



The Law Society of  
Upper Canada

Barreau  
du Haut-Canada

# ENTRY-TO-PRACTICE REVIEW REPORT TO THE OFFICE OF THE FAIRNESS COMMISSIONER

FOR INFORMATION ONLY

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## A. Entry-to-Practice Review: Executive Summary

1. With the implementation of the new Licensing Process for lawyers in 2006, and the Paralegal Licensing Process in 2008, the Law Society of Upper Canada (“the Law Society”) has consistently and effectively supported fair registration practices, reviews and reports with detailed reports to Convocation (governing board) consisting of surveys, focus groups, participation and feedback from an extensive group of stakeholders, including the Law Society members and non-members. Consultation is and will continue to be broad and inclusive.
2. In compiling the information contained in this report, the Law Society reviewed and has responded to the various questions offered as guidelines for the areas that the Office of the Fairness Commissioner (OFC) has identified for review.
3. It is important to note that activities falling within the scope of the three areas and other entry to practice areas have been and will continue to be assessed by Convocation as required and with a view to implementing best practices. Depending on the type of review, the process may involve utilizing external consultants, member and non-member participants, and gathering feedback from stakeholders.
4. The *Law Society Act* mandates the **Function of the Society** as follows.
  - 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.

And the **Principles to be applied by the Society** are as follows.

- 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.



5. Within the functions and principles outlined above, the Law Society has addressed the Entry-to-Practice review for the three areas mandated by the OFC pursuant the *Fair Access to Regulated Professions Act* – reasonableness of fees, timeliness of decision-making and practical training and/or work experience requirements.
6. The final report confirms that the Law Society’s practices are consistent with the Fair Registration Practices Code, that changes and modifications to practices and processes focus on better addressing the needs of applicants and candidates who seek to be licensed.
7. The Law Society is successfully facilitating the entrance to lawyer and paralegal professions as demonstrated by the increased interest, registration and licensing of applicants trained in Canada or internationally.

## **B. Objectives and Scope**

1. The scope of the Entry-to-Practice review will demonstrate that the three areas specified by the OFC have been reviewed consistently and that the Law Society has complied with the OFC’s Fair Registration Practices requirements for lawyer and paralegal applicants into the respective Licensing Processes.
2. The Law Society had also conducted a **voluntary** review of entry-to-practice requirements through the work of the Licensing and Accreditation Task Force from January to September 2008. Factors that contributed to the task force formation included:
  - i. Indications that the number of articling positions would not keep pace with the growth in number of internationally and domestically trained applicants seeking admission to the profession.
  - ii. Initiatives to establish new law schools in Canada.
  - iii. An increasingly diverse legal profession.
  - iv. The recently enacted *Fair Access to Regulated Professions Act* (FARPA), which places emphasis on ensuring that admission standards for regulated professions are transparent, objective, impartial and fair.
3. On September 25, 2008, Convocation approved the following recommendations of the Licensing and Accreditation Task Force based on the review:
  - i. Articling requirements will continue to be a mandatory component of the Licensing Process and to facilitate fulfillment of the requirement:
    - a) Administrative processes will be streamlined
    - b) Exemptions will be evolved (including the ability of internationally trained candidates with 10 or more months of practice experience to be exempted from the requirement).



- ii. Continuing Professional Development (CPD) will be mandatory for the first two years of a new lawyer's practice.
4. The Scope and Focus of this **mandatory** Entry-to-Practice Review Report has been limited to the following areas as set out by the Ontario Fairness Commissioner:
- i. Reasonableness of fees
  - ii. Timeliness of decision-making
  - iii. Practical training and/or work experience requirements

**PART I: Reasonableness of Fees**

5. Pursuant to FARPA, s. 19(2), the Law Society has reviewed, and in some instances, revised the licensing fees for lawyers and paralegals to reflect the scope and breadth of services provided and those fees are reasonable.

***Review of Fees***

The following process outlines the steps for review of the fees:

- i. The fees for entry-to-practice are reviewed annually and any recommendations for change are initiated by the Director, Professional Development and Competence as part of the Law Society's overall budget process, the financial requirements of the Licensing Processes and with consideration of the comparative fees of other law profession regulators.
- ii. Input and recommendations of the Director are incorporated into the budget and fees submissions for presentation and analysis by various standing committees of convocation including: the Professional Development and Competence Committee, the Paralegal Standing Committee, the Finance Committee and the Audit Committee.
- iii. The Finance Committee reviews and presents the final annual budget recommendations for the various divisions of the Law Society to Convocation for approval.
- iv. An annual fee schedule is posted on the Lawyer and Paralegal Licensing Process website for all applicants to access and view all fees associated with the entry and registration to both processes.

***Rationale for Fees***

6. The rationale and objective basis upon which the fees are established are based on the following:
- i. The Licensing Process fees are a reflection of a portion of the costs incurred to deliver the required components of the Licensing Process for candidates.



- ii. Fees paid by candidates form only a portion of the costs incurred to develop, implement and deliver the required components of the Licensing Process that must be completed for licensing as prescribed by the By-Laws approved by Convocation under authority of the *Law Society Act*. Members of the Law Society and the Law Foundation of Ontario also provide a portion of the funding, supplementing the system which in turn reduces costs to the applicants.
7. The fees charged by the Law Society are not higher than those charged for comparable services by other provincial law profession regulators.
  8. A comparison of the Law Society's fees to those of other provincial law societies indicates that a lawyer candidate upon entering and completing all licensing process requirements in 2010, would have paid the following fees at each of the provincial law societies if the candidate completed the licensing process published requirements without having any deficiencies in any one of the requirements.
  9. The following fee totals were calculated based on **Appendix A**, a document that was developed by the OFC and posted on the OFC's website. **Appendix A (1)** compares the individual fees charged for each of the similar licensing process components required for licensing by each of the 13 provincial law societies in 2010.

Law Society	Fee	Ranking (1 = highest, 13 = lowest)
Alberta (Alta)	\$3,129	8
British Columbia (BC)	\$2,500	3
Manitoba	\$2,105	2
New Brunswick	\$1,275	1
Newfoundland	\$3,175	9
Northwest Territories (Alta process)	\$4,644	12
Nova Scotia (NS)	\$4,225	11
Nunavut (Yukon/BC Process)	\$2,665	4
Ontario	\$2,810	5
Prince Edward Island (NS process)	\$4,175	10
Québec	\$4,695	13
Saskatchewan	\$2,975	6
Yukon (BC process)	\$3,050	7



10. Ontario serves a significantly higher number of applicants than any other law society in Canada. It maintains the fifth lowest fee in Canada.
11. No comparison of fees with other provincial law societies is provided for the paralegal licensing process as Ontario is the only province that requires paralegals to be licensed.

***Do Fees Discourage Applicants***

12. Law Society licensing fees are reasonable and support entry to the profession without creating undue hardship. The following analysis informs this conclusion:
  - i. The Law Society's fees for lawyer applicants from 2004 to 2010 have been reduced by 41%. (See **Appendix B**)
  - ii. Since inception of the Lawyer Licensing Process in 2006, the number of applications by both domestic and internationally trained lawyer candidates has increased every year. (See Annual Fair Practices: Registration Report filed annually with the Office of the Fairness Commissioner)
  - iii. All candidates, including internationally trained lawyer candidates are responsible for paying the same fees. (see exception iv below)
  - iv. In 2008 the Law Society introduced an exemption process from articling for internationally trained lawyer candidates. When an exemption is granted, the internationally trained lawyer candidate pays 9% less in total fees for the licensing process than candidates required to complete the articling program.
  - v. An analysis of the Law Society's fees for the paralegal licensing process is provided in **Appendix C**.
  - vi. After a review of the application fee for Paralegal applicants in 2010 by the Director, Professional Development and Competence, the Paralegal Standing Committee, the Professional Development and Competence Committee, the Finance Committee and the Audit Committee, a recommendation to Convocation to reduce the application fee from \$500 to \$160 was approved for the 2011 budget year.
  - vii. Similar to the experience of qualified applicants to the lawyer licensing process, the number of qualified applicants for the paralegal licensing process has also increased since the requirement to be licensed was introduced in the *Law Society Act* by the Government of Ontario.
  - viii. Assessments and examinations by the National Committee on Accreditation (NCA), the national body responsible for equivalency assessments for the legal profession in Canada, pre-requisite for entry to the Licensing Process of any provincial law society in Canada with the exception of Quebec. In November 2010, the NCA initiated changes in some of its service fees, and reduced an applicant's individual assessment from \$450.00 CAN to



\$400.00 CAN. These adjustments are reflected in the NCA application forms found on the NCA's website.

***Ability to Assess Total Fees***

13. Applicants and potential applicants are able to assess the total amount of registration-related fees, including those charged by qualifications assessment agencies based on the information provided on the Law Society and NCA websites.
14. For 2010, an applicant to the Lawyer Licensing Process was required to pay the following fees when entering the Process, completing all requirements successfully and being call to the bar (all fees were subject to HST). (See **Appendix D**)

<b>Activity</b>	<b>Cost</b>
Licensing Examination Material Fee	\$150.00 per Licensing Examination
Rewrite of a Licensing Examination (materials on CD, no charge)	\$600.00
Request for a hardcopy of materials for any rewrite	\$150.00
Articling Program (with Professional Responsibility and Practice course)	\$900.00
Application for Exemption or Abridgment of the articling Program	\$160.00
Professional Conduct and Practice in Ontario course (if exempted from articling)	\$500.00
Application Fee for the Call to the Bar	\$250.00

15. For 2010, an applicant to the Paralegal Licensing Process was required to pay the following fees when entering the Process, completing all requirements successfully and being licensed (all fees are subject to HST) (See **Appendix E**)

<b>Activity</b>	<b>Cost</b>
Licensing Process application fee	\$500.00
Late filing of the Licensing Process application	\$75.00
Licensing Examination Fee	\$925.00
Licensing Examination Material Fee	\$150.00
Rewrite of a Licensing Examination (materials on CD, no charge)	\$925.00
Request for a hardcopy of materials for any rewrite	\$150.00
Application Fee for the Licensee Certificate for Legal Services	\$125.00

16. All fee information related to the NCA assessments and examinations for internationally trained law applicants are available on both the Law Society and NCA websites.



17. In accordance with By-Law 4 of the Law Society there are no circumstances where the Licensing Process fees can be waived. However, to assist Licensing Process candidates who may be experiencing financial hardship, the Law Society provides financial assistance as follows:
- i. A Monthly Payment Plan where a lawyer licensing candidate may apply for a 5-month or 10-month option for equal payment of the fees and two methods in which to make those payments, cheque or credit card. (See **Appendix F**)
  - ii. A similar Plan is provided to Paralegal candidates for 4 months of equal payment of fees, and two methods in which to make those payments, cheque or credit card. (See **Appendix G**)
  - iii. The Repayable Allowance Program (RAP) is offered by the Law Society to lawyer licensing process candidates who demonstrate circumstances of financial hardship while registered in the Licensing Process and choose to apply for the RAP, for which repayment is not required until three years after the candidate is licensed. (See **Appendix H**)
  - iv. The RAP application with supporting documentation that establishes the financial need of the candidate is reviewed by the RAP Committee which determines granting of funds and the amount. The allowable maximum a candidate may receive while registered to complete the licensing process is \$5,000 per year.
  - v. An application for forgiveness of repayment can be submitted to the RAP Committee if, at the time repayment is due, the member can document compassionate grounds for the forgiveness of repayment. These grounds may include, but are not limited to, medical disability or inadequate income.
  - vi. As the paralegal process is significantly shorter in length and scope, a loan program is not necessary.

## **PART II: Timeliness for Decision-making: Law Society**

1. Candidates registered in the licensing processes have three years to successfully complete all components and become licensed from the time that they are registered in a licensing cycle. Licensing cycles run from May 1 to April 30 of the following year for lawyer candidates and June 1 to May 31 for paralegal candidates.
2. On average, completion of the process for licensing will take one year or less for lawyer and paralegal candidates. The licensing processes are flexible and designed to allow candidates to choose to complete the components across the full three years where financial, personal, family or medical reasons dictate the need for an extended registration timeline for completion.
3. For purposes of this review, timeliness in decision-making will focus on the following areas of assessment and decision-making:



- i. Application to enter either of the licensing processes.
  - ii. Abridgment and exemption processes of the Articling Program for domestic and internationally trained lawyers.
  - iii. Good character issues.
4. The Law Society's assessment practices and decision-making timelines for application to enter the lawyer or paralegal Licensing Processes is publically available on the website.
5. Application assessment and processing decisions are undertaken in a timely manner and incomplete applications are addressed by the Law Society immediately. Missing information or issues with the application are communicated to candidates at the time of assessment.
6. The following outlines the application procedures and processing at the Law Society:
  - i. The application process to enter either licensing processes begins in October of each year and prior to the actual commencement of the licensing cycle.
  - ii. The application process itself is continuous up to and including August of each of the licensing cycle. December is the deadline for filing the application and required documents. A late filing fee is applicable if the application is received after the December deadline.
  - iii. The requirements to apply for entry to the Lawyer Licensing Process are as follows:
    - Graduation from a common law degree program offered at a Canadian university approved by Convocation with a Bachelor of Laws (LL.B.), a Juris Doctor (JD.), or a Certificate of Qualification that is issued by the National Committee on Accreditation.
  - iv. The requirement to apply for entry to the Paralegal Licensing Process are as follows:
    - The applicant must have graduated from a legal services program in Ontario that was, at the time the applicant graduated from the program, an accredited program.
7. Once an application and the required documents, duly commissioned or notarized, are filed with the Law Society by the lawyer or paralegal applicant, the Law Society ensures that all applications received by the December deadline are processed within 30 business days, and after the December deadline, within 5 business days of when the application is filed.
8. Once the application is filed and processed candidates are advised immediately by the Law Society of any missing documents by direct communication through a web messaging account that is established for each candidate at the time the online application is completed.



9. Applicant enquiries receive a response from the Law Society within 48 to 72 hours during peak periods of processing and in most cases enquiries are answered within 24 hours.
10. The Law Society's web messaging system that is provided to each applicant when the online application has been completed enables candidates to have direct access to their file information, to communicate directly with the Law Society, to monitor their online records account and to ensure the fulfillment of their requirements.
11. The timelines for making registration decisions for licensing depends on the candidate's successful completion of the required licensing components, which, in most cases, is one year if the candidate has no serious good character issues.
12. Internationally trained lawyer applicants can commence the required components of the Licensing Process once their NCA Certificate of Qualification is received by the Law Society.
13. It is important to note that there is an opportunity for an internationally trained lawyer candidate to complete the licensing process in a less than one year if the candidate has practised law in a common law jurisdiction for 10 months or more. In this situation, the candidate is eligible to apply for an exemption from the Articling Program and has the potential to be licensed within four months of the application deadline if both licensing examinations are successfully completed in the first available opportunity to write and the candidate has no good character issues.
14. Paralegal Licensing Process applicants follow a similar application time frame.
15. Once the paralegal candidate's official transcript from a Law Society accredited and Ministry of Training, Colleges and Universities approved college program the candidate may commence the licensing cycle.
16. Paralegal Licensing Process applicants, who complete their accredited paralegal college program in May and enter the licensing process in June, could become licensed within four months of entry if they successfully complete the first available writing of the licensing examination and have no good character issues. Entry into the paralegal licensing process is flexible and addresses the reality that college programs have a variety of semester systems and program types.

### ***Provision of Registration Information***

17. The Law Society information about registration requirements, practices and timelines are provided in a clear and complete manner through various means including:
  - i. The Law Society website – “Get Licensed” Licensing Process for Lawyers and Licensing Process for Paralegals
  - ii. Licensing Process Policies (Lawyers) and Paralegal Licensing Policies



- iii. The web messaging system developed by the Law Society to provide a secure and personal means of communication and information sharing between each individual candidate and the Law Society.
18. The web messaging account that is provided to all candidates at the time of application provides easy access to their records file, enables them to track their application process, allows them to update their personal information, identifies any required outstanding documents, tracks the licensing components to be completed and what process to be followed in order to qualify and apply for licensing.
19. The candidate's web messaging account can be used to communicate directly with the Law Society and the Law Society, in turn, communicates directly to the candidate through the web messaging system.
20. All information regarding registration requirements, practices and timelines are also provided to candidates on the Law Society website, and as required, by written letters and documents.
21. Practices and timelines involving invoicing, payment of fees, confirmation of licensing examination registration with location, times, licensing examination rules and protocol, post licensing examination results, information related to the articling program and requirements, various forms associated to administrative procedures relating to the licensing process and required for use by candidates, are readily available on the Law Society website at the home page location called "Get Licensed".
22. Candidates for either of the licensing processes are notified of outstanding issues before a decision is made that may affect their qualification to remain in the licensing process or to be licensed. Candidates are provided with support to complete the process correctly.

#### **Timeliness for Decision-making – The National Committee on Accreditation (NCA)**

23. Internationally trained applicants who wish to enter the Lawyer Licensing Process must apply to the NCA providing documented evidence of their qualifications in law and any work experience in law to be evaluated by the Committee.
24. The Committee processes applications in the sequence in which it receives them at the Committee's offices and applicants should expect to wait at least three months from submission of complete and final transcripts and documentation for the evaluation decision.
25. All applicants receive confirmation of receipt of their application materials by e-mail (or mail if e-mail is unavailable) and are assigned a file number. The initial confirmation will advise applicants what has been received on their behalf and, if applicable, what is still outstanding.
26. A second confirmation e-mail will only be sent when all outstanding documents have been received and the file is considered complete. During the evaluation review process, additional information or documentation may be requested from the applicant to supplement decision-making.



27. The Committee retains an applicant's file for a maximum of five years after the initial date of the recommendation. Applicants are made aware that the initial recommendations are time sensitive and expire within certain recommended periods of time. This information appears at the end of the recommendation letter.
28. Applicants applying for re-assessments (expired recommendations) will be required to file a new application form, evaluation fee and resubmit all documentation and must comply with any new rules and policies in place at the time of the request.

### **Timeliness of Decision-making – Articling**

29. The criteria and process for assessing candidate applications for abridgments and exemptions of articles are published annually, posted on the Law Society website and the following steps outline the procedures and processes:
  - i. The process to apply for an abridgment of articles (See **Appendix I**), and an exemption of articles (See **Appendix J**) clearly set out the criteria, required documents to be submitted, the application form and fees for the assessment.
  - ii. In the abridgment and exemption application processes, the Law Society assesses and communicates a decision to the applicant within 5 to 10 business days if all requirements are fulfilled and documentation provided.
  - iii. Applicants are officially notified of the assessment results for abridgments and exemptions by mail.
  - iv. Applicants are notified within 5 to 10 business days by the Law Society if the initial application is incomplete or missing required documents to complete an assessment.
30. The application for exemption of articles is restricted to candidates, in most part internationally trained lawyers, who have been licensed in a common law jurisdiction and have practised as a lawyer in a common law jurisdiction for a minimum of 10 months.
31. The Law Society encourages applicants to apply in a timely manner to enable the Law Society to assess the exemption application submission and then notify the candidate of the decision to grant the exemption so that the candidate may move forward and register to take the mandatory Professional Conduct and Practice in Ontario course that is required for licensing if an exemption is granted.
32. In 2010, 93 lawyer candidates applied and were granted an exemption of articles. Of the 93, 20 had a Canadian law degree but were internationally trained candidates, and forty-one (41) of the candidates were able to be licensed in Ontario in less than 12 months, having successfully completed the licensing examinations and the Professional Conduct and Practice in Ontario course. (See **Appendix K**)



33. Any decision that denies the candidate an abridgment or exemption can be appealed in writing to the Registrar. The Registrar will review the application and render a decision within 5 to 10 business days.
34. A candidate may also appeal, in writing, the decision of the Registrar if the application for abridgment or exemption is denied. The appeal must be submitted to the Office of the Registrar in the prescribed form within 30 days after the date in which the applicant was notified of the Registrar's decision.
35. An appeal of the Registrar's decision must be reviewed by the Director of Professional Development and Competence. A written final decision from the Director is sent to the candidate within 30 business days from the date when the applicant was notified of the Registrar's denial of appeal.
36. Other information about articling requirements, practices and timelines for domestic and internationally trained applicants is easily accessible on the Law Society website and provides applicants various options to obtain and complete articling requirements in the Licensing Process.
37. The information on articling options, requirements, practices and timelines include:
  - i. The Law Society website –“Get Licensed” Licensing Process for Lawyers provides information on all articling options and information.
  - ii. The articling information offers candidates a variety of options and a high degree of flexibility in completing the Articling Program.
  - iii. Information and applications for non-traditional placements such as International Articles, National Articles, Part-time Articles and Joint Articles are provided for candidates to download and complete.
  - iv. Candidates may also apply for a reduction or exemption of the articling requirement for those who have practiced law in other jurisdictions or who have demonstrated sufficient previous legal experience.
  - v. Licensing Process Policies (Lawyers) outlines all obligations and requirements related to articling.
  - vi. The web messaging system is used to provide a secure and personal communication and sharing of information between the candidate and Law Society and for notifying candidates of any processing or procedural gaps.

### **Timeliness of Decision-making – Good Character**

38. The *Law Society Act* section 27. (2), sets out the good character requirement. It is a requirement for the issuance of every licence under this Act that the applicant be of good character.
39. The process for reviewing and investigating good character begins when a lawyer or paralegal applicant self-identifies a good character issue or issues on the initial licensing process



- application form or if a complaint is received about the applicant during their licensing application process.
40. Timelines for processing good character issues are based on the seriousness of the matter and the process that must be undertaken to properly investigate the matter in the public interest. Any of the following steps may be taken sequentially within the law society depending on the issue.
  41. Licensing Process applications, in which good character issues have been listed by the candidate, are initially reviewed by the Administrative Compliance (AC) unit, where a decision is made to close the good character matter or it is determined that the issue requires further investigation.
  42. If it is found that there are no issues of good character, the AC decision is communicated to the Office of the Registrar and the candidate's record file is marked "cleared".
  43. If AC determines an issue exists, the candidate's file is submitted to the Intake Unit in the Professional Regulation Division. If an investigation is warranted an investigator is assigned to the file.
  44. The candidate is involved throughout the process of investigation. If the investigator determines that there is no further issue of good character, the Manager of Investigations reviews the decision, approves the recommendation and the file is returned to the Office of the Registrar to be marked as "cleared".
  45. If the investigation process determines that a good character issue exists, then the file is forwarded to the Discipline Unit and the Proceedings Authorization Committee (PAC).
  46. PAC reviews the good character issue(s) and the investigator's report. If the Proceedings Authorization Committee determines that there is no issue warranting a hearing, the candidate's file is returned to the Office of the Registrar to be entered as "cleared" on the candidate's registration file.
  47. If PAC determines that a hearing is required, a Hearing Panel is constituted. The candidate is permitted to appear before the Hearing Panel with counsel and make submissions to the Panel.
  48. As part of the hearing process, candidates may request that the Law Society investigation office disclose information that is being put forward to deny their entry to the profession and candidates may make submissions personally or through counsel responding to this information. The hearing is public.
  49. If a candidate is found to be failing to exhibit good character, and therefore cannot proceed into the profession, the candidate has an opportunity to appeal the matter before the Appeal Panel.
  50. If the candidate wishes to appeal and requires information about the appeal process, the candidate can contact the Tribunal Office. The candidates can choose to be represented by counsel at the Appeal Panel.



51. Information about the Law Society Hearing Panel and Appeal Panel processes (for good character issues) is available on the Law Society website.
52. Candidates may also contact the Law Society for an oral or written explanation and to receive a copy of the order of the Hearing Panel.
53. Candidates can refer to the *Law Society Act*, process and protocols and the Rules of Practice and Procedure for the Tribunal of the Law Society (Hearing Panel) that outlines avenues for appeal. The legislation and Rules of Practice and Procedure are available on the Law Society's website.
54. A written explanation of the Appeal Panel's decision is provided to the candidate or the candidate's Counsel, if Counsel was retained.
55. Response protocols have been established for each respective unit of the departments overseeing their specific responsibilities for the good character processes. The more serious the good character matter the longer the process may take to review, investigate and make a determination in the public interest.

#### **Review Outcomes: Timeliness of Decision-making**

##### ***Law Society Processing***

56. Candidates are contacted immediately via their web messaging account when an application form is filed incorrectly or is not accompanied with the required documents.
57. Following the application process, candidates are provided registration information via their personal web messaging account which is used specifically for communication between the candidate and the Law Society during the entire Licensing Process.
58. The Society also communicates regularly with the candidates throughout the Licensing Process on all matters including the licensing examinations dates and locations, licensing examination results, examination reference materials matters and updates, fee payments, Articling Program information and support, and the licensing of eligible candidates in respect of filing outstanding documents, candidates confirmations of licensing dates, times, and locations.
59. For good character issues, the timelines of internal investigation, reviews and appeal decisions rest on the seriousness of the candidate's good character issue, the length of time it takes to investigate pending the responsiveness of the candidate, third parties and representation by counsel for the candidate and/or the Law Society.
60. Good character hearings are completed within the allowable time frames for licensing, or within three years from the registration into a licensing period. The only exceptions have been situations where an extension of that timeline has been formally requested by the candidate.



### *International Candidate Pre-Filing Process*

61. The Law Society does not assess the credentials of internationally trained lawyer applicants for entry to the licensing process. The responsibility of assessment and related decisions is with the (NCA), which ensures assessment consistency across all law societies in Canada.
62. The Law Society does not assess an international law applicant's institutional credentials. This is not a factor in the Law Society's recognition of an applicant. The applicant is only required to provide a Certificate of Qualification from the NCA for entry to the Law Society's licensing process. There are no other credentials required to enter the Licensing Process beyond the NCA Certificate of Qualification.
63. The NCA is a standing committee of the Federation of Law Societies of Canada, and has membership representation from the Council of Law Deans, members of the practising bar and members involved with the administration of provincial law societies.
64. The NCA role is to evaluate the legal training and professional experience of persons with international common law, non-common law or hybrid legal credentials and who wish to be admitted to a common law bar in Canada.
65. The NCA website outlines the timelines for all its processes, procedures and required components for obtaining the Certificate of Qualification which permits an applicant to apply to any common law provincial law society.
66. Assessment decisions are provided to applicants within three months of the date that all required documents are received. Most assessment decisions are mailed within six weeks.
67. NCA members are provided with guidelines and training sessions on relevant topics related to their responsibilities for assessments and appeals and the need for timely decision-making.

### **PART III: Practical Training and/or Work Experience Requirements**

1. On September 25, 2008, Convocation approved the recommendation of the Licensing and Accreditation Task Force following a broad consultation,
  - i. That an articling requirement of ten months will continue to be a mandatory component of the Licensing Process for lawyers.
2. 93.1% of lawyer candidates who entered the 2009 Licensing Process had secured an articling placement by June 2010. This is consistent with the 2008 articling placement of candidates, which was 93.4%.
3. A variety of options offer candidates a high degree of flexibility in completing the Licensing Process and the Articling Program in particular. This includes non-traditional placements such as International Articles, National Articles, Part-time Articles and Joint Articles. Candidates may also apply for a reduction or exemption of the articling requirement for those who have practiced law in other jurisdictions or who have demonstrated sufficient previous legal experience.



4. Internationally trained candidates, who have a common law degree and have practised for 10 months or more in an international jurisdiction, are eligible to apply for an exemption of the Articling Program.
5. Internationally trained candidates, who have been admitted to the bar of an international jurisdiction and have practised as a lawyer or had legal experience in a non-common law jurisdiction, may have this previous work experience considered for an abridgment of the Articling Program.
6. The application for an abridgment or exemption is available on the Law Society website and requires the following:
  - i. Payment of an application fee of \$160.00 plus applicable tax.
  - ii. Submission of a letter by the candidate setting out the period of legal experience, and describing the legal experience in relation to the criteria for abridgment and citing specific examples, and explaining how this legal experience is relevant to the legal skills, practices and systems ordinarily experienced during traditional articles by referring to the Articling Goals and Objectives.
  - iii. Submission of a Certificate of Good Standing sent directly to the Office of the Registrar from the governing body where the candidate had been admitted to the bar of that foreign jurisdiction.
  - iv. Submission of an original letter(s) from one or more lawyers or judges acting as a referee(s) and who have direct knowledge of the nature of the applicant's legal experience (in some instances, where an candidate has worked in numerous law firms, more than two referee letters may be required) must:
    - be sent directly from the referee to the Office of the Registrar,
    - verify the candidate's periods of legal experience,
    - describe the nature of the candidate's legal experience, citing specific examples, and
    - explain how the legal experience is relevant to the legal skills, practices and systems ordinarily experienced during traditional Articles by referring to the articling goals and objectives.
7. Assessment decisions for exemptions and abridgment of the Articling Program are based on prior work experience, for those who apply, and are determined on a case-by-case basis with regard to the criteria that meet the Law Society's articling program's goals and objectives.
8. If an applicant is licensed in another jurisdiction, the assessment will take into account the licensure process, which may include courses, examinations, supervised experience, etc.



## Review Outlines: Practical Training and/or Work Experience Requirements

9. The Law Society does not conduct work experience assessments unless the candidate is applying for an exemption or abridgment of the Articling Program requirements.
10. Previous work experience is not used to assess competency for the Law Society's Licensing Process. Legal work experience is used only in determining the skill sets of the candidate for purposes of providing an exemption or abridgment of the Articling Program.
11. The following highlight the initiatives taken by the Law Society in assisting candidates seeking an articling placement:
  - i. **An Articling Registry:** is located on the Law Society's website. Employers may post a job opportunity on the Registry and search through candidate profiles. Licensing candidates and law students may post a personal profile and search available articling postings using different search criteria. This service is free of charge and allows the users more flexibility and independence to edit profiles or job descriptions, as necessary. There have been 161 articling positions posted on the Articling Registry since June 2009 to the end of June 2010.
  - ii. **Biographical Paragraph Program:** Candidates who had not yet secured an articling placement may also submit a short profile to our Biographical Paragraphs List that describes their experience, interests, and qualifications in one paragraph. This compiled list is provided, electronically or by mail, to potential employers on request. The list can be customized for employers according to geographical region, specific areas of law, etc. Employers who received the list may browse through the biographies and contact candidates directly to arrange for an interview.
  - iii. **Mentor Program:** The articling Mentor Program is promoted as one of three ways to become a volunteer mentor through the Law Society's Mentor Program. The articling Mentor Program matches candidates seeking articles with a lawyer mentor in order to receive advice, support and encouragement in the candidate's search for an articling position.
  - iv. **Mentors** communicate with their assigned mentee(s) periodically to discuss any concerns the mentee might have and to provide advice or strategies that they might employ in their job search. The mentor's role is to encourage the candidate to maintain a positive, constructive attitude and approach to securing an articling position. Once an articling position is secured the mentor is free to take on another candidate.
  - v. **Job search skills workshop and counselling – Articling:** The Law Society hires ZSA Legal Recruitment (ZSA) to conduct a job search skills workshop for interested candidates. These workshops were designed by ZSA as an interactive session in order to assist candidates with market research, cover letter, resume writing, networking and interviewing skills.



- vi. **Other Support:** Candidates may also book an appointment with the Associate Registrar to discuss issues related to articling, special needs and equity. In addition, the Associate Registrar meets with unplaced candidates throughout the year to review their resumes and cover letters and to discuss job search strategies and articling options.



## APPENDIX A

### 1. Law Society of British Columbia

#### **Fees Associated with the Licensing Process**

- Admission program enrolment fee: \$250
- Call and admission fee: \$200
- Practice fee: \$1,633.50 (subject to being prorated)
- Special compensation fund fee: \$150
- Lawyers' insurance fund fee: \$1,400 (where applicable, and subject to being prorated)
- Professional Legal Training Course fee: \$2,250 (for second attempt: \$3,500, subject to reduction to \$2,250 on compassionate grounds)
- Qualifications examinations fee: no fee for first attempt; \$50 fee for rewrite

### 2. Law Society of Alberta

#### **Fees Associated with the Licensing Process**

- Student-at-law application fee: \$168 (non-refundable)
- Student-at-law admission fee: \$399
- Bar admission program (CPLED) fee: \$2,679.60
- Fee for appeal of failed requirements in CPLED: \$100

### 3. Law Society of Saskatchewan

#### **Fees Associated with the Licensing Process**

- Student-at-law admission application fee: \$100
- Articling fee: \$100
- Bar admission program (CPLED) fee: \$2,200
- Lawyer admission application fee: \$100
- Lawyer admission fee: \$100
- Active member annual fee: \$1,615

### 4. Law Society of Manitoba

#### **Fees Associated with the Licensing Process**

- Application fee for registration as a law student: \$31.50
- Admission and CPLED program fees: \$1,470
- Call to the bar fee: \$498.78
- Call to the bar fee for transfer applicants: \$500
- Transfer application fee (if applicable): \$157.50

### 5. Barreau du Québec

#### **Fees Associated with the Licensing Process**

- Recognition of diploma or training equivalence fee: \$1,128.76 (including tax)
- Professional training program fee: \$4,695 (\$4,005 plus \$690 for books and preparatory course) (including tax)



**APPENDIX A1**

**\*Comparison of 2010 Licensing Process/Bar Admission Course Fees Charged By Provincial Law Societies - Admission to Licensing**

Law Society of >>>>>>>>>	New Brunswick	Manitoba	British Columbia	Nunavut	Upper Canada (Ontario)	Saskatchewan	Yukon	Alberta	Newfoundland	PEI	Nova Scotia (Barristers' Society)	Northwest Territories	Québec (Barreau du)
Licensing Process Application/Admission Fee	\$75	\$30	N/I	\$25	\$160	\$100	\$150	\$100	\$300	\$600	\$250	N/I	N/I
Licensing Process Fees: Exams, Materials, Skills/PR Program	\$1,200	\$1,600	\$2,500	\$2,525	\$1,500	\$2,675	\$2,500	\$2,559	\$2,250	\$3,575	\$3,500	\$4,644	\$4,695
Articling Program Fee	N/I		N/I	\$15	\$900	\$100	N/I	\$80	N/I	N/I	\$225	N/I	N/I
Application for Licence	N/I	\$475	N/I	\$100	\$250	\$100	\$400	\$390	\$625	N/I	\$250	N/I	N/I
<b>Total Cost (Excludes Tax):</b>	<b>\$1,275</b>	<b>\$2,105</b>	<b>\$2,500</b>	<b>\$2,665</b>	<b>\$2,810</b>	<b>\$2,975</b>	<b>\$3,050</b>	<b>\$3,129</b>	<b>\$3,175</b>	<b>\$4,175</b>	<b>\$4,225</b>	<b>\$4,644</b>	<b>\$4,690</b>
Joint Licensing Processes				with Yukon/BC			with BC			with NSBS		with Alberta	
<b>Total Licensing Process Fees Charged:</b>													
<b>Ranked low to high</b>	<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>	<b>(5)</b>	<b>(6)</b>	<b>(7)</b>	<b>(8)</b>	<b>(9)</b>	<b>(10)</b>	<b>(11)</b>	<b>(12)</b>	<b>(13)</b>

1. Note: \*Information obtained from each law societies website

2. Note: N/I = Not Indicated, not charged or included in Process Fees



**Comparison of The Law Society of Upper Canada Licensing Process Fees from 2004 to 2010**

	2004	2005	2006	2007	2008	2009	2010
Application Fee	\$125	\$125	\$150	\$160	\$160	\$160	\$160
Skills and Professional Responsibility Program	N/A	N/A	\$1,300	\$1,400	\$1,500	N/A	N/A
Articling Program	N/A	N/A	N/A	N/A	N/A	\$900	\$900
BAC program and Exams*	\$4,400*	\$4,400**	N/A	N/A	N/A	N/A	N/A
Solicitor Exam w/ materials	N/A	N/A	\$650	\$675	\$720	\$750	\$750
Barrister Exam w/ materials	N/A	N/A	\$650	\$675	\$720	\$750	\$750
Call to the Bar Fee	\$210	\$210	\$250	\$250	\$250	\$250	\$250
<b>TOTAL</b>	<b>\$4,735</b>	<b>\$4,735</b>	<b>\$3,000</b>	<b>\$3,160</b>	<b>\$3,350</b>	<b>\$2,810</b>	<b>\$2,810</b>

\* 2004 Includes: Solicitor Module (Real Estate), Barrister Module (Civil), Barrister Module (Criminal), Academic Phase Course, Skills Assessment and Accounting Course.

\*\* 2005 Includes: Solicitor Module (Real Estate), Barrister Module (Civil), Barrister Module (Criminal), Academic Phase Course and Skills Assessment.

Cost of Materials has been consistently \$150.00 per course/exam from 2004-2010 and is included in the Bar Admission Course or the Solicitor and Barrister Licensing Examinations where applicable.



<b>Comparison of the Law Society Paralegal Licensing Process Fees from 2008-10</b>				
	<b>2008</b>	<b>2009</b>	<b>2010</b>	
<b>Application Fee</b>	\$500.00	\$500.00	\$500.00	Note
<b>Paralegal Licensing Examination w/ materials</b>	\$1,075.00	\$1,075.00	\$1,075.00	
<b>Call to the Bar Fee</b>	\$125.00	\$125.00	\$125.00	
<b>TOTAL</b>	<b>\$1,700.00</b>	<b>\$1,700.00</b>	<b>\$1,700.00</b>	

**Note:**

In the 2011 Licensing Process, the Application Fee has been amended to \$160.00, and the total fees for the Paralegal Licensing Process will be \$1360.00



## APPENDIX D

### LAWYER LICENSING PROCESS - 2010 Fees Schedule

**GST WILL BE APPLIED TO ALL FEES.**

**AFTER APRIL 30, 2010, HST WILL BE APPLIED TO ALL FEES WHERE APPLICABLE**

<b>Application Fee</b> (non-refundable).....	\$160.00
<b>Application Fees - Transfer Member</b> (non-refundable).....	\$160.00
<b>Late Application Submission Fee</b> (non-refundable).....	\$75.00
<b>Licensing Process Fee</b> .....	\$2400.00

*The Licensing Process Fee includes the first write of the Barrister and Solicitor Licensing Examinations, bound copies of the examination materials, an LSUC candidate I.D. card and access to and administrative support services for the Articling Program including the online Professional Responsibility and Practice Course.*

#### **Licensing Examination Fees**

Barrister Licensing Examination (includes bound copies of the examination materials).....	\$750.00
Solicitor Licensing Examination (includes bound copies of the examination materials).....	\$750.00
Rewrite of Barrister Licensing Examination (includes examination materials on CD-ROM).....	\$600.00
Rewrite of Solicitor Licensing Examination (includes examination materials on CD-ROM).....	\$600.00

#### **Administrative Fees for the Monthly Payment Plan**

Five-month Option .....	\$50.00
Ten-month Option.....	\$100.00

#### **Articling Program Fees**

Application for Exemption of Articles.....	\$160.00
Application for Abridgment of Articles.....	\$160.00
Application for National or International Articles.....	\$160.00

#### **Licensing Process Course Fees**

Articling Program (access to and administrative support services for the online course).....	\$900.00
Professional Conduct and Practice in Ontario (candidates exempted from Articles only).....	\$500.00

#### **Incidental Fees**

Call to the Bar.....	\$250.00
Additional bound copy of Licensing Examination materials (per Examination).....	\$150.00
Late filing of any document submitted after the deadline (Transcript, NCA Certificate, Articling)..	\$100.00
Second copy or replacement of a Call to the Bar certificate.....	\$75.00
Official copy of Licensing Process transcript provided directly to a third party.....	\$25.00
Unofficial copy of Licensing Process transcript.....	\$15.00
Replacement of a Licensing Process candidate photo ID card.....	\$15.00
Replacement Tax Receipt.....	\$10.00

**ALL FEES ARE SUBJECT TO CHANGE.**



**Paralegal LICENSING PROCESS - 2010 Fees Schedule**

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**Registration Applicant Fee**

Application Form (non-refundable) .....	\$500.00
Late Filing Fee .....	\$75.00

**Licensing Examination Fees**

Paralegal Licensing Examination (materials included).....	\$1,075.00
Paralegal Licensing Examination (materials excluded).....	\$925.00
Additional materials for the Paralegal Licensing Examination.....	\$150.00

**Administrative Charge for Monthly Payment Plan of Licensing Process Fees**

Three-month Option (with equal payments in April, May, June, and July).....	\$40.00
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**Applicant Licensing Fee**

Application Fee for the Licensee Certificate for Legal Services .....	\$125.00
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**Incidental Fees**

Replacement of Candidate Photo Identification Card .....	\$15.00
Late Filing Fee of Licensing Process Required Documents .....	\$100.00
Candidate's Unofficial Copy of Licensing Process Transcript .....	\$15.00
Official Licensing Process Transcript for third parties.....	\$25.00
Replacement copy of a Licensee Certificate .....	\$75.00
Request for a Duplicate Tax Receipt.....	\$10.00

- NOTE:**
- 1) GST WILL BE APPLIED TO ALL FEES LISTED ABOVE.**
  - 2) AFTER APRIL 30, 2010, HST WILL BE APPLIED TO ALL FEES LISTED ABOVE WHERE APPLICABLE.**
  - 3) ALL FEES ARE SUBJECT TO CHANGE.**



## 2010 Licensing Process - Lawyers Fee Payment Information

### PART A - Billing

**Payment Deadlines** - The 2010 Licensing Process Fee is due on April 5, 2010. All candidates must select one of the payment options listed in Part B of their invoice, comply with any requirements that pertain to the option selected and return them to the Law Society (Toronto) by the payment deadline.

By-Law 12, made pursuant to the *Law Society Act*, provides that if a candidate has successfully completed the Licensing Process but fails to pay the required fee(s) under section 5 of this By-Law, the Society official may withhold the issue to the candidate of a certificate of successful completion of the Process.

**Contact Information** - It is the candidate's responsibility and obligation to notify the Office of the Registrar in writing immediately of any change in contact information (mailing address, telephone number, and name change).

**Refunds** - In order to protect the interest of candidates, refunds issued to a third party require the written consent of the candidate. Notwithstanding this, the Law Society's banking agreement stipulates that if payments are made using a credit card, a credit must be issued back to the same credit card account.

**Tax Receipts** - In accordance with Canada Revenue Agency (CRA) requirements, the Law Society will issue tax receipts by the end of February from year to year. To ensure prompt delivery of these receipts, current and former candidates must ensure that they provide the Office of the Registrar with a current mailing address. Inquiries pertaining to these tax receipts may be directed to the Office of the Registrar at 416-947-3315 or by fax at 416-947-9070.

Replacement tax receipts must be requested in writing at a cost of \$10.00 (plus applicable taxes) each. Payment must be enclosed with the request. Please allow two to three weeks for processing.

### PART B Payment Options

There are four payment options for the 2010 Licensing Process Fee(s):

#### 1. Certified Cheque/Money Order/Draft

Payment may be made by certified cheque, money order or draft payable to the "Law Society of Upper Canada" and must be in Canadian Funds. Your account number must be recorded on the face of the certified cheque, money order or draft. Payments made in foreign funds will be returned unprocessed.

#### 2. Debit Card Payment

Debit card payments are accepted at the Client Service Centre in Toronto and must be made in person.

#### 3. Credit Card Payment

VISA, MasterCard or American Express cards are accepted. The **credit card number, expiry date and the cardholder's signature are required** in order for the Law Society to process the payment. The Law Society is not responsible for delays in processing payments that result from the bank's decline of a credit card or incomplete/inaccurate credit card information.

#### 4. Monthly Payment Plan - by Cheque or by Credit Card

In selecting this option you cannot be called to the bar until all Licensing Process and related fees are paid in full. Also, you cannot select this option if you have any outstanding fees owing (i.e. Licensing Process fees, application fee late charges, NSF charges).



## Monthly Payment Plan Options

The Monthly Payment Plan is an additional payment option available to candidates. The due dates for all Licensing Process fees billed will not change. The Office of the Registrar (Financial Assistance) will advise you if you are not eligible for the payment option that you have selected.

**In order to enrol in the monthly payment option, candidates must complete the Monthly Payment Plan Application Form and submit it by March 15, 2010.** Candidates must then remit this form, their invoice and all of the required post-dated cheques (if applicable) to the attention of the Accounts Office (Toronto).

There are two payment methods (cheque or credit card) and two payment plan options each that are available under the Monthly Payment Plan. The payment plan options are as follows:

**Option A - Cheques (includes a \$50 Admin. Fee)**

5 post dated cheques, each for \$ 490.00 (plus GST/HST), dated the 15<sup>th</sup> of the month from May to September 2010.

**Option B - Cheques (includes a \$100 Admin. Fee)**

10 post dated cheques, each for \$250.00 (plus GST/HST), dated the 15<sup>h</sup> of the month from May 2010 to February 2011.

**Option C - Credit Card (includes a \$50 Admin. Fee)**

5 recurring charges, each for \$490.00 (plus GST/HST), to occur on the 15<sup>th</sup> of the month from May to September 2010.

**Option D - Credit Card (includes a \$100 Admin. Fee)**

10 recurring charges, each for \$250.00 (plus GST/HST), to occur on the 15<sup>th</sup> of the month from May 2010 to February 2011.

## Returned Cheques or Rejected Transactions

**Returned Cheques** - Cheques not honoured by the bank (NSF, stop payment, etc.) will result in a \$25 charge against your account for each item. The Law Society will notify candidates in writing of a dishonoured cheque. Each dishonoured cheque must

be replaced with a secured payment (certified cheque, draft, money order, or credit card) and must include the \$25 charge.

**Candidates enrolled in the Monthly Payment Plan who have two cheques returned by the bank as non-negotiable will no longer be eligible for the payment plan. *The Licensing Process Fee(s) owing at the time will become payable immediately.***

Failure to replace a returned cheque may result in the candidate being ineligible to sit in any Licensing Examination.

**Rejected Credit Card Transactions** - The Law Society will notify candidates of a rejected credit card transaction through their Law Society e-mail account. Candidates are to resolve any matter pertaining to a rejected transaction within 10 business days from the date of the Law Society's written notice. The Law Society will attempt to re-process the rejected transaction on the 11<sup>th</sup> business day. If the second attempt to process the transaction is also rejected, the candidate will be removed from the Monthly Payment Plan option. **Alternatively, candidates who have two rejected transactions at any time during the term of the payment plan will be removed from the Monthly Payment Plan option. *In either case, the Licensing Process Fee(s) owing at the time of removal from the Monthly Payment Plan will become payable immediately.***

**Note 1:** A request to defer the processing of any cheque or credit card transaction constitutes a "stop payment" and it will count as a non-negotiable/rejected item.

**Note 2:** The Accounts Office will notify the Office of the Registrar of any candidates who are delinquent in paying their outstanding fees. **This may result in the withdrawal of the candidate from the Licensing Process.**



## CANDIDATE SERVICES QUICK REFERENCE CONTACT LISTING

*Payment and Account Information:*

Tel: 416-947-5201

Fax: 416-947-3305

e-mail address: [accounts@lsuc.on.ca](mailto:accounts@lsuc.on.ca)

*Mailing Address (for Payments):*

Accounts Office

The Law Society of Upper Canada

130 Queen St. W.

Toronto, ON M5H 2N6

*General Contact Information (Office of the Registrar):*

Tel: 416-947-3315 (Ottawa): 613-562-5382

Fax: 416-947-9070 (Ottawa): 613-562-5310

e-mail address: [registrar@lsuc.on.ca](mailto:registrar@lsuc.on.ca)

*Office of the Registrar (Financial Assistance):*

Tel: 416-947-3427

Fax: 416-947-3403

e-mail address: [supportservices@lsuc.on.ca](mailto:supportservices@lsuc.on.ca)

*Mailing Address (changes to contact information):*

Office of the Registrar

The Law Society of Upper Canada

130 Queen St. W.

Toronto, ON M5H 2N6



## 2010 Licensing Process - Paralegals Fee Payment Information

## APPENDIX G

### PART A - Billing

**Payment Deadlines** - The 2010 Licensing Process Fee is due on April 5, 2010. All candidates must select one of the payment options listed in Part B of their invoice, comply with any requirements that pertain to the option selected and return them to the Law Society (Toronto) by the payment deadline.

By-Law 12, made pursuant to the *Law Society Act*, provides that if a candidate has successfully completed the Licensing Process but fails to pay the required fee(s) under section 5 of this By-Law, the Society official may withhold the issue to the candidate of a certificate of successful completion of the Process.

**Contact Information** - It is the candidate's responsibility and obligation to notify the Office of the Registrar in writing immediately of any change in contact information (mailing address, telephone number, and name change).

**Refunds** - In order to protect the interest of candidates, refunds issued to a third party require the written consent of the candidate. Notwithstanding this, the Law Society's banking agreement stipulates that if payments are made using a credit card, a credit must be issued back to the same credit card account.

**Tax Receipts** - In accordance with Canada Revenue Agency (CRA) requirements, the Law Society will issue tax receipts by the end of February from year to year. To ensure prompt delivery of these receipts, current and former candidates must ensure that they provide the Office of the Registrar with a current mailing address. Inquiries pertaining to these tax receipts may be directed to the Office of the Registrar at 416-947-3315 or by fax at 416-947-9070.

Replacement tax receipts must be requested in writing at a cost of \$10.00 (plus applicable taxes) each. Payment must be enclosed with the request. Please allow two to three weeks for processing.

### PART B

### Payment Options

There are four payment options for the 2010 Licensing Process Fee(s):

1. **Certified Cheque/Money Order/Draft**

Payment may be made by certified cheque, money order or draft payable to the "Law Society of Upper Canada" and must be in Canadian Funds. Your account number must be recorded on the face of the certified cheque, money order or draft. Payments made in foreign funds will be returned unprocessed.

2. **Debit Card Payment**

Debit card payments are accepted at the Client Service Centre in Toronto and must be made in person.

3. **Credit Card Payment**

VISA, MasterCard or American Express cards are accepted. The **credit card number, expiry date and the cardholder's signature are required** in order for the Law Society to process the payment. The Law Society is not responsible for delays in processing payments that result from the bank's decline of a credit card or incomplete/inaccurate credit card information.

4. **Monthly Payment Plan - by Cheque or by Credit Card**

In selecting this option you cannot be licensed until all Licensing Process and related fees are paid in full. Also, you cannot select this option if you have any outstanding fees owing (i.e. Licensing Process fees, application fee late charges, NSF charges).

### Monthly Payment Plan Options

The Monthly Payment Plan is an additional payment option available to candidates. The due dates for all Licensing Process fees billed will not change. The Office of the Registrar (Financial Assistance) will advise



you if you are not eligible for the payment option that you have selected.

In order to enrol in the monthly payment option, candidates must complete the enclosed Monthly Payment Plan Application Form. Candidates must then remit this form, their invoice and all of the required post-dated cheques (if applicable) to the attention of the Accounts Office (Toronto) by April 05, 2010.

There are two payment methods (cheque or credit card) and two payment plan options each that are available under the Monthly Payment Plan. The payment plan options are as follows:

**Option A - Cheques (includes a \$40 Admin. Fee)**

4 post dated cheques, each for \$278.75 (plus GST), for a total of \$292.19, dated the 14<sup>th</sup> of the month from April to July 2010.

**Option B - Credit Card (includes a \$40 Admin. Fee)**

4 recurring charges, each for \$278.75 (plus GST), for a total of \$292.19, to occur on the 14<sup>th</sup> of the month from April to July 2010.

### Returned Cheques or Rejected Transactions

**Returned Cheques** - Cheques not honoured by the bank (NSF, stop payment, etc.) will result in a \$25 charge against your account for each item. The Law Society will notify candidates in writing of a dishonoured cheque. Each dishonoured cheque must be replaced with a secured payment (certified cheque, draft, money order, or credit card) and must include the \$25 charge.

Candidates enrolled in the Monthly Payment Plan who have two cheques returned by the bank as non-negotiable will no longer be eligible for the payment plan. *The Licensing Process Fee(s) owing at the time will become payable immediately.*

Failure to replace a returned cheque may result in the candidate being ineligible to sit in any Licensing Examination.

**Rejected Credit Card Transactions** - The Law Society will post on the candidates web account online, the rejected credit card transaction. Candidates are to

resolve any matter pertaining to a rejected transaction within 10 business days from the date of the Law Society's written notice. The Law Society will attempt to re-process the rejected transaction on the 11<sup>th</sup> business day. If the second attempt to process the transaction is also rejected, the candidate will be removed from the Monthly Payment Plan option. Alternatively, candidates who have two rejected transactions at any time during the term of the payment plan will be removed from the Monthly Payment Plan option. *In either case, the Licensing Process Fee(s) owing at the time of removal from the Monthly Payment Plan will become payable immediately.*

**Note 1:** A request to defer the processing of any cheque or credit card transaction constitutes a "stop payment" and it will count as a non-negotiable/rejected item.

**Note 2:** The Accounts Office will notify the Office of the Registrar of any candidates who are delinquent in paying their outstanding fees. **This may result in the withdrawal of the candidate from the Licensing Process.**



## CANDIDATE SERVICES QUICK REFERENCE CONTACT LISTING

*Mailing Address (for Payments):*

Accounts Office  
The Law Society of Upper Canada  
130 Queen St. W.  
Toronto, ON M5H 2N6

*Payment and Account Information:*

Tel: 416-947-5201  
Fax: 416-947-3305  
e-mail address: [accounts@lsuc.on.ca](mailto:accounts@lsuc.on.ca)

*Financial Assistance (Office of the Registrar):*

Tel: 416-947-3427  
Fax: 416-947-3403  
e-mail address: [supportservices@lsuc.on.ca](mailto:supportservices@lsuc.on.ca)

*General Information, Tax Receipts (Office of the Registrar):*

Tel: 416-947-3315 (Fax: 416-947-9070)  
e-mail address: [registrar@lsuc.on.ca](mailto:registrar@lsuc.on.ca)

*Changes to contact information:*

Office of the Registrar  
The Law Society of Upper Canada  
130 Queen St. W.  
Toronto, ON M5H 2N6  
e-mail address: [registrar@lsuc.on.ca](mailto:registrar@lsuc.on.ca)



## APPENDIX H

# Repayable Allowance Program (RAP)

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In the Spring of 2001, the Law Society of Upper Canada established the Repayable Allowance Program (RAP), a program offering financial assistance to candidates enrolled in the Licensing Process who demonstrate need and have exhausted all other sources of funds. The RAP is a program of last resort for candidates who are struggling to pay their tuition and/or meet their living expenses during the Licensing Process.

The maximum Repayable Allowance permitted is \$5,000 per candidate per calendar year. For application deadlines, please contact Support Services, Office of the Registrar.

Eligibility In order to apply for the RAP, applicants:

- must be currently enrolled in the Licensing Process, either sitting the examinations of the Licensing Process, or completing articles. Candidates are not eligible while seeking articles;
- must have exhausted all other sources of funding available to them including student loan programs, and the Bank of Montreal Student Line of Credit for Professionals; and,
- must be a citizen or permanent resident of Canada.

RAP Applications are considered by the Financial Assistance Committee. In considering a RAP application, the Committee considers the following criteria:

- debt load
- inability to obtain financial assistance elsewhere
- assets
- employment status
- articling salary
- number of dependents
- expenses
- personal & household income

Pursuant to the Law Society's commitment to Equity and Diversity, additional consideration will also be given to individuals from the following communities, which are currently under represented in the legal profession in Ontario:

- Aboriginal Peoples
- Francophone
- Racialized Community
- Lesbian/Gay/Bisexual/Transgender/Transsexual
- Persons with Disabilities
- Mature candidates (40 years of age and older)
- Single Parents
- Candidates with Dependents and a Low Family Income

Please see Repayable Allowance Agreement.

Repayable Allowance recipients may apply for forgiveness of repayment on compassionate grounds, such as medical disability, or on grounds of inadequate income. Forgiveness applications will be heard by the same Committee as RAP applications.

## Articling Abridgment: Process and Criteria

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### Articling abridgment

An articling abridgment is a reduction of the articling term. Candidates registered in the Licensing Process may apply for an articling abridgment. There are two types of articling abridgments:

- 1) Compassionate abridgment of up to six weeks, and
- 2) Non-compassionate abridgment based on other previous legal experience.

#### I. Abridgment Based on Compassionate Grounds

The Registrar may approve an abridgment of the articling term on compassionate grounds for a period of up to six weeks. Compassionate grounds may include family responsibilities, prolonged illness or accidents or any other ground deemed compassionate by the Registrar.

##### Documents Required for Compassionate Abridgment Application:

- **Letter of request** from applicant indicating the reasons for the abridgment; and
- **Letter from the candidate's Principal or law firm** indicating the date of commencement of Articles and the total amount of vacation and sick days taken to the date of the request. This must be forwarded directly by the Principal or Principal's law firm to the Office of the Registrar.

#### II. Abridgment Based Non-Compassionate Grounds

A candidate may apply for an abridgment of the Articling Term on non-compassionate grounds where the candidate has

- a) Been admitted to the Bar of a foreign jurisdiction and
- b) Practised as a lawyer in another jurisdiction, or
- c) Had other legal experience.

The Registrar may approve an abridgment of the articling term while evaluating the following criteria:

- a) Length, recentness, nature, scope and diversity of the applicant's experience; and
- b) Relevance of the legal experience to the legal skills, practices and systems ordinarily experienced during traditional articles;

The Registrar will not consider the following when evaluating a request for abridgment:

- a) Summer or part-time experience in a law firm;
- b) Clinical education experiences received by an applicant before completing the Approved Law Course requirements;
- c) Full-time experience in law firms or clinical education experiences received while enrolled in an Approved Law Course.

### **Documents Required for Non-compassionate Abridgment Application:**

- **Application for Articling Abridgment: Non-compassionate Grounds** (attached) completed, signed and sent, with cover letter, to the Office of the Registrar;
- **The Law Society of Upper Canada will invoice your online account in the amount of \$160.00 (plus \$20.80 HST)** or you may pay by certified cheque or money order payable to The Law Society of Upper Canada;
- Where the applicant has been admitted to the Bar of another jurisdiction, the original **Certificate of Standing** from the governing body of the legal profession of that jurisdiction must be sent directly from that governing body to the Office of the Registrar;
- **Original letter of reference from one or more eligible referees** sent directly from each referee to the Office of the Registrar. An eligible referee is a lawyer or judge who has direct knowledge of the nature of the applicant's legal experience. The letter of reference must indicate the periods in which the applicant obtained legal experience and the nature of the legal experience citing specific examples. The letter of reference must also explain how the applicant's legal experience is relevant to the legal skills, practices and systems ordinarily experienced during Ontario Articles. Referees should refer to the *Articling Goals and Objectives* (attached).
- **Letter from the applicant's Principal or Principal's law firm** indicating the date of commencement of the Articles and the amount of vacation time and sick days taken to the date of request, forwarded directly from the Principal or the Principal's law firm to the Office of the Registrar.

## Application for Articling Abridgment: Non-compassionate Grounds

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Applicant Name: \_\_\_\_\_ Candidate No.: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

The Registrar may grant an abridgment based on a written application submitted with required documentation and the applicable required fee.

**General Information:** Complete the following, attaching additional pages where applicable.

- Applicant is requesting a \_\_\_\_\_ month abridgment, or reduction, of the articling term, resulting in a \_\_\_\_\_ month articling term. (Blanks must total ten months.)
- Indicate which of the following are applicable (may be more than one):
  - Applicant has been admitted to the Bar(s) of a foreign jurisdiction  
Jurisdiction \_\_\_\_\_ Date of admission to the Bar \_\_\_\_\_  
Jurisdiction \_\_\_\_\_ Date of admission to the Bar \_\_\_\_\_
  - Applicant has practised as a lawyer in a non common law jurisdiction
  - Applicant has legal experience other than through Articles of Clerkship or practice.

In evaluating an applicant's request for an abridgment, the Registrar will consider:

- a) Length, recentness, nature, scope and diversity of the applicant's experience, and
- b) Relevance of the legal experience to the legal skills, practices and systems ordinarily experienced during traditional articles.

Applicants and Referees should refer to the criteria for abridgment and the *Articling Goals and Objectives* as a guide to completing the application.

## Articling Exemption: Process and Criteria

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### Articling Exemption

An articling exemption is a waiver of the articling term. Candidates, registered in the Licensing Process, are entitled to apply for an articling exemption. Candidates who are exempt from articles must complete the Professional Conduct and Practice in Ontario Course in addition to completion of the Licensing Examinations.

#### Application for Exemption from Articles

Pursuant to section 21 of the *Licensing Process Policies*, a candidate may request an exemption from the requirement to complete the Articling Program if the person has

- a) Been called to the Bar in a common law jurisdiction, and
- b) Practised as a lawyer in a common law jurisdiction for at least ten months.

The Registrar may approve an exemption of the articling term while evaluating the following criteria:

- a) Length, recentness, nature, scope and diversity of the applicant's experience, and
- b) Relevance of the legal experience to the legal skills, practices and systems ordinarily experienced during traditional articles.

The Registrar will not consider the following when evaluating a request for an exemption:

- a) Summer or part-time experience in a law firm,
- b) Clinical education experiences received by an applicant before completing the Approved Law Course requirements,
- c) Full-time experience in law firms or clinical education experiences received while enrolled in an Approved Law Course.

- **Application for Articling Exemption** (attached) completed, signed and sent, with cover letter, to the Office of the Registrar;
- **The Law Society of Upper Canada will invoice your online account in the amount of \$160.00 (plus \$20.80 HST)** or you may pay by certified cheque or money order payable to The Law Society of Upper Canada;
- Original **Certificate of Standing** from the governing body of the legal profession of that jurisdiction sent directly from that governing body to the Office of the Registrar;
- **Original letter of reference from one or more eligible referees** sent directly from each referee to the Office of the Registrar. An eligible referee is a lawyer or judge who has direct knowledge of the nature of the applicant's legal experience. The letter of reference must indicate the periods in which the applicant obtained legal experience and the nature of the legal experience citing specific examples in referring to the common law jurisdiction. The letter of reference must also explain how the applicant's legal experience is relevant to the legal skills, practices and systems ordinarily experienced during Ontario Articles. Referees should refer to the *Articling Goals and Objectives* (attached).



## Application for Articling Exemption

Applicant Name: \_\_\_\_\_ Candidate No.: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

The Registrar may grant an exemption based on a written application submitted with required documentation and the applicable required fee.

**General Information:** Complete the following, attaching additional pages where applicable.

- Applicant is requesting an exemption of the Articling Program requirement.
- Indicate which of the following are applicable (may be more than one):
  - Applicant has been admitted to the Bar(s) of another province or foreign jurisdiction  
Jurisdiction \_\_\_\_\_ Date of admission to the Bar \_\_\_\_\_  
Jurisdiction \_\_\_\_\_ Date of admission to the Bar \_\_\_\_\_
  - Applicant has practised as a lawyer in a common law jurisdiction for at least ten months
  - Applicant has practised as a lawyer in a non common law jurisdiction

In evaluating an applicant's request for an exemption, the Registrar will consider:

- a) Length, recentness, nature, scope and diversity of the applicant's experience; and
- b) Relevance of the legal experience to the legal skills, practices and systems ordinarily experienced during Ontario articles.

Applicants and Referees should refer to the criteria for exemption and the *Articling Goals and Objectives* as a guide to completing the application.

**Supporting Documentation Required:**

✓ **Letter from applicant:**

- setting out the period(s) of the applicant's legal experience,
- describing the applicant's legal experience in relation to the criteria for exemption with reference to the common law jurisdiction and citing specific examples, and
- explaining how this legal experience is relevant to the legal skills, practices and systems ordinarily experienced during traditional articles by referring to the *Articling Goals and Objectives*.

✓ **Certificate of Standing:**

Where the applicant has been admitted to the bar(s) of another province or foreign jurisdiction, an **original Certificate(s) of Standing** from the governing body of the legal profession of that jurisdiction sent directly to the Office of the Registrar.

✓ **Original letter(s) from one or more lawyer or judge referees** who has direct knowledge of the nature of the applicant's legal experience (in some instances, where an applicant has worked in numerous law firms, more than two referee letters may be required):

- sent directly from the referee to the Office of the Registrar,
- verifying the applicant's period(s) of legal experience,
- describing the nature of the applicant's legal experience, citing specific examples relevant to a common law jurisdiction, and
- explaining how this legal experience is relevant to the legal skills, practices and systems ordinarily experienced during traditional Articles by referring to the *Articling Goals and Objectives*.

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**First Lawyer/Judge Referee**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

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**Second Lawyer/Judge Referee**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

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- Certified cheque or money order** in the amount of \$160.00 (plus \$20.80 HST) payable to The Law Society of Upper Canada.
- Other relevant material** that the applicant believes will be useful in making an evaluation of the application for articling exemption. Please list:

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I have read and understood the requirements of this application. I will ensure that all supporting documents and applicable fees required by this application are filed and paid. I confirm that the facts contained in this application are true.

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Date

Signature

**Return this form and all supporting documentation to:**

Office of the Registrar, Articling Office  
The Law Society of Upper Canada  
Osgoode Hall, 130 Queen Street West  
Toronto, Ontario, M5H 2N6



## Articling Goals and Objectives

### 1. PROFESSIONAL RESPONSIBILITY

**The applicant has experience with:** complying with a formal code of professional conduct that addresses basic duties, responsibilities and ethical practices such as conflicts of interest, client confidentiality, proper approaches to business development, appropriate delegation of work, and withdrawal of services.

**The applicant has practice in:** using a system to avoid conflicts of interest, a scheduling system, setting and billing of fees and explanations to clients, and uses of trust and general accounts.

### 2. PLANNING AND CONDUCT OF A MATTER

**The applicant has experience with:** making legal services available in an efficient and convenient way that commands respect and confidence and is compatible with the integrity and independence of the profession.

**The applicant has practice in:** communicating effectively with clients, lawyers and others; applying resource-saving techniques; providing legal options in light of needs and financial resources; developing plans for conduct of various matters; and drafting reporting letters.

### 3. OFFICE SYSTEMS

**The applicant has experience with:** maintaining effective and efficient office systems.

**The applicant has practice with:** precedent file systems, processes for recording expenses and disbursements (including reimbursement procedures), computer software packages available (e.g. word processing databases, CanLII, QuickLaw, WestLaweCarswell).

### 4. FILE AND PRACTICE MANAGEMENT

**The applicant has experience with:** basic file and record-keeping practices, procedures for opening and closing files, documenting/organizing a file (i.e. recording phone calls).

**The applicant has practice with:** time-docketing systems, methods of keeping client informed about the progress of matter, scheduling systems re follow-ups and limitation dates, client retainers and/or payment schedules, billing practices, prepared case plans or checklists for a new file.

### 5. INTERVIEWING

**The applicant has experience with:** proper interviewing techniques and conducting interviews of clients, witnesses (including experts), and consultants.

**The applicant has practice with:** preparation of clients or witnesses for trial or other examinations or meetings, preparation of statements or affidavits based on interview, initial interviews with new clients, interviews with witnesses or clients.

### 6. FACT INVESTIGATION

**The applicant has experience with:** investigating facts for the purpose of serving legal needs.

**The applicant has practice with:** reviewing documentary evidence (e.g. client's personal or internal files, corporate minute books, files maintained by government or administrative bodies), conducting searches under various public records systems, interviewing

clients/witnesses/consultants, follow-up of examinations for discovery (e.g. preparation of list of undertakings), preparation of summary of transcripts of evidence.

#### 7. LEGAL RESEARCH

**The applicant has experience with:** legal research materials and facilities (i.e. firm library, local libraries, inter-firm lending arrangements, precedents, and computer search databases), researching points of law, and preparing reports and written memoranda of law.

**The applicant has practice with:** critique or responses to opponent's pleadings/facta.

#### 8. PROBLEM ANALYSIS

**The applicant has experience in:** determining client's legal problem and options, strategy development for resolution of client's problem.

**The applicant has practice with:** writing reports based on legal research and investigation.

#### 9. ADVISING

**The applicant has experience in:** proper legal counselling techniques, duties and responsibilities of advising clients, preparing memoranda to advise of available legal options/remedies and/or memoranda to file about advice given.

**The applicant has practice with:** advising clients, client meetings, drafting opinion letters outlining legal options/remedies and/or letters confirming instructions received.

#### 10. DRAFTING

**The applicant has experience with:** proper use of precedents.

**The applicant has practice with:** drafting facta, pleadings, notices of motion, orders, offers to settle, judgments, correspondence, affidavits, agreements, opinion letters, retainers, etc.

#### 11. WRITING

**The applicant has experience in:** clear and accurate writing in the legal context.

**The applicant has practice with:** writing documents such as memoranda, letters, reports, opinion letters, articles, texts, speeches.

#### 12. NEGOTIATION

**The applicant has experience in:** negotiation techniques and strategies.

**The applicant has practice with:** conducting negotiation of legal matters.

#### 13. ADVOCACY

**The applicant has experience in:** advocacy techniques and the basic duties and responsibilities of an advocate.

**The applicant has practice with:** appearing as an advocate in motions, trials and tribunal hearings, and some or all of: applications, pre-trial conferences, references, assessments of cost, discoveries and cross-examinations on affidavits, judgment debtor examinations, and passing of accounts in estate matters, etc.

### Number of Internationally Trained Lawyers with Practise Experience and completed the 2010 Licensing Cycle in less than 12 months

■ Number of Candidates Licensed: 41

