Institutional Instruction provided by The College of Law.

Accredited PLT providers recognized by the legal Practitioners Admission Board are:

The College of Law PLT program (see above)

Universities who provide Practical legal Training (PLT) courses and GDLP diploma : Australian National University; Bond University; Griffith University; University of Newcastle; University of Technology, Sydney; University of Western Sydney; University of Wollongong.

Bond University PLT program (see above)

Example: University of Technology Sydney, offers a program comprised of 6 academic subjects and a practical experience work placement, and is also available within 3 courses at the UTS Faculty of Law: The Bachelor of Laws and combined undergraduate law courses; the Graduate Diploma in Legal Practice (GDLP) available to LLB graduates; and the Juris Doctor.

Western Australia:

For admission, Law graduates must complete 12 months of articles of clerkship and during that time, undertake the Articles Training program (ATP), operated by the Legal Practice Board which has statutory responsibility for the admission of legal practitioners.

The ATP course consists of a 4-week core course, a basic accounting component of two days, a Commercial and Corporate Practice component of three days, and a Property Law Practice component of three days. The purpose is to ensure some uniformity of pre-admission training and standards assessment and to satisfy the National Competency Standards for admission of entry level lawyers adopted in each state and territory in Australia.

Western Australia is about to introduce an alternative to Articles of Clerkship. The legal Practice Board is to approve PLT training for admission which will include participation in course work or supervised legal training (including Articles of Clerkship). The College of Law is currently providing the New South Wales course (see above) online and onsite, making it possible for a candidate to seek admission in Western Australia through the mutual recognition legislation, once he or she is admitted to practice in New South Wales.

South Australia:

Candidates for admission to practice as a Barrister and Solicitor of the Supreme Court of South Australia, must have completed a law degree (over a minimum of three years full time or part-time equivalent) at Adelaide University or Flinders University, and the Graduate Diploma in Legal Practice Program (GDLP) currently only offered in South Australia by the Law Society of South Australia. The GDLP is only required if practical legal training is not undertaken as part of the law degree. The program is divided into two semesters and is usually completed over the course of one year, although it may be completed within three years of commencement .

There are three components – independent study and associated instruction/workshop components in designated units of study; Legal Practice Placement of 225 hours (six to seven weeks); and 10 hours of participation in Continuing Professional Development.

Candidates can arrange their own Legal Practice Placement in a legal office, subject to the Law Society's approval, or request the Law Society to allocate a placement on their behalf. The Law society attempts to coordinate student preferences with practice areas. The GDLP course can be started in the final year of law school or after completing the law degree, provided that the candidate has completed all compulsory LLB subjects excepting Evidence, Legal Ethics, and Advocacy, (additional requirements may apply).

Where appropriate, candidates may apply to the GDLP Education Committee for Credit Transfer or Recognition of Prior Learning for all, or part of, the GDLP component.

Appendix C: OBA Licensing and Accreditation Survey

Recent Calls (10 years or less)

Questionnaire for "recent calls" in responding to the LSUC Licensing and Accreditation Task Force Consultation Report

5/29/2008

		%
1. Would you characterize the skills and professional responsibility program portion of the licensing process (Call to the Bar) in Ontario as essential to your training for the practice of law?		
1 Agree		28.71
2		17.82
3		12.87
4		21.78
5 Disagree		18.81
2. Would you agree that the skills and professional responsibility program content is already satisfactorily covered in law school or other portions of the licensing process?		
Yes		36.63
No		63.37
3. Would you agree that the skills and professional responsibility program content is not covered in sufficient depth during the course of the program for it to be of any value?		
Yes		51.49
No		47.52
4. Would you characterize the articling program portion of the licensing process (Call to the Bar) in		

Ontario as essential to your training for the practice of law?		
1 Agree		73.27
2		6.93
3		10.89
4		4.95
5 Disagree		3.96
Comments	I would not have been comfortable starting the practice of law without having articled. Law schools do not currently provide any instruction with respect to the mechanics of the practice of law. I also learned about ethics and professional responsibility through articles, something which was not adequately addressed in law school or the six week licencing course. I think articling is important to training professionals, but that if junior lawyers were apprenticed in a similar way, the program could be disposed of. In law school, I learned how to think about the law. In articling, I learned how to practice law. In the skills and professional responsibility program, I learned nothing. The articling program poses MANY problems for new calls to the Bar. Firstly, many students get summer jobs after first year. This means that they will likely article at that firm. These jobs are obtained based on first year marks only which is not a good indicator of the quality of the student. This is VERY unfortunate for articling students as they often end up at firms that do not practice in their area of interest. The result is that it is difficult to switch after articling. For students who do not get "summer jobs", they have to work very hard to get an articling job and they have to take whatever they can get. This in turn, leads to articling students articling in areas that are not within their interests. It is NOT easy to switch practice areas. In the absence of an articling program - new calls would learn the things you learn during articling on the job. Articling is basically a 10 month long job interview and is not essential to a lawyer's training. Articling is an essential way to leaqrn the ropes under the guidance of an exeprienced lawyer,	

	specially for those students who have little or no work experience prior to Articling.
	Yes it is essential, but it's a very difficult process to get into for a lot of people. As well, most law students are struggling to pay down their debt and are essentially forced to accept low paying articling jobs in order to be able to practise as a lawyer. It's much too long - not nearly regulated enough, and largely unfair in a lot of cases.
	Absolutely
	Hands on training is definitely necessary as law school teaches none of the practicalities of practice, and bar ads just skims these issues. However, a longer-term mentoring program combined with CLEs (which are way more beneficial that the bar ads course were) would be more effective than 10 months of 'quasi-practice'.
	My articling experience was not what I would consider ideal. It was a government office, where backstabbing was the rule among the junior lawyers and generally, no mentoring occurred. When I and the other articling students found some senior counsel willing to work with us, however, the experience was invaluable.
	This was THE most valuable and essential part of my training as a lawyer. Exposure to different areas of law in the real world setting was key. Most importantly it was a year to figure out the business of law without the billing targets, responsibilities and expectations the public and clients have of a lawyer. While some may want to do away with the articling process, I feel that we will be doing a great disservice to the public and public confidence in the bar will be impacted.
	Absolutely. A law school gradutate is not fit to serve the public without further training.
	Given the increasing number of applicants from out of province and the addition of a Law School, it is imperative that the LSUC keep a tool to regulate the quality and quantity of new lawyers. Articling may become the big divider, if you are not able to find an article, unfortunately, you will not be able to become a lawyer. Practicing law is a privilege, not a right. Having said that, the LSUC would still have the responsibility towards minority groups

	(French, Disable, Immigrants) to ensure that they are not excluded from the profession. However, you should not tailor the licensing program in such a way that anyone that apply will get in.
	The articling program is where students-at-law solidify their understanding from law school with the practical skills learned in the skills and responsibility program. It is essential to learning the business of law without having to worry about jeopardizing a client's interests because your principal is there as a safety net.
	The articling program makes the skills program irrelevant and useless. But you need one or the other.
	I don't see any difference in "articling" in Canada versus being a first year associate in another jurisdiction, other than articling students are compensated at a significantly reduced rate during this forced period. Further, there is often a significant amount of time, depending on where you article, during which are you unable to work and unable to fill this gap with any meaningful employment. Articling is outdated as it currently is structured. Training is training, no matter when or how you package it, but there is no reason to force students into a labour situation which is antiquated and almost demeaning in cases.
	I beleive articling is similar to pupilagein England. Every law school graduant should get some from of experience in a legal environment before call especially if they had no prior practice experience. The only problem is that articling positions are not available and firms do not want to take on students because they do not want to pay or the prefer certain students with cetain educational backgrounds over others. This should stop! The Law Society should figure a way of getting every student a position with minimal pay.
	In my opinion, it is not until one start articling that one begins to appreciate what goes into the practice of law. Law school provides the eductational foundation but it does not provide practical exposure of the daily workings of a lawyer.
	It is the only valuable portion of the licensing process and should not, under any circumstances, be removed.

	Absolutely essential to learning how to practice law and be a lawyer, which can only be learned through "doing."
	The hands on experience that Articling provides cannot be taught in law school. Further, it provides a mechanism for employers to have a "test run" with you prior to committing to your employment which is important given that some articles do not work out well. Further, students play an important role in providing services to clients at a lower expense and without them, it is unlikely that firms would hire graduates because they would not need the assistance because they would have employees who are permanenetly in those positions.
	The practice of law is not taught in sufficient detail at law school. Furthermore, working as a lawyer in practice requires the "doing" versus the book learning.
	Not withstanding the law school's attempts to teach practical skills, it is very abstract until you have the opportunity to actually do the work. It is essential to have some amount of time working in a supervised environment (articling) to get the skills necessary to at a minimum become competent in the practice of law.
	I agree that an articling potion should exist, however many firms are not fulfilling their responsibility to teach students-at-law. This should be controlled so that students are learning the practice of law, not simply researching all year (this was learned in law school).
	The difference between being an articling student and a 1st year call is 10 months experience. The difference between a 1st year and 2nd year call is 1 year experience. The experience is important, and will continue to be. The term "articling student" is just a designation that dimishes responsibility and pay-grade.
	There are a significant number of practice gaps from law school and the Bar Course that get "completed in articling" including file management, ethics, conflict recognition and management and practice management; one also learns effective and practical legal analysis during articles (this is not always effectively covered in law school).

	It would be far more useful if articling students were guaranteed a certain number of hours each month dedicated for mentorship purposes. At present, articling students are hired at firms to boost their profitability and to do grunt work.
	Articling is critical because once you become a lawyer you have defined obligations to your clients. While a junior lawyer will often consult with a senior lawyer,there are situations where the client will want answers from a junior lawyer. Some apprenticeship is necessary at a minimum. The professional responsibility program was a disaster and did not endear me to the education arm of the Law Society.
	I think it's highly irresponsible to send students out with no training, as some would have no experience. In addition, finding an articling job is hard enough. Finding a position as an associate can be near impossible with no experience, no reference; speaking specifically for those who are not interested in corporate law.
	For the foreign trained professionals articling is not essential as they already have practised law in their jurisdiction. But the fresh graduates may have advantages of articling.

5. Were you satisfied with the quality of your articling program?		
1 Agree		51.49
2		22.77
3		14.85
4		7.92
5 Disagree		0.99

6. Would you be in favour of the articling program being abolished?		
Yes		14.85

No		84.16
7. Do you think that some part of the current articling program should be improved?		
Yes		67.33
No		30.69
How?	require more hands-on training from the attorneys (this can be lacking in large firms)	
	More regulated to ensure that all students have a good and varied articling experience	
	Regular educational programming throughout the articling year.	
	Alternatives for those that do not have the traditional articling positions. Students need to focus on studying, not solely on seeking out the articling positions.	
	Less focus on administrative and menial tasks.	
	Delegation of actual responsibility.	
	Eveyone should have easy access to a position.	
	There should be stricter guidelines that the principals must adhere to to ensure that the student gets proper training. The number of students graduating from law school should NOT increase - it's hard enough to get good articles as it is!	
	For students articling at large firms, formal rotations into both advocacy and business law should be mandatory. Currently, some firms allow students to complete intensive articling programs that focus on only advocacy or business to the exclusion of the other.	

	There is an inherent conflict of interest. Law students are supposed to rate their articles to the Law Society but are simultaneously concerned that if they give it a low ranking, they may not get credit for the time they spent. I think this leads to a number of firms being ranked much higher than they deserved.
	1) The fact that the the pay scale relies on market factors means that a majority of students article for salaries that are ridiculously underpaid. This coupled with the fact that they have no choice in their future until they article means they end up working ridiculously long hours and are overworked. It breeds disappointment and depression in most students and a hope for the day when they will be treated with respect. 2) Articling principals need to be regulated more to make sure they are teaching their students valuable lessons and not just using them as lackies to carry a briefcase or file documents in court. All that is important too but some articling positions are ridiculous - particularly in the criminal law sector.
	It should be lengthened to a full 12 months
	Strengthening the requirements for articling principals and students to outline goals and expectations for the period at the beginning of the articling term.
	More oversight and/or training of articling principals. In my view, articling students are there first, to learn, second, to contribute to billable hours, and last, to do the dirty work the principals don't want to do themselves. The articling principals of my group of five students seemed genuinely annoyed that we couldn't dive in on day one and produce pleadings, memoranda and facta; rather ridiculous expectations.
	Re-institute the substantive law instructional component.
	There needs to be more attention to the principla/student relationship. Members of the bar need to take this role more seriously - it is our duty to train and guide new members.
	The quality of article varies greatly depending where you article. Larger firms will usually a

	good support program in place. LSUC could improve the support they provide to smaller firms.
	Should try to get the big firms to hire students who are not necessarily the top of their class but have good skills that would allow them to be good lawyers if given the chance.
	I think that individual articling programs vary so widely that it is difficult to comment on the program in its entirety. It would be nice if more funding was available for people who want to article in the non-profit sector but cannot afford to.
	There should be a mandatory number of hours that articling students are permitted to work as often times the hours are rediculous, even for Bay street, and it leads to discouragement, and burnout before the student is even licensed to practice.
	Articling can be shorter, and perhaps include mandated skills requirements (i.e. drafting skills) and content requirements (learning about client relations) to ensure that the experience covers the basics for all articling students.
	If you keep it, enforce a strict pay grid (ie. tied to the current associate grids so pay is not so discounted), and restrict firms from ending articling as many as 4 months prior to the start of your employment.
	Create stronger parameters for employers to prevent articling "exploitation".
	The current program is unfavourable to foreign students as they cannot apply for articling positions until they have completed their exams whereas home students do so in their second year.
	see 4 above.

	impose a standard articling program for everyone
	As someone who had difficulty finding an articling position out of law school, I believe more needs to be done by the law schools, LSUC and law firms within Ontario to ensure that every student finds a placement. My experience with my law school's career services program was not very encouraging and I ended up taking a position out of desperation rather than it being one that would provide me with what I was looking for in terms of legal experience. As such, I had a miserable articling experience. If the enrollment in law schools is increasing, so should the number of available articiling positions. Perhaps small firms should be provided with some sort of funding to encourage the hiring of articling students. As one cannot currently practice as a lawyer until completing the articling program, the inability to find a placement has the potential to negatively impact ones career options.
	I do not believe that it needs to be 10 months long.
	I would support a levy to help equity seeking groups gain meaningful articling jobs as well
	Go back to 12 months.
	More focus on the professional responsibility portions. More practical skills training.
	The link between the academics of law school and practice of law must be bidged by the articles a candiate recieves
	I think we have to take a look at the whole legal eduction from law school to articles - and we should start from the begining. How do we know what skills need to be covered in the skills/professional responsibility section if we don't know what is being taught at the law schools, and in what depth. How then do we know how to structure articles to cover/develop those areas not covered in school. I believe we should suspend our review of the articling program, and first focus on the review of the "approved degree".
	Articling Principals should be mandated to teach students a wide variety of practical skills--

	too many students are performing research tasks the vast majority of their articling experience.
	Many firms are not fulfilling their responsibility to teach students-at-law. This should be controlled so that students are learning the practice of law, not simply researching all year (this skill was mastered in law school). Students are being used as cheap labour. Principals should take their roles as teachers seriously. I can't suggest how to ensure that this happens, other than to urge firms to make changes and emphasize articling's purpose. Perhaps also following-up on whether the education plan was followed by some method other than self-reporting. The licensing exams were largely a waste of time. Most of the information was covered in law school (if LSUC thinks something essential isn't being covered in law school, they should address that with the schools). The exams were so detail-oriented that students looked-up most answers in the materials, therefore the exams did not test knowledge of the material; they tested ability to create and use an index effectively (this was done by most students in groups, so students from out of province were quite disadvantaged). I believe that either the materials should be taught by LSUC or the tests should be eliminated (trusting that the law degree is sufficient evidence of mastery of the basic academics).
	Not all articling positions are equal nor are all positions appropriate to the manner in which a lawyer will practice in the future; more attention needs to be given to ensuring a wide variety of kinds of articling experiences are available.
	Articline principals should provide a minimum of 1 hour per week towards mentorship.
	To be honest, I am a 2001 call and I am not familiar with the details of the current articling program; however, I would be in favour of greater flexibility or perhaps shortening the articling term.
	Some mentors do not take their obligations to articling students seriously. This defeats the purpose of articling.
	Set a minimum pay for students, some of who are paid less than those working McDonald's, especially when you work out the hours students put in.

	I think more emphasis should be placed on mentorship on the part of the principals and senior lawyers. This could include bringing students along on mediations, trial appearances, negotiations of underwriting agreements etc. With larger firms my concern is that sometimes there is too much emphasis on billable hours for students - the focus should be on learning because billable hours become even more of a focus upon becoming an associate of a law firm.
	Make it more accessible to get articling positions.
	A better matching system. More thorough and well-rounded program where more areas of the law is covered
	The ethical exam was not necessary - the material had been covered in the skills program as well as bar exams.
	Coordination of articling students in non-metro centres to allow shared learning
	The articling process should not be left to market economy forces. The profession should return to its tradition in the teaching of Barristers - the idea of Inns of Court. Such a system would restore much needed camraderie and networking to the profession in communities across the province. This would involve a partnership between Ontario law schools and the practicing profession. In the final year of law school, students can only take one practicum course as the articling program. They are automatically assigned an articling principal, perhaps from the law school alumni. This group of practitioners and the law school constitutes the "Inn". The course would consist of assignments in drafting and research with an answer key provided through the law school professor that coordinates the program. The students would be required to assist their assigned principal without any monetary remuneration during the course, but they also assist the principal with practice management and all aspects of practice. The assignments would be practice area specific and provide a chance to then assist the principal with similar work. For example, after the motion materials are drafted for the fictional client problem in the assignment, the Articling Student can then assist the principal with his or her motions for clients in administrative, criminal, family or civil practice of the principal. This systematic approach would save students a year of study under the current regime, provide the principal with excellent assistance, save the public,

	student and principal cost and minimize the administrative tasks for the principal, since the marking and completion is monitored by the professors, not practitioners. The principal would only have to certify that articles were completed ethically and that the Articling Student provided diligent and competent skills and assistance to the practice. After their Call, the new lawyers will then enter the labour market as first year lawyers, already called to the Bar of Ontario and possess the requisite skills and competencies verified by a practitioner and a professor of a competent entrant lawyer. This sort of articling system could potentially raise Ontario to the leading edge of legal training in the entire Commonwealth, because of the cost savings, tax savings for the public and principals and reduced need for financing tuition, the simple marking and evaluation that can be done by distance studies with online assignments, excellent supervision and a standardized education plan. The program would restore the camraderie of the Barristers Inns and create community based mentoring and networking across different cities and towns within the province, sharing experience and educational benefits like at the Inns - except not all of the Articling Students and principals and professors could eat dinner together with the judiciary in one room and discuss legal issues - at least not very often!

8. Would you be in favour of an alternative to the traditional articling program?		
Yes		59.41
No		39.60
If so, which of the following alternatives would you prefer? Please circle one.		
a. An alternative classroom-type program for those students unable to find articling jobs.		3.96
b. Co-operative law school		31.68

learning, with periods of real practice interspersed with periods of class learning.		
c. A period of clinic experience within the law school curriculum.		10.89
d. Mandatory post-call continuing legal education courses for all new calls.		6.93
e. A graduated licensing system for new calls based upon a combination of experience and continuing legal education course		8.91

completion.		
f. Other - please provide your ideas:		9.90
	Also see above regarding apprenticeship of junior lawyers.	
	But I find all of these acceptable options: a, b, d, e	
	The whole point of articling is to get on the job training - a classroom or CLE type of experience is not even close to acceptable. It's a waste of time and money.	
	1)How about mandatory mentorship for both new calls and a rotating system for established lawyers to provide mentoring to younger lawyers for a period of 6-12 months. Much like a jury selection system. That's what most new lawyers need and the contacts they would make would be helpful in the end.	
	Integrate summer and part-time legal experience obtained during law school into the requisite articling term.	
	Alternating law school / co-op program do not give the same intense experience as full time articling.	
	I think an alternative to traditional articles could complement the current system for those students who are not able to obtain a position. However, I do not feel that the traditional system should be abolished and an alternative system set up in its stead. The problem is not with the articling program itself, it is with the increasing numbers of applicants to the program - we need to instead think about limiting the numbers of people we are allowing into law schools or from abroad while still providing access to law for disadvantaged groups who face a more difficult time getting admitted to law schools.	

	If you create a two-track system, then non-articling students will be perceived as "less capable" based on the fact that they couldn't secure articles. We need to make hiring an articling student more affordable for small firms rather than water down the licensing requirements.
	The clinic experience should not only be litigation focused.
	none of the above
	Only if the articling program is abolished would I be in favour of the choice I noted above.
	I believe that students need to gain experience in a legal setting (law firm, with a sole practitioner, etc.) however, I understand that there are concerns about the lack of articling opportunities and of the geographic limitations (largely in Toronto) on these articles. While the market will determine the availibility of jobs to a large extent, I believe there is still an opportunity to introduce some flexiblity into the articling program. My suggestion would be to change the requirement from a 10 month period to a 1700 hour (or more?) requirment (which must be completed over the course of no more than three years). This will allow smaller firms to be able to afford a part-time student, and it will allow a student to get other work at the same time so as to afford to live while completing their articles.
	A mandatory mentoring program for new calls for the first year or more.
	These choices should not be mutually exclusive. I favour all of them except for d.
	Make it more like medical school - more standardized courses in law school, with "practicum units" which need to be completed - either within law school or during summers, or during more traditional articling experiences (or in-class programmes); and with the ability to select a specialization (i.e. advocacy, public practice, small or sole practice; in-house practice etc,) which could be supplemented with post-call CLE.
	I would prefer Option B. I wanted to comment on some of the other options. In general, I

	think it is crucial to have "real world" experience with a particular legal file--from the management aspect to the legal matters aspect. Also, I think Option D, could potentially impose hardships for some new calls who cannot get such CLE programs covered by their firms/corporations and therefore must pay personally out of pocket. There would also be the issue of availability of programs in more rural or remote areas (although ONLINE learning is an option).
	The articling process should not be left to market economy forces. The profession should return to its tradition in the teaching of Barristers - the idea of Inns of Court. Such a system would restore much needed camraderie and networking to the profession in communities across the province. This would involve a partnership between Ontario law schools and the practicing profession. In the final year of law school, students can only take one practicum course as the articling program. They are automatically assigned an articling principal, perhaps from the law school alumni. This group of practitioners and the law school constitutes the "Inn". The course would consist of assignments in drafting and research with an answer key provided through the law school professor that coordinates the program. The students would be required to assist their assigned principal without any monetary remuneration during the course, but they also assist the principal with practice management and all aspects of practice. The assignments would be practice area specific and provide a chance to then assist the principal with similar work. For example, after the motion materials are drafted for the fictional client problem in the assignment, the Articling Student can then assist the principal with his or her motions for clients in administrative, criminal, family or civil practice of the principal. This systematic approach would save students a year of study under the current regime, provide the principal with excellent assistance, save the public, student and principal cost and minimize the administrative tasks for the principal, since the marking and completion is monitored by the professors, not practitioners. The principal would only have to certify that articles were completed ethically and that the Articling Student provided diligent and competent skills and assistance to the practice. After their Call, the new lawyers will then enter the labour market as first year lawyers, already called to the Bar of Ontario and possess the requisite skills and competencies verified by a practitioner and a professor of a competent entrant lawyer. This sort of articling system could potentially raise Ontario to the leading edge of legal training in the entire Commonwealth, because of the cost savings, tax savings for the public and principals and reduced need for financing tuition, the simple marking and evaluation that can be done by distance studies with online assignments, excellent supervision and a standardized education plan. The program would restore the camraderie of the Barristers Inns and create community based mentoring and networking across different cities and towns within the province, sharing experience and educational benefits like at the Inns - except not all of the Articling Students and principals and professors could eat dinner together with the judiciary in one room and discuss legal issues - at least not very often!

	I would have also chose option a. It is important to have an alternative available to students who cannot find positions.
	Articling should not be abolished. The problem is that the supply of new lawyers is too large relative to the demand for new lawyers in our economy. If the supply of new lawyers was appropriate to the demand for new lawyers, then students would find articling positions and there would be no need to reconsider articling. If articling is amended or abolished, the result would simply be greater numbers of poorly trained and unemployed new lawyers who are desperate for clients and who therefore accept work they are not qualified to do. It is unfortunate that the number of law graduates has not been considered a factor with respect to the articling debate.

10 Years or More Since Call

5/29/2008

		%
1. The "Skills And Professional Responsibility Program" portion of the licensing process (Call to the Bar) in Ontario is essential to training a student for the practice of law.		
1 Strongly Agree		68.89
2		13.33
3		8.89
4		6.67
5 Strongly Disagree		0.00
2. The skills and professional responsibility program content is sufficiently covered in law school or other portions of the licensing process.		
1 Strongly Agree		2.22
2		8.89
3		11.11
4		28.89
5 Strongly Disagree		44.44
3. The skills and professional responsibility program content is covered in sufficient depth during the course of the program for it to be of value.		
1 Strongly Agree		8.89
2		28.89
3		33.33
4		6.67
5 Strongly Disagree		4.44
4. The articling program portion of the licensing process (Call to the Bar) in Ontario is essential to training students for the practice of law.		
1 Strongly Agree		80.00
2		11.11
3		6.67
4		0.00

5 Strongly Disagree		2.22
Comments	The articling process is the only training students get in the practice and business of law - without articling, there is no benchmark of competence.	
	My answer assumes that things have not changed radically since 1985, I knew nothing about how a law office works when I graduated from law school, and the notion of providing a license to practice independently to someone who, quite conceivably, has never so much as set foot in a law office, mortifies me.	
	Most if not all professions require a period of "on-the-job" training to become qualified (electricians, plumbers, doctors, dentists, teachers, welders, etc.). To remove this as a requirement would be, without a doubt, the worst decision ever made by the Law Society.	
	important, helpful, worthwhile, but not "essential"	
	You wouldn't think of training a chemist without supervised laboratory work - why would anyone think a lawyer would be fully qualified without supervised practical experience?	
	First year lawyers, who have articled, do not have a whole lot of knowledge when they start working for the first time. However, articling students know just about nothing. Without articling, any student who attempts to open a practice on his or her own is a walking time bomb for professional negligence and, even if not negligent, will increase the costs of anyone with the misfortune to deal with him or her.	
	Basically they are useless at the beginning of articling and at the end they start to develop real life analytical skills. I have seen many academic students do a horrible job until they learn to apply the skills learned articling. They also get a chance to learn people skills and expose themselves to all areas of practice as well as the business aspects of same.	
	Some supervised time in a law office is essential before any person with a law degree shall practice unsupervised.	
5. The articling program prior to your Call to the Bar assisted you in the later practice of law.		
1 Strongly Agree		84.44
2		8.89
3		4.44
4		0.00
5 Strongly Disagree		0.00
6. You are satisfied with the quality of your firm’s present articling program.		
1 Strongly Agree		17.78

2		17.78
3		17.78
4		8.89
5 Strongly Disagree		0.00
7. The articling program should be abolished.		
1 Strongly Agree		2.22
2		0.00
3		2.22
4		4.44
5 Strongly Disagree		88.89
Comments	Weakening standards is similar to trying to use quotas to achieve parity, it is a slippery slope!	
	See comments to #4 above. Articling is essential to training a lawyer. A number of American jurisdictions that do not have such training envy ours and consider it to be invaluable.	
	see comments in 4 above	
	Are you nuts!!!!! Articling was the only thing that prepared me for the practice of law. It was also determinative of what kind of law I would later choose to practice. Law school did not prepare me for that decision as clearly civil pro class did not prepare me for the pressures and excitement of litigation.	
	articling is a privilege, not a right. nobody is entitled to practice law simply by virtue or graduating from law school. therefore nobody is entitled to an articling position simply by virtue of graduating from law school.	
	I think that the LSUC really does not have any idea as to the quality and nature of the experience obtained by any specific student under the articling process, and the program is misleading in the degree of oversight the public and the students would contemplate from articling, given the manner in which LSUC holds itself out to regulate the process.	
8. How did the articling program prior to your Call to the Bar assist you in the later practice of law? (E.G. allowed to practise oral advocacy skills on small matters.)		
Comments	Got exposure to various areas of labour and employment law to confirm that it was the practice area I wanted to remain in for my career.	
	Provided in-depth opportunity to relate theory to practice; Provided excellent opportunity to observe senior practitioners.	
	Allowed me to experience actually dealing with people and legal issues with experienced back uo available	

	taught basic skills, dealing with lawyers, judges, mentoring, respect and how the practice operates in a private law firm setting, skills I took out into my own practice
	Gave me exposure to actual practitioners who were required to impart practical information to me
	enabled me to do lots of motion work[which was more feasible in the 1980's. Lots of hands on practise work to understand what clerks etc. do in their job--gave a good grounding on client interactions
	Taught law office management, clinet communications, file management, oral and written advocacy, pragmatic research, self-discipline and responsibility, negotiation skills - the basic lawyer package.
	exposure to a variety of matters and to the operation of a law practice; availability of advice from practitioners
	I did a clerkship, but learned valuable skills in written and oral advocacy.
	Actual application of and development of knowledge to resolve real problems in an environment which was expressly educational.
	Greatly. It showed the practical vs. theoretical side of the law.
	Too long ago to remember with any degree of accuracy .
	Law school provided no practical skills to speak of. Neither did Bar Ads. Articling did. I suppose the new program could address that through class content, or even simulations, but I don't think anything can replace the experience of seeing it, for real, hands-on.
	I learned how to interact with "real" clients, I learned to draft pleadings, I learned to draft appeal documentation, I was able to appear in court to argue motions and small claims court matters, I learned how to operate the business, I learned the importance of trust accounts, etc.
	saw wide range of issues; worked with senior counsel; worked with large range of seasoned counsel
	develop professionalism eg distance from client;clinicalism;objectivity
	I handled a number of Division (Small Claims) Court matters; drafted pleadings; went to court with my principals to observe and assist; volunteered to help lawyers doing criminal defences for"deserving" accuseds selected by the Sheriff; searched titles, drew draft wills etc. This was 1956 and 1957.
	Exposure to real estate and commercial transactions was a great help in litigating real estate and contract disputes. Exposure to litigation helps future real estate and commercial lawyers understand the sorts of situations that develop into litigation. If they can spot them, they may be

	able to avoid some of them.
	Practical exposure to areas not covered by law school. Good program at the firm in all key areas helped me determine my specialty.
	- exposure to the real life practice of law before I became a full member of the LSUC - see the development of cases from intake, legal analysis, draft pleadings, conduct discovery, jury selection, trial
	yes, practising advocacy skills on small matters, but also helping senior lawyers and observing and learning from them, actual drafting as opposed to theoretical discussions in an artificial Socratic context
	The program provided practical application of previously taught theoretical legal issues.
	I was given a stack of files to work on independently then told to go practice law.
	gained practical experience not taught in law school invaluable preparation for the practice of law
	learned how to interview, prepare documents and present a case learned how to do title searching and conveyancing learned corporate transactions of several kinds
	During articling for my year of call we had no right of audience. What I gained was the skill to plead and prepare the necessary documents in civil suits, appeals, criminal motions and appeals which was invaluable. It also allowed me to observe oral advocacy in all levels of court criminal and civil which was invaluable in my future career as a litigator
	general articles allowed me to discover that I was better suited to solicitor vs. barrister work
	It gave me the chance to practice, knowing that if I made mistakes, and I did, they would be mistakes on smaller matters and could usually be fixed by someone who knew much more than I. It gave me the guidance of knowledgable people who taught me how to practice and taught me skills that I continue to use. For examaple, I am still indebted to the 4th year lawyer who made me draft a shareholders' agreement though 11 drafts. In essence, with his guidance, patience, and time, he taught me how to draft. One does not learn that on one's own.
	I had a wide range of experience due to the size of the firm. I went to Small Claims Court a great deal and learned how to deal with ligation
	I had the opportunity to learn with skilled lawyers without the pressure of having to obtain clients for myself and justify my accounts.
	Small Claims Court advocay was helpful. Practical experience assisted to bring home the theoretical knowledge.
	Fundamental practical knowledge and skills needed for the practice of law, none of which had been addressed in law school.

	there are no clients in law school. there are no other people practicing law, or fellow practitioners with whom we were required to interact in law school. We did not have files in law school. The law society did not regulate our professional lives in law school. All of these things - at least the bare bones - are learned during articles.
	I learned that many mistakes can be rectified.
	mentoring
	We had practical tutorials on the materials and certainly helped one to understand the topic, with top practitioners informing us.
	I was given broad exposure to a variety of areas of law that I practised in later. My exposure gave me the confidence to open up a practise on my own as soon as I got my call to the bar. I was allowed to develop a guide to dealing with certain family matters that was used to assist other staff and new articling students.
	-learned oral and written advocacy so that I could be productive immediately when I started to practice -gave me confidence -learned how law firms operate as businesses
	An invaluable learning tool.
	Learned how to apply taught law in a real enviroment - changed it from theory to reality. Learned professional ethics in practice and under guidance - again, converted theory into real understanding.

9. Do you think that some part of the current articling program should be improved?		
Yes		46.67
No		33.33

If Yes, how?	Return to 12 month programme
	Not sure buts its important skills that a young lawyer will never acquire since once out they are instantly a lawyer and its sink or swim - very tough and can lead to improper activity to survive
	By interspersing it with education, so that one can be applied and the other made more meaningful.
	a response to the shortage of positions is needed
	Ensure a better balance of work (like big firms try to do)
	The materials must revert to practicality vs. law school or LLM fodder.
	There is always room for improvement but that doesn't mean you "throw out the baby with the bathwater".

	It should be shortened.
	There is a problem that I have observed for many years: the reluctance to let students attend hearings and similar matters simply for their education. It is more profitable to stick them in the library writing memos, but that does not prepare them to practice.
	Less emphasis on grunt work.
	- make articling shorter
	Articling students should spend less time being gophers.
	Setting out mandatory goals which must be achieved between principal and student
	better facilitate articles in a number of areas of law
	I have been away for too long to comment.
	The program works.
	More emphasis and mandatory content on the mentoring of new practitioners. Too many new lawyers have not acquired basic practice skills and do not understand ethical issues engaged in the procedural aspects of practice.
	eliminate the skills and professional responsibility phase. it simply duplicates law school.
	See no reason that it was scaled back from 12 months If too many students cannot find articling jobs, then maybe enrollment in law schools is too high?
	Conferences for students to attend. More mentoring opportunities for all members. Pro bono and legal clinic work.
	A support system to encourage small or solo firms to hire articling students E.G.the sharing of articles and a forum for practitioners who have had a positive experience witharticling students in a small firm seting to share their approaches.
	Lengthen.
	Don't know the details of the current program

10. Can you recommend an alternative to the articling program?		
Yes		24.44
No		64.44

If so, which of the following alternatives would you prefer? Please circle one.		
a. An alternative		11.11

classroom-type program for those students unable to find articling jobs.		
b. Co-operative law school learning, with periods of real practice interspersed with periods of class learning.		26.67
c. A period of clinic experience within the law school curriculum.		2.22
d. Mandatory post-call continuing legal education courses for all new calls.		0.00
e. A graduated licensing system for new calls based upon a combination of experience and continuing		8.89

legal education course completion.		
f. Other – please provide your ideas:		6.67
	Place more incentives\liability on firms to hire all students	
	a is a cop-out; b offers real promise: if the students spent half the time in class and half in firms (not on a daily basis but on longer term placements,) you should be able to double the number of articling places; c demands too many resources from the schools when the profession already is set up. d is OK too; e is impractical; lawyers licensed to do inquests but not trials?? No way. A lawyer is a lawyer is a lawyer.	
	Articling is a symbiotic relationship with the firms. They do it to help the profession but also to fill a need. Too much fiddling with the time period (ie shortening it or doing it as a co-op) would make it less attractive for firms to take students	
	there is a stated concern about the availability of articling positions outside of T.O. and Ottawa. LSUC should encourage solo and small firm lawyers across the province to provide articling postions to students while small firms cannot compete with the salaries paid by large firms, if students want to learn how to be a lawyer, they will get good experience with a solo or small firm	
	I do not like any. However, of the 5, a and b would have the best chance for success.	
	A period of clinical experience, which may be a combination of all of the above, that clearly provides experience, through assisting in clinics, assisting self-represented litigants, programs to serve remote communities, with funding sought from the Law Foundation grants and Government grants	
	Work pro bono in any court house, any legal clinic, any legal aid office.	