



FAIRNESS COMMISSIONER

COMMISSAIRE À L'ÉQUITÉ

OFFICE OF THE FAIRNESS COMMISSIONER

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Fair Registration Practices Report 2020

The Fair Registration Practices Report was created as required in the:

- Fair Access to Regulated Professions and Compulsory Trades Act, 2006 (FARPACTA) s.20 and 23(1), for the regulated professions named in Schedule 1 of FARPACTA
- Health Professions Procedural Code set out in Schedule 2 of the *Regulated Health Professions Act, 1991* (RHPA) s. 22.7(1) and 22.9(1), for health colleges

Guidelines for this report are available to download as a .pdf on the OFC website.

<https://www.fairnesscommissioner.com/en/Publications/Pages/Guidelines.aspx>

Organization: Law Society of Ontario

Name of the regulated profession: Lawyer Profession

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Qualitative Information

The following qualitative information is collected for the purpose of highlighting a regulator's enhancements to improve fair access year over year, including actions that result from recommendations made in the OFC's Assessment of Registration Practices.

For each of the categories below, where applicable, please describe any improvements/changes implemented in the last year by your organization or a third-party for the purpose of changing fair access.

Please also describe the impact of these improvements/changes on applicants. If you have been working on improvements/changes over the last year that have not yet been implemented, describe your progress and the expected impact the improvements/changes will have on applicants and your organization.

Provide as much detail as possible. This can include the rationale for the improvements/changes, relevant findings from preliminary work leading up to the improvements/changes, methodology, relevant dates and anything else you think is important.

Include as much supporting material as possible to support your description (e.g., relevant reports, policies, protocols, websites, other documents and anything else you think is important). This material can be provided in the form of hyperlinks to electronic sources.

a. Requirements for registration, including acceptable alternatives

- i) Describe any improvements / changes implemented in the last year
No change
- ii) Describe the impact of the improvements / changes on applicants
No change
- iii) Describe the impact of the improvements / changes on your organization
No change

b. Assessment of qualifications

- i) Describe any improvements/changes implemented in the last year
No change
- ii) Describe the impact of the improvements/changes on applicants
No change
- iii) Describe the impact of the improvements/changes on your organization
No change



c. Provision of timely decisions, responses, and reasons

- i) Describe any improvements/changes implemented in the last year
No change
- ii) Describe the impact of the improvements/changes on applicants
No change
- iii) Describe the impact of the improvements/changes on your organization
No change

d. Fees

- i) Describe any improvements/changes implemented in the last year

There were no significant fee changes in 2020. However, the Law Society did adjust two fees associated with the licensing process. Both the PCPO course fee and the Call to the Bar Fee were reduced in 2020. The PCPO fee was reduced from \$975 to \$500 to account for the fact that the course offered in March 2020 had to be remotely delivered and not conducted in its traditional in-person format. The Call to the Bar fee was reduced from \$250 to \$165 to reflect the fact that in-person call to the bar ceremonies could also not implemented due to public health measure.

Recognizing the impact that an inability to hold in-person materials distribution activities in 2020, the Law Society also consumed the cost of shipping licensing study materials to all lawyer and paralegal applicants undertaking licensing examinations in 2020. This measure is a temporary COVID-19 mitigation initiative. Finally, the Law Society implemented a 10-month Monthly Payment Plan for lawyer applicants. The Law Society also suspended the MPP administration fee as a temporary measure to encourage candidate enrollment in the program. All these adjustments to fees at processes were made as pandemic mitigation measures in 2020.
- ii) Describe the impact of the improvements/changes on applicants

In 2020 candidates benefited from slightly reduced fees in certain specific programs, such as the PCPO program and call to the bar. All candidates benefited from free shipping of licensing study materials as a pandemic mitigation measure in 2020. Lawyer candidates, whose work was affected by the pandemic also benefited from the implementation of a new 10-month monthly payment plan for their licensing fees. For many candidates entering the 2020-2021 licensing cycle in May 1, 2020, the 10-month MPP meant that they could defer licensing process payments until the fall of 2020 when the plan commenced.

- iii) Describe the impact of the improvements/changes on your organization

While candidates saw slightly reduced fees in areas such as the call to the bar fee and benefited from free shipping of licensing materials during the pandemic period, there was impact to the Law Society in terms of lost revenues to cover the costs of shipping. While the reduction of the call to the bar fee was offset by the savings associated with not holding in-person call to the bar ceremonies across Ontario, the Law Society consumed large licensing material shipping costs within its operational budget.

e. Timelines

- i) Describe any improvements/changes implemented in the last year

The public health conditions in 2020 and early 2021 have had a major impact on the LSO's registration scheduling and the timing of licensing process activities throughout 2020. As part of its application launch in the fall of each year, the Law Society undertakes major scheduling activities and conducts its operational program planning for the year ahead. Typically schedules for each upcoming licensing cycle are set in the previous year and are published well before a new licensing cycle commences on May 1st in a given calendar year. While this scheduling work had been completed prior to December 31, 2019, it became apparent in the first quarter of 2020 that public health pressures would impact all the major components of the Law Society's licensing process.

When public health measures were implemented in March 2020, timelines, scheduling of programming and even the conduct of programming itself was impacted. To mitigate delays the Law Society implemented new schedules and processes to ensure applicants did not experience lengthy licensing process delays throughout 2020. In the latter half of 2020, the Law Society implemented several changes to address the impact of the pandemic. The scheduling changes that were implemented include:

- (a). The rescheduling of the March 2020 Solicitor Licensing Examination to June 2020 and its transition to online delivery.
- (b). The rescheduling of the March Professional Conduct and Practice in Ontario Course (PCPO) to May 2020 and its conversion to a distributed computer-based program.
- (c). The rescheduling of the June Barrister and Solicitor Licensing Examinations to July and August and their transition to online delivery.
- (d). The implementation of a weekly rolling Administrative Call to the Bar process in June 2020 until August 2020 to replace in-person call to the Bar ceremonies and the continuance of monthly administrative call process for remainder of 2020;

- (e). The implementation of compassionate abridgement process for the articling program, Integrated Practice Curriculum and Law Practice Program/Program de Pratique du Droit placements to mitigate the impact of the pandemic on a case by case basis for candidates completing experiential training programs;
- (f). The implementation of a reduced articling program term to a minimum of 8 months in June 2020 for Licensing Cycle 2020-2021;
- (g). The revision of Summer Student and Articling Program Recruitment procedures and timelines for recruitment activities occurring in 2020-2021.

ii) Describe the impact of the improvements/changes on applicants

All these changes were driven by immediate the need to mitigate the impact of the pandemic on major components of the Law Society's licensing programs. While implementing these many changes ensured that candidates entering the lawyer licensing process continued to progress towards licensure, candidates experienced occasional frustrations resulting from delays and the uncertainty that was occurring while the Law Society was engaged in a continuous cycle of planning, rebuilding, executing and communicating its initiatives. By the end of 2020, both lawyer licensing and paralegal licensing processes were fully recovered and stabilized.

iii) Describe the impact of the improvements/changes on your organization

There is no question that the impact of implementing the multitude of changes that were necessary to ensure candidates could undertake their licensing requirements during the COVID period placed a heavy toll on Law Society staff. Specifically, the Law Society's Licensing and Accreditation team worked hard to quickly rebuild and stabilize systems and process that had been put in place only a few months before restriction on in-person events and public health measures where implemented across the province. From March 17 until December 31, 2020, staff were working remotely from their homes, implementing changes to registration procedures, licensing examinations, and experiential training programs, while managing the many personal obligations that were arising because of the pandemic's impact on education and routine support plans for working parents. During 2020 the Licensing and Accreditation team lost staff to long term leave, illness, extended family responsibility and termination of employment.



f. Policies, procedures and/or processes, including by-laws

- i) Describe any improvements/changes implemented in the last year
No change
- ii) Describe the impact of the improvements/changes on applicants
No change
- iii) Describe the impact of the improvements/changes on your organization
No change

g. Resource for applicants

- i) Describe any improvements/changes implemented in the last year
As a result of the LSO's remote working condition, and the need to place emphasis on process and procedures that would support a quick transition to online licensing examinations, the LSO made a temporary decision to not issue licensing candidate registration cards in 2020.
- ii) Describe the impact of the improvements/changes on applicants
Since the licensing candidate registration card is a useful piece of identification to support examination administration, candidates were asked to provide alternative forms of government issued identification for licensing examinations.
- iii) Describe the impact of the improvements/changes on your organization
The LSO plans to return to the process of issuing licensing candidate registration cards as soon as possible. While the temporary change created an efficiency that permitted staff to focus on other pressing administrative matters while working in a remote working condition in 2020, the licensing candidate registration card is an important administrative component in the LSO's licensing process. The card is particularly useful during examination administration.

h. Review or appeal processes

- i) Describe any improvements/changes implemented in the last year
No change
- ii) Describe the impact of the improvements/changes on applicants
No change
- iii) Describe the impact of the improvements/changes on your organization
No change

i. Access to applicants' records

- i) Describe any improvements/changes implemented in the last year
No change

- ii) Describe the impact of the improvements/changes on applicants
No change
- iii) Describe the impact of the improvements/changes on your organization
No change

j. Training and resources for registration staff, Council, and committee members

- i) Describe any improvements/changes implemented in the last year
No change
- ii) Describe the impact of the improvements/changes on applicants
No change
- iii) Describe the impact of the improvements/changes on your organization
No change

k. Mutual recognition agreements

- i) Describe any improvements/changes implemented in the last year
No change
- ii) Describe the impact of the improvements/changes on applicants
No change
- iii) Describe the impact of the improvements/changes on your organization
No change

l. Other

- i) Describe any improvements/changes implemented in the last year
In June 2020, the Law Society discontinued its requirement that internationally trained applicants, granted a full experiential training program exemption, complete the Professional Conduct and Practice in Ontario course (PCPO). The PCPO course was a three-day program directed at exposing internationally trained lawyer licensing applicants to complex practice management and responsibility issues impacting the practice of law in Ontario. The course was offered by the Law Society in the spring and winter in every licensing cycle. The course was highly interactive, and issue based and required considerable support from licensees in specialized areas of practice and from staff of the Law Society. To complete the course, qualified applicants had to attend the three-day program in-person at 130 Queen Street in Toronto. To mitigate the impact that the pandemic was having on in-person programs, the Law Society completely transitioned the program to online delivery in the spring of 2020 in

order to facilitate completion of the program for those applicants who were still required to complete the program prior to its discontinuance in June 2020.

While the PCPO course permitted the Law Society the opportunity support competencies directed at important professional responsibility and practice management matters in Ontario, the LSO has determined that these competencies are already given emphasis in the lawyer licensing examinations. In addition, with a large inventory of CPD programming specifically directed at practice management and professional responsibility competencies, it made sense to discontinue the PCPO program in favour of leveraging the professional obligation on licensees to continue self-development in these competencies supported by the LSO's growing CPD catalog. Discontinuance of the PCPO moved the LSO from its reliance on implementing expensive and resource intensive pre-licensing training programs to a process of post-licensing self-development activities supported by a robust catalog of CPD.

ii) Describe the impact of the improvements/changes on applicants

Internationally trained applicants who are granted a full experiential training program exemption now move towards licensure slightly faster. These applicants are no longer delayed by the need to complete the PCPO course, which was only scheduled twice per year in each licensing cycle. These applicants also receive a fee reduction since they are no longer required to attend and pay for the PCPO course. The course cost \$975 plus HST. Additionally, applicants that attended the PCPO from international jurisdictions no longer need to travel to Toronto to attend the 3-day in-person program.

iii) Describe the impact of the improvements/changes on your organization

Discontinuance of the PCPO course has meant that the Licensing and Accreditation department is no longer implementing an expensive and resource intensive pre-licensing training program. The department is now free to reallocate personnel, time and resources to other areas of pre-licensing programming. The discontinuance of PCPO also acknowledges the important role that post-licensing Continuing Professional Development (CPD) plays in maintaining competency in the areas of practice management and responsibility.

m. Describe any registration-related improvements/changes to your enabling legislation and/or regulations in the last year

No change

Quantitative Information

The following quantitative information is collected for the purpose of observing statistical changes and trends related to application, licensure, appeals and staffing year over year.

a. Languages

Indicate the languages in which application materials and information about the application process are available.

Language	Yes/No
English	Yes
French	Yes

Other (please specify):

b. Gender of applicants

Indicate the number of applicants in each category as applicable

Gender	Number of applicants
Male	1213
Female	1514
None of the above	0

c. Gender of members

Indicate the number of members in each category as applicable. Select the option that best corresponds to the terminology used by your organization.

Gender	Number of members
Male	36,045
Female	27,627
None of the above	0

For the following sections d,e & f, the OFC recognizes that the term initial education infers that applicants may receive their education in multiple jurisdictions.

For the purpose of these questions, include only the jurisdiction in which an entry-level degree, diploma or other certification required to practice the profession or trade was obtained.

d. Jurisdiction where applicants obtained their initial education

Indicate the number of applicants by the jurisdiction where they obtained their initial education in the profession or trade

Ontario	Other Canadian Provinces	USA	Other International (list countries and # of applicants)	Unknown	Total
1563	266	63	834	1	2727
			Afghanistan	1	
			Albania	1	
			Australia	50	
			Barbados (West Indies)	5	
			Brazil	12	
			Cameroon	5	
			Cayman Islands (West Indies)	1	
			China	13	
			Colombia	5	
			Costa Rica	1	
			Egypt	1	
			El Salvador	2	
			Ethiopia	1	
			France	4	
			Ghana	3	
			Hong Kong	7	
			India	223	
			Iran, Islamic Republic of	8	
			Iraq	1	
			Ireland	5	
			Israel	5	
			Jamaica (West Indies)	3	
			Kazakhstan	1	
			Kenya	3	
			Mexico	1	
			Nepal	1	
			Netherlands	1	
			New Zealand	2	

			Nigeria	62		
			Pakistan	23		
			Peru	1		
			Philippines	6		
			Romania	2		
			Russian Federation	4		
			South Africa	8		
			Sri Lanka	2		
			Trinidad and Tobago (West Indies)	2		
			Turkey	10		
			Uganda	1		
			Ukraine	4		
			United Kingdom	343		

e. Jurisdiction where applicants who became registered members obtained their initial education

Indicate the number of applicants who became registered members in the reporting year by the jurisdiction where they obtained their initial education in the profession or trade.

Ontario	Other Canadian Provinces	USA	Other International (list countries and # of applicants)	Unknown	Total
1487	273	71	564	1	2396
			Albania	2	
			Argentina	1	
			Australia	41	
			Bangladesh	1	
			Barbados (West Indies)	7	
			Bosnia and Herzegovina	1	
			Brazil	5	
			Cameroon	2	
			Cayman Islands (West Indies)	1	
			China	18	
			Colombia	1	
			Egypt	1	
			Estonia	1	
			Ethiopia	1	
			Ghana	1	
			Greece	1	
			Guyana	1	
			Hong Kong	2	

			Hungary	1		
			Iceland	1		
			India	97		
			Iran, Islamic Republic of	3		
			Ireland	1		
			Israel	1		
			Italy	2		
			Jamaica (West Indies)	5		
			Jordan	2		
			Korea, Republic of	2		
			Lebanon	1		
			Mexico	2		
			Netherlands	2		
			New Zealand	2		
			Nigeria	23		
			Pakistan	10		
			Peru	2		
			Philippines	5		
			Poland	3		
			Russian Federation	4		
			South Africa	13		
			Sri Lanka	4		
			Tanzania, United Republic of	1		
			Turkey	1		
			Ukraine	2		
			United Kingdom	282		
			Venezuela	2		
			Viet Nam	1		
			Zambia	1		

f. Jurisdiction where members were initially trained

Indicate the total number of registered members by jurisdiction where they obtained their initial education in the profession or trade.

Ontario	Other Canadian Provinces	USA	Other International (list countries and # of members)	Unknown	Total
48,405	9,151	*N/A	5,822	294	63,672

*The Law Society's Membership database does not track country of training outside of Canada. Therefore, the number of lawyer licensees trained in the USA and in other countries are not known. The numbers in the 'Other International' figure above are reflective of a global figure.

g. Application processed

Indicate the number of applications your organization processed in the reporting year. Enter the data by jurisdiction where applicants were initially trained in the profession, i.e. before they were granted use of the protected title or professional designation in Ontario.

January 1, 2020 to December 31, 2020	Ontario	Other Canadian Provinces	USA	Other International	Unknown	Total
New applications received	1563	266	63	834	1	2727
Applicants actively pursuing licensing. Those who had some contact with your organization in the reporting year	1766	348	101	1366	0	3581
Inactive applicants. Those who had no contact with your organization in the reporting year.	N/A	N/A	N/A	N/A	N/A	N/A
Applicants who met all requirements and were authorized to become members <u>but did not</u> become members	N/A	N/A	N/A	N/A	N/A	N/A
Applicants who became <u>fully</u> registered members	1502	308	72	599	4	2485
Applicants who were authorized to receive an alternative licence <u>but were not</u> issued a licence	N/A	N/A	N/A	N/A	N/A	N/A
Applicants who were issued an alternative class of licence*	0	6	0	0	0	6

- An alternative class of licence enables its holder to practice with limitations, but additional requirements must be met in order for the member to be fully licensed.

Additional comments:

Pursuant to By-Law 4, candidates are entitled to three licensing years to complete the licensing process requirements. Therefore, the number of candidates actively pursuing licensing at any given time will exceed the number of applicants in a reporting period. The number of applicants who become fully registered members includes members who transferred to Ontario under the National Mobility Agreement

h. Classes of certificate/licence

Provide a description of the classes of certificate/licence offered by your organization. You should have at least one class listed.

#	Certification	Description
1	L1	A licensee who holds a class L1 Licence is entitled to practise law in Ontario as a barrister and solicitor.
2	L2	A licensee who holds a Class L2 Licence is entitled to practise law in Ontario as a barrister and solicitor in the employ of the Attorney General for Ontario, or if appointed under the <i>Crown Attorneys Act</i> , as a Crown Attorney or as an assistant Crown Attorney.
3	L3	A licensee who holds a Class L3 Licence must be a member of the Barreau du Quebec in good standing and as a member of the Ontario Bar, would be restricted to practise Quebec civil law and Canadian Federal law as a barrister and solicitor of Ontario.

i. Reviews and appeals processed

State the number of reviews and appeals your organization processed in the reporting year. Enter the data by jurisdiction where applicants were initially trained in the profession, i.e. before they were granted use of the protected title or professional designation in Ontario.

January 1, 2020 to December 31, 2020	Ontario	Other Canadian Provinces	USA	Other International	Unknown	Total
Applicants that were subject to an internal review or that were referred to a statutory committee of your governing council, such as a Registration Committee	146	24	20	47	0	237
Applicants who initiated an appeal of a registration decision	0	0	0	0	0	0
Appeals heard	0	0	0	0	0	0
Registration decisions changed following an appeal	0	0	0	0	0	0

**j. Paid Staff**

Provide the number of paid staff employed by your organization in the categories shown, as of December 31, 2020.

You may use decimals if you need to count half units. For example, one full-time employee plus one part-time employee will be equivalent to 1.5 employees.

Category	Number of staff
Total number of staff employed by the regulatory body	524.5
Number of staff involved in the appeals process	168.4
Number of staff involved in the registration process	34.5

Additional comments:

The number of staff indicated in the Appeals Process area above refers to the department that handles the Good Character Review procedures, which are a pre-requisite to licensure.

Submission

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