

Office of the  
*fairness*  
commissioner

Bureau du  
commissaire à  
*l'équité*



*Study of Registration Practices of the*

# **LAW SOCIETY OF UPPER CANADA, 2007**

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The Office of the Fairness Commissioner is an arm's-length agency of the Ontario government, established under the Fair Access to Regulated Professions Act, 2006. Its mandate is to ensure that certain regulated professions have registration practices that are transparent, objective, impartial and fair.

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## 1. INTRODUCTION

The Office of the Fairness Commissioner (OFC) undertook a study of registration practices of Ontario’s regulated professions during the fall and winter of 2007–2008. The purpose of the study was to understand each regulated profession’s 2007 registration practices and to establish baseline data and information to enable the OFC to measure progress as it fulfills its mandate under the Fair Access to Regulated Professions Act, 2006.

This report reflects the registration practices of the Law Society of Upper Canada as of December 31, 2007. Information in this report was gathered from:

- face-to-face meetings with registration staff of the regulatory body
- additional documentation provided by the regulatory body
- relevant websites
- career maps for the profession posted on the Ministry of Citizenship and Immigration’s website (where applicable).

The Law Society of Upper Canada also provided registration information and statistics for 2005, 2006 and 2007 through a standard spreadsheet designed by the OFC.

An analysis and summary of the findings for all of the regulated professions is contained in the OFC’s *Ontario’s Regulated Professions: Report on the 2007 Study of Registration Practices*.

## 2. BACKGROUND OF THE REGULATORY BODY

### A. Legislation

The Law Society of Upper Canada (LSUC) was established in 1797 and has the authority to regulate all legal professions in the province of Ontario, under the Law Society Act. (In May 2007, the authority to regulate paralegals was given to the LSUC under an amendment to the Law Society Act.) The LSUC is responsible for licensing lawyers and paralegals, and for maintaining the ongoing competence, conduct and capacity of the legal professions, in accordance with the public interest.

### B. Protected Titles

Under the act, the legal professions include lawyers, or “barristers and solicitors,” and paralegals, or “legal services providers.” To practise law in Ontario, one must obtain a licence from the

LSUC. Individuals who do not have a licence to practise law from the LSUC cannot represent themselves as Ontario lawyers.

The LSUC will begin issuing paralegal licences in spring 2008. Over 2,000 paralegal applicants have been grandparented into the regulatory system and authorized to write the paralegal licensing examination.

### **C. Definition of the Profession**

Subsection 1(1) of the Law Society Act defines a licensee as a person who is licensed to practise law in Ontario as a barrister and solicitor, or a person licensed to provide legal services in Ontario. The act and its by-laws do not specifically define “lawyer,” “barrister and solicitor,” or “paralegal.” A barrister and solicitor is an individual who has done all of the following:

- completed the required courses of instruction in an accredited law school or completed equivalencies to that education
- successfully completed and received an LL.B. degree or NCA certificate
- successfully completed all components of the Law Society’s licensing process
- been formally called to the Bar and taken the relevant oaths of the profession.

Under by-law 4, paralegals are authorized to give legal advice concerning legal interests, rights or responsibilities with respect to a proceeding or the subject matter of a proceeding, to draft or assist with drafting documents for use in a proceeding, and to negotiate on behalf of a person who is a party to a proceeding. They can represent persons in Small Claims Court, in the Ontario Court of Justice under the Provincial Offences Act, on summary conviction offences where the maximum penalty does not exceed six months’ imprisonment, and before administrative tribunals, including the Financial Services Commission of Ontario. As of May 1, 2007, paralegals are not permitted to appear in Family Court. Other than under the supervision of a lawyer, paralegals are not permitted to provide legal services that only a lawyer may provide, such as drafting wills or handling real estate transactions or estates.

Furthermore, subsection 1(5) of the Law Society Act provides that a person provides legal services if he or she engages in conduct that involves the application of legal principles and legal judgment with regard to the circumstances or objectives of another person. Section 6 provides examples of activities that constitute the provision of legal services.

## **D. Labour Market/Economic Trends**

Approximately 21,000 lawyers are currently in private practice in Ontario. Over 11,000 additional lawyers practise law in non-private practice environments, such as acting as in-house counsel or being employed by the government or other institutions.

In 2007, a positive economic environment led to substantial market activity in the corporate areas of law practice, and lawyers overall are currently experiencing relatively stable labour market conditions.

In 2007, 1,484 lawyers were called to the Ontario Bar, and the number of lawyers in the province continues to increase. The pending retirements of “baby boomers” will not have a significant impact on the legal professions until 10 or more years after most other labour markets are affected, because lawyers tend to practise to a later age than people in other careers.

The fact that paralegals are now regulated will influence some people’s choice of legal services; however, paralegals have a limited scope of practice and perform tasks that are different from those performed by lawyers.

Access to justice continues to be an issue of concern to members of the legal professions, the government and the public. Low legal aid tariffs impose a financial burden on lawyers whose practices include legal aid clients. Until the issue of inadequate funding for legal aid is resolved, the government will continue to have difficulty meeting the legal needs of lower-income Ontarians.

## **E. New Developments Within the Profession**

The LSUC’s new regulation of paralegals is a substantial development for the legal professions.

With respect to lawyers, through the Federation of Law Societies of Canada (FLSC), the LSUC, along with all other law societies across Canada, has established a task force to review the scope and application of the approved law degree. The approved law degree, or LL.B., criteria have been in place for 50 years with little or no change. The scope of requirements for the LL.B. is being reconsidered because of two evolving issues: a) universities, private institutions and other providers of educational programming seeking approvals from the Ministry of Training, Colleges and Universities and the FLSC to open new law schools in Ontario, and b) the increasing number of internationally trained individuals seeking to obtain their law school equivalencies in Canada and join the legal profession as lawyers.

The LSUC will offer two symposiums to National Committee on Accreditation (NCA)<sup>1</sup> candidates to inform them about processes related to access to the legal profession and to offer networking and mentoring opportunities. A similar project has been offered to aboriginal students for the last five years and it has been extremely successful.

## **F. Staffing**

The LSUC staff consists of 420 employees. Approximately 390 are full-time and the rest work part-time.

The LSUC receives between 1,400 and 1,500 applications annually, which are handled by 30 employees who are assigned exclusively to this task.

In addition to the legal and administrative staff who support the day-to-day activities of the licensing process, over 120 practitioner-instructors teach in the LSUC's Skills and Professional Responsibility Program, one of the mandatory components of the licensing process.

## **3. REGISTRATION PRACTICES**

### **A. Registration Requirements and Application Process**

#### **i. Basic Requirements for Registration**

The LSUC's registration process is called the "licensing process." The process begins with an approved degree and ends with the call to the Ontario Bar. The academic requirements for applying to and entering the licensing process are as follows:

- graduation from a common law program offered by a university in Canada approved by Convocation. Upon successful completion of the approved law program, the applicant receives a bachelor of laws (LL.B.) or a juris doctor (J.D.) degree. In most law schools the minimum length of the program is three academic years.
- OR**
- a Certificate of Qualification issued by the NCA, which is equivalent to an LL.B. or J.D. from an accredited Canadian law school.

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<sup>1</sup> The NCA is a standing committee of the FLSC. It is made up of representatives from the Committee of Canadian Law Deans, members of the practising Bar, and members involved with the administration of provincial law societies. The committee evaluates the legal training and professional experience of persons with foreign or non-common-law legal credentials (including those who hold degrees granted under Quebec's Civil Code) who seek admission to a common law Bar in Canada.

Application forms are available at the end of October. In or around March, individuals who apply will be registrants. Once an applicant becomes officially registered, he or she must complete the four steps in the licensing process:

1. Completing the LSUC's licensing examinations, which consist of the Barrister Licensing Examination and the Solicitor Licensing Examination.
2. Completing the LSUC's four-week Skills and Professional Responsibility Program.
3. Completing a 10-month articling program. Articling is a mandatory work-experience component. An articling placement is completed under the supervision of a current member of the provincial Bar, who attests that the articling student's work experience substantially deals with laws and practices applicable to the practice of law in Ontario.
4. Applying and being called to the Bar of Ontario.

The LSUC has a flexible registration process, and with permission applicants can complete the steps out of the order in which they are presented above.

## **ii. Requirements for the Call to the Bar**

To be eligible for call to the Bar applicants must do *all* of the following:

- Successfully complete all components of the licensing process as required.
- Pay all LSUC fees, including the call to the Bar fee, as prescribed in the licensing process fee schedule.
- File all required documents, which include the Application for the Licensing Process duly signed and commissioned/notarized; certified proof of legal name; certified proof of legal name change (if applicable); official academic transcript or NCA Certificate of Qualification (issued directly from the institution to the Office of the Registrar); two recent passport photos; all articling documents (which are due 10 days after the conclusion of articles). The necessary articling documents include:
  - Articles of Clerkship
  - Principal's Certificate of Service under Articles
  - Student-at-law's Affidavit of Service under Articles
  - Certificate Respecting Examination in Professional Responsibility
  - Mid-term Evaluation and Final Evaluation

- Be of good character, as required by section 27(2) of the Law Society Act. Applicants have a continuing obligation to keep the responses to the questions set out in the Good Character section of their application current, complete and correct, prior to the date of call.
- Submit to the Office of the Registrar all of the required documents related to their call to the Bar.

## **B. Documentation Required from Internationally Trained Individuals**

### **i. Standard Documentation**

Before starting the licensing process, internationally trained persons should have received a Certificate of Qualification issued by the NCA. The Certificate of Qualification is equivalent to a LL.B. or J.D. from an accredited Canadian law school and is necessary to begin the licensing process with the LSUC.

The NCA requires internationally trained applicants to submit all of the following:

- original transcripts of a pre-law university degree (can be the applicant's own original)
- original law degree transcripts (under university seal)
- copy of a marriage certificate, or legal name change document if the name on the application to the NCA is not the same as the name that appears on transcripts or other legal documents
- original transcripts (under seal) of Bar examination results
- information on the courses taken with the dates, university, country, class rank and language of legal instruction
- detailed course descriptions
- Law School Admission Test (LSAT) score(s), if taken
- proof of English literacy
- certificate of Bar call/admission and a letter or a certificate of good standing (under seal) from the applicant's law society or Bar council, to be sent directly to the NCA
- detailed information on the applicant's professional experience
- certified cheque drawn on a Canadian bank account, or a money order or bank draft, made payable to the Federation of Law Societies of Canada
- signed and dated application form.

The NCA reviews each applicant's file and takes into account

- applicant's legal background, both academic and professional
- how long ago the applicant earned his or her degree
- country where the applicant obtained legal education and its legal system (e.g., common law, non-common law or hybrid)
- subjects the applicant studied and content of the courses taken
- academic marks and standing in all years of the degree program
- nature of the degree-granting institution attended
- quality of undergraduate education or training received
- professional qualifications earned
- any relevant graduate legal education
- length and nature of any professional legal experience
- any law teaching experience.

Upon completion of its review, the NCA issues one of three recommendations:

1. The applicant must pass examinations in specified areas of Canadian law. (The number of required NCA exams varies from person to person depending on the applicant's academic and professional background.)
2. The applicant must take further education at a Canadian law school and complete a specified program of studies.
3. The applicant must complete an entire Canadian LL.B. program.

The NCA issues a Certificate of Qualification upon successful completion of the requirements set out in #1 and #2 above. (Applicants who are directed to option #3 will receive a Canadian law degree and therefore will not require NCA certification.) The licensing process for internationally trained persons who have received the NCA Certificate of Qualification is the same as for domestic graduates, outlined above in section 3.a.

## **ii. Options for Applicants with Unavailable/Destroyed Documents**

In the event an individual does not have documents available, the NCA has policies and options that allow an applicant to produce alternative paperwork in support of a request to be considered for legal education equivalency.

The NCA Certificate of Qualification is the document that the LSUC requires an internationally trained individual to submit to prove the academic requirements for applying and entering the licensing process. Because international applicants to the LSUC licensing process have already had their credentials reviewed and assessed by the NCA, the incidence of unavailable/destroyed documents proving academic qualifications should be limited.

The LSUC also requires individuals to produce personal identification documents. In the event that an applicant is unable to produce a birth certificate or other forms of personal identification, the LSUC accepts a variety of personal identification documents in support of an internationally trained individual's application.

### **C. Credential Assessment (Third Party and/or Internal)**

The LSUC uses the NCA to assess applicants and it does not involve itself in the credential evaluation process. The LSUC does not see the paperwork submitted by applicants to the NCA and it does not question the NCA's decisions.

The number of NCA applicants newly registered into the LSUC licensing process was 99 in 2005, 96 in 2006, and 83 in 2007.

### **D. Academic/Program Requirements**

To be a lawyer in Ontario, an applicant must complete the LSUC's Skills and Professional Responsibility Program. The program's emphasis is on building, developing and assessing skills that are essential for a lawyer in the first few years of practice. These skills include interviewing, drafting, negotiating, advocating, managing a practice, and identifying, analyzing and resolving legal and ethical problems in a manner consistent with the appropriate professional conduct of a lawyer. Applicants are required to display analytical thinking and professionalism throughout the program.

Applicants are also required to complete individual self-directed learning activities outside the classroom, including preparing for daily in-class discussions and exercises, as well as for scheduled assignments and assessments. For successful completion of the program, applicants must demonstrate that they have attained the necessary knowledge, skills, abilities and judgment for entry into the legal profession.

The program allows applicants to reassess or revise all assignments until they have demonstrated the required achievement. No applicant fails to complete the program unless unforeseen personal circumstances result in withdrawal. Applicants who are forced to withdraw can apply to do the program again.

Attendance and participation are mandatory in all parts of the Skills and Professional Responsibility Program. Applicants who are absent more than two days will not successfully complete the program and must repeat it in the next licensing year. Tardiness is considered an “absent.”

An internationally trained lawyer who can demonstrate a minimum of seven years of practice in a common law jurisdiction may be exempted from the Skills and Professional Responsibility Program.

## **E. Work Experience Requirements**

To be registered with the LSUC, an applicant must also complete the articling phase of the licensing process. Articling is a mandatory work placement in which a Principal<sup>2</sup> provides a student-at-law with an experience that substantially deals with laws and practices applicable to the practice of law in Ontario. Applicants must be registered in the licensing process to obtain credit for articles.

The articling component of the licensing process is normally 10 months long, which includes up to two weeks of vacation. If applicants have previous work experience, they may have their articling term shortened by up to a maximum of six months. It is mandatory for every applicant to complete at least four months of articling in Ontario. To be granted such an exemption, or “abridgment,” the applicant must submit certain information, such as the name of firm where he or she worked, contact person and proof of experience (legal research, interaction with clients, etc.).

In order to obtain credit for articles, applicants must:

- Complete the five-week Skills and Professional Responsibility Program prior to commencing articles; and
- Ensure that they article with an approved articling Principal who has filed the required Education Plan approved by the LSUC. Applicants who commence articles without an approved Principal or an approved Education Plan will not receive credit for any of the work they complete.

Applicants may choose to write the Barristers and Solicitors Licensing Examinations before they commence articles or during the articling term.

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<sup>2</sup> A “Principal” is a member of the LSUC who has been approved by the Director of Professional Development and Competence to supervise a student-at-law during an articling term.

The LSUC also allows some candidates to do non-traditional articles (i.e., any articling placement other than traditional articles). This includes joint articles, national and international articles, and part-time articles. The applicant must get the approval of the LSUC before commencing national and international or part-time articles.

## **F. Examinations**

The LSUC administers two licensing examinations: the Barrister Examination and the Solicitor Examination, which are both self-study open-book exams.<sup>3</sup>

The competencies tested are those that are required for entry-level practice, that have the most impact on the protection of the public and that lead to an effective and ethical law practice.

The Barrister Examination assesses competencies in the following categories: ethical and professional responsibility, knowledge of the law (public law, criminal procedure, family law and civil litigation) and establishing and maintaining the barrister-client relationship.

The Solicitor Examination assesses competencies in the following categories: ethical and professional responsibility, knowledge of the law (real estate, business law, wills, trusts and estate administration and planning) and establishing and maintaining the solicitor-client relationship.

Candidates may complete the licensing process in English or French. All examinations are available in both languages, as are all reference materials and resources.

Each examination is approximately seven hours long. The LSUC provides the necessary reference materials to study for the licensing examinations. Applicants are permitted to mark up the materials and bring them to the examination testing area, but the materials must be left behind when they finish writing the examination.

Exemptions from exams are not granted under any circumstances.

The LSUC has a self-study system and exam preparation materials that are available online or in hard-copy form.

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<sup>3</sup> These are standardized examinations for entry-level applicants. The LSUC established the competencies for these exams and had them tested for cultural biases. The LSUC also contracts with psychometrists (who deal with standardized licensure assessment) to perform statistical analysis on the exams.

The LSUC is not involved with the NCA examination process or administration.<sup>4</sup> However, NCA applicants are advised to do these exams as soon as possible.

## G. Language Requirements

The LSUC does not require an assessment or proof of an assessment of language fluency prior to registration in the licensing process, nor does it examine for language fluency during that process.

Language assessments are not administered directly by the NCA. Instead, applicants must take the Test of English as a Foreign Language (TOEFL) administered by Educational Testing Services, the Michigan English Language Assessment Battery or the International English Language Testing System (IELTS), and show proof that they received a passing grade.

## H. Fees

The fees shown below are reviewed and updated annually by the LSUC and are subject to change.

Fee	
<b>Application Fees (2007–2008)</b>	
Application for admission (non-refundable)	\$160
Application for admission — transfer member (non-refundable)	\$160
Late filing fee	\$75
<b>Licensing Process Fees (includes materials and Applicant Photo Identification Card)</b>	
Skills and Professional Responsibility Program and Barrister and Solicitor Licensing Examinations	\$2,750
Skills and Professional Responsibility Program	\$1,400
Barrister Licensing Examination	\$675
Solicitor Licensing Examination	\$675
<b>Licensing Examination Rewrites (when new materials are not required)</b>	
Barrister Licensing Examination (materials excluded)	\$525
Solicitor Licensing Examination (materials excluded)	\$525

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<sup>4</sup> There are no national examinations for entry into the profession. Once they have been granted the NCA Certificate of Qualification, applicants can apply to any law society in Canada (except for the one in Quebec) for admission to the Bar in that province or territory.

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**Administrative Charge for Monthly Payment Plan of Licensing Process Fees (GST included)**

Five-month option (with payments by cheque)	\$50
Ten-month option (with payments by cheque)	\$100

**Articling Program Fees**

Late filing fee for articling documentation	\$100
Application for Non-compassionate Articling Abridgment (GST included)	\$160
Application for National and International Articles (GST included)	\$160

**Incidental Fees**

Replacement of Applicant Photo Identification Card (GST included)	\$15
Late fee for outstanding balance	12% annually
Call to the Bar fee	\$250
Application for exemption from Skills and Professional Responsibility Program (GST included)	\$160
Replacement materials for Licensing Examination	\$150
Replacement materials for Skills and Professional Responsibility Program	\$200
Applicant's unofficial copy of Licensing Process Transcript (GST included)	\$15
Official Licensing Process Transcript (GST included)	\$25
Second copy or replacement of LSUC Certificate for Call to the Bar (GST included)	\$75
Additional administrative fee (withdrawals, etc.)	\$100

*Note:* Unless otherwise indicated, GST will be applied to these fees.

The fee schedule is subject to change.

**Additional Fees for Internationally Trained Applicants**

The fees payable to the National Committee on Accreditation are:

Evaluation of credentials (GST included)	\$525
Exam fee (per exam)	\$525

The fee for a review of an NCA decision is equal to 50 per cent of the current evaluation fee.

The fee schedule is subject to change.

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## I. Third Parties

Name of Third Party	Relationship to Regulatory Body
National Committee on Accreditation (NCA)	Evaluates the legal training and professional experience of persons with international or non-common law legal credentials.
Psychometrists	Conduct statistical analysis on the examinations delivered by the LSUC.

## J. Typical Length of the Registration Process

The LSUC licensing process takes between 11 and 11.5 months if the applicant completes the process in order and fulfills all the requirements.

Once applicants are registered with the LSUC, they have three years to complete the Skills and Professional Responsibility Program and the licensing examinations. If they fail to complete these requirements within three years, applicants must start the process again. There is no deadline to complete articles.

For domestic students, the registration process can begin while they are still in their last year of law school. Students fill out application forms that become available at the end of October. The students become LSUC “registrants” in or around March and they verify that they have received the LL.B./J.D. degree in April/May, after they graduate. By June of the following year, domestic students can be called to the Bar. The LSUC puts applicants in abeyance for one year if they have not completed the requirements of the licensing process.

NCA applicants who fail to obtain the Certificate of Qualification must notify the LSUC and withdraw from the licensing process. However, the LSUC allows applicants one year to achieve the certificate. During that period, any programs or examinations that were completed successfully are maintained as complete on the applicant’s record with the LSUC. After one year, the NCA candidate must reapply and complete the components again.

## **K. Accredited Programs**

There are 20 law schools in Canada: six accredited law schools in Ontario, four in Quebec<sup>5</sup> and 10 in all the other provinces combined. The 16 law schools with 17 approved common law programs that are recognized in Ontario are:

### ***Ontario***

Osgoode Hall Law School, York University, Toronto  
Queen's University Faculty of Law, Kingston  
University of Ottawa, Faculty of Law — Common Law Section (English program), Ottawa  
University of Ottawa, Faculty of Law — Common Law Section (French program), Ottawa  
University of Toronto, Faculty of Law, Toronto  
University of Windsor, Faculty of Law, Windsor  
University of Western Ontario, Faculty of Law, London

### ***Canada***

Dalhousie Law School, Halifax  
Université de Moncton, École de droit, Moncton (in French only)  
University of New Brunswick, Faculty of Law, Saint John  
McGill University, Faculty of Law, Montreal  
University of Manitoba, Faculty of Law, Winnipeg  
University of Saskatchewan, College of Law, Regina  
University of Alberta, Faculty of Law, Edmonton  
University of Calgary, Faculty of Law, Calgary  
University of British Columbia, Faculty of Law, Vancouver  
University of Victoria, Faculty of Law, Victoria

The LSUC has no ability to influence the number of places for students (NCA applicants or others) in Ontario's law schools.

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<sup>6</sup> The four law schools in Quebec teach the Civil Code.

## L. Internal Review/Appeal Process

Applicants must be of good character. If applicants are denied entry to the profession based on failure to exhibit good character/conduct, they have the right to appeal to the LSUC's Hearing Panel (there is no other right of appeal except for character and fitness reviews). The applicants can choose to be represented by counsel at the hearing.

A Hearing Panel must be composed of at least three persons appointed by Convocation, of whom at least one shall be a person who is not a licensee. One must be a bencher, a licensee or a person approved by the Attorney General for Ontario to be appointed to a Hearing Panel. On December 31, 2007, the Hearing Panel was composed of 76 members: 63 were lawyer benchers; two were paralegal benchers; eight were lay benchers; and three were non-lawyer, non-bencher members approved by the Attorney General.

As part of the hearing process, applicants can request that the LSUC's investigation office disclose information that was used to deny their entry to the profession.

The relationship of the appeal/review bodies to the assessment and decision-making bodies in the registration process is an arm's-length one. The Hearing Panel will know whether the applicant has completed all the requirements for registration and is ready to be called to the Bar except for the issue of good character/conduct.

Appeals of decisions made by the LSUC are infrequent (the LSUC has not had any appeals in the last six years). Information about the LSUC appeals processes is available on the LSUC website. Information about good character issues, good character hearings and how to appeal a good character hearing result is also available on the LSUC website, in the section about the licensing process. These appeals follow the same process as appeals regarding any other hearings process at the LSUC.

If applicants want to have their NCA decisions reassessed, they must deal directly with the NCA. The NCA keeps an applicant's file for a maximum of five years after it makes its initial recommendation. After this time, he or she will have to file a new application, resubmit all documentation for further evaluation, and comply with any new rules and policies that are in place at that time.

Within that five-year period, applicants can ask a Review Panel to review the NCA's decision to re-evaluate academic and professional credentials. To do so, applicants need to fill in a new application for review that specifies the new basis of the application and provides any additional facts and evidence, along with other relevant documents. The Review Panel will evaluate the file based on the applicant's written evidence, and issue a recommendation that increases or decreases the requirements of the NCA's initial recommendation.

## **4. BRIDGING PROGRAMS**

The LSUC does not offer a bridging program specifically for internationally trained individuals, but its support services unit of the Office of the Registrar provides support to all applicants upon request. The unit deals primarily with special-needs accommodation and mentees.

The support services unit also help applicants find articling placements, which is often a challenge for internationally trained individuals.

In addition, the LSUC has an equity initiatives department that provides one-on-one advice, symposiums, information about registration processes, and opportunities to network and mentor.

## **5. MUTUAL RECOGNITION AGREEMENTS**

The LSUC has mutual recognition agreements with the law societies of the other Canadian provinces and territories. Lawyers trained in the United Kingdom or the United States are not covered by any mutual recognition agreement and must follow the processes mandated for the internationally trained.

## **6. APPLICANTS' INTERACTIONS WITH REGULATORY BODY**

### **A. Nature and Frequency of Communication**

The LSUC has frequent written contact with the applicant throughout the licensing process. The LSUC advises NCA applicants well in advance of the expiration of their one-year retention period that they are nearing the end of this period. LSUC staff liaise with NCA candidates frequently and assist them in scheduling their licensing activities in a time- and cost-efficient manner.

## **B. Backlogs**

Because its licensing process adheres to strict deadlines, the LSUC has no backlogs.

A common mistake among NCA applicants is that they enter the LSUC's registration process when their NCA process is at too early a stage. If applicants fail the NCA certification process after registering with the LSUC, they should notify the LSUC so that their application can be put in abeyance for one year.

## **C. Complaints Regarding the Registration Process**

The LSUC receives few complaints concerning the licensing process. However, if a complaint or issue cannot be resolved by the Registrar or the Director, it is elevated to the Professional Development and Competence Committee, the standing committee of Convocation of the LSUC, which is responsible for competence and licensing matters.

## **7. CHANGES SINCE THE 2005 SURVEY**

The Ministry of Citizenship and Immigration conducted a survey in 2005 to collect information about occupational regulatory bodies in Ontario.

The licensing process has not changed since the 2005 survey, nor has there been any substantial change regarding data gathering. In future, the LSUC will change its systems to fulfill the reporting needs of the Office of the Fairness Commissioner.

The LSUC has appointed a Task Force on Licensing and Accreditation, which is reviewing a variety of issues related to licensing in Ontario. In addition, the LSUC has representatives on the Federation of Law Societies of Canada Task Force on the Approved Law Degree.

As a requirement of the Law Society Act, as amended in May 2007, the LSUC also has a standing committee that reviews issues for paralegals, including the licensing activities related to this group of legal professionals.

## 8. REGISTRATION INFORMATION AND STATISTICS

Definitions used in these tables:

**Alternative class of licence:** a class of licence that enables its holder to practise with limitations; additional registration requirements must be met in order to be fully licensed. There are no alternative classes of licence granted by the LSUC.

**Applicant:** an individual who has applied to start the process for entry to the profession.

**Applicant actively pursuing licensing:** an applicant who had some contact with the LSUC within the year specified.

**Inactive applicant:** an applicant who had no contact with the LSUC within the year specified.

**Member:** a person who is currently able to use the protected title or professional designation of “lawyer” or “barrister and solicitor.”

### Languages in which application information materials are available

Language	2005	2006	2007
English	Yes	Yes	Yes
French	Yes	Yes	Yes
Other(s)			

### Countries where internationally educated applicants were initially trained in the legal profession

Applications Received	2005	2006	2007
Largest number	United Kingdom	United States	United States
Second-largest number	United States	United Kingdom	India
Third-largest number	India	India	United Kingdom
Fourth-largest number	Nigeria	Nigeria	Australia
Fifth-largest number	Australia	Australia	Nigeria

### Staff employed by the LSUC

Number of Staff	2005	2006	2007
Involved in registration process	32	32	32
Involved in appeals process <sup>1</sup>	N/A	N/A	N/A

<sup>1</sup> If a candidate appeals an admission decision, staff in the regulatory division and Hearing Panel members of the LSUC will be assigned as required to support the process.

### Jurisdiction where members were initially trained in the legal profession (before they were granted use of the protected title or professional designation in Ontario)

Members	Ontario	Other Canadian Provinces	USA	Other International	TOTAL
Total members <sup>1</sup>	N/A	N/A	N/A	N/A	N/A
Non-practising members <sup>1</sup>	N/A	N/A	N/A	N/A	N/A

<sup>1</sup> The Law Society of Upper Canada currently has 38,500 members and has not historically tracked information about initial training after members are called to the Bar.

### Applicants processed by the LSUC in 2005

<b>Jurisdiction where members were initially trained in the legal profession (before they were granted use of the protected title or professional designation in Ontario)</b>						
<b>In 2005 (Jan. 1 to Dec. 31)</b>	<b>Ontario</b>	<b>Other Canadian Provinces</b>	<b>USA</b>	<b>Other International</b>	<b>TOTAL</b>	
New applications received	1,333	55	25	70	1,483	
Applicants actively pursuing licensing	1,300	48	23	66	1,437	
Inactive applicants	33	7	2	7	46	
Applicants who met all requirements and were authorized to become members but did not become members <sup>1</sup>	559	11	0	4	574	
Applicants who became members <sup>2</sup>	1,259	14	N/A <sup>3</sup>	87	1,360 <sup>4</sup>	
Applicants who were authorized to receive an alternative class of licence but were not issued a licence	N/A	N/A	N/A	N/A	N/A	
Applicants who were issued an alternative class of licence	N/A	N/A	N/A	N/A	N/A	

<sup>1</sup> Interpreted to mean they have been called to the Bar and are registered licensees but are not practising law in any environment.

<sup>2</sup> Includes all applicants called to the Bar in the annual period regardless of year of entry into the process and who are practising.

<sup>3</sup> Total for USA is included in "Other International."

<sup>4</sup> Total identifies all applicants licensed in the year indicated. Applicants have three years to be licensed from the time they begin the licensing process. This number represents applicants who registered between one and three years prior and have completed all components of licensing, between January 1 to December 31.

### Applicants processed by the LSUC in 2006

<b>Jurisdiction where members were initially trained in the legal profession (before they were granted use of the protected title or professional designation in Ontario)</b>						
<b>In 2006 (Jan. 1 to Dec. 31)</b>	<b>Ontario</b>	<b>Other Canadian Provinces</b>	<b>USA</b>	<b>Other International</b>	<b>TOTAL</b>	
New applications received	1,294	1	41	108	1,444	
Applicants actively pursuing licensing	1,265	1	38	96	1,400	
Inactive applicants	29	0	3	12	44	
Applicants who met all requirements and were authorized to become members but did not become members <sup>1</sup>	517	21	0	1	539	
Applicants who became members <sup>2</sup>	1,268	26	N/A <sup>3</sup>	89	1,383 <sup>4</sup>	
Applicants who were authorized to receive an alternative class of licence but were not issued a licence	N/A	N/A	N/A	N/A	N/A	
Applicants who were issued an alternative class of licence	N/A	N/A	N/A	N/A	N/A	

<sup>1</sup> Interpreted to mean they have been called to the Bar and are registered licensees but are not practising law in any environment.

<sup>2</sup> Includes all applicants called to the Bar in the annual period regardless of year of entry into the process and who are practising.

<sup>3</sup> Total for USA is included in "Other International."

<sup>4</sup> Total identifies all applicants licensed in the year indicated. Applicants have three years to be licensed from the time they begin the licensing process. This number represents applicants who registered between one and three years prior and have completed all components of licensing, between January 1 to December 31.

### Applicants processed by the LSUC in 2007

<b>Jurisdiction where members were initially trained in the legal profession (before they were granted use of the protected title or professional designation in Ontario)</b>						
<b>In 2007 (Jan. 1 to Dec. 31)</b>	<b>Ontario</b>	<b>Other Canadian Provinces</b>	<b>USA</b>	<b>Other International</b>	<b>TOTAL</b>	
New applications received	1,331	36	25	85	1,477	
Applicants actively pursuing licensing	1,298	24	22	71	1,415	
Inactive applicants	33	12	3	14	62	
Applicants who met all requirements and were authorized to become members but did not become members <sup>1</sup>	536	21	0	0	557	
Applicants who became members <sup>2</sup>	1,256	24	26	101	1,407 <sup>3</sup>	
Applicants who were authorized to receive an alternative class of licence but were not issued a licence	N/A	N/A	N/A	N/A	N/A	
Applicants who were issued an alternative class of licence	N/A	N/A	N/A	N/A	N/A	

<sup>1</sup> Interpreted to mean they have been called to the Bar and are registered licensees but are not practising law in any environment.

<sup>2</sup> Includes all applicants called to the Bar in the annual period regardless of year of entry into the process and who are practising.

<sup>3</sup> Total identifies all applicants licensed in the year indicated. Applicants have three years to be licensed from the time they begin the licensing process. This number represents applicants who registered between one and three years prior and have completed all components of licensing, between January 1 to December 31.

## 9. SOURCES

Law Society of Upper Canada website: <http://www.lsuc.on.ca/>. Last accessed: January 4, 2008.

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Representatives of the Law Society of Upper Canada met with staff of the Office of the Fairness Commissioner on November 2, 2007, to provide further information for this study.

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