



The Law Society of
Upper Canada | Barreau
du Haut-Canada

Report to Convocation September 22, 2016

Professional Development & Competence Committee

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**Purpose of Report: Information (September 22, 2016)
Decision (November 9, 2016)**

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EXECUTIVE SUMMARY

Introduction

This Report addresses the evaluation of the Pathways Pilot Project (consisting of the Law Practice Program and the enhanced Articling Program) and the recommended enhancements to the lawyer licensing process.

The licensing issues that the Law Society has addressed over the last number of years, and with which the Committee has been specifically faced, are complex and multi-layered. They have been addressed in the context of increasing numbers of licensing candidates, both from Canadian law schools and the National Committee on Accreditation (“NCA”), a rapidly changing legal landscape, pressure on the articling structure, equity and diversity issues, renewed emphasis within the Law Society around competency and standards, examinations, transitional experiential learning, rising law school tuition, licensing costs and the length of the legal education and licensing process. Moreover, myriad perspectives on the issues have resulted in principled disagreement on an appropriate approach.

Pathways Pilot Project

Convocation directed the Professional Development & Competence Committee (the “Committee”) to conduct an evaluation of the Pathways Pilot Project (the “pilot”) and to make recommendations respecting what should occur at its conclusion. Originally, the Articling Task Force conceived a five-year pilot. It amended the motion in its October/November 2012 Report, which Convocation approved, to reduce the length to three years.

A pilot project is by its very nature a previously untried process whose lifespan is predefined, but whose operation and results are unknown at the outset. It provides an opportunity to investigate a new approach and its merits with all the inherent challenges, understanding that its performance and viability must be the subject of a critical lens and knowing that its permanence is not to be presumed. The Articling Task Force believed that an alternative to articling must be explored, but was reluctant to entrench an approach without an opportunity to weigh the outcomes. It also understood that in three years that exploration would be evaluated to consider its effectiveness as a means of transitional training, the acceptance or otherwise of the alternative and cost and equity issues. By adopting a three instead of five year timeline, Convocation was reflecting a desire to explore without entrenching, while preserving the possibility for extending the evaluation timeline in certain circumstances.

For all the reasons discussed in this Report, the Committee, based on the views of nine of the 14 members, has concluded that the pathway of the pilot known as the Law Practice Program (LPP), despite many positive features, including the excellent program design and delivery by both LPP providers, does not appear to be providing an alternative to articling that has gained acceptance by candidates and the profession and that is sustainable in the long term.

The Committee recommends that the LPP end following the completion of Year Three (2016-2017). The complexity of the decisions to be made were reflected in the Committee’s discussions. Members have held a diversity of, and evolving, views on the issues, some of which are outlined in the Report. Three of the Committee members do not agree with the recommendation and two abstain.

The Committee recommends that the component of the pilot known as the enhanced Articling Program remain in place and continue to be evaluated for effectiveness, consideration of further enhancements and as part of future considerations respecting transitional experiential training.

The Committee has developed a number of additional recommendations for strategies to address issues that continue to exist in transitional experiential training. Serious attention, effort and collaboration in the areas identified below can address some of the issues that the pilot has revealed or confirmed:

- **Continued use of LPP program content, networks, professional placements etc. in other contexts so that the invaluable resources are not lost.** The English and French LPP have each been developed to address their context, size and setting. In the short life of the pilot project each has integrated meaningful program content with impressive physical and human resources and networks of professionals who have supported and assisted the programs and acted as supervisors, instructors and mentors. From the outset, the French LPP has developed a particular focus on the enhancement and broadening of the ability to offer quality legal services in French across the province and to facilitate the development of mentors and role models within the Francophone bar. Based on the recognition of linguistic dualism, the program provider and the Law Society understood from the outset that the French LPP skills content should be developed to support these goals. Similarly, the English LPP has developed a rigorous program with valuable and distinct content and networks of lawyers engaged with the process. It has successfully found work placements for hundreds of candidates. Most of the placements were with those who had not previously taken an articling candidate. Effort should be made to make use of the English and French LPP resources.
- **Consideration of the National Committee on Accreditation (NCA) process, readiness for licensing issues and exploration of bridging programs for internationally-educated candidates.** The Law Society is committed to a vibrant, competent and diverse profession that in turn supports the diversity of the Ontario population. For this to be feasible, in addition to an NCA process that is effective and relevant, internationally-educated candidates must have reasonable expectations about their ability to succeed in the Ontario legal market. They must also be assisted to meet with success through a combination of supports, resources and information exchange that will provide an opportunity to integrate into the legal culture and the ability to prepare to be successful in Ontario's lawyer licensing process. The Law Society has no ability to address issues related to the level of preparedness for licensing that international law degrees provide, but it must have a role in managing expectations of candidates related to what is necessary to succeed in the licensing process and the Ontario market. Indeed, management of expectations is important for all candidates wherever educated. As the market for lawyers continues to change and as pressures on the legal practice model continue, Canadian law school educated and internationally-educated candidates should be provided with meaningful information about the nature of that market as early as possible, so they can make meaningful choices. The LPP has developed a rigorous program whose content may serve other possible purposes, including being utilized in a bridging program for internationally-educated candidates. The Law Society should explore possible approaches to voluntary and robust bridging programs for internationally-educated candidates to enhance their readiness for licensing in Ontario.
- **Attention to issues of fairness, including the Articling Program's impact on equality-seeking candidates and its accessibility and objectivity.** The Committee continues to have concerns with aspects of the Articling Program, some of which the pilot has reinforced. These relate to fairness, including the impact on equality-seeking groups and the hiring process, consistency and coverage of required competencies, working conditions and the dearth of certain types of articling positions, particularly in the field of social justice. Because of low take-up of the LPP, the alternative pathway was unable to convincingly address placement shortages. Post LPP

shortages will continue to be an issue. The Law Society must continue to monitor the Articling Program and address the issues that have emerged from the pilot respecting fairness, accessibility and objectivity. The Law Society commitment to serving a diverse Ontario public and to advancing a diverse profession that meets the public's varied needs and access to justice in under-served communities is equally important in the context of transitional experiential training. Development of a fund to be used to support the above mentioned priorities in the context of transitional experiential training should be explored. The exploration will include an analysis of possible sources for funding, such as the Law Foundation of Ontario grants and the continuation of the lawyer licensee contribution to the licensing process, criteria for eligibility, relevant under-served communities and appropriate job locations.

Licensing Process Enhancements

The Law Society's mandate to regulate in the public interest begins with the licensing process. Unlike law school education, licensing is primarily a regulatory process, protecting the public by admitting only those who demonstrate competence. The focus of the Law Society's licensing process is to ensure that candidates have demonstrated that they possess the required competencies at an entry-level to provide legal services effectively and in the public interest.

The recommendations related to licensing examinations, the formal framework of the licensing process and requirements around articling reflect the Law Society's Strategic Priority #1, which states that the Law Society will focus on enhancing licensing standards and requirements and their assessment. The process for assessing readiness must be fair and defensible, but the Law Society's regulatory priority of competence-based licensing is clear.

In furtherance of this priority, the Committee recommends the introduction of two new licensing examinations. The single Practice and Procedure Examination (PPE) will replace the current Barrister Examination and Solicitor Examination. The focus will be on those competencies in the practice and procedural areas whose frequency and criticality are of the highest importance for entry-level practitioners. It will take place before the articling component of the licensing process and successful completion will be a prerequisite to proceeding to articling. The second licensing examination, to be known as the Practice Skills Examination (PSE), will measure candidates' capability to apply their practice and analysis skills following their completion of articling.

Under the current approach, a candidate is eligible to write each examination up to three times and has three years to complete the entire licensing process. These requirements will remain in place. Candidates who are still unsuccessful by the end of the three-year process will not, in the normal course, be entitled to register for the licensing process a second time. All these requirements are subject to the duty to accommodate based on conditions that arise from an enumerated ground listed in the *Human Rights Code* and reflected in the Law Society's *Policy and Procedures for Accommodations for Candidates in the Lawyer and Paralegal Licensing Processes*.

The validity and defensibility of the licensing process requires a balancing of standards and fairness. Fairness provisions recognize that there are exigencies that may affect candidates' performance or the timing of their completion of the licensing process. At the same time, however, it is essential that the opportunities to complete the licensing process not be so drawn out as to undermine the validity of the assessment or the licensing process overall. The current and proposed approach, all subject to the duty to accommodate, balance these considerations.

The Committee also recommends that internationally-educated candidates licensed in a common law jurisdiction with at least three years of practice experience that addresses the Law Society's articling competencies may be exempted from articling. This is an increase from the current eligibility requirement of 10 months, to reflect a commitment to enhanced standards. The Law Society will continue to track the level of experience of internationally-educated candidates, examination performance data and information that will be gleaned from discussions and exploration of bridging programs, to determine whether the exemption recommendation is effective. Exempted candidates will continue to be required to complete an intensive three-day program on professional conduct and practice management as a mandatory component of the licensing process. All other internationally-educated candidates will continue to be required to complete the articling requirement, subject to the ability to seek an abridgment based on length of legal experience and the extent to which that experience addresses the Law Society's articling competencies, in accordance with the Law Society's protocols. If the new recommendation is approved by Convocation, it would apply on a going forward basis, beginning with the licensing year 2017-2018.

Finally, the Committee recommends that the Law Society explore a process to permit up to a three-month abridgment of articling where prior skills training has been attained in a program the Law Society accredits. Among other factors the exploration will consider the possible risks and benefits of such an approach and the nature of accreditation criteria for eligible programs. In the interim, the 10 month articling requirement will continue. The exploration will include collaborative discussions with interested stakeholders. The place of skills training or experience in the pre-licensing context has been evolving steadily since the late 1970s and early 1980s when many considered it could have no role to play in the development of lawyers, except in the articling context. Few accept that position today, but each stage on the road to licensing, beginning in law school defines how skills training fits its priorities. The recommendation seeks to expand the conversation.

Conclusion

The focus of the Law Society's licensing process is to ensure that candidates have demonstrated that they possess the required competencies at an entry-level to provide legal services effectively and in the public interest. In respect of lawyer licensing, Strategic Priority #1 states that the Law Society will focus on enhancing licensing standards and requirements and their assessment for lawyers. At the same time, the Law Society seeks to ensure a process that is fair, accessible and objective.

The Pathways Pilot Project has been an important part of the efforts to examine and address licensing requirements and fairness. The evaluation of the project has revealed the complexity of the issues and the difficulties inherent in determining the way forward. All the Committee members recognize that the recommendations, if approved, will not end the discussion around lawyer licensing, nor do they intend that they should. Indeed, the Committee's recommendations reflect both the need for ongoing work and commitment in this area and an understanding that law schools, the Law Society as regulator, the profession and the delivery of legal services continue to be in a period of flux and change. As was the case within the Committee, different perspectives will inevitably affect views of and response to the recommendations the Committee provides here for Convocation's consideration.

The proposed enhancements to the lawyer licensing process reflect the Committee's commitment to address Convocation's Strategic Priority #1 respecting enhanced licensing standards and requirements and their assessment.

Motion

- 1. That Convocation approve that the pathway of the Pathways Pilot Project known as the Law Practice Program (LPP) end following completion of Year Three (2016-2017.)**
- 2. That Convocation approve that the pathway of the Pathways Pilot project known as the enhanced Articling Program remain in place and continue to be evaluated for effectiveness, consideration of further enhancements and as part of future considerations respecting transitional experiential training.**
- 3. That Convocation approve the following steps:**
 - a. The Law Society will explore with the University of Ottawa, the French LPP Advisory Board and other stakeholders who wish to be involved, ways to continue to build on the groundwork laid by the French LPP.**
 - b. The Law Society will explore ways that the English LPP resources may continue to be used, including but not limited to,**
 - i. adapting work placements developed during the LPP to the articling context wherever possible and appropriate; and**
 - ii. integrating relevant human and other resources from the English and French LPP into the Law Society's Coach and Advisor Initiative;**
 - c. The Law Society will explore approaches to voluntary and robust bridging programs for internationally-educated candidates who wish to enhance their readiness for licensing in Ontario. This exploration will include attention to uses to which LPP program content can be put.**
 - d. The Law Society will explore, within the transitional experiential training context, the development of a fund to be used to support the priorities of a diverse profession that meets the public's varied needs and to enhance access to justice in under-serviced communities. The exploration will include an analysis of possible sources for funding, such as the Law Foundation of Ontario grants and the continuation of the lawyer licensee contribution to the licensing process, criteria for eligibility, relevant under-serviced communities and appropriate job locations.**
 - e. The Law Society will continue to monitor the Articling Program and address the issues that have emerged from the pilot respecting fairness, including the impact on equality-seeking groups and hiring, accessibility and objectivity.**

- f. **By June 2017 the Professional Development & Competence Committee will provide Convocation with a proposed process plan for addressing issues under a-e.**
- 4. **That Convocation approve the following with respect to licensing process enhancements:**
 - a. **The Law Society will explore a process to permit up to a three-month abridgment of articling where prior skills training has been attained in a program the Law Society accredits. Among other factors the exploration will consider,**
 - i. **the possible risks and benefits of such an approach; and**
 - ii. **the nature of accreditation criteria for eligible programs.**

The exploration will include discussions with interested stakeholders. The Committee will report to Convocation on the outcome of this exploration, by June 2017.

- b. **Beginning with the licensing year 2017-2018, internationally-educated candidates licensed in a common law jurisdiction, with at least three years of practice experience that addresses the Law Society's articling competencies, may be exempted from the articling requirement. Such candidates will continue to be required to complete an intensive three-day program on professional conduct and practice management as a mandatory component of the licensing process. All other internationally-educated candidates will continue to be required to complete the articling requirement, subject to the ability to seek an abridgment based on length of legal experience and the extent to which that experience addresses the Law Society's articling competencies, in accordance with the Law Society's protocols.**
 - c. **Approved for the licensing year 2017-2018,**
 - i. **to provide a fair opportunity for candidates to satisfy their licensing requirements, candidates will continue to,**
 - a. **be eligible to write each licensing examination up to three times; and**
 - b. **will have three years to complete all licensing requirements;**
 - ii. **to reflect that three years is a fair time frame within which to complete all licensing requirements, candidates will not be entitled to register**

- for the licensing process a second time following failure to complete the requirement in three years;
- iii. the requirements in (i) and (ii) will continue to be subject to the duty to accommodate based on conditions that arise from an enumerated ground listed in the *Human Rights Code* and reflected in the *Law Society's Policy and Procedures for Accommodations for Candidates in the Lawyer and Paralegal Licensing Processes*; and
 - iv. all candidates will continue to be required to meet good character requirements, as set out in the Law Society application process.
- d. Approved for the licensing year 2018-2019,
- i. a new practice and procedure examination (PPE) will be introduced as the first assessment component of the "entrance to licensing" requirement, to replace the current Barrister and Solicitor Examinations;
 - ii. to ensure that only candidates who have demonstrated the requisite entry-level competence in practice and procedure advance to the next phase of the licensing process, candidates will be required to pass the PPE Examination prior to beginning transitional experiential training;
 - iii. To provide a fair opportunity for candidates to satisfy their licensing requirements, while ensuring that the licensing process assesses entry-level competence, candidates will continue to have three opportunities to pass the PPE Examination. Two examination sittings will be offered prior to the traditional starting dates for transitional experiential training and be held in May and July, and it is anticipated that additional opportunities to write the examination will continue to be offered in October and March of each licensing year.
- e. Approved for the licensing year 2018-2019,
- i. a practice skills examination (PSE) will be added to licensing requirements and will be taken after completion of transitional experiential learning. Given the complexity of this assessment component, development of the PSE will begin in 2016 and continue through 2017 and 2018 for introduction in the 2018-2019 licensing year;

- ii. **candidates will be required to pass the PSE Examination prior to being entitled to complete their licensing process; and**
- iii. **to provide a fair opportunity for candidates to satisfy their licensing requirements, while ensuring that the licensing process assesses entry-level competence, candidates will have three opportunities to pass the PSE Examination. Examination sittings will be offered three times per licensing year. The dates of those sittings will be determined in the development process and will coincide as closely as possible with candidate transitional experiential training completion dates.**

Context of this Report

5. Convocation directed the Professional Development & Competence Committee (the “Committee”) to conduct an evaluation of the Pathways Pilot Project (the “pilot”) and to make recommendations respecting what should occur at the conclusion of the pilot. Originally, the Articling Task Force conceived a five-year pilot. It amended the motion in its October/November 2012 Report, which Convocation approved, to reduce the length to three years, for the following reasons:

One of the concerns expressed in discussions was that a five year pilot project, given the time it needs to both develop it and then evaluate it was a very long time for a pilot and might, in fact, have the unintentional effect of entrenching it and not really treating it as the pilot that it was intended to be. It was the intention all along to evaluate as soon as possible and was agreed that if it doesn’t take five years, it shouldn’t take five years.¹

6. Pursuant to the motion, the pilot could be extended for up to an additional two years if this was deemed necessary to enable a fair and appropriate evaluation.
7. This Report provides the Committee’s analysis and recommendations respecting the pilot and includes material that supports that analysis, including on the two methods of transitional experiential training (Law Practice Program (LPP) and the Articling Program) and on issues around the viability and sustainability of the LPP, including financial implications. The Committee’s analysis includes discussion of whether it has sufficient information on which to make recommendations at this time.
8. This Report also addresses recommendations the Committee made in April 2016 respecting enhancements to the licensing process (the “April Report”). Given the

¹ Transcript. Convocation. November 11, 2012. p. 25.

Committee's recommendations respecting the pilot, the earlier April Report is further contextualized as part of next steps in the licensing process.

9. The licensing issues that the Law Society has addressed over the last number of years, and with which the Committee has been specifically faced, are complex and multi-layered. They have been addressed in the context of increasing numbers of licensing candidates, from both Canadian law schools and the National Committee on Accreditation ("NCA"), a rapidly changing legal landscape, pressure on the articling structure, equity and diversity issues, renewed emphasis within the Law Society around competency and standards, examinations, transitional experiential learning, rising law school tuition, licensing costs and the length of the legal education and licensing process. Moreover, myriad perspectives on the issues have resulted in principled disagreement on an appropriate approach.
10. As is described in this Report, the Committee has concluded that the pathway of the Pathways Pilot Project known as the Law Practice Program (LPP), despite many positive features, including the excellent program design and delivery by both providers, described further below, appears not to be sustainable in the long term and should end following the completion of the pilot in Year Three (2016-2017). The pathway of the Pathways Pilot project known as the enhanced Articling Program should remain in place and continue to be evaluated for effectiveness, consideration of further enhancements and as part of future considerations respecting transitional experiential training. The Committee makes additional recommendations for strategies to address issues that continue to exist in the Articling Program. Finally, the Committee recommends that, with some changes, the proposed enhancements to the licensing process recommended in the April 2016 Report should be adopted.
11. The recommendations reflect the conclusions of a majority of the Committee members.² The complexity of the decisions to be made were reflected in the Committee's discussions. Members have held a diversity of, and evolving, views on the issues, some of which are outlined in the Report.
12. All the members recognize that the recommendations, if approved, will not end the discussion around lawyer licensing, nor do they intend that they should. Indeed, the Committee's recommendations reflect both the need for ongoing work and commitment in this area and an understanding that law schools, the Law Society as regulator, the profession and the delivery of legal services continue to be in a period of flux and change. As was the case within the Committee, different perspectives will inevitably affect views of and response to the recommendations the Committee provides here for Convocation's consideration.

² The specific breakdown of the Committee members' views with respect to the question of sufficiency of evidence to evaluate the pilot and the recommendation respecting the LPP are set out later in the Report.

13. The information underlying and supporting this Report is critically important and the Committee urges that it be used to contribute to the ongoing analysis of and refinements to the licensing process that will continue to be sought, developed and implemented.

Background

14. Since the fall of 2015, the Committee has been engaged in considering a number of issues related to lawyer licensing, in the context of,
 - a. the Law Society's approved Strategic Priority around lawyer licensing standards; and
 - b. its obligation to evaluate the Pathways Pilot Project.
15. In October 2015, benchers approved the 2015-2019 Strategic Plan establishing priority areas for policy development and governance over the bencher term. Among its top priorities were competence-related matters (Strategic Priority #1), including those respecting the licensing process, as follows:

The Law Society will focus on enhancing licensing standards and requirements and their assessment...for lawyers...
16. In the Priority Planning Committee's Report to Convocation on December 4, 2015, in which it detailed the components of the 2015-2019 Strategic Plan, it noted with respect to licensing,

As newly qualified lawyers and paralegals enter a challenging and evolving professional environment, the Law Society has identified a need to work to enhance entry-level standards and assessment of those standards.

Part of this exercise will involve reviewing and, if required, revising the profile of the entry-level competent lawyer and paralegal and determining the extent to which the threshold for licensing needs to be changed. The adequacy of the entry level examinations for licensing those who meet entry level standards and whether skills testing should be considered are among the issues that may be explored.

This activity would take place contiguously with the evaluation of the current Pathways Pilot Project to ensure that any increased threshold becomes part of the assessment process...
17. In April 2016, following a consideration of licensing examinations and other components of the licensing process, the Committee provided Convocation with a Report on enhancements to the licensing process (the "April Report"), which made a number of licensing-related recommendations, but did not address the evaluation of the Pathways

Pilot Project. In May 2016 Convocation determined to combine consideration of the recommendations with those flowing from the evaluation of the Pathways Pilot Project.

18. The Pathways evaluation was among the recommendations Convocation approved in the October/November 2012 Articling Task Force Report (“Pathways Report”), establishing a pilot project, as follows:
 - a. There will be a transitional training pilot project, proposed to begin in 2014-15, with an articling component and a Law Practice Program (“LPP”) component. The pilot project will be for three years, to be extended for up to an additional two years if the Law Society determines that there is insufficient evidence to properly evaluate the pilot project after three years.
 - b. During the pilot project data designed to enable an evaluation of the project will be collected and any necessary refinements or other policy issues related to this will be considered in the Professional Development & Competence (“PD&C”) Committee.
 - c. The formal review of the pilot project will commence in the final year of the pilot and be completed by the end of that year with a proposal for next steps provided to Convocation for its consideration. The implementation of the pilot project will continue during the course of the review. Convocation will then determine whether the pilot project should end, become permanent or result in a different approach.
19. Pursuant to By-Law 3, the PD&C Committee’s mandate includes providing policy options to Convocation on,
 - the licensing of persons to practise law in Ontario as barristers and solicitors, including qualifications and other requirements for licensing and the application for licensing.
20. In exercising its mandate and developing each of its policy recommendations the Committee regularly considers,
 - a. the Law Society’s duty to protect the public interest;
 - b. that 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;³
 - c. the professional context within which licensing occurs;
 - d. access to justice for the people of Ontario;

³ *Law Society Act*, s 4.2

- e. diversity in the legal profession;
 - f. the Law Society's Strategic Priorities;
 - g. licensing and the legal education continuum;
 - h. the sustainability of licensing options;
 - i. the need for fair, transparent and defensible processes;
 - j. financial considerations; and
 - k. national regulatory initiatives.
21. Approximately 2,350 newly-registered candidates are now participating in the licensing process. Approximately 1,750 are Canadian law school educated licensing candidates. Approximately 600 are internationally-educated candidates, of whom approximately 35% (200+) are Canadian-born candidates who received their law school education outside of Canada and return to become licensed in Ontario.

Evaluating the Pathways Pilot Project

22. A pilot project is by its very nature a previously untried process whose lifespan is predefined, but whose operation and results are unknown at the outset. It provides an opportunity to investigate a new approach and its merits with all the inherent challenges, understanding that its performance and viability must be the subject of a critical lens and knowing that its permanence is not to be presumed.
23. The Articling Task Force believed that an alternative to articling must be explored, but was reluctant to entrench an approach without an opportunity to weigh the outcomes. It also understood that in three years that exploration would be evaluated to consider its effectiveness as a means of transitional training, the acceptance or otherwise of the alternative and cost and equity issues.⁴ By adopting a three instead of five year timeline, Convocation was, in the Committee's view, reflecting a desire to explore without entrenching, while preserving the possibility for extending the evaluation timeline in certain circumstances.
24. One of the purposes of the evaluation process approved as part of the pilot was to capture quantitative and qualitative data to assist in determining how well the components of the pilot are achieving their stated goals and to gain insight into the needs and perceptions of candidates, instructors, Articling Principals and others involved in the process.
25. At the same time, however, the evaluation was to consider contextual issues such as candidates' and the profession's acceptance of the approaches to transitional training, costs, long term viability/sustainability of the LPP pathway and readiness of candidates for licensing. The ability of each pathway's content to further candidates' competency development was clearly important, but only one part of the evaluative equation.

⁴ Pathways Report. October 2012, paragraph 37.

Consultant's Evaluation Report - Years One and Two (the "Evaluation")

26. The English and French LPP were individually designed and implemented. Both have clearly met the Law Society's specifications related to the competencies to be addressed and assessed, but impressively each design has also specifically and imaginatively determined how best to realize the goals within the context in which the programs operate.
27. **TAB 2.1: LPP Overview**, setting out descriptions⁵ of the structure and approach of the English and French LPP, reveal the sophisticated and practical nature of each. But beyond the description of the LLP framework, the Committee has been impressed at how each provider has breathed life into the programs and, remarkably, done so in a very short time. This reflects the expertise the two providers have brought to the design and implementation. The LLP providers have also,
- a. furthered alliances and partnerships with members of the profession, judges, and lawyers with a view to,
 - i. furthering the advancement of French language legal services in the case of the Ottawa LPP; and
 - ii. developing expanded and new networks for work placements in both the English and French LPP;
 - b. created rigorous programs that provide systematic and consistent exposure to all the required competencies; and
 - c. advanced principles of practice management in practical training, useful to sole or small firm practice.
28. The Law Society retained Research and Evaluation Consulting (RaECon) with Dr. A Sidiq Ali, a scientific psychometrician acting as the Senior Evaluation Consultant, to develop the appropriate tools for capturing the required data. Applying the tools, Dr. Ali has now provided the Law Society with his Report (the "Evaluation") considering the 2014-2015 and 2015-2016 data. The Evaluation is set out at **TAB 2.2: Evaluation**. It reflects the evaluation process Convocation approved in February 2014.
29. The following data collection tools have been developed and implemented for the Pathways evaluation:
- a. Law Practice Program Entry Survey
 - b. Law Practice Program Withdrawal Survey

⁵ The information appears in the Evaluation at pages 18-21 and is taken from Ryerson University's and the University of Ottawa's annual reporting to the Law Society.

- c. Law Practice Program Focus Group Protocol
 - d. Articling Program Focus Group Protocol
 - e. Law Practice Program Exit Survey
 - f. Articling Program Survey for Candidates
 - g. Articling Program Survey for Principals
 - h. Law Practice Program Post-License Survey for New Lawyers
 - i. Law Practice Program Post-License Survey for Employers of New Lawyers
 - j. Articling Program Post-License Survey for New Lawyers
 - k. Articling Program Post-License Survey for Employers of New Lawyers
30. The Committee's mandate is to evaluate the pilot overall, with the LPP comprising one pathway and the Articling Program comprising the other.
31. The Evaluation speaks to both the English and French LPP, so that the Committee has been able to examine the similarities and differences. Overall, however, the Evaluation provides collective findings about the LPP.
32. The Evaluation is detailed, relies on relevant information, in keeping with the approved evaluation process, and after two years reflects consistency in data and information that the Committee overall is satisfied is unlikely to be markedly different following the third year.
33. The Evaluation focuses on four questions:
- 1. Does the Law Practice Program provide licensing candidates with effective transitional experiential training in defined areas of skills and tasks considered necessary for entry-level practice?
 - 2. Does the Articling Program provide licensing candidates with effective transitional experiential training in defined areas of skills and tasks considered necessary for entry-level practice?
 - 3. How does each pathway, LPP and Articling, support the licensing candidates' opportunity to obtain the transitional experiential training requirement of the licensing process?
 - 4. Is one Pathway, LPP or Articling, more effective in delivering transitional experiential training in defined areas of skills and tasks considered necessary for entry-level practice?
34. In answering these questions the Evaluation has kept in mind,
- a. the five goals of transitional training that the Articling Task Force established:
 - 1. Application of defined practice and problem solving skills through contextual or experiential learning.
 - 2. Consideration of practice management issues, including the business of law.
 - 3. Application of ethical and professionalism principles in professional, practical and transactional contexts.

4. Socialization from candidate to practitioner.
5. Introduction to systemic mentoring;

and

- b. the requirement that each pathway be designed and implemented to be fair, accessible and objective, the meaning of which is defined in the Evaluation.⁶

35. The Evaluation observes that the goals for competency development in each pathway are the same, but the way each aims to achieve the goals differ substantively. Each must be evaluated on its own merit and then compared wherever that may be possible. In particular, the Evaluation has noted that,

it is a challenge to disentangle the sources (program structure and/or delivery) of marked differences in program outcomes (e.g. calls to the Bar, hire-backs, first year practice). Still at this juncture we see some trends in aspects of program delivery and outcomes beginning to emerge.⁷

36. In developing its recommendations, the Committee has paid particular attention to the Evaluation findings under the four questions, summarized here.

Effectiveness of Each Pathway to Provide Transitional Training (Questions 1 and 2)

37. In considering the effectiveness of each pathway to provide transitional experiential training in defined areas and with a focus on fairness, accessibility and objectivity, the Evaluation has found the following:
- a. Both pathways provide exposure to transitional experiential training competencies, growth in practical skills development and access to mentors and their feedback. The LPP provides more systematic and consistent exposure to all the required competencies than is the case in articling. Thus far, complete competency coverage in articling placements has proven difficult, especially in non-law firm settings and where work contexts may be more limited in their focus.
 - b. Both the LPP and Articling Program show high participant ratings for value and effectiveness of the programs in addressing the five goals of transitional training. Generally, the pathways are seen as delivering fair, objective and accessible transitional, experiential training, though some aspects are not viewed as fair.

⁶ Evaluation, pages 16 and 17.

⁷ Evaluation, page 2.

- c. Overall, candidates in both pathways are considered to have met or exceeded competency expectations in the pathways' defined areas, based on LPP provider and Articling Principal assessments. It is however the case that the LPP candidates and program face a number of challenges around fairness, accessibility and objectivity that are greater than those faced within the Articling Program. Given the newness of the program, the Evaluation notes the role that a lack of awareness and understanding may play, but sees some trends emerging. It also notes a certain degree of negative perceptions from candidates.
- d. Respecting *fairness*, there is a perception among candidates and some Articling Principals that the LPP is viewed as second-tier transitional experiential training with stigma attached to those who complete it. It is important to note that this does not speak to the actual quality of the LPP, but about perceptions that exist and persist.
- e. Responses to questions about the LPP work placements, as contrasted with articling, raised a sense of unfairness among around the LPP work placements focusing on,
 - i. the lack of choice in work placements – candidates were offered a single placement;
 - ii. the significantly shorter time for hands-on learning in the “real world” and networking exposure;
 - iii. the reduced opportunity to develop a relationship with supervisors and to prove oneself worthy of responsibility and hire back; and
 - iv. serious discrepancy in percentage of LPP candidates paid for placements (70-73%) as against articling candidates (90%).
- f. The Evaluation states that further perceptions around unfairness of the LPP over articling relate to metrics around,
 - i. withdrawal from the LPP program, particularly among those educated in Canada (15-18% versus approximately 1% for articling). Just short of two-thirds of the withdrawal survey respondents are candidates educated in Canada; only one-third of the respondents to the LPP Entry Survey received their legal education in Canada. The Evaluation posits that “at this point, Canadian law school graduates in the LPP (less than half the LPP population over two evaluation cohorts) withdrew from the LPP at almost twice the proportion as their internationally-educated counterparts.”

- ii. fewer LPP candidates were called to the bar in June 2015 (59% of LPP candidates versus 91% of articling candidates) and June 2016 (57% of LPP candidates versus 92% of articling candidates.) Just under 60% of candidates in the LPP reported that they expect to be called to the Bar in their originating licensing year, compared to just over 90% of the candidates in the Articling Program. So, almost a third fewer candidates by proportion in the LPP than in the Articling Program planned to be called to the Bar during their originating licensing year.
 - iii. lower hire-back statistics exist for those in the LPP. Of those who expected to be called to the Bar in their originating licensing year, about one-third of candidates in the LPP expected to be hired back, compared to almost half of the candidates in the Articling Program (34% of those who responded to a survey in Year One; 32% Year Two) versus articling (48% in Year One; 47% in Year Two).
- g. Accessibility to a pathway is defined in the Evaluation as being “reachable, attainable, easily understood, and meeting the needs of people from a variety of backgrounds and a variety of characteristics, including: ethnicity, race, abilities, disabilities, age, gender, language abilities; and preferred learning styles and abilities.”⁸
- i. The Evaluation notes that the LPP was not the first choice for almost two-thirds of the LPP candidates in Year One and for almost three-quarters of the candidates in Year Two.
 - ii. Despite this, the LPP is serving proportionally more candidates than the Articling Program from each of the following demographic categories: internationally-educated, racialized, age 40+ and, at least in Year One, Francophone.⁹ In Year One the LPP had one-third (33%) of its enrolled candidates identifying as racialized as compared to just over one-fifth (21%) of the enrolled candidates in the Articling Program (a difference of 12%), and the *Age 40+* category with 17% of candidates in the LPP and just 2% of the candidates in the Articling Program identifying themselves this way (a difference of 15%). These discrepancies grew in Year Two, with 32% of the LPP reporting themselves to be racialized compared to 18% for the Articling

⁸ Evaluation, page 17.

⁹ For both evaluation cohorts, there are virtually equal proportions of the candidates in the pathways that identify themselves as LGBT. But in Year Two, there are now a greater proportion of Francophones in the Articling Program than the LPP (5% to 2%, respectively), and also there are essentially the same proportion of candidates that describe themselves as Aboriginal (2%) across pathways and both evaluation cohorts.

Program (now a difference of 14%); and 19% of the LPP in the *Age 40+* category compared to 2% for the Articling Program (now a difference of 17%).

- iii. In Year One, almost two-thirds (64%) of candidates who responded to the LPP Entry Survey did not graduate from a Canadian law school, and these respondents were considerably more likely (45% to 28%) to have selected the LPP as their first choice for transitional experiential training than the Canadian law school graduates. In Year Two, just over half (51%) of the respondents to the LPP Entry survey did not graduate from a Canadian Law School, and these respondents were just slightly more likely (33% to 20%) to have selected the LPP as their first choice for transitional experiential training than their Canadian law school graduate colleagues.¹⁰
- iv. The vast majority (89% in Year One and 91% in Year Two) of the articling candidates graduated law school in same year as their enrollment in the licensing process, while about half (46% in Year One and 58% in Year Two) of the candidates in the LPP graduated in the same year as their enrollment in the licensing process. Further, about one-tenth (11% in Year One and 10% in Year Two) of the candidates in the LPP graduated from law school three years or more previous to their enrollment in the licensing process, compared to just about 1% of those in the Articling Program in both evaluation cohorts.
- v. There are proportionally more lawyers from the Articling Program than from the LPP who are practising law in their first year (82% versus 67%) and 25% (41 lawyers) of the LPP new lawyers are practising as a Sole Practitioner, compared to 6% from the Articling Program (86 lawyers). Further, 16% of the new lawyers from the LPP are working as an *Associate in a Professional Business* as compared to 48% of the new lawyers who articulated and are working in this capacity.¹¹
- vi. Given the available data, any negative financial impact would be greatest on the candidates in the LPP, as these candidates earn money for four months, versus their colleagues in the Articling Program who earn for 10 months. Further, there is a considerably greater proportion of placements in the LPP than the Articling Program that are unpaid. Many articling candidates

¹⁰ Evaluation, page 84.

¹¹ Evaluation, page 5.

have their licensing process fees paid and are provided paid time off to prepare for and write the licensing examinations. The Focus Group data indicates that many candidates in the LPP had to take part-time jobs to supplement their income during the licensing process and still others in the LPP were told they would not be able to keep a part-time job during the training course, giving up part-time jobs to complete the LPP.¹²

- vii. Articling Program Focus Groups in both cohorts reveal a perception that out-of province or out-of country candidates are disadvantaged in accessibility to articling positions. Candidates also felt that the search process puts those who are interested in social justice/child protection work at a disadvantage, as there is a deficit of paid opportunities and effective job search resources.
- h. Both pathways contain components of objectivity in the performance appraisal of candidates, more so in the LPP than in the Articling Program. However, there is a lack of standardization in how competencies are assessed between each pathway. Moreover, there is a lack of assessment rigour in the process across both pathways, evidenced by the fact that the “sign-off” of readiness for practice in this part of the licensing process is left to Articling Principals and the LPP providers, rather than the Law Society.

Supporting Candidates’ Opportunity to Obtain the Transitional Experiential Training Requirement (Question 3)

- 38. In answering this question the Evaluation highlighted the following findings that to date,
 - a. the LPP has served proportionally more internationally-educated, racialized, Francophone and Age 40+ candidates than the Articling Program. Slightly more than half (51% on average) of the candidates in the LPP are internationally-educated candidates.
 - b. for almost two-thirds of the candidates in the LPP, it was not their first choice for transitional experiential training. Graduates of Canadian law schools, who make up slightly less than half of the LPP candidate population, withdraw from the LPP at twice the frequency of their internationally-educated counterparts.
 - c. about 1 in 7 candidates in the LPP withdraw compared to 1 in 100 in the Articling Program. To the extent information is available on why

¹² The impact of the tuition fees on all candidates will be discussed below, under financial viability.

candidates withdraw it appears that locating an articling job is a significant reason, as are financial obligations. There continue to be perceptions of stigma related to completing the LPP rather than articling, but there is little data yet from employers and post-licensed graduates on whether the perception is correct.

- d. Complete competency coverage in articling is difficult, especially in non-law firm placements. The LPP is more consistent and complete in its coverage.

Effectiveness of One Pathway over the Other (Question 4)

39. Each pathway has its own structure, delivery and assessment tools. However, the Evaluation has made some important findings under effectiveness:

- a. Within each pathway candidates over the two years are overall meeting or exceeding expectations in their respective programs. However, “a lack of performance assessment commonalty makes a comparison of pathway effectiveness based on candidate performance in the defined areas of skills and tasks invalid. In other words, it is very difficult, if not impossible, under the current measurement model to make an apples to apples comparison between the two pathways of candidate performance in the competency areas.”¹³
- b. The Evaluation also notes that “to judge the effectiveness of one *pathway* over the other in delivering transitional experiential training in defined areas of skills and tasks considered necessary for entry-level practice will rely not just on perceptual measures, which are subjective, but on some key performance metrics such as hire-back rate and rate of being called to the Bar, which are measures of the purposeful end-products of the licensing process. Ultimately, this *purpose* of the pathways delivery we believe cannot be extricated from the delivery itself. Therefore, these metrics are the goal of the licensing process and the only common metrics in this vein between the programs. Having said that, it is then clear that after two years of the *Pathways* project, data would suggest the Articling Program is more effective than the LPP in producing competent lawyers for entry-level practice.”¹⁴
- c. The Evaluation then concludes by noting,

However, we do not have to make this determination now, especially since we have post-licensing data from just one cohort at this juncture. But would it be surprising if we made the same

¹³ Evaluation, page 140.

¹⁴ Evaluation, pages 140-141.

determination after three years of this study? This evaluator's opinion is no, based on the common, key metrics. How much of an advantage do candidates in Articling have over their LPP colleagues in being prepared for the call to the Bar and being hired-back, based on the structure of the pathways and not on competency development within each pathway? It is very difficult to disentangle these data to conclusively determine how many more candidates from articling than from the LPP we should expect to be called to the Bar and hired back, based on the advantages of the structure of their pathway versus the structure of the LPP. So perhaps, we need to re-visit the wording of this evaluation question, Question #4 from our Evaluation Framework, or at least define more clearly how, or with what data, we may best answer this question."¹⁵

Committee Analysis

Sufficiency of Information on Which to Evaluate the Pilot Project

40. The Committee's first consideration is whether it has sufficient evidence to properly evaluate the pilot project, such that an extension for up to an additional two years is not necessary.
41. After careful consideration of the information received in the course of the Committee's fact gathering, ten of the 14 members are of the view that there is sufficient evidence to properly evaluate the pilot. The Committee feels it is essential to reflect some of the discussion around this issue and the different perception of, or at least questions around, sufficiency, expressed by four of its members.
42. If, as Convocation decided, the pilot was to be evaluated in its third year, the evaluation would have to be based on two years of evidence and information. The question the Committee has asked is whether conclusions can reasonably be drawn from this amount of evidence or whether more time is required to be in a position to do so.
43. With two years of information, the Committee is unanimously of the view, discussed in greater detail below, that both pathways provide exposure to transitional experiential training competencies, growth in practical skills development and access to mentors and their feedback. The Committee agrees that it does not require further information on either pathway to be able to evaluate those components of the pilot.
44. The more complex discussion to be undertaken as part of the evaluation is whether the LPP is likely sustainable in the longer term and whether it is accomplishing the outcomes for which it was introduced. The Committee members have canvassed the factors that speak to the issue of sustainability and outcomes.

¹⁵ Evaluation, page 141.

45. For four Committee members, the information currently available appears insufficient to allow for conclusions to be reached. In their view it is necessary to ask more questions and allow more time for the LPP pathway of the pilot to operate so as to better determine whether some of the concerns around sustainability and outcomes can be resolved by the passage of time. To the extent there are doubts about the sustainability of the LPP they think that as the data suggests that candidates for equality-seeking groups are continuing to encounter difficulty accessing the Articling Program,¹⁶ and that for some equality-seeking candidates the LPP allows them entrance to the licensing process, that it would be advisable to consider, explore and possibly put in place alternatives before ending the current pilot. They are also of the view that more weight should be given to the positive features of the LPP pathway, by allowing more time to consider them.
46. The Committee's recommendations in this Report, however, reflect the significantly more prevalent view of 10 of its 14 members that there is already sufficient evidence around the important contextual issues that must be considered in evaluating the pilot. The patterns and preliminary findings that are emerging after two years are consistent from year to year. Early data available from the third year, such as registration, is also consistent with the pattern. The likelihood of substantially different information being available if the pilot were to be extended a year or even two is minimal. Given the serious implications of extending the pilot, discussed below, it is prudent and advisable to provide recommendations to Convocation now.
47. Convocation must be taken to have known that any evaluation of a three-year pilot program would face the reality that the program did not have a long time to establish itself. Nonetheless, it directed such an evaluation and the Committee has assumed responsibility to assess the pilot as it exists.

Evaluation of the Pathways Project

48. The recommendation to end the LPP pathway at the conclusion of the pilot is that of nine members of the 14 member Committee. Three members disagree and two abstain.

a) Effectiveness as Transitional Experiential Training

49. While focus groups in each of the pathways revealed some discontent on aspects of the administration and substance of the programs, overall the Evaluation has concluded that both pathways provide exposure to transitional experiential training competencies, growth in practical skills development and access to mentors and their feedback. Candidates in both pathways rate generally high levels of effectiveness and value of their program.

¹⁶ See paragraphs 139-140 of this Report.

50. As mentioned at the outset, the Committee has paid particular attention to the noteworthy efforts both providers of the LPP, Ryerson University for the English program and the University of Ottawa Faculty of Law (Common Law) for the French program, made to develop well-designed, coherent and interesting programs in a very short period of time and their willingness to respond to feedback for the second year of the program. Similarly, a significant number of lawyers, law firms, judges and provider staff have assumed significant roles as mentors, advisors, teachers and work place supervisors and offered support for the LPP in numerous ways. There has also been positive feedback among candidates, lawyers, mentors, lecturers and others. The LPP has demonstrated that transitional experiential training can be delivered effectively in ways that differ from the traditional articling format. Indeed, in some ways the LPP delivery is superior to the Articling Program for consistency and attention to sole and small firm practice realities.
51. The Committee has considered the role that the enhancements and new evaluative measures to the Articling Program have played in the pilot. While candidates and principals have been critical of the usefulness of the enhancements the Committee has noted that the use of BARS-based measurement tools¹⁷ is providing a more systematic understanding of the competencies being addressed, the gaps in coverage and the reasons for these. Moreover, Articling Principals appear to be more engaged in the actual assessment of candidates in Year Two than in Year One. As well, some new information is emerging through the surveys about why lawyers participate in the Articling Program.¹⁸ Unfortunately, however, low response rates in certain areas minimize the usefulness of the data.
52. Given the fundamentally different structure of each pathway, however, it is not possible to determine, based on content and implementation alone, whether one provides that exposure, growth and access significantly more effectively than the other or results in candidates who are better and competently equipped to serve the public. Moreover, since it is not the Law Society, but the LPP providers and their assessors and Articling Principals who determine whether candidates meet the competencies, there is an absence of standardization in how competencies are assessed, as well as subjectivity in how performance is evaluated. Articling candidates are also spread out over more than 1000 settings, in contrast to the LPP, which for at least part of the time is confined to two locations, lending itself to more consistent observation.

¹⁷The Behavioural Anchored Rating Systems (BARS) were developed with the assistance of exemplars from the profession, who came from a variety of practice areas and practice settings (private law firm, in-house, government, etc.). The BARS provide a scale of expected achievements in each critical skill or task for five key skills competency areas. Raters, or principals and their designates, are asked to assess each articling candidate's completion of the skill or task based on the rating system. The system includes a "not applicable" response for those situations in practice where a particular skill or task may not be achievable as it is not a common activity in that milieu.

¹⁸ *Recruitment*, as firms utilize the candidates in articling positions to fill their hiring needs for entry to practice lawyers at post-call; *Responsibility*, as respondents felt they had a duty to help train and deliver new lawyers into the profession; and to a much lesser extent *Rates*, as the pay rate that candidates are remunerated at are below what a first-year associate lawyer earns, so it makes economic sense to some firms to hire articling candidates to perform many of the tasks a first-year lawyer would be expected to complete.

53. Finally, while candidate perception of the value of the skills training and experiences to the development of their competency is a critically important component of the evaluation, and one Convocation sought to address, it remains a subjective measure with all the limitations that implies.
54. However, the program content is only one aspect of the factors the Committee must consider. In the Committee's view, the Evaluation's finding that performance metrics are relevant in assessing the two pathways, is correct. It is clear that after two years of the pilot, performance metrics data would suggest the Articling Program is more effective than the LPP in producing competent lawyers for entry-level practice.
55. In addition, as the Committee has sought to evaluate the pathways, it has had to recognize and pay attention to certain critical realities around sustainability and pilot outcomes that have presented themselves in the pilot over the first two years.

b) "Second-Tier" Perception

56. One of the fears about creating an alternative pathway for transitional experiential training – the LPP - was that it would not be accepted as an equal path to licensing. The Articling Task Force addressed concerns on how the profession might treat the program and its graduates. There was concern that to the extent certain categories of candidates were over-represented in the LPP, their careers could be stigmatized as a result.
57. At the same time there was a sense among many that without trying an alternative pathway, the Law Society and others would miss an opportunity to find innovative solutions to intractable problems. Overall, the Task Force agreed to try an alternative approach, understanding that stigma and second-tier perceptions would have to be among the relevant factors in evaluating the pilot.
58. The Committee observes at the outset of the analysis of second-tier perception that over the last two years there has been positive feedback about the LPP pathway and the performance and competence of the candidates emerging from it. This has come from a variety of sources including work placement supervisors, lecturers, lawyers and mentors in both the English and French LPP. Although the LPP has been the second choice for the majority of candidates in it, it is true that for a percentage of the candidates it was the first choice. For those who have now completed the LPP and been licensed it was a path to licensing.
59. Despite this, after two years, and at the outset of the third, in the Committee's view there is evidence that the alternative pathway of the LPP is *perceived* as second tier. The Committee strongly emphasizes the language of "perception," because there is no evidence to suggest that the LPP is *in fact* second-tier or merits the perception. Indeed, as the Committee has discussed above, the LPP is to all observation of very high quality and may, in fact, excel over articling in a number of areas.

60. One of the most telling aspects of the evidence of second-tier perception and perhaps most significant, is that the majority of candidates in each licensing cohort ¹⁹ appear to consider the LPP alternative as a second choice or, indeed, no choice at all.
61. When the Law Society established the dual pathways, it was estimated that there would be in the range of 400 candidates in each licensing cohort in a position to take advantage of the opportunity – essentially the number of candidates in the process who were estimated to be without an articling placement at the usual starting dates of placements (July/August). There was consideration that there could be as many as 600 candidates who might wish to take the LPP in its first year – made up of the 400 unplaced candidates from the immediate cohort and additional unplaced candidates from the previous two years of cohorts.
62. The LPP failed to interest a significant portion of licensing candidates who could have chosen this path. In the two years of the LPP, there have been approximately 220 candidates in each of the two years in the English program and 14 in the French program. As of September 6, 2016 registration numbers for 2016-2017 are 241 in the English LPP and 25 in the French LPP. In the previous two years, approximately 50 candidates between the two programs have also withdrawn within the first four weeks. The final number of registrants in each of the LPP programs will, therefore, not be known until the end of September.
63. As of the traditional starting dates of experiential learning (August) in each year of the pilot, and based on all candidates moving through the process²⁰ 15-18% of the members of the group have indicated they are still actively searching for articles or have not advised the Law Society of their choice of pathway, despite the LPP being available to them. By the spring of each of the licensing years, approximately 10% of the group are still searching or not selecting, with the others having found articling positions in the interim.
64. A declining percentage (38% in Year One and 27% in Year Two) of candidates in the LPP reported that it was their first choice for transitional experiential training. In Year One, almost two-thirds (64%) of candidates who responded to the LPP Entry Survey did not graduate from a Canadian law school. These respondents were considerably more likely (45% to 28%) to have selected the LPP as their first choice for transitional experiential training than the Canadian law school graduates. In Year Two, just over half (51%) of the respondents to the LPP Entry survey did not graduate from a Canadian Law School, and these respondents were just slightly more likely (33% to 20%) to have selected the LPP as their first choice for transitional experiential training than their Canadian law school educated colleagues.

¹⁹ The cohort is all candidates in a licensing year.

²⁰ Approximately 3,400 candidates during the three-year cycle.

65. In Year Two, most of the almost three-quarters (73%) that indicated they did not choose the LPP as their first choice for transitional experiential training had reasons that were related to three main themes:
- a. Candidates prefer articling because it is paid, longer in duration and providing more income than the LPP, thus “disadvantaging” those in the LPP.
 - b. Candidates prefer articling because it is “traditional,” and are wary of the “perception of the legal community,” which sees the LPP as the lower of a “two-tier” system of experiential training, creating a “stigma” around the LPP and its candidates, which may be “detrimental” in finding post-call employment.
 - c. Many respondents declared they could not find an articling placement, so enrolled in the LPP as a result.
66. In both evaluation cohorts, almost all (99%) of the respondents to this question, indicated that they had searched for an articling placement. In a Year Two LPP Focus Group there was consensus sentiment that candidates in the LPP were not in the “pipeline of law school, to summer at a big law firm, to Bay Street.”²¹
67. Some candidates in the LPP surveyed on the admission process to the LPP raised concerns that everyone who applied for admission into the LPP was admitted. While this method of entry may seem to be an equitable process, many candidates preferred a “vetting” process so not all applicants were admitted. The implication is that a non-competitive entrance structure feeds the potential for stigma for those in the process. This is discussed below, under Readiness for Licensing, because to the extent some LPP candidates have greater difficulty completing the licensing process it may feed the perception of second-tier.
68. The Evaluation noted second-tier concerns raised in focus groups as follows:
- Some of the LPP Focus Group participants expressed that this notion of stigma is linked to nomenclature, for example, “LPP candidate” versus “articling candidate,” when both could be “students at law.” In any case, there seems to be a difference between the two types of candidates in the eyes of the profession. In some instances, the notion that candidates in the LPP are still in school, because they attend the training course at Ryerson University or the University of Ottawa, contributes to a general feeling of inequality among the pathways. Also, some of the LPP Focus Group participants suggested that marketing and branding of the LPP and its association with Ryerson, which does not have a law school, is partially to

²¹ Evaluation, page 127.

blame for the sense of inequality among the pathways, contributing to the stigmatization of the LPP. However, survey data was not representative of the Focus Group comments about marketing or branding of the Ryerson LPP. On a small-scale but very real basis, a candidate in one of the Year One LPP Focus Groups who was completing a work placement in the same organization and at the same time as an articling candidate became visibly upset at the way s/he was treated at the placement organization compared to the articling candidate in terms of remuneration and responsibilities given.²²

69. As noted above, there is only very limited data on post-licensing employment, but it indicates that there are proportionally more lawyers from the Articling Program than from the LPP who are practising law in their first year: 82% versus 67%; and 25% (41 lawyers) of the LPP new lawyers are practising as a Sole Practitioner, compared to 6% from the Articling Program (86 lawyers). Further, 16% of the new lawyers from the LPP are working as an *Associate in a Professional Business* as compared to 48% of the new lawyers who articulated and are working in this capacity.
70. The issue is further exacerbated by another consideration. The Committee recognizes that demographic data depends upon candidates from the various demographic categories self-identifying. As such, what is drawn from the data is illustrative, but should not be presumed to be definitive of all or even the majority of equality-seeking candidates in each cohort. Nonetheless, the Committee has been concerned by the information it does have.
71. The LPP is serving proportionally more candidates than the Articling Program from each of the following demographic categories: internationally-educated, racialized, Age 40+ and, at least in Year One, Francophone. Significantly, many of these candidates, particularly those educated in Canada, are in the LPP by other than first choice. The details of this are set out above.
72. Part of the discussion during the Articling Task Force focused on concerns that certain demographic categories were over-represented among those candidates who were unable to secure articling jobs and that racialized and older candidates were particularly affected.
73. For some, the alternative pathway was seen as a possible way to,
 - a. provide a means for those unable to secure articles to nonetheless have the opportunity to become licensed; and

²² Evaluation, page 134.

- b. to develop a true choice for candidates with a different focus on practice skills, the development of readiness for small firm practice and the availability of work placements in non-traditional areas.
74. For others, however, creating an alternative pathway was viewed as a convenient way to remove pressure from an articling process that was discriminatory, by diverting scrutiny away from the issues. The Articling Task Force characterized the concerns as follows:
- Many of the submissions from equality-seeking groups concluded that given the issues surrounding placements for equality-seeking groups any proposal for alternative pathways that retained articling as an option would be problematic for a number of reasons. These include the possibility of creating two classes of lawyers with the preferred group being those who articulated, the difficulty of adding debt to those already bearing a burden from law school expenses, and the belief that by providing an alternative to articling the profession would be able to mask the uneven treatment of equality-seeking groups.²³
75. If indeed a number of candidates from equality-seeking groups already experienced stigma at earlier stages of their legal education and training, the introduction of a program that could be seen as channeling them out of the mainstream would not necessarily assist.
76. A few members of the Committee have expressed concern that a focus on second-tier perception may not be fair to a program that is so new and that for all the considerations set out here has nonetheless garnered positive feedback in a number of quarters and has offered an alternative for a number of candidates.
77. The Committee is nonetheless of the view that all of these factors suggest that there are compelling reasons to be concerned that the LPP is perceived as second-tier, notwithstanding the positive feedback about the LPP that exists. Moreover, the Committee does not believe the depth of this attitude can be attributed to the fact that this is a pilot project and that if the LPP were made a permanent program that perception would disappear.
78. Would the perception of second-tier status change if the LPP were extended for up to two more years? The Committee cannot, of course, provide a definitive answer on this and a few of its members believe or ask whether, in addition to the reasons listed above, it is worth continuing for another year or two to find out if there is greater acceptance of this pathway in the legal community.

²³ Pathways Report to Convocation. Paragraph 85.

79. However, the Committee does not think the evidence after two years of the pathway has shown signs that the perception of second-tier status is diminishing. The Committee accepts that there is little concrete evidence yet about law firm attitudes toward hiring the graduates, but the perceptions of candidates themselves reveals a deeply held view about which pathway is preferable. The Committee is strongly of the view that another year or two will not make the difference.

c) Financial Sustainability of the LPP

80. At the commencement of the pilot, all candidates in the licensing process, not just those in the LPP, were assessed an increased licensing fee of an additional \$1900 per candidate above the then fee, to support the LPP pathway of the pilot. This fee is currently supporting final registrations of approximately 230 licensing candidates per year.
81. Lawyer licensees are also supporting the cost of the LPP by contributing \$1 million annually as part of their licensing fees, although this amount has been allocated in years preceding the pilot project for other licensing-related matters.
82. Given the lower than expected numbers in the LPP, the per-candidate cost of the program is significantly greater than was expected. This also raises issues of fairness to all candidates and debt load issues. The majority of this pathway expenditure is currently being financed by all licensing candidates to support an average of fewer than 230 of their colleagues – or only 10% of each cohort.
83. While attention has properly been focused on the financial issues that affect LPP candidates (lower or no payment in work placements, lack of financial support for examination study, etc.), the fact remains that many non-LPP candidates who are subsidizing the LPP candidates are also under financial strain, carrying high debt loads, responsible for families, or receiving modest articling remuneration, etc. The Committee would be remiss if it did not consider the impact the alternative path has also had on those not actually in it, but supporting it.
84. While this approach was considered appropriate for the duration of the pilot project, the Committee questions whether it is sustainable or fair to extend the pilot or make the LPP permanent on this same basis. On the other hand, were the subsidy to be removed, based on the average number of candidates who have been in the LPP over the last two years, the unsubsidized cost per candidate in the LPP could be as high as \$17,000. This would lead to a variety of other issues around fairness:
- a. Is it fair to have a licensing process whose fees are determined by the pathway to licensing chosen, particularly if the choice is not voluntary?

- b. Given that there are fewer candidates in the French than the English LPP, making the cost per candidate higher, would this result in a further set of differential fees?
 - c. What would the impact of unsubsidized fees be on the number of candidates who can in fact afford the cost? If the number of candidates drops further the cost per candidate will inevitably rise.²⁴ Given the discussion above about the perception of second-tier status and the implications of that perception on the numbers within the LPP now, how do the two factors (second-tier and cost) affect the likelihood that the LPP is sustainable?
85. Financial sustainability is also raised by the inability of the program, at least to date, to secure more than approximately 70% paid work placements, with at least some of these whose payment is no more than a nominal stipend. The French LPP has offered paid placements in both years, but the significantly lower number of required work placements has likely made that more feasible. A number of articling candidates have also received paid time off to prepare for and write the licensing examinations, which appears not to have been available to LPP candidates.
86. These realities may have implications for candidate success if they are unable to properly support themselves. Moreover, they point to a systemic issue that the alternative pathway has to date been unable to overcome. While the alternative pathway may be accomplishing the objective of providing appropriate exposure to transitional experiential training competencies, growth in practical skills development and access to mentors and their feedback and of addressing the five goals of transitional training, the external influences and contexts potentially undermine both the pathway and its candidates, through no fault of their own.
87. The Committee finds that these financial burdens and inequalities cannot help but have a significant impact on the long term sustainability of the LPP pathway. A few members of the Committee have suggested that an extension of the pilot would provide a further opportunity to investigate reduced costs for the LPP. In the Committee's overall view, however, the financial issues and the perceptions of second-tier and stigma, discussed above, make the LPP unsustainable. Deferring the decision for a year or two will not, in the Committee's view, likely change that reality.

d) Readiness for Licensing

88. On the basis of the perceptions of second-tier, the impact of this on equality-seeking groups and the financial realities of the LPP, the Committee is of the view that the pathway is not sustainable. But the Committee has also considered the issue of

²⁴ If the proposed changes to the licensing examinations, discussed below, are approved, this would likely reduce the number of candidates eligible to enter the LPP.

readiness for licensing in the two pathways, as in its view this too is a relevant part of a discussion of the pilot.

89. It is important to contextualize this discussion with two points:
- a. The first is that there are hundreds and hundreds of candidates in both pathways from a broad array of experiences, demographic categories, educational background and countries of origin who will complete the licensing process in a single licensing period, without have to rewrite any examinations and with no other difficulties. By passing the licensing requirements, including the completion of the transitional experiential training requirements in both pathways, they will have demonstrated the entry-level competency required for licensing.
 - b. The second is that it is clear that neither pathway is intended to serve a licensing examination preparatory function. Indeed most candidates will have written the licensing examinations prior to beginning the transitional experiential training phase, although as will be seen below a number of them may have failed one or both examinations on the first attempt and will have to rewrite these examinations and pass them before being licensed. It is nonetheless important in the Committee's estimation to consider examination data to assess whether it provides any additional insight into either pathway and in particular the readiness of some candidates for licensing.
90. As mentioned above, securing an articling position is the result of a competitive process. By design and for valid reasons in the context of a pilot project, entrance to the LPP is guaranteed to anyone who applies, having completed their education in a Canadian common law school or obtained an NCA certificate. In the longer term, however, it is important to consider what this means for the sustainability of the LPP pathway, both in terms of the second-tier status issue and issues of candidate readiness for licensing.
91. The Evaluation has highlighted the following, that may speak to issues of readiness of some of the candidates to proceed with licensing:
- a. The vast majority (89% in Year One and 91% in Year Two) of the articling candidates graduated law school in same year as their enrollment in the licensing process, while about half (46% in Year One and 58% in Year Two) of the candidates in the LPP graduated in the same year as their enrollment in the licensing process. Further, about one-tenth (11% in Year One and 10% in Year Two) of the candidates in the LPP graduated from law school three years or more previous to their enrollment in the licensing process, compared to just about 1% of those in the Articling Program in both evaluation cohorts.

- b. Just under 60% of candidates in the LPP reported that they expect to be called to the Bar in their originating licensing year, compared to just over 90% of the candidates in the Articling Program. So, almost a third fewer candidates by proportion in the LPP than in the Articling Program planned to be called to the Bar during their originating licensing year.
 - c. As discussed above, a significant proportion of the LPP cohort is made up of NCA candidates, both those Canadian-born candidates who were educated in law schools outside of Canada and international candidates. In Year One, almost two-thirds (64%) of candidates who responded to the LPP Entry Survey did not graduate from a Canadian law school, and these respondents were considerably more likely (45% to 28%) to have selected the LPP as their first choice for transitional experiential training than the Canadian law school graduates. In Year Two, just over half (51%) of the respondents to the LPP Entry survey did not graduate from a Canadian Law School, and these respondents were just slightly more likely (33% to 20%) to have selected the LPP as their first choice for transitional experiential training than their Canadian law school graduate colleagues. Many of these candidates are completely outside the acculturation process that Canadian educated law students experience over three years of law school with its approach to legal education and exposure to legal networking and ability to observe Canadian legal practice in action. This applies to both internationally born and Canadian born NCA candidates.
92. In addition, the Committee has considered the two-year comparative data on licensing examination performance to round out the information available to it on which to inform its recommendation-making process. The current examinations in the licensing process are standardized objective assessments. They require candidates to study, comprehend, analyze and then apply their knowledge, skill, ability and judgment to situational test questions. The ability to successfully complete these objective assessments requires candidates to exhibit a functional practice capacity that meets the level of minimal competence at entry to the profession.
93. Candidates have three opportunities to pass the objective examinations. Some candidates will fail the first writing of examinations, but will go on to rewrite and be successful. However, the results on the first writing of examinations are an important indicator of capability in the licensing process requirements and readiness for the transitional experiential learning component of licensing and in future law practice.
94. Importantly, they are also the only statistic in the licensing process that is capable of being reliably compared as between LPP and articling candidate groups. The results on the first attempt at the licensing examinations provide insight into the performance capacity of the candidates, based on,

- a. legal education (Canadian law school or international law school through the NCA); and
- b. a further breakdown by the current dual pathways for transitional experiential training – the Articling Program or LPP.

95. The calculations for failure rates are based on all examination results of all candidates who wrote licensing examinations for the first time between March 2014 and March 2016 (7 sittings of both licensing examinations).

Legal Education –<i>Canadian or International with NCA</i>	Failure Rate on First Attempt of Licensing Examinations
All Licensing Process Candidates	18.7%
Canadian law school JD/LLB only	13.0%
NCA Certificate of Qualification only ²⁵	47.1%

Pathway – <i>Articling or LPP</i>	Failure Rate on First Attempt of Licensing Examinations
Articling Candidates only	16.1%
LPP Candidates only	43.0%

96. Approximately 7% to 10% of the candidates in the same cohort who have attempted the examinations will also fail the second attempt at the licensing examinations.
97. Following the completion of the first year of the LPP (2014-15 licensing year commencing May 1, 2014 and ending April 30, 2015), and one full year thereafter, 20% of the LPP candidates have still not been called to the bar due either to an inability to pass the licensing examinations or having exhausted their three opportunities to do so. In the comparator non-LPP group, 10% of candidates from the same entry licensing year have yet to be called to the bar due to lack of success on the examinations.
98. The LPP candidate groups across the two years of the program to date have been comprised of 50% Canadian law school educated candidates, and 50% internationally-educated candidates.
99. The following chart provides the performance results of those LPP candidates who have completed a first sitting of the examinations, prior to commencing the LPP.

²⁵Of these, the failure rate of Canadian born candidates educated abroad on the first attempt of the licensing examinations is 35.4%.

100. The relative performance of the LPP candidates in the licensing process is significantly lower than the average performance for all candidates in licensing, with a 24.3% higher failure rate. In addition, Canadian law school educated LPP candidates, have a 26.4% higher failure rate than all Canadian law school educated candidates in the licensing process. Internationally-educated candidates in the LPP have a 9.1% higher failure rate than all internationally-educated candidates in the licensing process.

Legal Education – LPP Candidates Only	Failure Rate on First Attempt of Licensing Examinations
All LPP Candidates	43.0%
Canadian law school JD/LLB LPP group	39.4%
NCA Certificate of Qualification LPP group	56.2%

101. The relative performance on the objective licensing examinations of the candidates who found articling placements also differs considerably depending upon the candidates’ legal education. Internationally-educated candidates who were in the Articling Program have a 27.4% greater failure rate than the Canadian-educated articling candidates.

Legal Education – Articling Candidates Only	Failure Rate on First Attempt of Licensing Examinations
All Articling Candidates	16.1%
Canadian law school JD/LLB Articling group	10.0%
NCA Certificate of Qualification Articling group	37.4%

102. The Committee is aware that “readiness” of candidates for the licensing examinations may consist of a number of influencing factors, including time and opportunity to prepare, but in evaluating the dual pathways it is incumbent on the Committee, and in its view Convocation, to consider the possible link between examination performance, readiness of some candidates for licensing and the implications for the Pathways evaluation. In particular, this feeds into the issue of perception of second-tier status for those in the LPP, regardless of whether the candidate is part of the group that completes the licensing requirement with no difficulty.

e) The Enhanced Articling Program

103. As part of the pilot, the 10-month Articling Program was to continue with its administrative structure, but with an additional focus on developing measures designed to enable a more useful evaluation of the Articling Program merit at the end of the pilot. This was to include enhanced documentation for Articling Principals and candidates to complete during the articling period.

104. The focus of this aspect of articling enhancements has been on monitoring the exposure of articling candidates to the critical articling goals and objectives for entry-level practice

(taken from the official Articling Goals and Objectives Lawyering Skills Listing). The reporting and tracking mechanisms in the program were enhanced by adding behavioural ratings systems (BARS) for scoring purposes on the depth of exposure achieved. As well, there continues to be a requirement to complete a formal Training Plan. The Evaluation sets out an Overview to the Articling Program during the pilot.²⁶ The Evaluation's findings related to articling are discussed above. Articling continues to be the first choice of candidates by a wide margin. Like the LPP it provides exposure to experiential training competencies, growth in practical skills development and access to mentors and their feedback.

105. Complete competency coverage in articling placements has been difficult to achieve, especially in non-law firm settings where work contexts may be more limited in their focus.
106. While the respondents to the Articling Program Candidates' Survey were generally positive in their ratings of value for the Articling Program, they were not as positive as their colleagues who responded to the LPP Exit Surveys. The ratings for "of great value" actually dropped considerably from Year One (43%) to Year Two (32%) in the Articling Program. Seventy-five (75%) of articling candidates rated the Articling Program as "of good value" or "of great value" in Year One, but this number also dropped to 69% in Year Two.
107. Fairness of the articling placement search process and accessibility of the Articling Program continue to show the least satisfaction among candidates in the Articling pathway. An emergent theme uncovered from Articling Program Focus Groups in both evaluation cohorts about the articling placements search is that out-of province or out-of country candidates are disadvantaged in access to articling positions. Candidates also felt that the search process puts those who are interested in social justice/child protection work at a disadvantage, as there is a deficit of paid opportunities and effective job search resources. The over-representation of certain demographic categories of candidates in the LPP, particularly racialized and over 40 candidates, coupled with the data that the LPP was a second choice for most candidates overall also has ramifications for the Articling Program.
108. When the articling candidates were asked what is the least valuable aspect of the Articling Program, responses could be slotted into three main themes. Much of the commentary on least valuable was aimed at various pieces such as the "Experiential Training Plan," "RET" (Record of Experiential Training), the "PRP" (Professional Responsibility and Practice online modules) or "Ethics" course, and the "Bar Exams." Each of these topics was considered a "waste of time," "outdated" or "useless." The next emergent theme was the "administrative tasks" or "menial tasks" candidates felt they had to perform in their articling placement. The third emergent theme could be categorized as the "high costs," "low wages," and "long hours" respondents reported as representing

²⁶ Evaluation, page 22.

“unrealistic standards” and the “stressful environment” to which they were subjected in the Articling Program.

109. In both Year One and Year Two, many comments were made to suggest that the Experiential Training Program should be more individualized to each articling experience. Respondents felt that it was too broad and many competencies were not applicable to the professional setting.
110. The three planning and performance statements that represent the enhancements to the Articling Program (*Preparation and filing of the Experiential Training Plan, Appraising the performance of the candidate on the five specific tasks related to the performance appraisal competencies, and Preparation and filing of the Record of Experiential Training in Articling Program*) were rated more positively in Year Two than in Year One. The perception that the new reporting requirements were a waste of time was fairly prevalent among the respondents to the Principals’ and candidates’ surveys in both years.
111. Importantly, however, from the Law Society’s perspective and interpreting the objective success of the enhancements, the following is significant. In Year One, there was a very good level of participation by Articling Principals in the performance appraisal of candidates, as over three-quarters (76%) of respondents reported it was their Articling Principal who completed the performance appraisal. In Year One, over 27% more Articling Principals were responsible for the respondents’ performance appraisal than were active in the training of the respondents. In Year Two, there was even more participation by Articling Principals in the performance appraisal of candidates, as over four-fifths (81%) of respondents reported it was their Articling Principal who completed the performance appraisal. In Year Two, over 26% more Principals were responsible for the respondents’ performance appraisal than were active in the training of the respondents.
112. Although the response rate in both years is too low (44%) to state this is representative of the entire population of placements, the requirement of performance management in a specified manner, regardless of the opinion of the measurement tools themselves, appears to have prompted increased commitment of Principals to participate in the appraisals.
113. As noted in the Evaluation, a lack of performance assessment commonalty makes a comparison of pathways effectiveness based on candidate performance in the defined areas of skills and tasks invalid. In other words, it is very difficult, if not impossible, under the current measurement model to make an apples to apples comparison between the two pathways of candidate performance in the competency areas. But the Evaluation notes that the *purpose* of the pathways delivery cannot be extricated from the delivery itself.
114. After two years of the pilot, data also suggests the Articling Program is more effective than the LPP in producing competent lawyers for entry-level practice, based on certain

preliminary metrics discussed in the Evaluation and summarized above. Articling also remains the preferred pathway for the vast majority of candidates.

115. Does this mean the Committee can be satisfied that the Articling Program is consistently administered across all placements or that all candidates are exposed to all the required competency areas or that the process is entirely fair and transparent? It does not and there still appears to be much about the Articling Program that requires further analysis going forward. Moreover, there are other structural and attitudinal aspects of articling that continue to be of concern, as discussed below.
116. The Committee is satisfied, however, that despite a lack of enthusiasm among the participants for the enhancements, they are providing useful information and appear to be changing certain patterns of behaviour. The enhanced Articling Program should remain in place and continue to be evaluated for effectiveness, consideration of further enhancements and as part of future considerations respecting transitional experiential training.

f) Recommendation Respecting the Pilot Project

117. The Committee's mandate has been twofold:
 - a. to determine whether it has sufficient evidence to evaluate the pilot; and
 - b. to determine whether the pilot project should end, become permanent or result in a different approach.
118. For all the reasons discussed here, the Committee, based on the views of nine of the 14 members, recommends that the LPP pathway of the pilot end at the completion of Year Three (2016-17). Three members do not agree it should end, although as discussed above, they too recognize a number of issues that in their view should be explored with a view to addressing them during a further period of time. Two members abstain from making a recommendation. The Committee recommends that the enhanced Articling Program should remain and continue to be evaluated for effectiveness, consideration of further enhancements and as part of future considerations respecting transitional experiential training.
119. The Committee acknowledges that were its mandate to simply evaluate the content of the programs, its recommendation respecting the LPP might well be different. Moreover, it is important to emphasize that candidates who have or are taking the LPP and are successfully licensed are equally qualified to their colleagues who articulated.
120. If Convocation approves the Committee's recommendation respecting ending the LPP at the conclusion of the pilot, the licensing fee per candidate going forward will be reduced. The Committee does not suggest that it will simply revert to what it was before the pilot began as there are other considerations, including the examination costs relating to the

proposals discussed below, to take into account. But it does anticipate a lower fee, further details of which would be provided in the coming months.

Strategies Going Forward

121. The Committee has considered strategies for moving forward following the end of the pilot. In particular, it has asked what lessons could be taken from the pilot? What strategies might be explored to capture and retain many of the valuable resources, advancements, infrastructure and innovations that have revealed themselves and to address the continued issues that affect components of the Articling Program?
122. It is clear to the Committee that many of the issues that prompted the pilot remain. This fact would not justify continuing the LPP, which in its view is not sustainable, but it does require that the Law Society continue to examine articling as the remaining transitional experiential training system.
123. The Committee has considered a number of recommendations in the following areas:
 - a. Continued use of LPP program content, networks, professional placements etc. in other contexts so that the invaluable resources are not lost.
 - b. Consideration of the National Committee on Accreditation (NCA) process, readiness for licensing issues and exploration of bridging programs for internationally-educated candidates.
 - c. Attention to issues of fairness, including the Articling Program's impact on equality-seeking candidates and the hiring process, accessibility and objectivity.

a) LPP Legacy

124. As discussed earlier in this report, each of the English and French LPP have been developed to address their context, size and setting. In the short life of the pilot project each has integrated meaningful program content with impressive physical and human resources and networks of professionals who have supported and assisted the programs and acted as supervisors, instructors and mentors.
125. From the outset the French LPP has developed a particular focus on the issues surrounding the enhancement and broadening of ability to offer quality legal services in French across the province and to facilitate the development of mentors and role models within the Francophone bar. Based on the recognition of linguistic dualism, the program developers and the Law Society understood from the outset that the French LPP skills content should be developed to support these goals.

126. An Advisory Board was established to ensure that the French LPP design and implementation would be undertaken in a manner that would result in candidates learning to respond to the needs of the Franco-Ontarian community. As a result of a collaborative and focused developmental approach with the University of Ottawa, the program designers and a community of lawyers, judges, advisors, lecturers, mentors and work placement supervisors, the LPP is impressive.
127. Despite the Committee's recommendation to end the LPP, it considers it essential that effort be made to adapt components of the French LPP to other contexts. In the Committee's view, for example, there is an invaluable opportunity for the Law Society, the University of Ottawa, the Advisory Board and others to come together to explore possible ways to continue to build on the groundwork laid by the French LPP.
128. Similarly, the English LPP has developed a rigorous program with valuable content and developed networks of lawyers engaged with the process. It has successfully found work placements for hundreds of candidates, as has the French LPP for a smaller number. Most of the placements were with those who had not previously taken an articling candidate. The Law Society should undertake to pursue these relationships and develop innovative ways to enhance the available articling positions from these sources wherever appropriate.
129. As the Law Society moves forward with its Coach and Advisor Initiative, which Convocation approved in January 2016, it should integrate relevant human and other resources from both the English and French LPP.

b) Internationally-Educated Candidates

130. The Federation of Law Societies of Canada administers the National Committee on Accreditation ("NCA") process for determination of equivalency of international credentials. In the discussion above respecting readiness for licensing, the Committee has observed that for a proportion of internationally-educated candidates, it appears more challenging to meet the licensing requirements than for those educated in Canadian law schools. In particular, passage of the NCA examinations does not equate, in many cases, to ability to demonstrate the competency required in the Law Society's licensing examinations.
131. The provincial and territorial law societies have recently agreed to an in-depth review of the NCA assessment process. This analysis must consider aligning the NCA assessment process for competence and capacity in licensing, rather than to the competence equivalencies comparable to those expected at the completion of a Canadian law degree, as is currently the case.
132. It is in the best interest of the public and the internationally-educated candidates to be presented with an appropriately configured equivalence assessment prior to applying to be licensed in Ontario.

133. Given that a significant proportion of NCA candidates seek admission to the Law Society and given the information that is available on examination licensing results, the Committee urges the Law Society's active engagement with the NCA review process.
134. The Committee is also of the view that the Evaluation reveals other challenges that internationally-educated candidates face by having been educated outside the Ontario context and not having had the opportunities that exposure to that context offers.
135. The Law Society is committed to a vibrant, competent and diverse profession that in turn supports the diversity of the Ontario population. For this to be feasible, in addition to an NCA assessment process that accomplishes what is set out above, internationally-educated candidates must have,
- a. reasonable expectations about their ability to succeed in the Ontario legal market; and
 - b. be assisted to meet with success through a combination of supports, resources and information exchange that will provide an opportunity to integrate into the Canadian landscape and the ability to prepare to be successful in Ontario's lawyer licensing process.
136. The Law Society has no ability to address issues related to the level of preparedness for licensing that international law degrees provide, but it must have a role in managing expectations of candidates related to what is necessary to succeed in the licensing process and the Ontario market. Indeed management of expectations is important for all candidates wherever educated. As the market for lawyers continues to change and as pressures on the legal practice model continue, law school candidates and internationally-educated candidates should be provided with meaningful information about the nature of that market as early as possible, so they can make meaningful choices.
137. The LPP has developed a rigorous program whose content may serve other possible purposes, including being utilized in a bridging program for internationally-educated candidates. The Law Society should explore possible approaches to voluntary and robust bridging programs for internationally-educated candidates to enhance their readiness for licensing in Ontario.

c) The Articling Program

138. Despite the Committee's recommendations respecting the LPP, it continues to have concerns with aspects of the Articling Program, some of which the pilot has reinforced, as set out above. These relate to fairness, including the impact on equality-seeking groups and the hiring process, consistency and coverage of required competencies, working conditions and the dearth of certain types of articling positions, particularly in the field of social justice. Because of low take-up of the LPP, the alternative pathway was

unable to convincingly address placement shortages. Post LPP shortages will continue to be an issue.

139. As stated above, the Committee remains concerned about the data that suggests that candidates from equality-seeking groups are continuing to encounter difficulty accessing the Articling Program.²⁷ Competent candidates ready for licensing must have fair access to the licensing process, including transitional experiential training opportunities.
140. The Law Society must also continue to monitor the Articling Program and address the issues that have emerged from the pilot respecting fairness, accessibility and objectivity.
141. The Law Society is committed to serving a diverse Ontario public and to advancing a diverse profession that meets that public's varied needs and enhances access to justice in under-serviced communities. This is important not only for licensees, but also for candidates for licensing as they undergo transitional experiential training. The Committee recommends that within the transitional experiential training context, the Law Society explore the development of a fund to be used to support these priorities. The exploration will include an analysis of possible sources for funding, such as Law Foundation of Ontario grants and the continuation of the lawyer licensee contribution to the licensing process, criteria for eligibility, relevant under-serviced communities and appropriate job locations.

Licensing Process Enhancements

a) Licensing Examinations

142. The April 2016 PD&C Report to Convocation on licensing process enhancements addressed issues related to the examination process, the administrative rules for the licensing process and procedural components of the articling requirements. Convocation determined in May that consideration of the recommendations should occur at the same time as those related to the pilot, with the Committee examining those recommendations in that larger context.
143. The Committee has completed this work and has adapted some of its earlier recommendations and reiterates others. In both cases it has benefited from additional information and data that has emerged from the Pathways evaluation, in particular relating to readiness for the licensing process.

²⁷ The Evaluation notes: "Generally speaking, the Articling Program and LPP are comparably similar in: (1) proportion of males and females, though the Articling Program has more females, and the LPP more males; (2) English and French; (3) Aboriginal; (4) persons with a disability; and (5) LGBT. However, there are a greater proportion of internationally-educated, *Racialized*, and *Age 40+* candidates are in the LPP in each of the evaluation cohorts. The Year Two evaluation cohort has decreased proportions of French candidates and those self-identifying as Francophone in the LPP, where in Year One, the proportions of such were greater in the LPP. We see in the Year Two evaluation cohort an equal proportion of French in each pathway and a greater proportion of reported Francophones in the Articling Program."

144. The goal of the Law Society's lawyer licensing process is to license those who have demonstrated entry-level competence, by satisfying established requirements. The Law Society's mandate to regulate in the public interest begins with the licensing process. Unlike law school education, licensing is primarily a regulatory process, protecting the public by admitting only those who demonstrate readiness. The process for assessing readiness must be fair and defensible, but the Law Society's regulatory priority of competence-based licensing is clear.
145. The Committee's April 2016 Report emphasizes the important role that enhanced licensing standards and competence play in Convocation's Strategic Priority #1, also discussed at the outset of this Report.
146. In developing its approach, the Committee considered the following factors:
- a. The lawyer licensing process consists of a number of components that together are intended to address an integral part of the Law Society's mandate to ensure that all persons who practise law in Ontario meet standards of learning, professional competence and professional conduct.
 - b. To ensure that each of the components of the lawyer licensing process promotes competence, candidates should only move through the process if they have successfully completed the requirements of each step. In this way the Law Society is better able to measure the effectiveness of the process and the meaningful demonstration of competence.
 - c. A fair licensing process allows for reasonable opportunity for candidates to successfully complete the licensing requirements over a reasonable period of time. At the same time, it is essential that the number of times a candidate may attempt to complete requirements and the allowable period within which to do so do not negatively affect the validity and defensibility of the process.
 - d. As licensing processes develop to reflect an evolving understanding of competence measurement, the role of experiential learning and assessment of skills in licensing processes continue to gain importance. Entry-level competence can be enhanced by experiential learning and exposure to the Canadian legal practice context.
147. Licensing examinations have a unique place in the continuum as the critical point-in-time assessment by which the Law Society determines who has met minimum entry requirements for licensure.
148. An examination of the Law Society's licensing assessment process over a number of years reveals an evolutionary approach to assessment methodology and formats. The recommendations in the April 2016 Report continue that approach, in keeping with a

commitment to a standards-based approach that has been evolving over the last decade and is fair, validated, defensible and transparent.

149. On December 5, 2003 Convocation approved the recommendations of the Task Force on the Continuum of Legal Education for a competence-based licensing regime for lawyers, to begin in the spring of 2006. Under this regime, lawyer candidates were to be required to meet pre-determined standards of competence in substantive and procedural law and professional responsibility and ethics, articulated as “competencies” and defined as a “knowledge, skill, ability, attitude or judgment required for entry-level practice.”
150. The development of the new Barrister and Solicitor examinations was based on competencies developed in an extensive consultation with the profession to identify the concepts, principles and skills necessary for competent entry to the legal profession. This was a very different approach to examinations than the Law Society had previously undertaken and required an intense development process. The process took place over several months in 2004 and 2005 and involved hundreds of practitioners. The new summative examinations were introduced in 2006 with candidates receiving self-study materials, sample questions and other information.
151. By retaining a barrister and a solicitor categorization in examinations at that time, continuity with the earlier substantive subject matter examinations was retained to enable users to become familiar with a new assessment approach. Moreover, given that the competencies development process was new, it was useful to retain a somewhat familiar frame of reference with which practitioners could work to assist in the development process.
152. The current Barrister and Solicitor Examinations have been in place for a decade. The practitioner subject matter experts work in conjunction with the Law Society examination experts to continue to refine and hone the examination process and continue the evolution of effective assessment. They are an integral and increasingly sophisticated part of the item-writing process for examinations.
153. From the Committee’s perspective, if the Law Society’s commitment to Strategic Priority #1 is to be meaningful, the point-in-time assessment of candidates must be open to new development and to learning from experiences over years of the licensing process. The April 2016 Report’s recommendation for the development of the Practice and Procedure Examination (PPE) reflects a commitment to refinement of the approach.
154. The current Barrister Examination and Solicitor Examination were developed when the Law Society moved away from its earlier examination process. The Committee considers that it is now appropriate to evolve the assessment approach. In place of the Barrister Examination and the Solicitor Examination, the Law Society will develop a single Examination. Like the two current Examinations the focus will remain on practice and procedure, but the parameters will be revalidated to establish and confirm the appropriate benchmark to be achieved for entry-level competence. The focus will be on

those competencies in the practice and procedural areas whose frequency and criticality are of the highest importance for entry-level practitioners. It will be known as the Practice and Procedure Examination (PPE) and will take place before the experiential component of the licensing process.

155. The Committee is aware of a concern expressed by some stakeholders that by moving from two examinations to one the rigour of the assessment process is being diminished. The Committee is satisfied, however, that a refined assessment will be even more sophisticated and better assess relevant material. In its view, it is incorrect to assume that because two examinations lasted a total of 14 hours and one examination will last perhaps six or seven hours that this means the assessment is too simple and less effective. The Committee notes that the Law Society's move from eight substantive law examinations in 2006 to the two Barrister and Solicitor Examinations has not shown any evidence of a loss of rigour.
156. The April 2016 Report also recommends a second and new examination to be known as the Practice Skills Examination (PSE). The PSE is specifically intended to measure the candidates' capability to apply their practice and analysis skills following their completion of transitional experiential training, during which time they should have been exposed to and received further opportunity to develop those skills.
157. The development of the PSE reflects a growing understanding within law schools and among law students and the profession of the importance of lawyers being able to demonstrate skills-based competence from the outset of their careers, albeit at an entry-level. The Law Society's competence profile and the Federation of Law Societies of Canada's National Admissions Standards Project National Entry-Level Competence Profile include appropriate skills and tasks.
158. Candidates will successfully complete the transitional experiential training requirement before attempting the PSE. Its purpose will be to assess whether candidates have acquired the skills to complete complex multi-dimensional legal work, including,
 - a. ability in problem-solving;
 - b. aptitude and decision-making;
 - c. identification and resolution of ethical dilemmas;
 - d. legal research;
 - e. written communication;
 - f. client communication; and
 - g. organization and management of legal issues and tasks.
159. The examinations, as proposed, assess (a) a point of entry to the licensing process with the PPE and (b) a post-transitional experiential training point in time assessment with the PSE.

160. In the Committee's view, these point-in-time assessments are an important tool for determining whether candidates have demonstrated entry-level competence necessary for licensing. By adapting and enhancing the nature and type of assessment on an ongoing basis, the Law Society demonstrates a commitment to a meaningful process that addresses developments in professional assessment.
161. As was the case with the development and ongoing monitoring of the current Barrister and Solicitor Examinations, the proposed PPE and PSE will undergo a rigorous developmental, review and validation process. Advisory Groups, made up of exemplary practitioners from a cross-section of practice areas and firm sizes in Ontario will assist the process to ensure fair and defensible licensure.
162. Licensing examinations are, and should be undertakings of high significance. They attest to a candidate's competence to enter the profession and begin to provide services to the public of Ontario. They send a message to the public that someone who has successfully completed the licensing process is competent. As such they should be rigorous and reflect state of the art assessment techniques.
163. As is currently the case for examination preparation, candidates will receive a comprehensive package of materials for the PPE for study purposes and an examination preparation package that will include practice examinations and supporting explanations. Similarly for the PSE, candidates will receive a comprehensive package of materials for study and preparation purposes, including sample examination questions and responses.
164. Both the PPE and the PSE will be introduced for the 2018-2019 licensing year.
165. Funding respecting the licensing examination process will be integrated with the annual budgeting process. No funding is required for the balance of the 2016 budget year. An additional examination writing session to enable the opportunity to rewrite and be prepared to begin the transitional experiential learning component will be included in the current operational expenses and will not require any additional funding. Given the complexity of the practice skills examination (PSE) development will begin immediately. Additional funding required to support this development will be included in the 2017 and 2018 budgets and is estimated to be \$500,000 to \$700,000.

b) Licensing Process Framework Enhancements

166. An effective examination process is not only about the content of what is assessed, but about the formal framework of the process. In committing to an enhanced licensing process, Convocation determined to examine, among other things, the extent to which the threshold for licensing needs to be changed.
167. The proposed licensing process framework enhancements focus on the number of times a candidate will be eligible to sit each of the PPE and PSE licensing examinations and the length of time within which the candidate must complete the entire process. They

also address a stepped approach to the licensing requirement, based on successful completion of each stage.

168. Under the current approach a candidate is eligible to write each examination up to three times and has three years complete the entire licensing process. The Committee is of the view that these requirements should remain in place. The proposal recommends, however, that candidates who are still unsuccessful by the end of the three-year process, should not, in the normal course, be entitled to register for the licensing process a second time. All these requirements are subject to the duty to accommodate based on conditions that arise from an enumerated ground listed in the *Human Rights Code* and reflected in the Law Society's *Policy and Procedures for Accommodations for Candidates in the Lawyer and Paralegal Licensing Processes*.
169. The validity and defensibility of the licensing process requires a balancing of standards and fairness. Fairness provisions recognize that there are exigencies that may affect candidates' performance or the timing of their completion of the licensing process. At the same time, however, it is essential that the opportunities to complete the licensing process not be so drawn out as to undermine the validity of the assessment or the licensing process overall. The current and proposed approach, all subject to the duty to accommodate, balance these considerations.
170. The Committee further recommends that successful completion of each stage of the licensing process should be a prerequisite to moving to the next stage of the licensing process. This means that beginning in the 2018-19 licensing year successful completion of the PPE should be a prerequisite to moving to the next stage of the licensing process, namely transitional experiential training.
171. The current approach, which entitles candidates to advance to the transitional experiential training phase, even though they have failed the licensing examination or not yet attempted it, undermines the competence-based philosophy that should underpin the process. The discussion above under Readiness for Licensing has further solidified the Committee's views that successful completion of each licensing examination should be a foundation for the steps that follow.
172. Currently in the licensing process there are candidates who complete transitional experiential training but have yet to, and may never, pass the licensing examinations. The profession has indicated, and the Law Society concurs, that all candidates should be capable of successfully addressing entry-level practice and procedural issues before they embark upon their transitional experiential training activities.
173. This new system will require candidates for licensing to demonstrate the capability to become a lawyer qualified to practice through a process of assessment that builds upon the necessary knowledge, skills, abilities and judgment expected of an entry-level practitioner in a sequential process.

174. To assist candidates' ability to move forward through the process there will be an additional sitting of the examination in the time period after the first writing, but before the traditional period that transitional experiential training begins. This will enable those who fail on the first attempt an opportunity to write again and is a new component to facilitate movement through the process.
175. This new approach to the PPE validates Convocation's commitment to competence by viewing the licensing requirements as a staged process, with a prerequisite of successful completion at each stage. Given the importance of licensing based on competence, this is an appropriate approach for Convocation to approve.

c) Articling and Law School Experiential Learning

176. The April 2016 Report recommended an adjustment to the length of the articling requirement from 10 months to nine months and approval of a developmental process to permit up to a three-month abridgment of articling, reducing the placement to six months in length, available in circumstances in which prior skills training has been attained in a program the Law Society accredits.
177. This recommendation was not intended to introduce a mandatory requirement or shift the responsibility for transitional training onto the law schools. Moreover, there was no requirement that firms, employers, law schools or candidates integrate or pursue this credit. Indeed there would likely be reasons related to institutions' mandates or employer or candidate perception of their unique needs that would militate against using this option and this is entirely valid.
178. The Committee also understands that skills training at law schools is a significant investment of time, expertise, resources and an area that requires particularized teaching expertise. Law schools have priorities and directions that determine where they best devote their resources and nothing in the proposal would interfere with this. Most schools already have a range of skills programs that under the recommendation they might or might not wish to consider for accreditation. Equally, Articling Principals would be free to agree to or reject involvement as they design their articling program based upon their own needs and their training priorities for their students.
179. The place of skills training or experience in the pre-licensing context has been evolving steadily since the late 1970s and early 1980s when many considered it could have no role to play in the development of lawyers, except in the articling context. Few accept that position today, but each stage on the road to licensing, beginning in law school defines how skills training fits its priorities. The proposal in the April 2016 Report was not intended to hamstring any stage's autonomy, but rather to expand the conversation and integrate flexibility into the process.

180. However, since it introduced the recommendation the Committee has undertaken the evaluation of the pilot, which in its view broadens the scope of the discussions around articling, as discussed in the previous sections of this report.
181. Moreover, on reflection, the Committee agrees that without a more serious collaborative discussion with a variety of stakeholders, a definite recommendation is premature. It does however believe that there is merit to further exploration of the idea. It recommends that the Law Society explore a process to permit up to a three-month abridgment of articling where prior skills training has been attained in a program the Law Society accredits. Among other factors, the exploration should consider the possible risks and benefits of such an approach and the nature of accreditation criteria for eligible programs. The exploration should include discussions with interested stakeholders and the Committee should report to Convocation on the outcome of this exploration. In the interim, the 10-month length of the articling requirement should remain unchanged.

d) Articling Exemption for Internationally-Educated Candidates

182. Currently, the following are the provisions related to exemptions and abridgments from the articling requirement, applicable to internationally-educated candidates:
- a. Internationally-educated candidates called to the bar in a common law jurisdiction, with at least 10 months of practice experience that addresses the Law Society's articling competencies, may be exempted from the articling requirement. Such candidates would be required to complete an intensive three-day program on professional conduct and practice management as a mandatory component of the licensing process.
 - b. All other internationally-educated lawyers are required to complete the 10 month articling requirement, subject to the ability to seek an abridgment based on length of legal experience and the extent to which that experience addresses the Law Society's articling competencies.
183. Pursuant to the April 2016 Report, the Committee recommended the end of the exemption in subparagraph a. As noted in that Report, however, a number of Committee members expressed the different view that there may be circumstances in which the extensive experience and number of years of practice of an international candidate in a common law jurisdiction are such that it would be appropriate to consider an exemption from articling. The Committee has also considered the external feedback it received, which addressed both the substance of the recommendation and whether, if adopted, it would apply to those currently in the licensing process.
184. In further considering the issue, the Committee has examined the background to the 2008 recommendations that introduced the current provisions. Prior to 2008, seven years of previous experience was the threshold for consideration of an exemption. The Committee has also examined Law Society data, set out below, on the actual practice

experience of those who have received an exemption because they currently meet the 10 month threshold.

**Practice Experience of Exempted Candidates
May 2013 – May 2016**

Jurisdiction	Average Experience (Years)	Experience Midpoint (Median in Years)	Most Common Length of Experience (Mode in Years)
USA (181)	6.32	4.39	5
India (112)	7.39	5.19	2 and 3
England and Wales (36)	5.68	5.59	N/A
Nigeria (32)	12.5	11.2	N/A
Pakistan (23)	5.12	4.5	N/A
Australia (10)	2.52	2.25	N/A
TOTAL	6.58	4.86	N/A

Jurisdiction	Years of Practice Experience May 2013 - May 2016							
	1 to 4	4 to 7	7 to 10	10 to 15	15 to 20	20 to 25	25 to 30	30+
USA (181)	93	48	16	13	4	3	2	2
India (112)	45	22	17	17	9	0	2	0
England/Wales (36)	19	5	8	3	1	0	0	0
Nigeria (36)	10	6	8	4	6	1	0	1
Pakistan (25)	11	6	2	3	2	1	0	0
Australia (14)	11	3	0	0	0	0	0	0
TOTAL (404)	189	90	51	40	22	5	4	3

185. The Law Society's experience with internationally-educated candidates from locations such as India, Pakistan, Nigeria and other centres in the African continent and Indian sub-continent has been that many refuse a full exemption, even though they have been assessed to be eligible for one, opting instead for an abridgment of a few months. These candidates prefer to find an articling placement and gain Ontario experience prior to being licensed, for reasons including personal development and financial considerations, but predominantly reasons related to making connections in the legal market through a job search and placement process. Overall, the number of requests for exemptions and abridgments from internationally-educated candidates has decreased by 20% annually over the last two years.

186. Some experiential training in the Canadian context to enhance competence and offer greater assurance of transitional experiential training that contributes to the candidates' acculturation to the Canadian legal context is, in the Committee's view, helpful. At the same time it recognizes that removing any possibility for an exemption may not be necessary or, indeed, fair. The Committee recommends amending the exemption threshold for those licensed in a common law jurisdiction from 10 months practice experience that addresses the Law Society's articling competencies to three years, to provide some flexibility on this issue. The Law Society will continue to track the level of experience of internationally-educated candidates, examination performance data discussed above and information that will be gleaned from discussions and exploration of bridging programs to determine whether the exemption recommendation is effective.
187. If the new recommendation is approved by Convocation, it would apply on a going forward basis, beginning with the licensing year 2017-2018.

Conclusion

188. The focus of the Law Society's licensing process is to ensure that candidates have demonstrated that they possess the required competencies at an entry-level to provide legal services effectively and in the public interest. In respect of lawyer licensing, its Strategic Priority #1 states that the Law Society will focus on enhancing licensing standards and requirements and their assessment for lawyers. At the same time the Law Society seeks to ensure a process that is fair, accessible and objective.
189. The Pathways Pilot Project has been an important part of the efforts to examine and address licensing requirements and fairness. The evaluation of the pilot has revealed the complexity of the issues and the difficulties inherent in determining the way forward.
190. As the Committee has stated above, all its members recognize that the recommendations, if approved, will not end the discussion around lawyer licensing, nor do they intend that they should. Indeed, the Committee's recommendations reflect both the need for ongoing work and commitment in this area and an understanding that law schools, the Law Society as regulator, the profession and the delivery of legal services continue to be in a period of flux and change. As was the case within the Committee, different perspectives will inevitably affect views of and response to the recommendations the Committee provides here for Convocation's consideration.
191. The information underlying and supporting this Report is critically important and the Committee urges that it continue to be used to contribute to the ongoing analysis of and refinements to the licensing process that will continue to be sought, developed and implemented.

Overview of the Law Practice Program ¹

The following information has been taken from Ryerson University's and The University of Ottawa's annual reporting to the Law Society.

Law Practice Program - English

The English LPP, held at Ryerson University, consists of 17 weeks of training (late August to mid-December), followed by a 16-week work placement (January to April). The training consists of three (3) weeks in person plus 14 weeks interactive online all based on developing necessary skills by “working/completing tasks” on files developed by subject matter experts (specially trained actors often play the clients). The candidates are organized into virtual law firms “VLFs”, have a principal acting as a mentor, and are assessed in different ways on the over 100 different tasks they undertake. The LPP makes the assessment whether they have met the Law Society standard. The training helps them “hit the ground running” in their work placement, which has the same status as an articling placement. It is assessed, initially by the Principal (Work Placement Supervisor), and ultimately by the LPP.

Each firm is paired with a Mentor, who is a member of the legal profession in Ontario. Mentors come from across the province, average about 15 years of practice, and cover all areas of practice and workplace settings (clinics, government, private practice of all sizes, in-house counsel). To ensure that all VLFs obtain access to more than one “voice”, mentors are rotated mid-way after the second in-person week, to ensure firms have the benefit of different perspectives and experiences. These Mentors act as “Supervising Lawyers” for the VLFs, meeting with the entire firm once weekly for 17 weeks via webinar, and then bi-weekly with individual candidates. During these interactions, Mentors and firms review the case file work that the candidates have been working on that week, or have coming up, as well as discuss specific themes of Professionalism and Ethics, Practice and Client Management. Candidates can get additional assistance from Subject Matter Experts, or the LPP, in addition to their Mentor, when they have questions.

Candidates meet at Ryerson three (3) times for a week at a time. These three in-person weeks offer candidates the opportunity to engage in intensive workshops or panels (eg Trial Advocacy, Corporate Counsel), be assessed in-person by the bench and bar, develop and expand their professional network with each other, as well as members of the profession. The rest of the 14 weeks they are “working” in a simulated environment, responding to lawyer and client requests on a rapid, regular, intense basis. Their work is “delivered” via case files in the subject areas mandated by the Law Society of Upper Canada:

- Administrative Law (Year One a Landlord/Tenant matter; Year Two an Immigration matter)
- Business Law
- Civil Litigation
- Criminal Law
- Family Law
- Real Estate Law
- Wills & Estates Law

¹ This outline appears in the Evaluation at pages 18-21.

In addition to their file work, VLFs also work together to develop a Business Plan for their firm.

This Plan includes the areas in which they intend to practice, the business structure they propose to implement, their plans to develop a client base, and a financial pitch to a bank to secure financing. In addition to the Business Plan, firms also develop an Access to Justice Innovation Challenge, which is an idea/concept to help promote the delivery of justice faster, more efficiently and in a more cost conscious manner. Seven of the 60 firms are selected to make a “pitch” of their idea to a panel of judges, with one firm ultimately winning the Challenge. Each year the winning team’s prize has been a one-on-one lunch and audience with Chief Justice Strathy at Osgoode Hall to discuss the winning Proposal.

Candidates move on to the four-month Work Placement only after they have successfully completed the Training Component. Work Placements span the range of practice areas and office settings across the province. Candidates are prepared for both general and more focused practice areas for their Work Placements.

The LPP continuously seeks additional feedback from all who have been involved in the LPP. The LPP conducts several surveys aimed at the candidates and the Mentors and in 2016, of the 2014-15 Alumni, to obtain feedback about various aspects of both the Training Component and Work Placements. Employers’ feedback has been collected through numerous conversations. All feedback collected is being analyzed with a view to further strengthening the program.

Law Practice Program - French

The French LPP is an eight-month program, including a four-month intensive in-person practice program in a simulated law firm followed by a four-month placement in a legal workplace. Ottawa LPP’s innovative practice program has been designed in consultation with experienced lawyers. Its objective is to allow students to master all the skills necessary to offer quality French legal services and to succeed in their professional careers. The practice program consists of eight practice modules:

1. civil litigation;
2. administrative law;
3. commercial law;
4. criminal law;
5. family law;
6. real estate law;
7. wills and estates law, and
8. establishing and managing a firm.

Within a simulated law firm, candidates familiarized themselves with all aspects of the legal practice including communicating with clients, legal researching and drafting, strategic decision-making, oral argument, computerized firm management, time management, billing, professional responsibility, developing a business plan, and networking.

During the 2015-2016 training component, the LPP candidates accomplished over 90 tasks testing more than 80 skills in seven (7) areas of law. They were also exposed to all the aspects of practice management, including respect for professional obligations, development of business acumen, initiation in the practice of law in a rural environment, and community engagement. In the work placement component, candidates had the opportunity to implement

Pathways Evaluation Interim Results: Years One and Two

The Law Society of Upper Canada Pathways to the Profession Pilot
Project 2014-2015 to 2015-2016
30 June 2016



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Executive Summary

The Pathways to the Profession Pilot Project or *Pathways* is a response to the Law Society of Upper Canada's Articling Task Force's Final Report of October, 2012. One alternative pathway to traditional articling, and enhancements to traditional articling were created to address the issues brought forth in this report. Together, the Law Practice Program (LPP) and the enhanced Articling Program are the *Pathways to the Profession* pilot project. Work on each *pathway* commenced in early 2013; this evaluation commenced in December of the same year.

It is important to note that at this juncture, the year two evaluation of the 2015-2016 LPP and enhanced Articling program is not yet complete as there are post-call data collection scheduled for this cohort and their employers in the spring 2017. Still, with accumulated data from the year one evaluation (2014-2015), and now the year two licensing year evaluation data, we are beginning to solidify our findings.

Further, it is imperative to consider that even though both programs or pathways exist to address similar competency development in order to prepare candidates for entry-level practice – that is transitional, experiential training - the LPP and the Articling Program are substantively different in terms of their structure and delivery. Structurally, the LPP on the one hand is eight months in length, consisting of a four-month course in a mostly virtual environment with a four-month work placement; the Articling Program on the other hand, consists of a 10-month work placement. From a delivery perspective, we see the LPP has the largest proportions of their work placements in small firms or sole-practices, with a good proportion of these placements unpaid; the Articling Program has the largest proportions of their placements in medium-sized practices, with the vast majority of the placements reported as being paid. We also note that the largest proportion of candidates in the LPP are exposed to Corporate/Commercial Law practice in work placements, and the largest proportions of candidates in the Articling Program are exposed to Civil Litigation, either Defendant and Plaintiff, in their placements. However, in addition to similar foci in competency development and outcomes for such, further parallels in delivery exist as well, as proportionally, the placement locations are predominantly in the Toronto area, followed by the East (Ottawa). So, it is fair to say that the goals for competency development in each pathway are the same, but how they aim to achieve those goals differ substantively.

Each *pathway* is evaluated on its own merit and then compared with the other, where possible. However, any variances in the results when comparing the two pathways may be attributable, at least in part, to the difference in structure and delivery of the two programs. It is a challenge to disentangle the sources (program structure and/or delivery) of marked differences in program outcomes¹ (e.g., calls to the Bar, hire-backs, first-year practice). Still, at this juncture we see some trends in aspects of program delivery and outcomes beginning to emerge.

¹ Intended program outcomes are the production of competent lawyers for entry level practice – See Appendix 1. Calls to the Bar and hire-backs are key performance indicators of such. Post-call practice areas and types are not direct, intended outcomes of the Pathways project, but these data are helpful in contextualizing program effectiveness.

The interim year two evaluation is based on the following cohorts of candidates:

Table i - The Evaluation Cohorts

Category	Articling Program		Law Practice Program	
	Year One	Year Two	Year One	Year Two
Program Enrollment ²	2,019	1,878	281 (260 EN/21 FR)	280 (262 EN/19 FR)
Less those articling candidates who began their placement after August 6 and before April 30 ³	- 632	- 452	-	-
Less those candidates who withdrew from the Articling Program, or from the LPP after program start dates, have not completed, or were licensed prior to May	- 22	- 34	- 41 ⁴ (38 EN/3 FR)	- 50 (42 EN/8 FR)
Evaluation Cohorts	1,455	1,392	238 (221 EN/17 FR)	230 (219 ⁵ EN/11 FR)

The Law Practice Program

- 281 licensing candidates were enrolled in the LPP on the start date of the programs in August 2014; one candidate was not successful in completing the program, 41 (15%) withdrew from the program, and one candidate had yet to begin a work placement at the time of receipt of final reporting from the LPP providers; therefore, the **Year One** cohort of LPP candidates for the evaluation is 238.
- 280 licensing candidates were enrolled in the LPP on the start date of the programs in August 2015 and 50 (18%) withdrew from the program; therefore, the **Year Two** cohort of LPP candidates for the evaluation is 230. Six of the 230 candidates in Year Two have not completed their work placement as at June 30, 2016.
- All 238 LPP candidates received work placements, with 71% of the work placements being paid in **Year One**; All 230 LPP candidates received work placements, with 73% of the work placements being paid in **Year Two**. All eleven (11) of the French placements through the University of Ottawa were paid.
- The LPP is made up mostly of candidates that did not choose the LPP as their first choice for transitional, experiential training. The population of the LPP is 50% internationally-educated and 50% Canadian-educated, most candidates are English-speaking; and the LPP has greater proportional representation in candidates that identify themselves as “Racialized,” “Francophone,” “People with a Disability,” “Aboriginal,” and “Age 40+” than the Articling Program population.

² Number of candidates who started an articling placement or the LPP in the Licensing Process year (May 1 to April 30)

³ Number of candidates who started an articling placement after August 6 and on or before April 30. For the evaluation purposes, only those candidates who started an articling placement between May 1 and August 6, and were therefore expected to complete the Articling Program prior to June of the following year, are included in the evaluation cohorts.

⁴ One (1) candidate did not successfully complete the LPP

⁵ As at June 30, 2016, six (6) of the English LPP candidates have not yet completed their work placement.

The Articling Program

- 1,477 licensing candidates began an articling placement between May 1, 2014 and August 6, 2014; 22 of these candidates either withdrew from articling or were licensed before June 2015; therefore, the **Year One** cohort of articling candidates for the evaluation is 1,455.
- 1,243 Articling Principals supervised the 1,455 articling candidates in the **Year One** evaluation cohort.
- 1,426 began an articling placement between May 1, 2015 and August 6, 2015; 34 of these candidates either withdrew from articling or were licensed before June 2016; therefore, the **Year Two** cohort of articling candidates for the evaluation is 1,392.
- 1,221 Articling Principals supervised the 1,392 articling candidates in the **Year Two** evaluation cohort.
- Articling Program survey results tell us that about 97% of the articling placements are paid for both Year One and Year Two.
- The Articling Program is comprised mostly of recent graduates of Ontario-based, Canadian law schools and are mostly English-speaking. Most of the articling placements are in law firms, with medium-sized firms accounting for the greatest proportion of articling placements.

Development of the pathways:

- Goals for transitional, experiential learning were articulated, incorporating *fairness*, *accessibility* and *objectivity* and each pathway is founded on the same core competencies for entry-to-practice level lawyers.
- Enhancements to the Articling Program were developed and implemented for the 2014-2015 Licensing Process.
- The LPP was delivered for the first time at Ryerson University beginning in August 2014 and at the University of Ottawa in September 2014 for French-language candidates.
- Tools for measuring candidates', and Principals' perceptions have been developed and used, including surveys to target post-call candidates' perceptions and their employers' perceptions.
- The various enhancements to the Articling Program, focusing on behaviourally-anchored rating scales (BARS) for task-exposure and performance assessment in articling were all developed and are being utilized. A related training component, including emailed instructions and directions in a video on how to use the BARS to Articling Principals and articling candidates has been delivered; the effectiveness of these instructions is yet to be determined.

Evaluation of the pathways - Findings

- Various user perceptions in both the LPP and Articling Program have been measured, but there is more measurement to be completed, based on our evaluation framework (see Appendix 2). Generally, the pathways are seen as delivering fair, objective and accessible transitional, experiential training. Though some aspects of each pathway are not viewed by candidates to be fair, such as search for work placement in the LPP and the articling placement hiring process. Still, we see further negative perceptions of the LPP from candidates, due to its relative newness and speculation regarding its value in aiding

candidates to secure employment after licensing. Also, most of the candidates in the LPP report that it was not their first choice for experiential training.

- Candidates in the LPP have been assessed for their learning in defined areas of skills and tasks; all were meeting or exceeding the competency expectations. The vast majority Candidates in the Articling Program show they are meeting or exceeding expectations in the five competency-based tasks.
- Articling Principals showed almost universal compliance in submitting the new Experiential Training Plan, and performance assessment of candidates in articling and their task-exposure has occurred. Competency coverage in articling placements is generally very high, with the exception of *Transactional/Advisory Matters, Negotiation* and *Advocacy*. It is noted, however, that relevancy of competencies across types and areas of practice is not universal. Further, about half the articling placements focus on one to four areas of law practice.
- Candidates in both *pathways* and Articling Principals rate generally high levels of effectiveness and value for the *pathways*, however there were some specific areas that drew their ire, such as: the work placement process in the LPP, remuneration in the LPP work placements, and the purpose and act of completing the new reporting requirements from both candidates' and Principals' perspectives in the Articling Program.
- There seems to be some substantive differences in the scales and metrics for candidates' performance assessment between the two pathways. These differences make valid inter-pathway comparison of candidate performance on the specified competencies extremely difficult.
- The candidates in the Articling Program are being called to the Bar, hired back, and are practising law in their first year post-license at greater proportions than candidates in the LPP. For example, about 60% of those in the LPP expected to be called to the Bar in June of their licensing year, compared to just over 90% of those in the Articling Program; of those who expect to be called to the Bar, 34% of those in the LPP expected to be hired back by their placement organization compared to 48% of those in the Articling Program. Additionally, there are proportionally more lawyers from the Articling Program than from the LPP who are practising law in their first year: 82% versus 67%. Further, one-quarter (41 lawyers) of the LPP new lawyers are Sole Practitioners, compared to 6% from the Articling Program (86 lawyers). Finally, only 16% of the new lawyers from the LPP are working as an *Associate in a Professional Business*, when 48% of the new lawyers who articulated are working in this capacity. However, these practice findings are based on just the first cohort of candidates to go through the LPP and Articling Program during the *Pathways* Project.
- At this juncture, based on the key metrics of expectations to be called to the Bar, hire-backs and first-year practice, the Articling Program is out-performing the Law Practice Program. To separate program structure and delivery from competency development and related outcomes will be difficult, but must be taken into account when judging the effectiveness of each pathway.

In summary, at this juncture of the program operation, we see indications that each pathway is supporting the licensing candidates' opportunity to obtain transitional experiential training as required by the Licensing Process in part by delivering fair, objective and accessible experiential

training, though there are some aspects of each that are not considered fair by the candidates. The experiential training in each pathway is developing the competencies of candidates necessary for entry-level practice, as deemed by the competency development assessment tools. These tools, however, are incongruent between pathways, so comparing the effectiveness of the pathways based on these tools is not advised.

Comparison of the effectiveness of competency development for entry-level practice is made through various perceptual measures of *value* and *effectiveness*, which indicated each pathway thus far is valuable and effective experiential training. However, since a stated, intended outcome of the pathways is the production of competent entry-level lawyers, we must look to key performance metrics such as calls to the Bar and hire-backs as indicators of pathway effectiveness. At this point in time, the Articling Program is out-performing the Law Practice Program, based on these metrics. But given the different structures, and some key delivery disparities of each pathway, one should expect the Articling Program to produce a greater relative number of competent entry-level lawyers. A key question becomes, “By how much more should we expect the Articling Program to outperform the LPP based on the structures of each pathway?” To answer this question, we must disentangle the pathway structures and delivery from competency development, or at the very least be mindful of this entanglement. In other words, for example, as we move into Year Three of the *Pathways*, how much weight do we put on the structure of the LPP versus the competency development within the LPP in producing relatively fewer competent entry-level lawyers than the Articling Program?

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1. Background

Having acknowledged that experiential training is an integral part of the Licensing Process for lawyers, and having accepted that the current experiential training pathway, articling, is no longer able to provide sufficient opportunities to support all candidates for licensing, the Law Society of Upper Canada has embarked upon a three-year plan of redevelopment in the Licensing Process that will address the expanded provision of transitional experiential learning.⁶

The response, the **Pathways to the Profession Pilot Project** (*Pathways Project*), will be to develop an additional path to licensing, a Law Practice Program (LPP), and to concurrently enhance the existing Articling Program. The goal of the *Pathways Project* will be to gather evidenced-based information on the implementation and outcomes of the two *pathways* through formalized, systematic program evaluation methods, with a view to measuring the effectiveness of those pathways to produce competent lawyers for entry into the profession. Ultimately, Convocation of the Law Society will use this information to assess the continuation of either or both of the pathways.⁷

Throughout this report, the *Pathways Project*, which commenced in earnest in early 2013, and its two component programs (*pathways*), which began operation in the 2014-2015 Licensing Process year, is considered to be a professional credentialing program. A program can be thought of as a group of related activities that is intended to achieve one or several objectives, of which specified outcomes are included. Programs are means-ends relationships that are designed and implemented purposively (McDavid & Hawthorn, 2006).

Research & Evaluation Consulting Inc. (RaECon) was contracted to use its resources of nationally-recognized evaluation expertise in conducting the evaluation of the *Pathways Project*, to provide the Society with external, objective information required to make sound, insightful judgements on the relevance and effectiveness of *Pathways*. RaECon's work on the evaluation of *Pathways* commenced in the fall of 2013.

This report summarizes program activities and evaluation results, which are as current as of June 30, 2016.

⁶ As a result of the Articling Task Force's Final Report, *Pathways to the Profession: A Roadmap for the Reform of Lawyer Licensing in Ontario* (October 25, 2012): The Law Society of Upper Canada.

⁷ From the Pathways Purpose and Objectives Statements (December 2013) based on *Pathways to the Profession: A Roadmap for the Reform of Lawyer Licensing in Ontario*: The Law Society of Upper Canada.

2. Approach to the Evaluation

At RaECon we pride ourselves on our general approach to program evaluation, upholding the *Program Evaluation Standards*⁸ for our industry. We stress the utility of the evaluation findings for our clientele and take a collaborative approach, inviting input from the client throughout the evaluation process, whilst upholding a strict professional code of ethics. Details on our approach to evaluation are presented next.

Utilization-Focused

Following the general approach of utilization-focused evaluation (Patton, 2008), we are aware that the process of conducting an evaluation is just as important as the end product, the evaluation report itself. The focus on providing information that is useful and contributes to learning is particularly important for the continued operation of the programs, and is one of our core beliefs. We work with the *Pathways* team at the Law Society to ensure that that we are examining the relevant documents and data, engaging the appropriate stakeholders and identifying the findings that will result in recommendations that will help Convocation make informed decisions.

Participatory

This evaluation has been carried out in a participatory manner (see Cousins & Earl, 1992, 1995), as this embodies a collaborative process that leads to interaction between the evaluator(s) and the community or stakeholders in order to make the results fully comprehensible and useable. Much work in conjunction with the Law Society *Pathways* team, under the leadership of the Society's Executive Director of Professional Development and Competence, has occurred throughout the evaluative process and in preparation of this report.

Ethical

We apply the Canadian Evaluation Society's (CES) guidelines for Ethical conduct,⁹ focusing on competence, integrity and accountability, as our operating standards for ethical evaluation service delivery. Our general approach is also consistent with the principles outlined in the *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans*¹⁰, including respect for human dignity, respect for free and informed consent, respect for vulnerable persons, respect for privacy and confidentiality, respect for justice and inclusiveness, recognizing the potential for harm and maximizing benefits for all who are involved.

⁸ Yarborough, D.B., Shulha, L.M., Hopson, L.M., & Caruthers, F.A. (2011). *The program evaluation standards: A guide for evaluators and evaluation users* (3rd ed.). Thousand Oaks, CA: Sage.

⁹ Available at <http://evaluationcanada.ca/ethics>

¹⁰ Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans, 1998 (with 2000, 2002 updates) from <http://www.pre.ethics.gc.ca/english/policystatement/policystatement.cfm>

Evaluation Questions

The Evaluation Questions presented next are aimed at relevance and effectiveness of the *Pathways* Program:

1. **Does the Law Practice Program provide licensing candidates with effective transitional experiential training in defined areas of skills and tasks considered necessary for entry-level practice?**
2. **Does the Articling Program provide licensing candidates with effective transitional experiential training in defined areas of skills and tasks considered necessary for entry-level practice?**
3. **How does each pathway, LPP and Articling, support the licensing candidates' opportunity to obtain the transitional experiential training requirement of the Licensing Process?**
4. **Is one Pathway, LPP or Articling, more effective in delivering transitional experiential training in defined areas of skills and tasks considered necessary for entry-level practice?**

Licensing Process Candidates in the Pathways

For the first year of Pathways, approximately 77% of the licensing candidates selected the Articling Program and approximately 13% of licensing candidates opted for the Law Practice Program. The remaining licensing candidates are either exempted from the Experiential Training Requirement or have not yet informed the Law Society of their choice of *pathway* for experiential training.

For the second year of Pathways, approximately 79% of the licensing candidates selected the Articling Program and approximately 12% of licensing candidates opted for the Law Practice Program. The remaining licensing candidates are either exempted from the Experiential Training Requirement or have not yet informed the Law Society of their choice of *pathway* for experiential training.

Evaluation Cohort

Table 1 below presents the *Pathways* statistics of enrollment and withdrawals from each program arriving at the number of candidates in the *Year One and Two evaluation cohorts* for each *pathway*. The evaluation cohorts are the group of candidates that are being studied for the purposes of the evaluation of *pathways*. As presented below, we see a slightly smaller cohort for Year Two than Year One.

Table 1: Year One and Year Two Evaluation Cohorts

Category	Articling Program		Law Practice Program	
	Year One	Year Two	Year One	Year Two
Program Enrollment ¹¹	2,019	1,878	281 (260 EN/21 FR)	280 (262 EN/19 FR)
Less those articling candidates who began their placement after August 6 and before April 30 ¹²	- 632	- 452	-	-
Less those candidates who withdrew from the Articling Program, or from the LPP after program start dates, have not completed, or were licensed prior to May	- 22	- 34	- 41 ¹³ (38 EN/3 FR)	- 50 (42 EN/8 FR)
Evaluation Cohorts	1,455	1,392	238 (221 EN/17 FR)	230¹⁴ (219 EN/11 FR)

Perceptual Measures and Instruments Developed and Implemented

Various data collection tools were developed and implemented to aid in the gathering of evaluation data. These tools will be described next.

Exposure and Performance Measures for the Articling Program

Behaviourally-Anchored Rating Scales (BARS) tools were developed by an external vendor for the Law Society with the aid of various law practitioners in early in 2014 for first use in the 2014-2015 Articling Program (Year One).

Surveys and Focus Group Protocols

Surveys and Focus Group protocols were developed and implemented to gather both quantitative and qualitative perceptual data from candidates, from Articling Principals, and from the newly licensed practising lawyers in the Year One cohorts and their employers, on various aspects of each of the *pathways*.

¹¹ Number of candidates who started an articling placement or the LPP in the Licensing Process year (May 1 to April 30)

¹² Number of candidates who started an articling placement after August 6 and on or before April 30. For the evaluation purposes, only those candidates who started an articling placement between May 1 and August 6, and were therefore expected to complete the Articling Program prior to June of the following year, are included in the evaluation cohorts.

¹³ One (1) candidate did not successfully complete the LPP

¹⁴ Six (6) of the candidates have not yet completed their work placement as at June 30, 2016

The following data collection tools have been developed and implemented for the Pathways evaluation:

1. Law Practice Program Entry Survey
2. Law Practice Program Withdrawal Survey
3. Law Practice Program Focus Group Protocol
4. Articling Program Focus Group Protocol
5. Law Practice Program Exit Survey
6. Articling Program Survey for Candidates
7. Articling Program Survey for Principals
8. Law Practice Program Post-License Survey for New Lawyers
9. Law Practice Program Post-License Survey for Employers of New Lawyers
10. Articling Program Post-License Survey for New Lawyers
11. Articling Program Post-License Survey for Employers of New Lawyers

Year One (2014-2015) cohort's perceptions have been measured by all of the aforementioned instruments. Year Two (2015-2016) cohort's perceptions have been measured by the first seven instruments. All surveys are aimed or targeted at all candidates and in the case of the Articling Program, the candidates' Principals, and at those lawyers in the Year One cohort who are currently practising law and their employers. Focus groups are conducted for a small sample of candidates in each of the pathways.

It should be noted that in the evaluation framework, it was planned to conduct Focus Groups with the newly licensed practising lawyers in the Year One cohorts and their employers. However, efforts to facilitate these data collection activities were not fruitful. Every effort was made to secure the time of Year One LPP and Articling Program new lawyers and their employers to participate in in-person Focus Groups, but after several e-mail and phone call invitations, there was not enough new lawyers and employers who agreed to participate. An inadequate sample size would potentially bias results. The format of the Focus Groups was then changed to an online meeting (using WebEx) in hopes of encouraging more people to participate, but this did not increase uptake of participation. As a result, it was decided to conduct a survey for employers of the new lawyers instead, along with the scheduled survey for new lawyers to gather their feedback.

Data Collection Instruments and Response Rates

The Law Practice Program Entry Survey

Administered in August, prior to the start of the LPP, this survey is aimed at understanding the LPP candidates' rationale for enrolling in the LPP and their expectations for the program.

Year One: 220/277 (79%) responded, which is considered to be an **accurate** snapshot of the targeted population and the data may be viewed as **reliable**.

Year Two: 202/310 (65%) responded, which is considered to be **reasonably accurate** snapshot of the targeted population and the data may be viewed as **reasonably reliable**.

Law Practice Program Withdrawal Survey

Administered in November and February, this brief survey is aimed at the LPP candidates who withdrew from the program, and to understand their rationale for doing so.

Year One: 29/40 (73%) responded, which is considered to be an **accurate** snapshot of the targeted population and the data may be viewed as **reliable**.

Year Two: 32/50 (64%) responded, which is considered to be **reasonably accurate** snapshot of the targeted population and the data may be viewed as **reasonably reliable**.

Law Practice Program and Articling Program Focus Groups Protocol

These Focus Group interview protocols are designed to probe deeper into candidates' perceptions of the relative strengths and weaknesses of the experiential training they have received in each program, specifically asking about program value and fairness. The Focus Groups for the LPP are conducted in April both in Toronto and Ottawa, and the Articling Program Focus Groups occur in Toronto during the first week of May. Typically, there are 8 to 12 Focus Group participants per session.

Law Practice Program Exit Survey

This survey was administered at the end of April in Year One and early in May, immediately following the end of the Program, in Year Two. The survey is sent after the Focus Groups so we may ask questions to a broader audience about any topics raised in the Focus Groups. Additionally, this survey re-visits the concepts of strengths and weaknesses of the experiential training as well as fairness and value.

Year One: 185/240 (77%) responded, which is considered to be an **accurate** snapshot of the targeted population and the data may be viewed as **reliable**.

Year Two: 163/231 (71%) responded, which is considered to be an **accurate** snapshot of the targeted population and the data may be viewed as **reliable**.

Articling Survey for Candidates

This survey is administered end of May, after the Focus Groups so we may ask questions to a broader audience about any topics raised in the Focus Groups. Additionally, this survey re-visits the concepts of strengths and weaknesses of the experiential training as well as fairness and value.

Year One: 636/1,455 (44%) responded, which is considered to be a **less than accurate** snapshot of the targeted population and the data may be viewed as **unreliable**; and interpretations and findings are made with caution.

Year Two: 614/1,392 (44%) responded, which is considered to be **less than accurate** snapshot of the targeted population and the data may be viewed as **unreliable**; and interpretations and findings are made with caution.

Articling Survey for Principals

Administered at the end of May and early June, this survey re-visits the concepts of strengths and weaknesses of the experiential training as well as fairness and value all from the Principals' perspectives.

Year One: 487/1,243 (39%) responded, which is considered to be a **less than accurate** snapshot of the targeted population and the data may be viewed as **unreliable**; and interpretations and findings are made with caution.

Year Two: 358/1,221 (29%) responded, which is considered to be **less than accurate** snapshot of the targeted population and the data may be viewed as **unreliable**; and interpretations and findings are made with caution.

It may be noted that the response rate for Articling Principals is somewhat misleading as, in the interest of gathering as much feedback as possible, law firm administrators had the option completed surveys on behalf of or in addition to their Articling Principal(s) at their firm, and their individual responses may be representative of several placements at their law firm.

[Law Practice Program Post-License Survey for New Lawyers and Employers](#)

This survey is aimed at practising new lawyers who completed the 2014-2015 LPP and their employers to gauge their views on the relative strengths and weaknesses in the experiential training received by the new lawyers with regards to their preparation for practice. The survey, sent as two separate surveys in one link to maximize distribution, is administered in April of the year post-licensing.

New Lawyers – LPP English: 63/119 (53%) responded, which is considered to be **reasonably accurate** snapshot of the targeting population and the data may be viewed as **reasonably reliable**. **New Lawyers – LPP French:** 2/5 (40%) responded, which is considered to be a **less than accurate** snapshot of the targeting population and the data may be viewed as **unreliable**; and interpretations and findings are made with caution.

Year One Employers: We received just one (1) response from an employer of a new lawyer who completed the 2014-15 LPP from 77 potential respondents. The Law Society does not have manager/supervisor contact information for licensees and therefore relied on the new lawyers to forward the survey to their manager/supervisor to complete. **With only one (1) response, there are insufficient data to report on the perceptions of the employers of new lawyers who completed the LPP.**

[Articling Program Post-License Survey for New Lawyers and Employers](#)

This survey is aimed at practising new lawyers who completed the 2014-2015 Articling Program and their employers to gauge their views on the relative strengths and weaknesses in the experiential training received by the new lawyers with regards to their preparation for practice. The survey, sent as two separate surveys in one link to maximize distribution, is administered in April of the year post-licensing.

New Lawyers: 339/1,138 (30%) responded, which is considered to be a **less than accurate** snapshot of the targeted population and the data may be viewed as **unreliable**; and interpretations and findings are made with caution.

Employers: We received just 22 responses from employers from 1,048 potential respondents, which is a 2% response rate. The Law Society does not have manager/supervisor contact information for licensees and therefore relied on the new lawyers to forward the survey to their manager/supervisor to fill in. With only 22 responses, these data are considered to be a **less than**

accurate snapshot of the targeted population and the data may be viewed as **highly unreliable**; and interpretations and findings are made with caution.

Trends and Interpretation

On those surveys that we have comparable data, that is Year One and Year Two, there is an overall **declining response rate trend**. For example, the LPP Entry Survey went from 80% and 71% in Year One to 65% and 62% for English and French, respectively. Similarly, the LPP Exit Survey response rates declined from 77% and 77% to 71% and 64% for English and French, respectively. The Articling Principals Survey response rate declined from 39% in Year One to 29% in Year Two. The only survey that did not have declining response rates was the Articling Program Candidates' Survey, which had an unimpressive 44% response rate in each of Year One and Year Two.

When there are relatively few data to report because of very low response rates, we cannot reliably report results. Where we have not reported results for a given group (e.g., French New Lawyers from the LPP, and employers of New Lawyers from the LPP) it is because we do not have the necessary data to do so.

3. Keys to Transitional, Experiential Training

Both the Law Practice Program and the enhanced Articling Program were designed and implemented to fulfill the need for transitional, experiential training for lawyer candidates. The Law Society of Upper Canada set the standards for each of the *Pathways* component programs with five goals in mind:

*Five Goals of Transitional Training*¹⁵

1. Application of defined practice and problem solving skills through contextual or experiential learning.
2. Consideration of practice management issues, including the business of law.
3. Application of ethical and professionalism principles in professional, practical and transactional contexts.
4. Socialization from candidate to practitioner.
5. Introduction to systemic mentoring.

Fairness, Accessibility and Objectivity

Further, the Law Society of Upper Canada's goals for each of the *pathways* was a need for each to be designed and implemented to be fair, accessible and objective. These three key terms will be defined for context, next.

Fairness

A process or decision is considered fair in the regulatory context when all of the following are demonstrated:

- *Substantive fairness*: ensuring the fairness of the decision itself. A decision itself must be fair, and to be fair it must meet pre-determined and defensible criteria. A decision must be reasonable and the reasoning behind the decision must be understandable to the people affected.
- *Procedural fairness*: ensuring the fairness of the decision-making process. There is a structure in place to ensure that fairness is embedded in the steps to be followed before, during and after decisions are made. This structure ensures that the process is timely and that individuals have equal opportunity to participate in the registration process and demonstrate their ability to practise.
- *Relational fairness*: ensuring that people are treated fairly during the decision-making process by considering and addressing their perception about the process and decision.¹⁶

For the context of the *Pathways* programs, fairness also means the removal of unreasonable process barriers, but the goal of the process remains ensuring the competence of those who are licensed. The primary substantive concern is competence and the primary process concern is fairness.¹⁷

¹⁵ As set out in the Articling Task Force Report - *Pathways to the Profession: A Roadmap for the Reform of Lawyer Licensing in Ontario*, October 2012 (The Law Society of Upper Canada).

¹⁶ From the Office of the Fairness Commissioner, provided by the Law Society of Upper Canada, January 5, 2015.

¹⁷ As set out in the Articling Task Force Report - *Pathways to the Profession: A Roadmap for the Reform of Lawyer Licensing in Ontario*, October 2012 (The Law Society of Upper Canada).

Accessibility refers to the *pathways* being reachable, attainable, easily understood, and meeting the needs of people from a variety of backgrounds and a variety of characteristics, including: ethnicity, race, abilities, disabilities, age, gender, language abilities; and preferred learning styles and abilities. The *pathways* will acknowledge that people learn in a variety of ways, being proactive and inclusive ways of designing assessment of competencies, removing barriers to learning before they can affect any candidate. Both the LPP and the enhanced Articling Program will identify and clearly express the essential entry-level competencies, while recognizing that candidates can express understanding of these competencies in multiple ways.¹¹

Objectivity is judgement based on observable phenomena and uninfluenced by emotions or personal prejudices; and uninfluenced by personal feelings or opinions in considering and representing facts. Data gathered from the reporting requirements in the LPP and the Articling Program will objectively measure whether each *pathway*, as a regulatory requirement, actually accomplishes its goals.

The data should have objective and demonstrable standards to:

- Identify and articulate the goals of the LPP and of the Articling Program;
- Formulate criteria to measure whether those articulated goals are being achieved in each *pathway*;
- Ensure that the articling experience is reasonably consistent for all articling candidates and ensure that the LPP experience is reasonably consistent for all LPP candidates; and
- Assess whether candidates in each *pathway* have demonstrated the practical skills and knowledge necessary for entry-level lawyers.¹⁸

¹⁸ Provided by the Law Society of Upper Canada, January 5, 2015.

4. Overview of the Law Practice Program

The following information has been taken directly from Ryerson University's and The University of Ottawa's own annual reporting to The Law Society of Upper Canada. The evaluation did not necessarily confirm or assess the merits of the statements made.

Law Practice Program - English

The English LPP, held at Ryerson University, consists of 17 weeks of training (late August to mid-December), followed by a 16-week work placement (January to April). The training consists of three (3) weeks in person plus 14 weeks interactive online all based on developing necessary skills by “working/completing tasks” on files developed by subject matter experts (specially trained actors often play the clients). The candidates are organized into virtual law firms “VLFs”, have a principal acting as a mentor, and are assessed in different ways on the over 100 different tasks they undertake. The LPP makes the assessment whether they have met the Law Society standard. The training helps them “hit the ground running” in their work placement, which has the same status as an articling placement. It is assessed, initially by the Principal (Work Placement Supervisor), and ultimately by the LPP.

Each firm is paired with a Mentor, who is a member of the legal profession in Ontario. Mentors come from across the province, average about 15 years of practice, and cover all areas of practice and workplace settings (clinics, government, private practice of all sizes, in-house counsel). To ensure that all VLFs obtain access to more than one “voice”, mentors are rotated mid-way after the second in-person week, to ensure firms have the benefit of different perspectives and experiences. These Mentors act as “Supervising Lawyers” for the VLFs, meeting with the entire firm once weekly for 17 weeks via webinar, and then bi-weekly with individual candidates. During these interactions, Mentors and firms review the case file work that the candidates have been working on that week, or have coming up, as well as discuss specific themes of Professionalism and Ethics, Practice and Client Management. Candidates can get additional assistance from Subject Matter Experts, or the LPP, in addition to their Mentor, when they have questions.

Candidates meet at Ryerson three (3) times for a week at a time. These three in-person weeks offer candidates the opportunity to engage in intensive workshops or panels (eg Trial Advocacy, Corporate Counsel), be assessed in-person by the bench and bar, develop and expand their professional network with each other, as well as members of the profession. The rest of the 14 weeks they are “working” in a simulated environment, responding to lawyer and client requests on a rapid, regular, intense basis. Their work is “delivered” via case files in the subject areas mandated by the Law Society of Upper Canada:

- Administrative Law (Year One a Landlord/Tenant matter; Year Two an Immigration matter);
- Business Law
- Civil Litigation
- Criminal Law
- Family Law
- Real Estate Law
- Wills & Estates Law

In addition to their file work, VLFs also work together to develop a Business Plan for their firm. This Plan includes the areas in which they intend to practice, the business structure they propose to implement, their plans to develop a client base, and a financial pitch to a bank to secure financing. In addition to the Business Plan, firms also develop an Access to Justice Innovation Challenge, which is an idea/concept to help promote the delivery of justice faster, more efficiently and in a more cost conscious manner. Seven of the 60 firms are selected to make a “pitch” of their idea to a panel of judges, with one firm ultimately winning the Challenge. Each year the winning team’s prize has been a one-on-one lunch and audience with Chief Justice Strathy at Osgoode Hall to discuss the winning Proposal.

Candidates move on to the four-month Work Placement only after they have successfully completed the Training Component. Work Placements span the range of practice areas and office settings across the province. Candidates are prepared for both general and more focused practice areas for their Work Placements.

The LPP continuously seeks additional feedback from all who have been involved in the LPP. The LPP conducts several surveys aimed at the candidates and the Mentors and in 2016, of the 2014-15 Alumni, to obtain feedback about various aspects of both the Training Component and Work Placements. Employers’ feedback has been collected through numerous conversations. All feedback collected is being analyzed with a view to further strengthening the program.

Law Practice Program - French

The French LPP is an eight-month program, including a four-month intensive in-person practice program in a simulated law firm followed by a four-month placement in a legal workplace.

Ottawa LPP’s innovative practice program has been designed in consultation with experienced lawyers. Its objective is to allow students to master all the skills necessary to offer quality French legal services and to succeed in their professional careers. The practice program consists of eight practice modules:

1. civil litigation;
2. administrative law;
3. commercial law;
4. criminal law;
5. family law;
6. real estate law;
7. wills and estates law, and;
8. establishing and managing a firm.

Within a simulated law firm, candidates familiarized themselves with all aspects of the legal practice including communicating with clients, legal researching and drafting, strategic decision-making, oral argument, computerized firm management, time management, billing, professional responsibility, developing a business plan, and networking.

During the 2015-2016 training component, the LPP candidates accomplished over 90 tasks testing more than 80 skills in seven (7) areas of law. They were also exposed to all the aspects of practice management, including respect for professional obligations, development of business acumen, initiation in the practice of law in a rural environment, and community engagement. In the work placement component, candidates had the opportunity to implement their new skills

acquired during the LPP training component by working in a variety of legal environments, like national unions, governmental agencies, small firms, and government.

In addition, candidates presented a business case they had developed to assess the viability of opening satellite firms in Hawkesbury, Timmins, and Sudbury. This project also addressed the development of skills relating to law firm management. The candidates addressed the following subjects during their presentations:

- Offers of and demand for legal services in each community;
- Cost of living in each community;
- Availability and cost for renting space in each community;
- Availability of qualified labour in each community;
- Start-up fees and operational costs of a firm.

Lawyers and representatives of each region joined us by webinar to make observations about and comment on the presentations. Practising-trainers and an accountant were on site to assess the business cases.

The French LPP added three supervising lawyers to its team for the 2015 training component. Their role was to moderate work groups every other week with the candidates. The goal of those small groups was to closely follow the candidates' progress and give them more individualized feedback on legal drafting, practice management, and file management. Also, the discussion groups were used as a forum to discuss and share on issues relating to the professional obligations of a lawyer.

Based on the feedback received from the 2014-2015 candidates, the French LPP created a mentoring program for candidates in Year Two. In that program, each candidate is offered a chance to be matched with a member of the legal community as their mentor during the program. The goal is to give the candidates contact with lawyers and members of the legal profession in formal or informal settings, and to learn more about the practice of law from the solid experience of their mentors.

In accordance to reporting expectations stipulated by the Society, the University of Ottawa has conducted surveys of the candidates in order to obtain feedback about various aspects of the Law Practice Program, including:

- Modules and practising trainers, including assessment
- Professional development days
- Resources offered by the LPP
- Services offered by the University

Linguistic test

In order to ensure a certain quality of the French-Language within the program, the University of Ottawa's LPP created a linguistic test for candidates who did not study law in French but would like to register in the French LPP. The passing mark established by the LPP, in consultation with two legal writing experts, was 65%. Three candidates wrote the linguistic test for

Year One: one candidate passed and two candidates failed and were therefore denied entry into the program. In **Year Two**, none of the candidates had to write a test because they all did their law studies in French.

5. Overview of the Articling Program

Articling Principals and candidates were informed that new evaluative measures, as part of an enhanced Articling Program, mirror those in the Law Practice Program and over the course of the *Pathways Pilot Project* the Law Society will study the effectiveness of both *pathways* in preparing candidates for entry to the profession. They were also informed via email¹⁹ that in addition to the current Articling Program requirements, there are two new requirements for Principals and one new requirement for candidates effective for placements starting on or after May 1, 2014:

1. The Articling Principal to file an **Experiential Training Plan** for the articling placement before the start of the articling placement or within 10 business days of the start. The purpose of the Experiential Training Plan is to assure that the articling placement will provide the candidate with a meaningful training experience. The preparation of plans will also help promote a level of consistency in application of skills competencies across articling placements.
2. The Articling Principal and the articling candidate *each* file a **Record of Experiential Training in Articling Program** at the end of the articling placement or within 10 business days of end. The Record of Experiential Training in Articling Program is a BARS-based reporting requirement designed to gather information about the candidate's exposure to the experiential training competencies and about the level of the candidate's performance in relation to the performance appraisal competencies, during their placement.

Experiential Training Plan Template

The online experiential training plan template asks Articling Principals the following questions and the answers formulate the training plan:

1. What level of administrative support will be available to the candidate during the placement?
2. How will the articling placement support the candidate's fulfillment of each of the experiential training competencies?
3. How will the Articling Principal appraise the performance of the candidate undertaking the five tasks, based on the performance appraisal competencies?
4. Will there be a process for ongoing provision of feedback to the candidate about the candidate's performance? And an opportunity for the candidate to discuss, in confidence, any problems or areas of concern about the articling placement and to ask for guidance and advice about their work?
5. Any additional information about the placement?

BARS-based Measurement Tools, used for Principal and Candidate Reporting

Skills-based task exposure and performance appraisal in the Articling Program are now measured by Behaviourally-Anchored Rating Scales (BARS). These scales have been developed by The Performance Assessment Group (an external vendor) with input from practising lawyers, the

¹⁹ Text provided by the Law Society of Upper Canada (December 8, 2014).

Society, and other legal professionals, such as student administrators in large law firms and Principals from government and other settings.

The BARS tools are aligned to the experiential training competency areas of the enhanced Articling Program.

Experiential Training Competency Categories:

1. Professional responsibility
2. Interviewing
3. Fact investigation and legal research
4. Drafting and legal writing
5. Planning and advising
6. File and practice management
7. Negotiation
8. Advocacy
9. Transactional/Advisory matters

Performance Appraisal Competency Categories and the Five Tasks:

1. Establishing the Client Relationship - Task: Interview a Client
2. Conducting the Matter: Matter Management - Task: Draft a Legal Opinion
3. Conducting the Matter: Advocacy - Task: Represent a Client in an Appearance or Through Some Form of Alternative Dispute Resolution or Settlement Process
4. Ethics and Professionalism - Task: Professional Responsibility Assessment
5. Practice Management - Task: Use of Law Firm/Legal Practice Management Systems

A section of a BARS tool for **skills task exposure** is provided here.

	2. INTERVIEWING		ANCHORS
	Attend interviews with witnesses and/or experts.	5	Independently conducted witness and/or expert interviews.
		4	Jointly conducted witness and/or expert interviews.
		3	Participated in witness and/or expert interviews.
		2	Observed witness and/or expert interviews.
		1	Not applicable in this context.

A section of a BARS tool for **performance appraisal** is provided here.

Skill Competency	Competency To Be Assessed		BEHAVIOURAL ANCHORS
Interviewing a Client	Determines the client's legal needs.	5	Prioritizes the client's legal needs. Assists the client to refine his or her understanding of his or her legal needs.
		4	Distinguishes between the client's wants and legal needs.
		3	Identifies the client's legal needs accurately, but may identify some of the client's wants as legal needs.
		2	Captures some of the client's legal needs. Does not distinguish between the client's wants and legal needs.
		1	Identifies the client's legal needs inaccurately or not at all.
		N/A	Not applicable in this context

In March 2014, a paper pilot test of the BARS was conducted with a diverse group of Principals and candidates in order to gain a more comprehensive understanding of how this tool will work and to identify areas where it could be improved. The Performance Assessment Group analysed the results of the pilot test and refined the tool, as required.

It is unclear at this juncture whether emailed instructions or directions in a video on how to use the BARS were effective. In the documentation provided by the external vendor, the Performance Assessment Group,²⁰ a short section is devoted to "Using the Results of the Performance Assessment Tool," (p.4) but the ever important *How to use the Performance Assessment Tool* was not addressed.

As task exposure measurement and performance appraisal are both enhancements, new to the Articling Program and the Articling Principals, founded on BARS, which require psychometric rigour to develop and validate, adequate instruction and training on how to use the BARS-based tools is an important and necessary piece of the Pathways Project, accounted for in the Outputs of the logic model.

We know training involved a detailed email as well as an instructional video. However, effectiveness of this training has not yet been measured directly.

²⁰ *Assessment of the Law Society of Upper Canada's Articling Program* (September 2013).

6. Evaluation of the Keys to Transitional, Experiential Training

a. Fairness, Accessibility and Objectivity of the Training

Law Practice Program - English

Figure 1 shows us that respondents were generally satisfied, that is “Satisfied,” “Quite Satisfied,” and “Most Satisfied” with all of the aspects of the administration of the Law Practice Program listed.

Respondents in **Year One** were the “Most Satisfied” with the *Responsiveness of LPP Administration to Personal Issues* in the greatest proportion (42%) and “Least Satisfied” with *Fairness of the Process to Secure a Work Placement* in the greatest proportion (24%). Respondents in **Year Two** were most “Most Satisfied” with *Fairness of the Admissions Process* (44%) and were also “Least Satisfied” with *Fairness of the Process to Secure a Work Placement* (17%).

The former result is consistent with what was reported in the Law Practice Program Focus Groups, but the low proportion (6%) of “Least Satisfied” with *Marketing/ Branding of the Law Practice Program* is inconsistent with what was reported in the Focus Groups in **Year One**. The **Year Two** Focus Groups also mentioned that branding and marketing of the LPP as well as the nomenclature used to describe candidates in the program (e.g., *candidate* or *student at law* was preferred to *student*) was a sore point among some participants.

Further, the *Manageability of Training Course Workload* and *Manageability of Work Placement Workload* “Least Satisfaction” ratings were also relatively low (3% and 5%, respectively), which is consistent with Focus Group results for **both evaluation cohorts**.

The greatest **changes** in proportion of “Quite Satisfied” and “Most Satisfied” **from Year One to Year Two** were decreases in *Fairness of the Admissions Process* and *Manageability of the Training Course Workload* at 5% and 6%, respectively; and increases in *Fairness of the Process to Secure a Work Placement* and *Accessibility of Work Placements* at 4% and 5%, respectively. The increases, however, were in the two categories with the least amount of satisfaction across both cohorts. *Fairness of the Training*

SECTION SIX SUMMARY

- ❖ Fairness of the process to secure a work placement remains the aspect of LPP administration with the least amount of satisfaction among candidates.
- ❖ Internationally-educated candidates were generally more satisfied than Canadian-educated on most aspects of LPP administration.
- ❖ Relevance of the work at the placement continues to garner the greatest satisfaction from candidates in the Articling Program.
- ❖ Fairness of the articling placement search process and accessibility of the Articling Program continue to show the least satisfaction among candidates in the Articling Program.
- ❖ The majority of Articling Principals agree that the Articling Program is fair, accessible and objective.
- ❖ There is almost universal compliance in the new reporting requirements of the Articling Program, but the perceived value of these requirements is low.
- ❖ Candidates in the Articling Program continue to receive more exposure to *Fact Investigation and Legal Research* as well as *File and Practice Management*, and least exposed to *Transactional / Advisory Matters* and *Advocacy*.

Course Assessments and Relevance of the Training Course Work remained essentially unchanged across the cohorts.

Canadian-Educated versus Internationally-Educated

Those respondents who graduated from law schools outside Canada were generally “Quite Satisfied” and “Most Satisfied” in greater proportions than their colleagues who graduated from Canadian law schools on all aspects of Administration of the Law Practice Program, except *Manageability of Training Course Workload* for **both evaluation cohorts**.

In **Year One**, the proportion of graduates of law schools outside of Canada were “Quite Satisfied” and “Most Satisfied” with *Marketing/ Branding of the Law Practice Program* was 20% higher than the proportion of fellow candidates who graduated from Canadian law schools. The proportion of graduates of law schools in Canada were “Quite Satisfied” and “Most Satisfied” with *Manageability of Training Course Workload* and was 3% higher than the proportion of fellow candidates who graduated from non-Canadian law schools.

In **Year Two**, the candidates who graduated from Canadian law schools were four-times more “Least Satisfied” by proportion than their internationally-educated colleagues in *Fairness of the Admissions Process* and *Marketing / Branding of the LPP*.

On average in both **Year One and Year Two**, the proportion of graduates of non-Canadian law schools expressed they were “Quite Satisfied” and “Most Satisfied” was 9% and 8% higher across each of the aspects of the Administration of the Law Practice Program, respectively.

SECTION SUMMARY Cont.

- ❖ *Interviewing and File and Practice Management* had the highest relevancy for new lawyers from the LPP.
- ❖ *Transactional / Advisory Matters and Use of Law Firm / Legal Practice Management Systems* had the least amount of relevancy for new lawyers from both the LPP and the Articling Program.
- ❖ *File and Practice Management* showed the most growth for candidates in the LPP and *Fact Investigation and Legal Research*, as well as *Drafting and Legal Writing* showed the most growth for candidates in the Articling Program.
- ❖ All the candidates in the LPP and the vast majority of the candidates in the Articling Program met or exceeded the expectations for their competency development as assessed by supervisors or others.
- ❖ *Availability of Mentors to address learning issues* received the most effectiveness rating from candidates in the LPP.
- ❖ *Quality and timeliness of feedback* from Mentors were not as large of a concern in the Year Two LPP Focus Groups as they were in Year One.
- ❖ *Quality of the learning experience* continued to garner the most satisfaction from candidates in the Articling Program.

Candidates' Satisfaction of Aspects of the Administration of the Law Practice Program (Year One and Year Two)

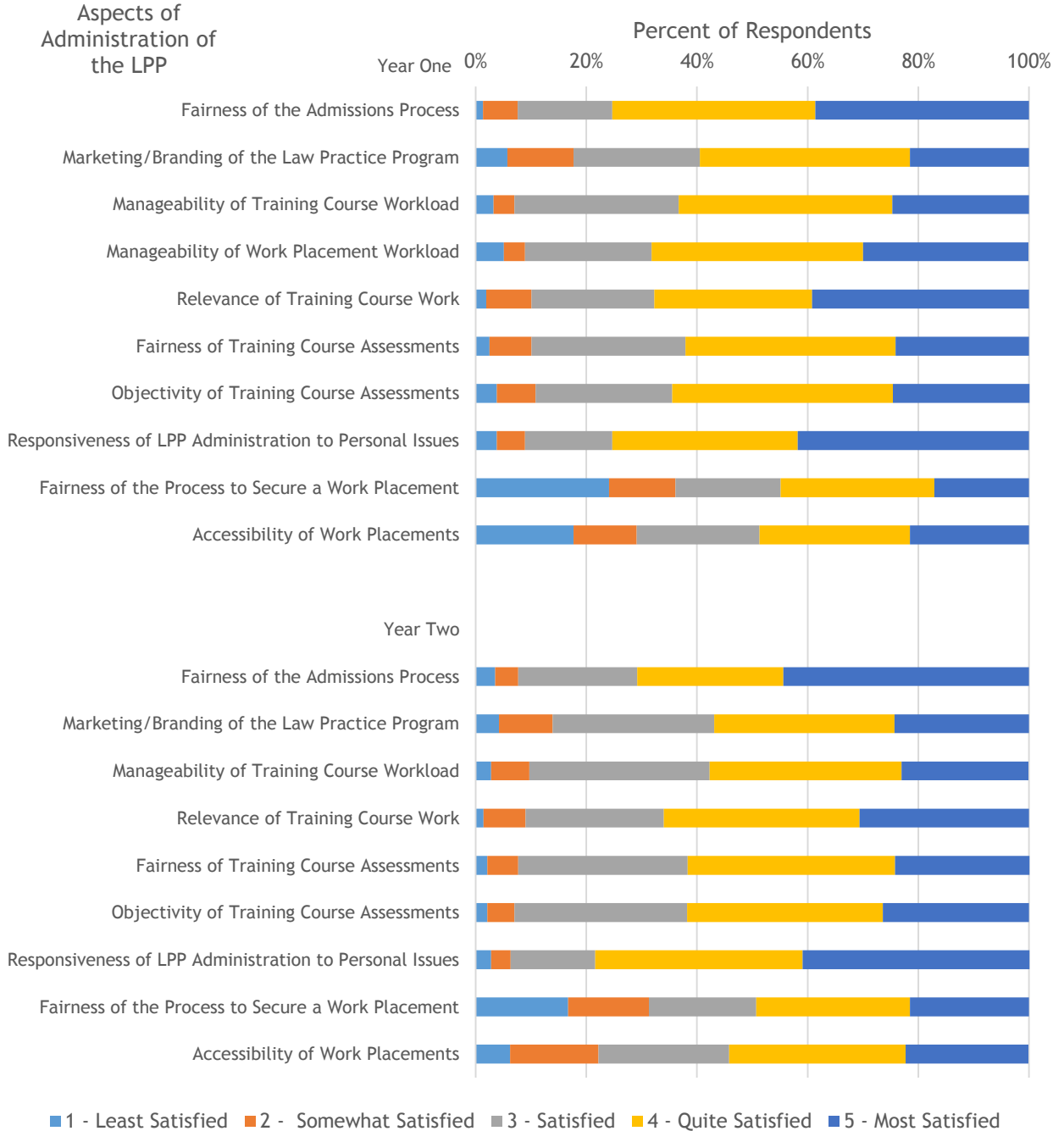


Figure 1. Candidates' Satisfaction Ratings of Aspects of the Administration of the LPP (Year One and Year Two)

LPP English candidates were asked if they had any additional comments about the administration of the LPP and there were 32 responses to this question in **Year One**:

Numerous themes were expressed, but none in any great numbers. Some respondents directed compliments to the Ryerson Program Directors and “**LPP Administration team**,” and some mentioned issues with the work placement process, which was “**convoluted**,” “**should have been arranged earlier**,” and “**... badly needs to be changed**.” The work placement process was also targeted as being “**heavily in the GTA**,” and that placements should be “**paid**.” Others mentioned that the training course workload was “**too light**,” and “**considerably light**.” Many of these themes were also expressed in the LPP Focus Groups.

There were 31 responses to this question in **Year Two**:

The majority of the comments aimed at questioning the **fairness of the admission process**, citing the fact that everyone who applied for admission into the LPP was admitted. So while this may seem to be an equitable process, candidates preferred a “**vetting**” process so not all applicants were admitted. Another theme identified in many responses was focused on critiquing the policy (which many respondents mistakenly perceived to be the Law Society’s policy, when it is an LPP provider policy) of accepting the first placement that is offered. In this light, still, many respondents stated that the “**forced acceptance is unfair**.” Still, several comments were made to highlight **positive** aspects of the administration, specifically regarding the dedication of the “**LPP administration and staff**.”

LPP New Lawyer - English

Eighty percent (80%) of the respondents to the New Lawyer Survey from **Year One** cohort, reported they were working in the type of practice they were considering before becoming licensed; 81% of these new lawyers reported they were practising in the areas of law they were considering before becoming licensed; and 88% of these new lawyers reported they were practising in the location they were considering before becoming licensed. These data may be indicative of **accessibility** to desired practice, areas of law and location offered by the LPP.

However, we are reminded here that **only 119** of the **Year One** cohort’s original 238 candidates qualified as New Lawyers (those with a practising status), and the response rate for the New Lawyer Survey was 53%, or just 63 lawyers. So in absolute numbers, 80% of the respondents to this survey translates to just over 20% of the **Year One cohort**, or specifically, **50 lawyers** and 88% is **55 lawyers** or 23% of the **Year One cohort**.

Law Practice Program - French

In **Year One**, the greatest proportion of the 13 respondents were “Quite Satisfied” and “Most Satisfied” on *Relevance of Training Program Course Work* (92%) and the smallest proportion of the respondents were “Quite Satisfied” and “Most Satisfied” on *Accessibility of Work Placements* (33%).

In **Year Two**, 100% of the 6 respondents were “Quite Satisfied” and “Most Satisfied” in all aspects of the LPP Administration, except for *Marketing / Branding of the LPP* and *Relevance of the Training Course Work* in which 1 candidate was “Satisfied.”

When comparing the English and French LPP candidates’ ratings on the various aspects of the LPP, *Relevance of the Training Course Work* was rated by a slightly greater proportion (39%) of

the respondents to the English LPP Exit Survey; this relevance aspect garnered only about 17% for “Most Satisfied” ratings from the French respondents to the LPP Exit Survey in **Year One**. *Responsiveness of the articling organization to personal issues* (33%) and *Responsiveness of the LPP Administration to Personal Issues* (42% - English and 33% - French) also received relatively large proportions of “Most Satisfied” from the articling candidates and the LPP candidates, respectively in **Year One**.

This comparison is not made with the **Year Two** data as there were too few respondents in the French LPP to make these comparisons meaningful.

The Articling Program

Figure 2 (next page) shows in the **Year One** and **Year Two** data that the greatest proportion of “Most Satisfied” ratings from respondents to the Articling Program Candidates’ Survey were in the *Relevance of the work at the articling placement* (38% and 35% Year One and Year Two, respectively). The smallest proportion of “Most Satisfied” ratings from respondents was for *Fairness of the articling placement search process* (13% and 9%) followed by *Accessibility of articling placements* (16% and 12%) and *Fairness of the articling program* (19% and 13%). Generally, there are smaller proportions of candidates rating these aspects as “Most Satisfied” from Year One to Year Two.

Articling Program Candidates' Satisfaction Ratings for Aspects of the Articling Program (Year One and Year Two)

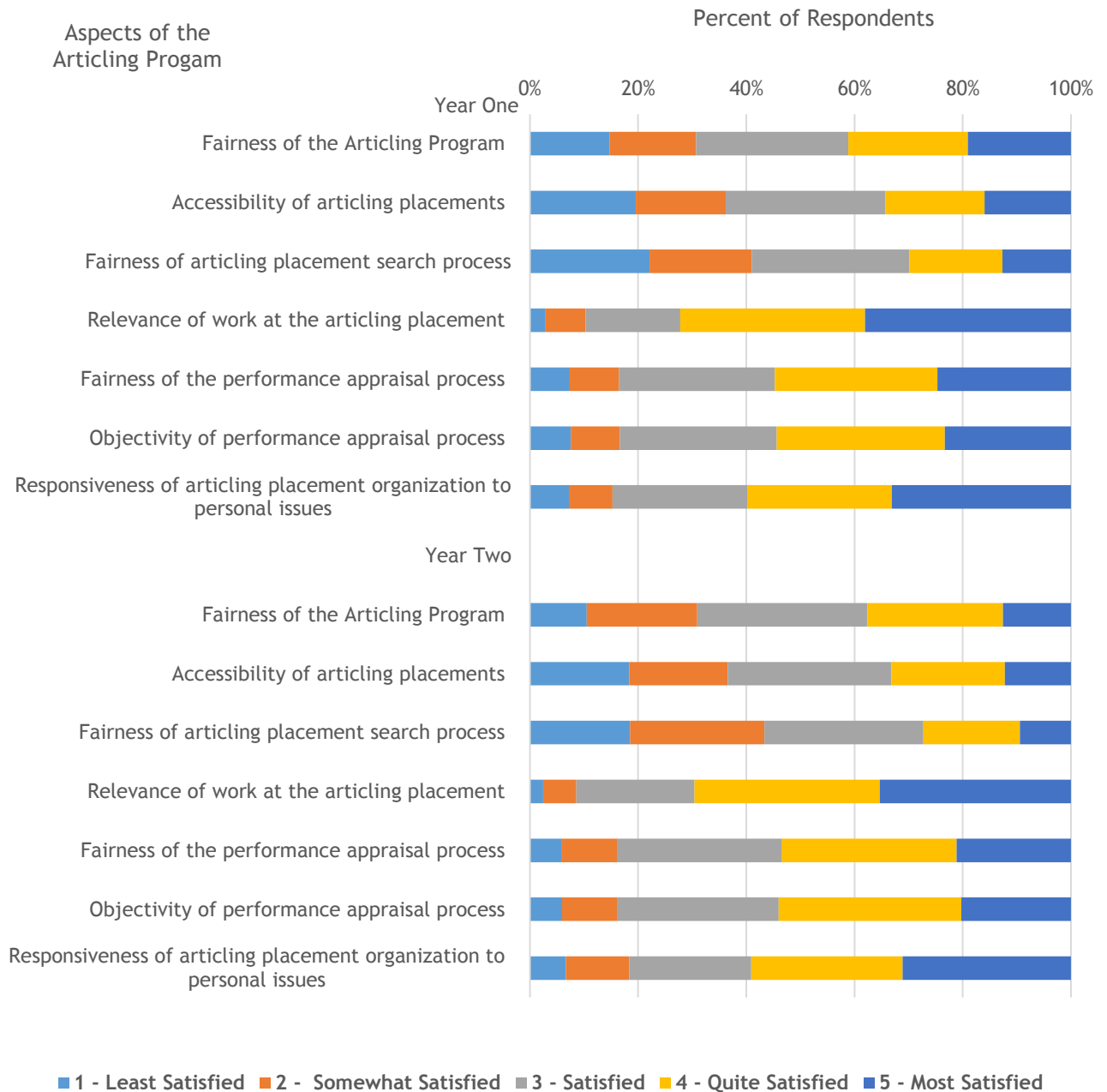


Figure 2. Candidates' Satisfaction Ratings for Aspects of the Articling Program (Year One and Year Two)

Articling Principals

Figure 3 shows that in **Year One and Year Two**, the majority (72% to 94% and 67% to 95%, respectively) of Articling Principals “Agree” or “Strongly Agree” that the Articling Program is fair, accessible and objective. Many Principals expressed the sentiment that the Articling Program was a necessary step for training lawyers, or that the program itself was good at doing so. However, all of the statements show a smaller percentage of respondents rating “Strongly Agree” from Year One to Year Two, except for the third statement, the one on relevancy of the experiential training.

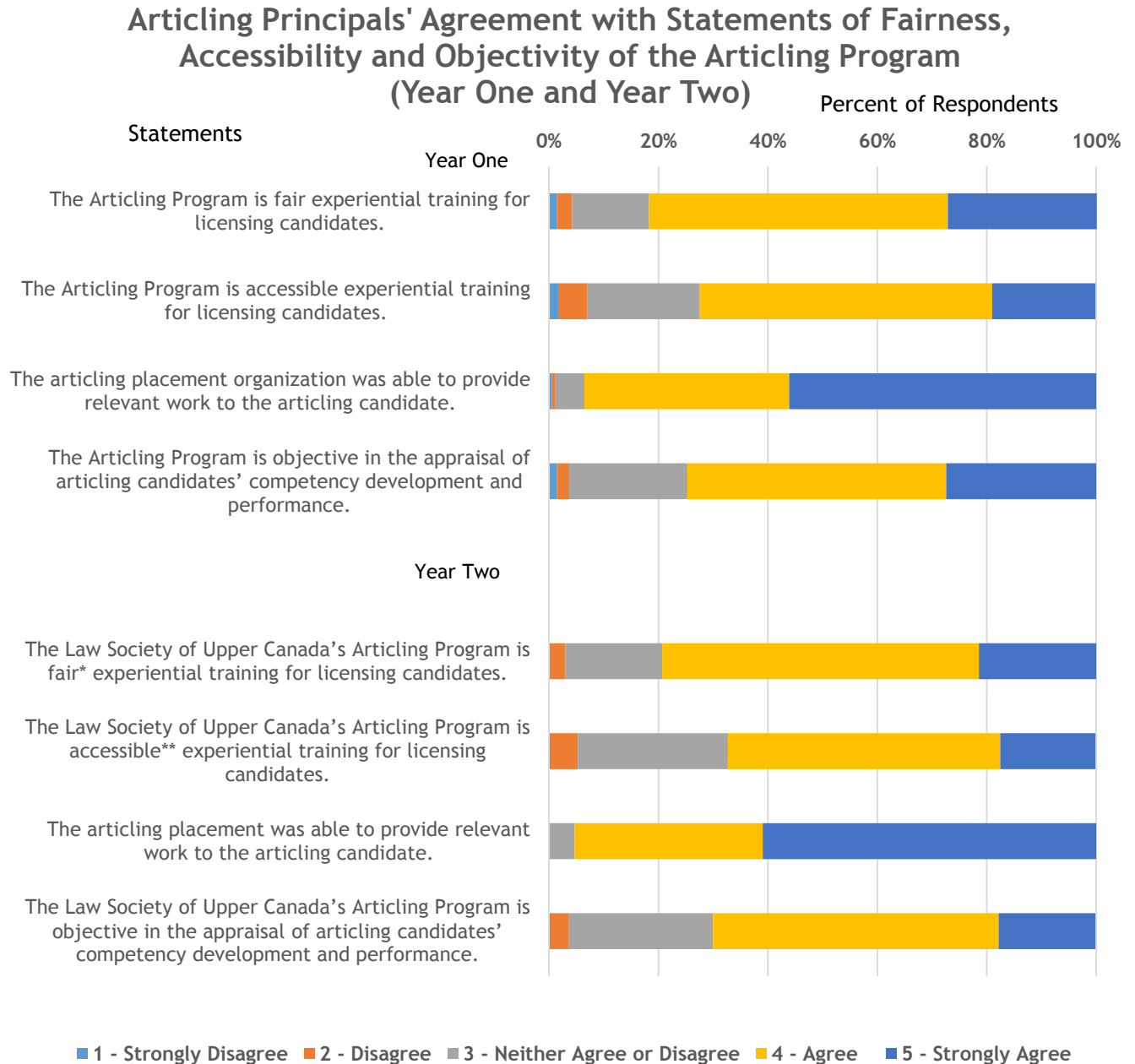


Figure 3. Articling Principals' Agreement with Statements about Aspects of the Articling Program (Year One and Year Two)

Articling Program New Lawyer

Eighty-five percent (85%) of the respondents to the New Lawyer Survey from the **Year One** cohort, who had completed the Articling Program one year ago, reported they were working in the type of practice they were considering before becoming licensed; 76% of these new lawyers reported they were practising in the areas of law they were considering before becoming licensed; and 87% of these new lawyers reported they were practising in the location they were considering before becoming licensed. These data may be indicative of **accessibility** to desired practice, areas of law and location offered by the Articling Program. Again, however, we contextualize these results in terms of the response rate for the New Lawyer Survey. Just 339 new lawyers responded to this survey, representing a 30% response rate. So, 85% of this group is 288 lawyers. In total then, 288 of the original 1,455 in **Year One** cohort, is just 20%.

Figure 4 below shows a comparison of these data in Articling Program new lawyers and LPP new lawyers in terms of response rates and true representation of the **Year One** cohort for meaningful comparison.

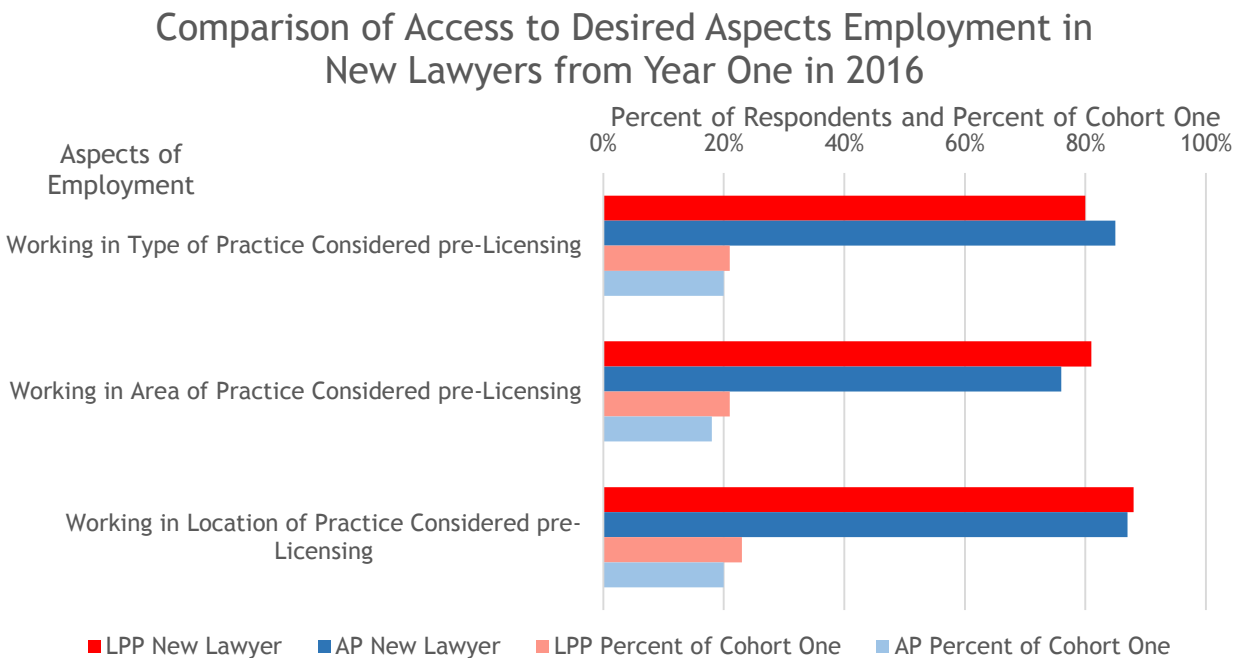


Figure 4. Comparison of Access to Desired Aspects of Employment in Year One Post-Licensing New Lawyers

Articling Program - Employer

All 12 respondents to the hire-back question on the Articling Program Employer Survey indicated that they indeed hired back a candidate, with 7 (58%) reporting that they hired back a single candidate. The data are sparse here, and we cannot draw safe conclusions for access to employment.

b. Exposure to the Experiential Training Competencies

Exposure to the Experiential Training Competencies in Law Practice Program

The LPP training course is designed to simulate the experience of working in a law firm, with the goal that candidates learn by doing. Working with various scenarios that replicate client matters commonly addressed by entry-level lawyers, candidates will take the necessary steps to resolve the clients' matters, while developing the skills and undertaking the tasks outlined in Sections 2 (skills) and 3 (tasks) of the ***National Entry to Practice Competency Profile for Lawyers and Quebec Notaries***.²¹

Skills

- Ethics and Professionalism Skills
- Oral and Written Communication Skills
- Analytical Skills
- Research Skills
- Client Relationship Management Skills
- Practice Management Skills

Tasks

- General Tasks
 - Ethics, professionalism and practice management
 - Establishing client relationship
 - Conducting matter
 - Concluding retainer
- Adjudication/Alternative Dispute Resolution
 - Draft pleading
 - Draft court order
 - Prepare or respond to motion or application (civil or criminal)
 - Interview and brief witness
 - Conduct simple hearing or trial before an adjudicative body
 - Prepare list of documents or an affidavit of documents
 - Request and produce/disclose documents
 - Draft brief
- Transactional/Advisory Matters
 - Conduct basic commercial transaction
 - Conduct basic real property transaction
 - Incorporate company
 - Register partnership
 - Draft corporate resolution
 - Maintain corporate records
 - Draft basic will

²¹ Federation of Law Societies of Canada (pp. 2-7), September 2012.

- Draft personal care directive
- Draft powers of attorney

The LPP Providers provide this training in a variety of practice areas including: civil litigation, criminal law, family law, wills and estates, real estate, administrative law and business law, as well as human rights and immigration law.

Further information about competency exposure in the LPP can be found in section *d) Assessment of Performance in Core Competencies*, on page 53.

Exposure to the Experiential Training Competencies in the Articling Program

Articling Principal and articling candidate compliance with the new reporting requirements in the **2014-2015** (Year One) Articling Program is **fairly high**.

- 98% of Articling Principals filed an Experiential Training Plan;
- 93% of Articling Principals filed their report about the candidates' exposure levels to the experiential training competencies during the placement
- 94% of articling candidates filed ratings on their exposure levels to the experiential training competencies; and
- 88% of Articling Principals filed an appraisal of the candidate's performance relating to the performance assessment competencies.

Articling Principal and articling candidate compliance with the new reporting requirements in the **2015-2016** (Year Two) Articling Program was **slightly higher than the previous year**, with the most increase in filing of appraisal of the candidate's performance relating to the performance assessment competencies.

- 99% of Articling Principals filed an Experiential Training Plan;
- 94% of Articling Principals filed their report about the candidates' exposure levels to the experiential training competencies during the placement
- 95% of articling candidates filed ratings on their exposure levels to the experiential training competencies; and
- 93% of Articling Principals filed an appraisal of the candidate's performance relating to the performance assessment competencies.

Figure 5 (next page) presents a summary of the exposure to the Experiential Training Competencies as reported by Principals and candidates on each of their reports for **Year One**. We see that there is **congruence** between both sources. We see the most regular exposure in *Fact Investigation and Legal Research* as well as *File and Practice Management*, with the most N/As in *Transactional / Advisory Matters* and *Advocacy*.

Comparison on Experiential Training Competency Coverage as Reported by Principals and Candidates on the Record of Experiential Training in Articling Program (Year One)

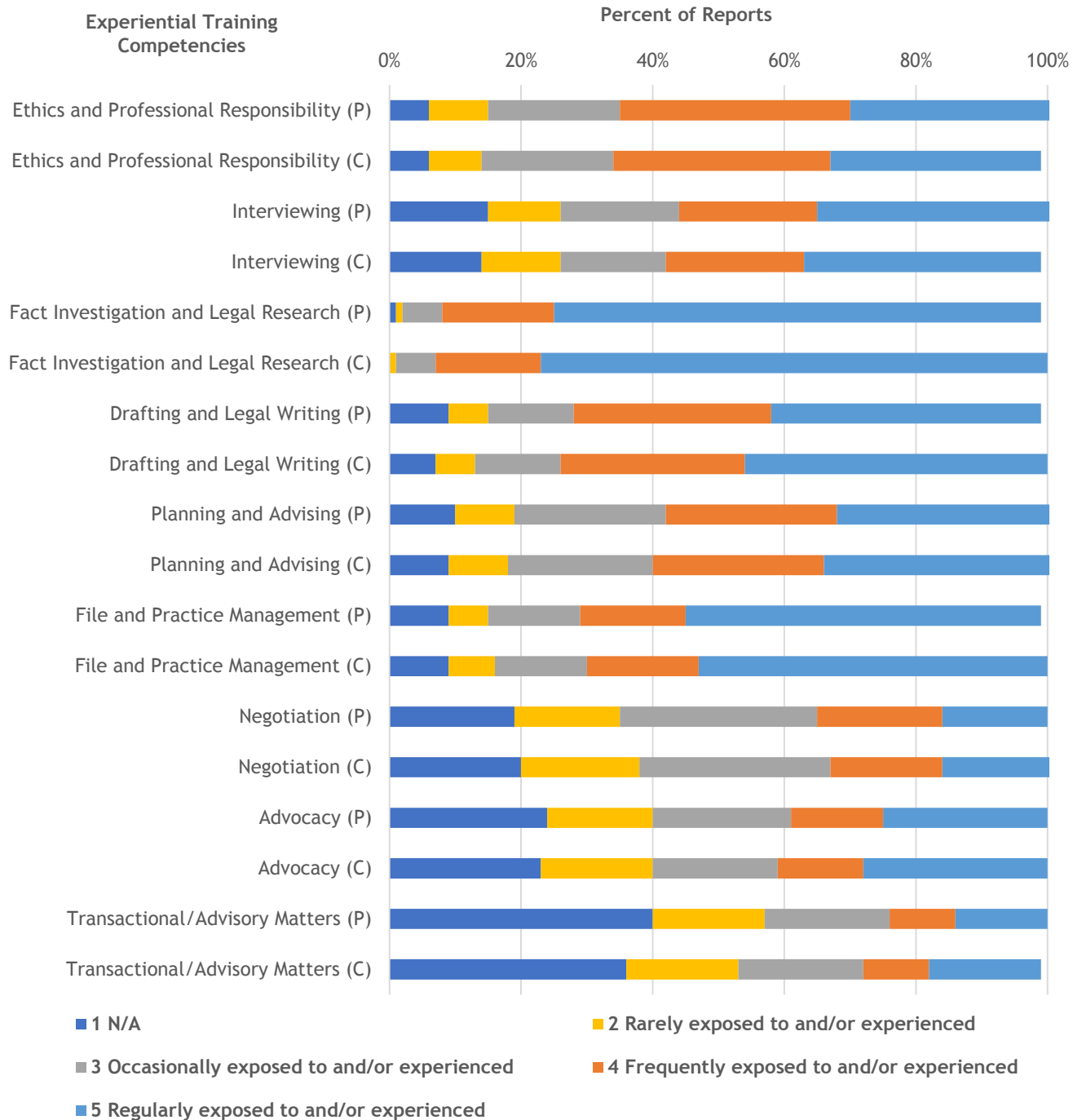


Figure 5. Comparison on Experiential Training Competency Exposure as Reported by Principals and Candidates (Year One)

Figure 6 below presents a summary of the exposure to the Experiential Training Competencies as reported by Principals and candidates on each of their reports for 2015-2016, or **Year Two**. We see that there is **congruence** between both sources. As in **Year One** we also see the most regular exposure in *Fact Investigation and Legal Research* as well as *File and Practice Management*, with the most N/As in *Transactional / Advisory Matters* and *Advocacy*.

Comparison on ETC Coverage as Reported by Principals and Candidates on the RET (Year Two)

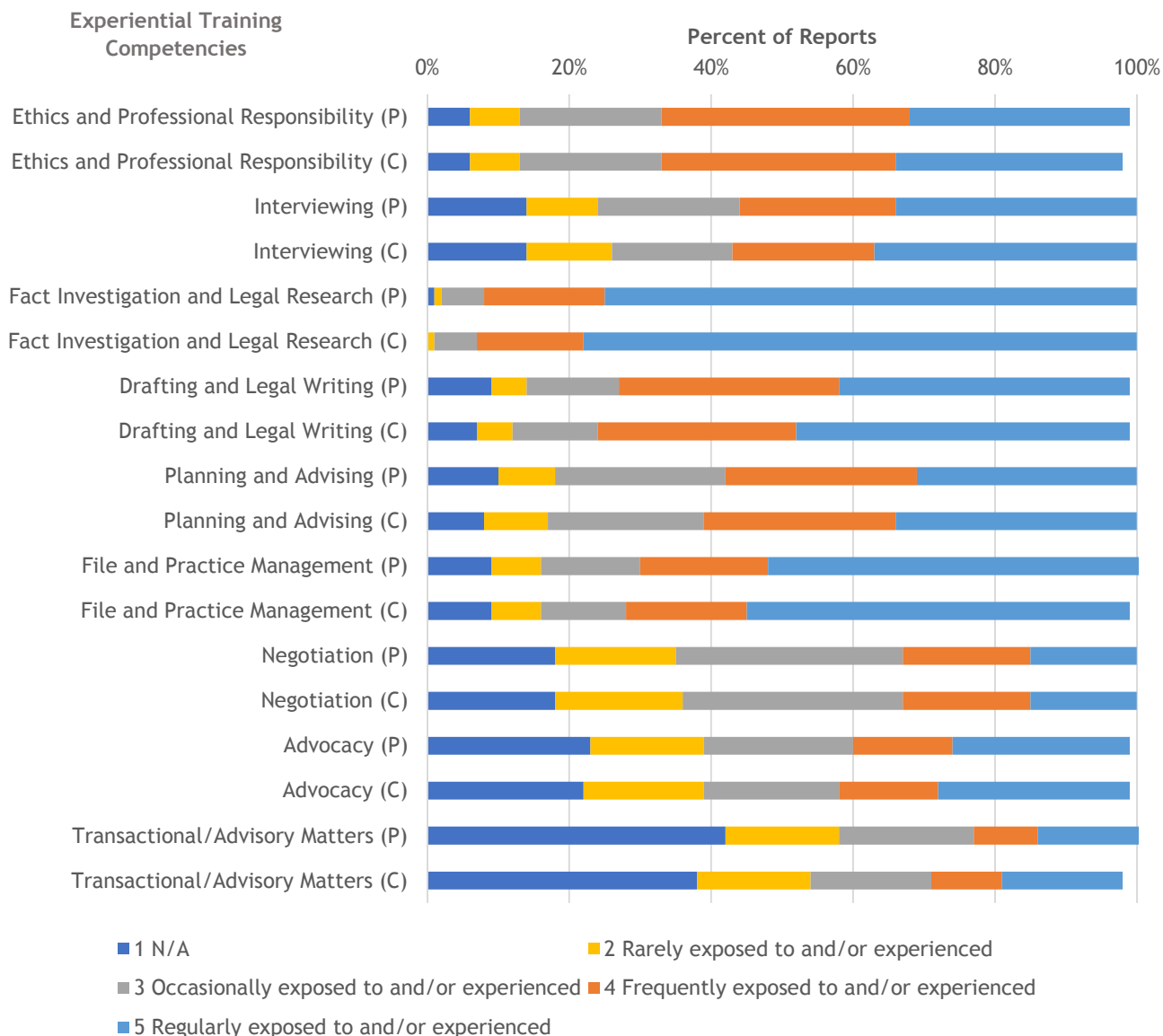


Figure 6. Comparison on Experiential Training Competency Exposure as Reported by Principals and Candidates (Year Two)

N/A for Exposure to the Experiential Training Competencies

If N/A was reported by a Principal or candidate on the Record of Experiential Training in Articling Program for a particular experiential training competency, it means that exposure to that competency was not applicable in the placement context and that the candidate did not receive exposure to that competency. In both **Year One** and **Year Two**, we see *Transactional/Advisory Matters*, *Advocacy* and *Negotiation* were the competency categories that most often received an N/A rating.

However, we find that candidates were “Regularly” exposed to *Fact Investigation and Legal Research*, and *File and Practice Management* on more than 50% of the experiential training competencies reports by both candidates and Principals. *Drafting and Legal Writing* were next with the most “regular” exposure with almost 50% reported by Principals and candidates. We see very similar results for both **Year One** and **Year Two**.

When N/A was reported for a particular competency, the Principal and/or candidate was then required to provide commentary to explain why. In the large majority of cases, an N/A response is a result of the placement setting. Placements at the following settings had difficulty providing the candidate exposure to certain competencies: Government or Public, Crown, In-house, Legal Clinic, Tribunal and NGO. Also, some candidates at law firms were not exposed to some competencies as a result of the scope of available relevant solicitor or barrister work at the firm.

The majority of explanations given about why the competency was not applicable during the placement were “**the placement offers no opportunity to expose the candidate to this competency**”, “**the competency is not applicable during a clerkship**”, “**we don’t have clients**”, “**we do not engage in litigation work**”, “**we engage in litigation work only**”, and “**not applicable in context of placement**”. Some competencies, such as conflicts checking, conducting a negotiation, and conduct a hearing or trial where permitted, were not fulfilled as the placement organizations did not provide an opportunity for articling candidates to do these activities. In addition, certain placement organizations do not engage in transactional (solicitor) matters.

Table 2 on the following page shows the competencies that articling candidates were most often not exposed to during their placement, for Year One and Year Two.²²

²² Threshold of 15% of placements that reported N/A for each competency. Year One is 218 or more candidates and Year Two is for 209 or more candidates.

Table 2 - Competencies that Articling Candidates Were Most Often Not Exposed to During their Placement²³ (Year One and Year Two)

Competency Category	Competency	Number of N/A Ratings (Year One)	Number of N/A Ratings (Year Two)
Transactional/Advisory Matters	Participate in closing	698 (52%)	641 (48%)
Advocacy	Conduct a hearing or trial where permitted (e.g., status hearings, judgment-debtor examinations, Small Claims Court and tribunal matters).	584 (43%)	575 (43%)
Transactional/Advisory Matters	Prepare drafts of relevant transactional documents (e.g., closing agenda, due diligence summaries, resolutions, receipts, requisition letters, purchase agreements, promissory notes, opinions, shareholders agreements, reporting letters)	568 (42%)	546 (41%)
Transactional/Advisory Matters	Fulfill appropriate regulatory requirements and/or identify forum/parties/stakeholders	520 (38%)	497 (38%)
Transactional/Advisory Matters	Use transactional checklists as appropriate (e.g., due diligence checklist, closing agenda)	470 (35%)	367 (28%)
Transactional/Advisory Matters	Conduct and/or review relevant searches (e.g., PPSA, Bulk Sales Act, bankruptcy, executions, title, corporate names, tax certificates, trademarks, liens).	456 (34%)	462 (35%)
Negotiation	Conduct negotiations under supervision of a lawyer (e.g., small claims, simple tribunal matter)	429 (32%)	437 (33%)
Advocacy	Attend court or tribunal, where permitted, to speak to routine administrative matters (e.g., unopposed adjournments, uncontested and consent motions, and set dates).	381 (28%)	344 (26%)
Negotiation	Observe forms of alternative dispute resolution (e.g., mediation, arbitration, conciliation)	346 (26%)	321 (24%)
Advocacy	Prepare clients or witnesses for trial or other examination	322 (24%)	315 (24%)
Interviewing	Attend interviews with witnesses and/or experts	308 (23%)	295 (22%)
Interviewing	Prepare witness statements, affidavits, or other court documents based on interview	287 (21%)	246 (19%)
Advocacy	Request, provide or participate in document disclosure as required (e.g., affidavits of documents, Crown disclosure, Children's Aid Society).	229 (17%)	-
Interviewing	Prepare witness statements, affidavits, or other court documents based on interview	-	238 (18%)

²³ Report provided by Law Society Staff, July 2, 2015 and June 8, 2016

Law Practice Program New Lawyer - English

Figure 7 below shows that for the most-part all of the skills candidates were exposed to in their experiential training in the LPP are “Very” to “Highly” relevant from the perspective of newly-practicing lawyers who completed the LPP. Only *Transactional /Advisory Matters* and *Use of Law Firm/Legal Practice Management Systems* had fewer than 50% of the respondents rate them as “Very” to “Highly” relevant. This latter result is contradictory to what both Year One (of which these new lawyers belong) and Year Two cohorts report in the forthcoming section on Growth in Practical Skills Development. The highest percentage of respondents rating “Very” or “Highly” relevant were in *Interviewing* and *File and Practice Management*; both results support results from the upcoming section on Growth in Practical Skills Development.

LPP Year One New Lawyer Ratings of Skills Relevancy

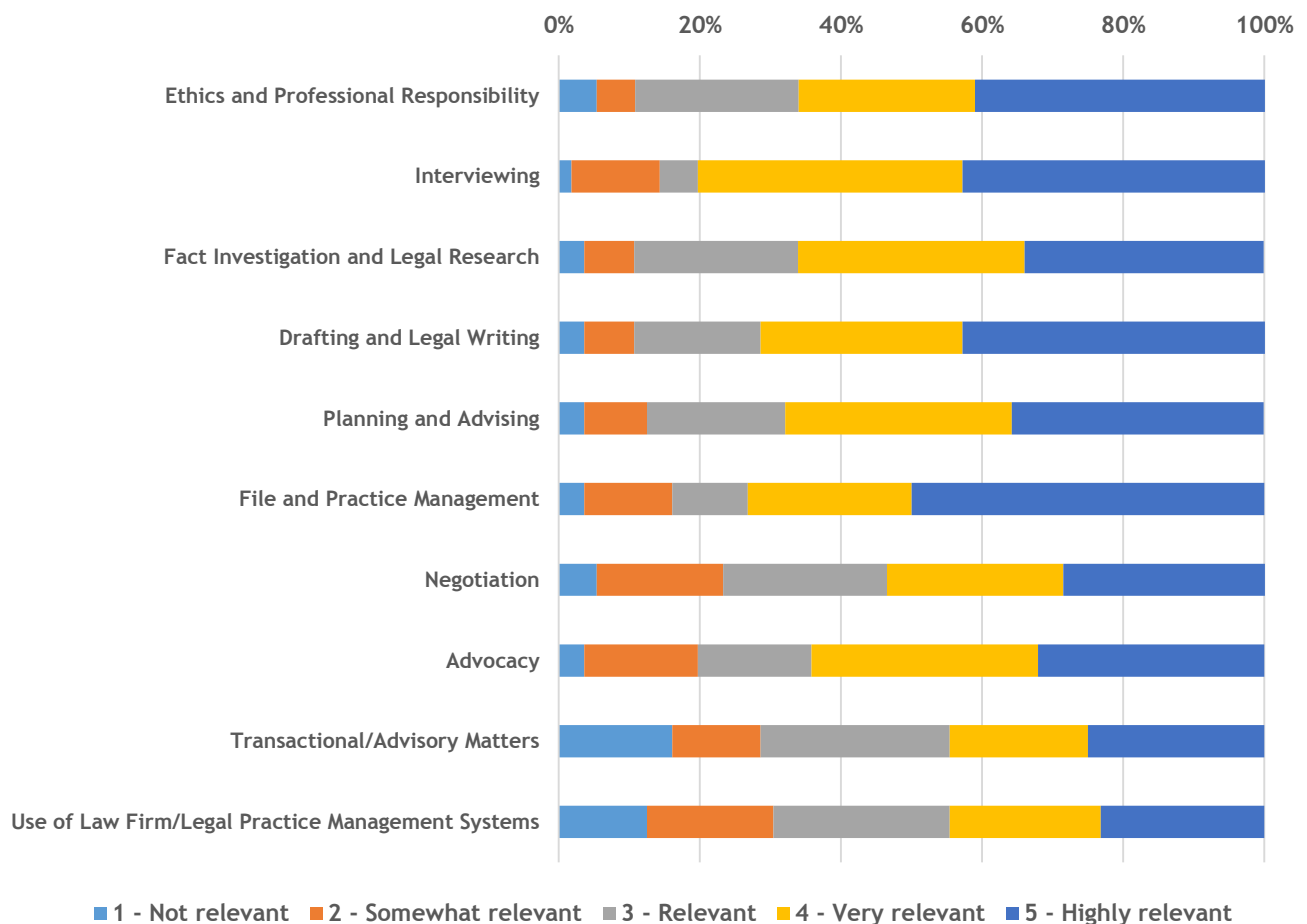


Figure 7 -LPP Year One New Lawyer Ratings of Skills Relevancy

Articling Program New Lawyer

Figure 8 below shows that for the most-part all of the skills candidates were exposed to in their experiential training in the Articling Program are “Very” to “Highly” relevant from the perspective

of newly-practicing lawyers who completed the Articling Program. Only *Transactional/Advisory Matters* and *Use of Law Firm/Legal Practice Management Systems* had fewer than 50% of the respondents rate them as “Very” to “Highly” relevant. This latter result is contradictory to what both Year One (of which these new lawyers belong) and Year Two cohorts report in the forthcoming section on Growth in Practical Skills Development. *Drafting and Legal Writing* had 87% of the respondents rate this skill as “Very” or “Highly” relevant; supporting the results of the forthcoming section on Growth in Practical Skills Development.

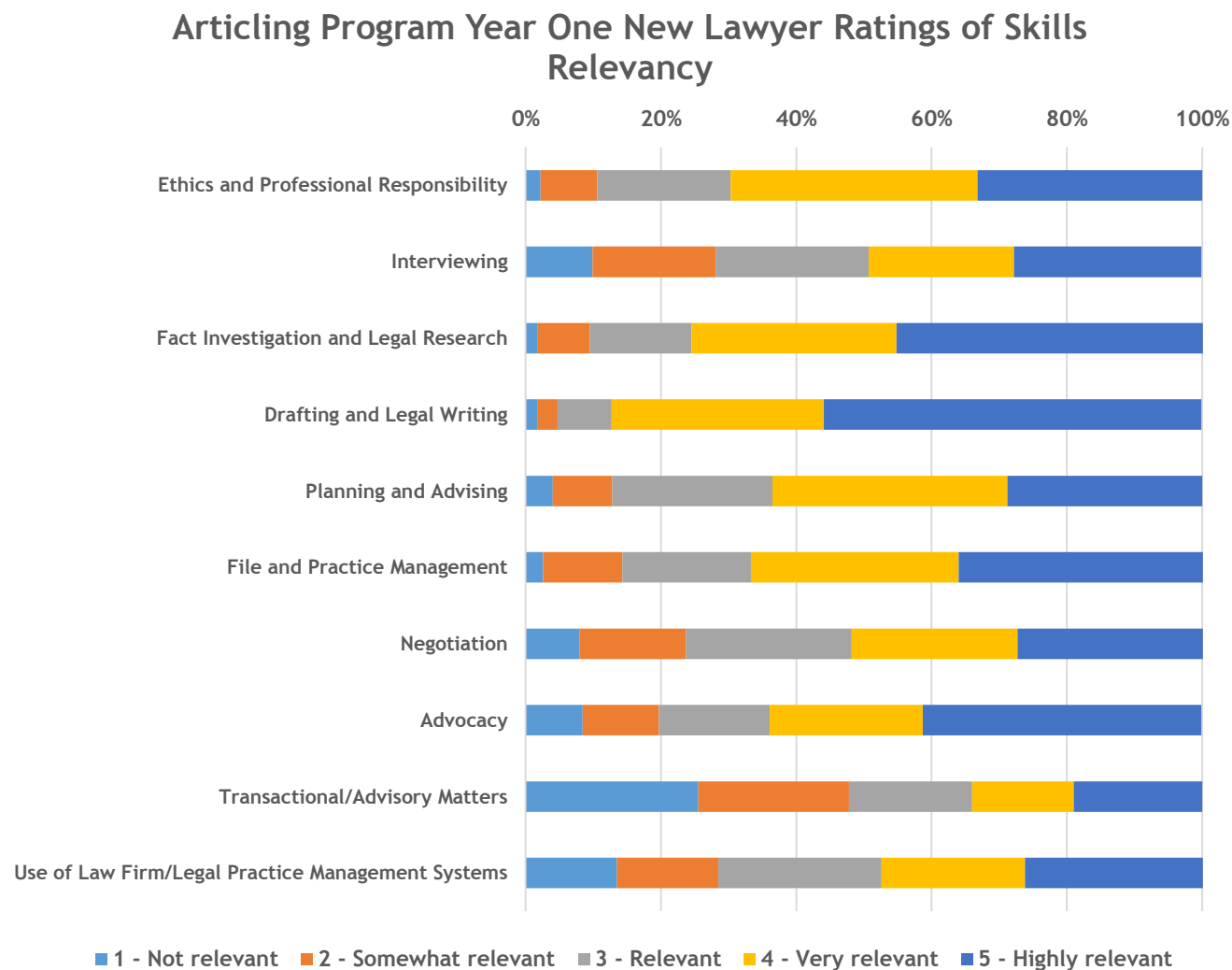


Figure 8 - Articling Program Year One New Lawyer Ratings of Skills Relevancy

Articling Program Employer

There are few data to report here, but of the 14 respondents, all indicated that *Fact Investigation and Legal Research* as well as *Drafting and Legal Writing* were “Very” and “Highly” relevant skills for candidates to develop in the Articling Program.

C. Growth in Practical Skills Development

Law Practice Program - English

Figure 9 illustrates that there was mostly “Ample” to “Tremendous” growth in mastery of the majority of competency areas as reported by the LPP candidates in both **Year One** and **Year Two**. *File and Practice Management* shows the most-reported “Tremendous” growth in both cohorts with 29% and 35% for Year One and Year Two, respectively; followed by *Use of Law Firm / Legal Practice Management Systems* with 28% and 30% for Year One and Year Two, respectively. Both of these results show an increase in “Tremendous” growth from Year One to Year Two. *Drafting and Legal Writing* also showed high reports of “Tremendous” growth, but a slight decline from Year One (33%) to Year Two (26%).

“Minimal” growth was reported the most in *Negotiation* (6%), *Advocacy* (7%), and *Transactional/Advisory Matters* (6%) in **Year One**, but there was fewer reports of “Minimal” growth in these skills in **Year Two** with *Negotiation* at 3%, *Advocacy* at 1% and *Transactional/Advisory Matters* at 4%.

The most “Ample” growth for **Year One** and **Year Two**, respectively, was reported for *Ethics and Professional Responsibility* (45% and 49%), *Interviewing* (45% and 47%), and *Planning and Advising* (41% and 50%). Each of these results also illustrates an increase in reports of “Ample” growth from Year One to Year Two.

Canadian-Educated versus Internationally-Educated Candidates

For **Year One**, those graduates of law schools outside of Canada indicated considerably more total “Ample” and “Tremendous” growth than their counterparts who graduated from Canadian law schools in *Interviewing* (78% to 68%), *Fact Investigation and Legal Research* (80% to 61%), *Planning and Advising* (72% to 56%), *File and Practice Management* (74% to 51%), *Negotiation* (70% to 50%), *Advocacy* (67% to 46%) and *Transactional/Advisory Matters* (62% to 53%).

For **Year Two**, those graduates of law schools outside of Canada indicated considerably more total “Ample” and “Tremendous” growth than their counterparts who graduated from Canadian law schools in *Ethics and Professional Responsibility* (77% to 55%), *Interviewing* (80% to 61%), *Fact Investigation and Legal Research* (75% to 62%), *Drafting and Legal Writing* (81% to 62%), *Planning and Advising* (74% to 55%), *File and Practice Management* (78% to 68%), *Negotiation* (63% to 53%), and *Transactional/Advisory Matters* (62% to 54%), and *Use of Law Firm / Legal Practice Management Systems* (71% to 61%).

Law Practice Program - French

In **Year One**, the majority of the French LPP candidates reported “Ample” growth to “Tremendous” growth in all of the skills competencies areas, with *Ethics and Professional Responsibilities* showing the most growth and *Transactional / Advisory Matters* and *File and Practice Management* showing the least. These results are considerably different than the result from their English counterparts.

In **Year Two**, there are relatively few data points to report any results other than all six respondents reported “Ample” growth to “Tremendous” growth in *Interviewing*, and *Planning and Advising*.

LPP Candidates' Growth Ratings in the Mastery of Skills Competencies (Year One and Year Two)

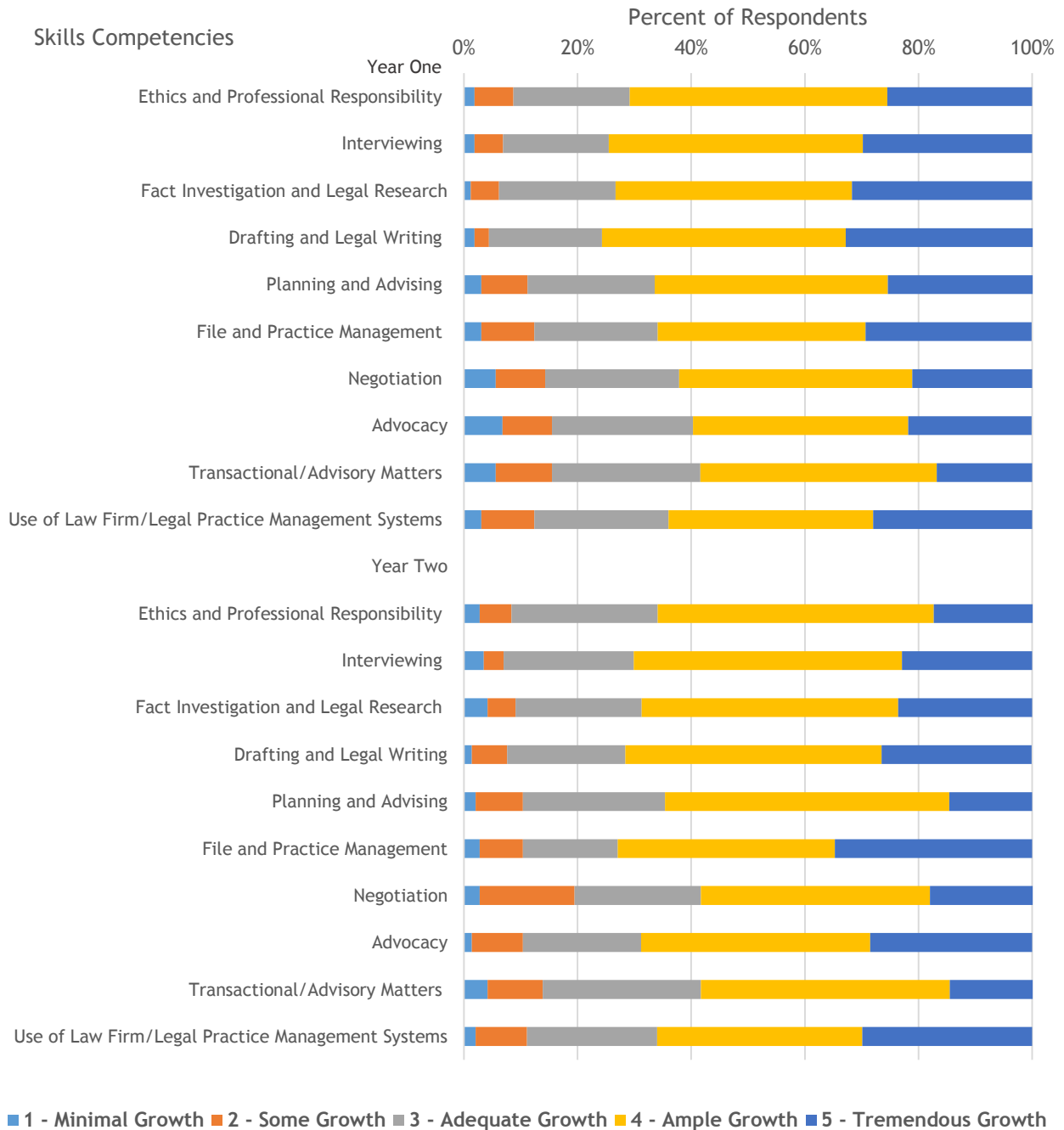


Figure 9. LPP Candidates' Growth Ratings in the Mastery of Skills Competencies (Year One and Year Two)

Law Practice Program New Lawyer - English

When we asked the new lawyers who completed the 2014-2015 LPP what they considered to be their greatest strengths when practising law, most respondents listed “**organization**” as one of their greatest strengths, along with “**client communication skills**,” “**research and writing**,” and flexibility of knowledge; the examples from four respondents illustrate this result:

“The strength that I was able to demonstrate to the Partners upon hiring was in legal research and writing. I have since demonstrated proficiency in strategizing and client management.”

“Interviewing clients and maintaining their expectations. Writing, and doing research.”

“Compassion and understanding for clients; flexibility and adaptability; appreciation, understanding and willingness to learn from diverse populations; legal research; communication and advocacy.”

“The ability to bring a vast amount of knowledge of multiple areas of practice (obtained during the LPP) to only a couple areas of practice.”

Organizational skills are not specifically a skills competency area in the LPP, but may be related to the indications of “Ample” and “Tremendous” growth in *File and Practice Management* and *Use of Law Firm / Legal Practice Management Systems* while these new lawyers were candidates in the LPP. Further, client communication strengths may be indicative of similar reports of growth in *Interviewing*. Reported strengths in research and writing may also be linked to reports of “Ample” and “Tremendous” growth in *Drafting and Legal Writing* and *Fact Investigation and Legal Research* while these new lawyers were in their experiential training in the LPP.

Conversely, new lawyers from the LPP reported that their current challenges in practice are centred on a perceived **lack of experience**, as well as **lack of confidence** in personal ability and professional interactions, and **lack of time management** in properly preparing and managing workload, for example:

“Juggling too many files, keeping emotional distance from clients, gaining confidence without much assistance, the overall unhelpfulness of most court procedure.”

“Firms/companies wanting you to have expertise or working knowledge in every time of law they practice, even if a recent graduate.”

“General lack of experience. Law school did virtually nothing to prepare me for the realities of working in a law firm, and the LPP didn’t do enough.”

“I need to become more confident in myself and believe in the fact that I am providing adequate legal advice.”

The lack of experience and confidence in the first-year of practising law is understandable, and time-management is a soft-skill, and not usually focused upon in transitional, experiential training.

Articling Program

Figure 10 shows that the greatest proportion of articling candidates in **Year One and Year Two** reported “Tremendous Growth” in *Drafting and Legal Writing* (48% and 44%, respectively) and the smallest proportion of respondents reported “Tremendous Growth” in *Negotiation* (13% and 14%, respectively). *Transactional/Advisory Matters* saw the greatest proportion of respondents’ ratings of “Minimal Growth” at around 28% and 26% of respondents, respectively for Year One and Year Two.

Articling Candidates' Growth Ratings for Skills Competencies (Year One and Year Two)

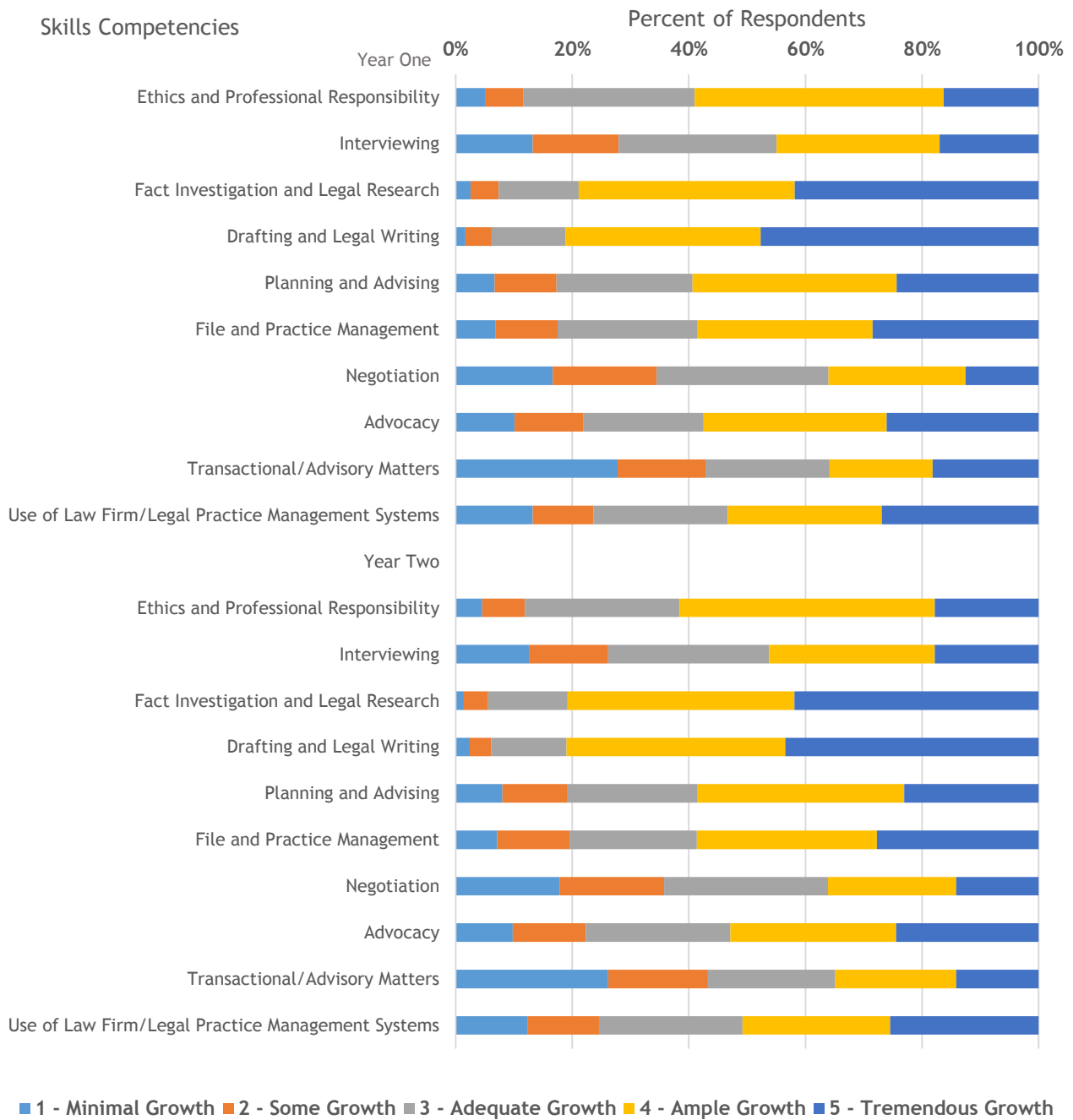


Figure 10. Articling Program Candidates' Growth Ratings in the Mastery of Skills Competencies (Year One and Year Two)

Comparison of Candidates' Growth Ratings in Mastery of Skills Competencies between the Pathways (Year One)

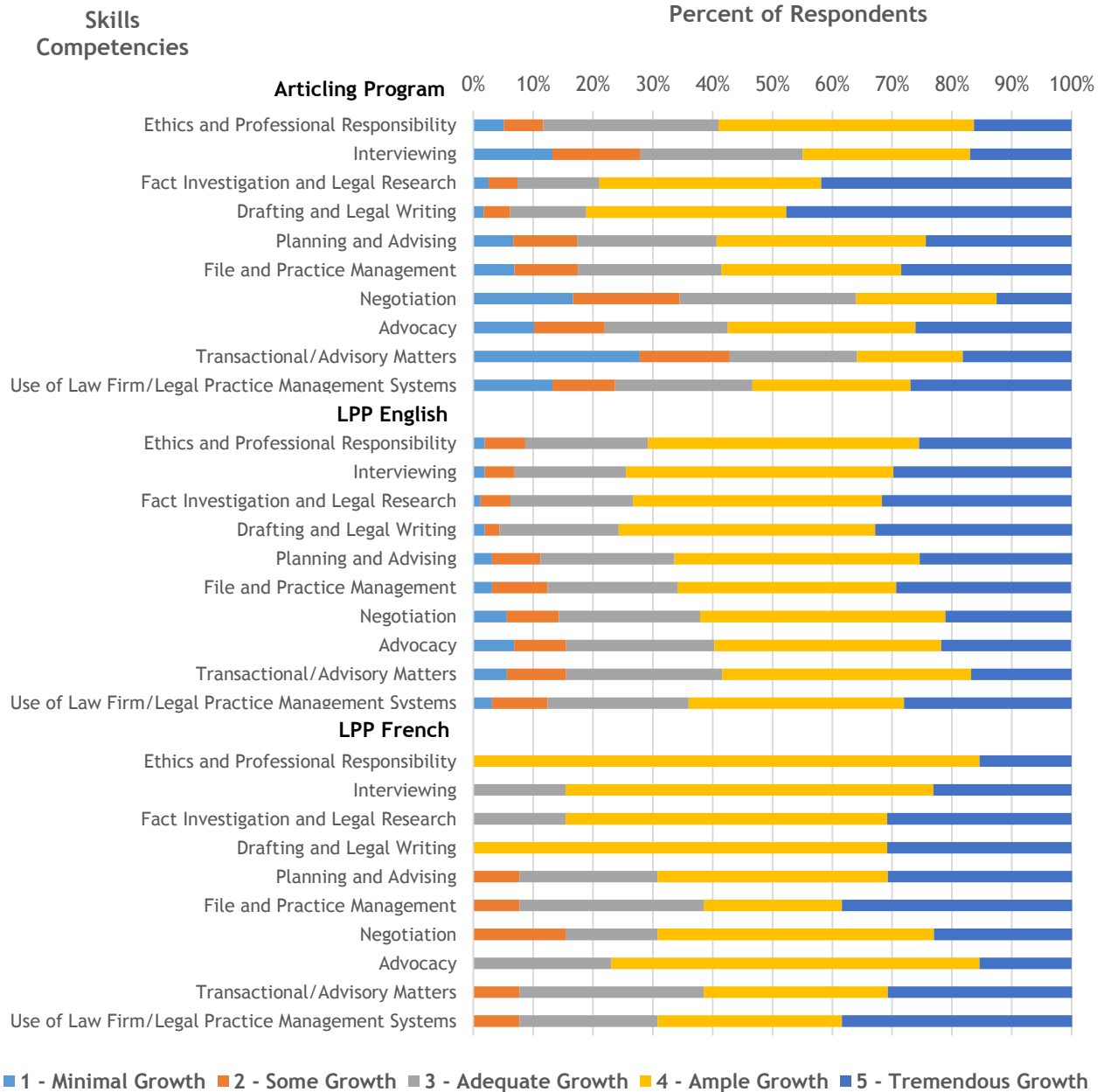


Figure 11. Comparison of Candidates' Growth Ratings in Mastery of Skills Competencies between the Pathways (Year One)

Figure 11 presents a comparative look at **Year One** respondents' growth ratings in mastery of the skills competencies between the articling candidates and each of the English and French LPP

candidate groups. *Fact Investigation and Legal Research* and *Drafting and Legal Writing* as rated by the respondents to the Articling Program Candidates' Survey showed the largest proportion of "Tremendous Growth," with 42% and 48%, respectively.

Further, as noted, *Transactional/Advisory Matters* saw the greatest proportion of respondents' ratings of "Minimal Growth" at around 28% of the Articling Program Candidates' Survey respondents, and that proportion was highest among any skills competency across the three groups. By comparison, *Advocacy* at 7% of the respondents to the English LPP Exit Survey was the greatest proportion of "Minimal Growth" for that group. The 13 respondents to the French LPP Exit Survey did not rate any skills competency at "Minimal Growth."

Figure 12 presents a comparative look at **Year Two** respondents' growth ratings in mastery of the skills competencies between the articling candidates and each of the English and French LPP candidate groups. These data look a lot like the previous year's data. Once again, *Fact Investigation and Legal Research* and *Drafting and Legal Writing* as rated by the respondents to the Articling Program Candidates' Survey showed the largest proportion of "Tremendous Growth," with 42% and 44%, respectively.

Further, as in the Year One data, *Transactional/Advisory Matters* saw the greatest proportion of respondents' ratings of "Minimal Growth" at around 26% of the Articling Program Candidates' Survey respondents, and that proportion was highest among any skills competency across the three groups. By comparison, *Fact Investigation and Legal Research* as well as *Advocacy*, both at 4% of the respondents to the English LPP Exit Survey was the greatest proportion of "Minimal Growth" for that group. The 6 respondents to the French LPP Exit Survey did not rate any skills competency at "Minimal Growth."

Comparison of Candidates' Growth Ratings in Mastery of Skills Competencies between the Pathways Year Two

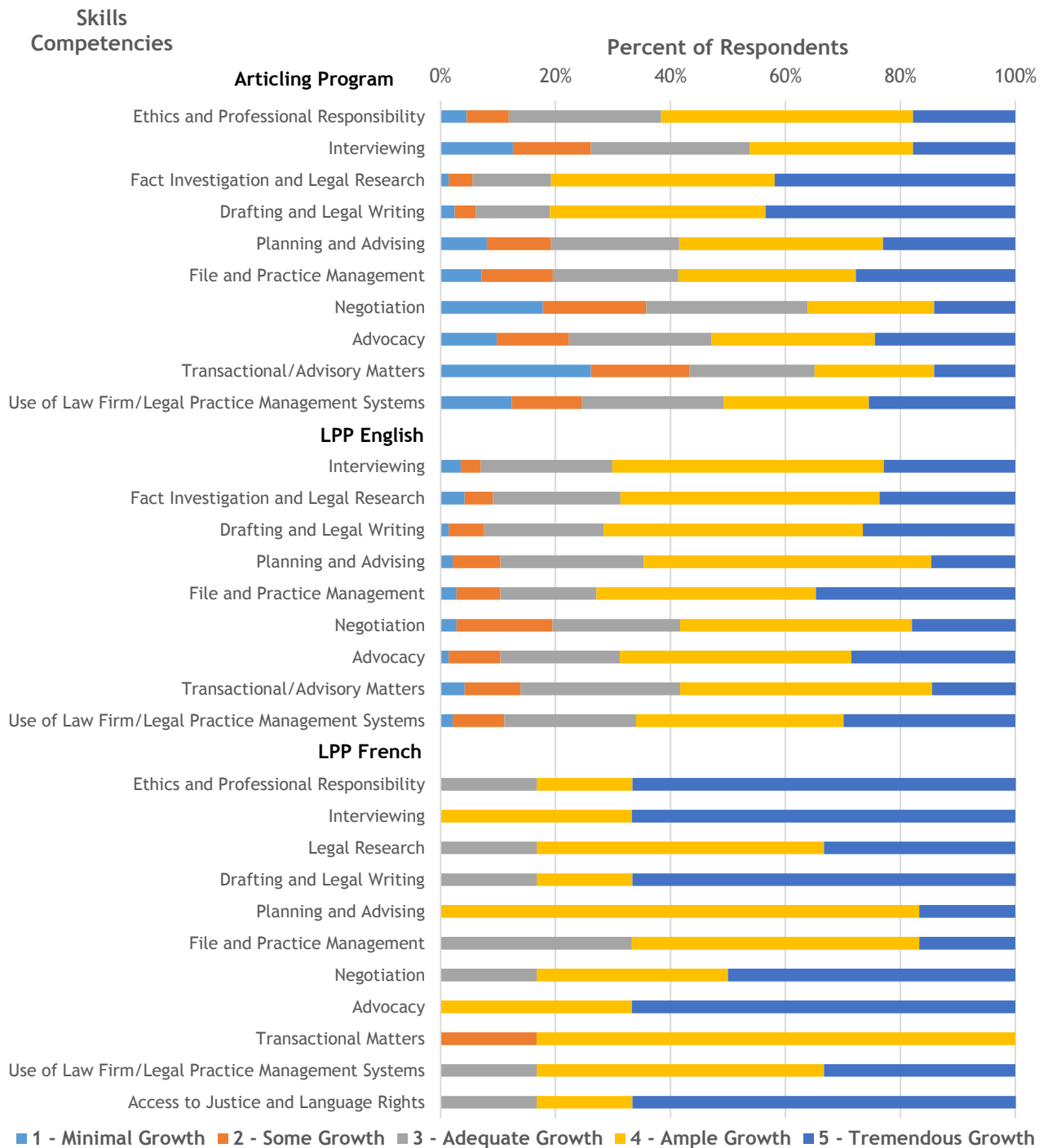


Figure 12. Comparison of Candidates' Growth Ratings in Mastery of Skills Competencies between the Pathways (Year Two)

Articling Program New Lawyer

When we asked the new lawyers who completed the 2014-2015 Articling Program what they considered to be their greatest strengths when practising law, they reported that their greatest strengths were in **oral and written advocacy, organizational skills, client communication skills**, and a strong emphasis on **work ethic**. Comments that best illustrate these themes are presented below:

“Communication skills, time management/organizational skills, client relations.”

“Drafting, oral advocacy, legal knowledge and research skills, critical thinking, interpersonal skills.”

“Very good at listening and understanding client needs; I am very thorough and attentive to detail; I have strong written skills, and am excellent at communication orally with clients and counsel.”

However, according to the data from the Articling Program candidates survey in **Year One**, *Advocacy, Negotiation, and Interviewing* were not the greatest growth areas reported. These results are borne out in the next set of results, looking at challenges of first-year new lawyers from the Articling Program.

Similar to their newly licensed colleagues from the LPP, many of the first-year new lawyers from the Articling Program felt that the greatest challenge faced when practising law is **inexperience**, but some in this group also tied inexperience to a **lack of confidence in practical skills and client interactions**, for example:

“Need to gain confidence to push back against stronger (more abrasive) characters; being relatively new, obviously the amount of knowledge that I will have to acquire to develop my practice; stress response patterns (work/life balance); confidence in my own judgement.”

“Lack of experience – most things are new and I don’t have the benefit of past experiences to evaluate against.”

“Lack of practical knowledge of certain legal issues that is difficult to obtain without the relevant experience.”

These new lawyers who completed the 2014-2015 Articling Program also frequently listed “**time management**” as a challenge, similar to their post-LPP colleagues, but also reported a challenge was the stress of interacting with “**difficult people**,” for example:

“Managing high workload; managing competing/shifting priorities; dealing with difficult people.”

“Dealing with difficult clients and the professional/ethical challenges they sometimes present.”

Again, time management is a soft skill, not specifically focused upon in the transitional, experiential training, and was also reported by post-LPP new lawyers. However, dealing with difficult people and client interaction as challenge was a theme that did not emerge from the data on post-LPP new lawyers.

Articling Program Employer

Employers of those new lawyers who were trained in the Articling Program were asked to comment on what skills in particular they have seen in their new lawyer(s) that are indicative of high-quality skill development in the Articling Program.

There were only 13 responses to this question. It was most frequently reported that “**research**” skills were indicative of high-quality skill development, as well as “**professional responsibility**,” “**drafting**,” and “**client communication**.” Examples of comments that reflect these themes are below:

“Very good sense of professional responsibility, file management, communication to clients and opposing counsel.”

“Practice management skills, organizational skills, research skills.”

“Legal research and writing, and interacting with clients.”

These employers were also asked to comment on a competency area or skill that they have seen in their new lawyer(s) that could have been better developed in the Articling Program.

Again, there were just 13 responses to this question, the most common answer simply being “**No**” to the question of whether new lawyers could have been better prepared in certain competency areas. The second most frequent response was that “**legal research and writing skills**” could

be improved, followed by certain **practical skills**. Comments that best illustrate these themes are presented below:

“Not that I can think of.”

“Generally, the hands on practical aspects of being a lawyer in a private practice.”

“Legal research and writing.”

Clearly the indication that legal research and writing was an area that could be improved contradicts the results to the previous question wherein candidates indicated their perception that this was an area of tremendous growth and that they perceived themselves as achieving high-quality skill development; this, however, may be indicative of the range of skill development in different new lawyers.

Articling Program Principal

Figure 13 below shows the same basic picture for each of **Year One** and **Year Two**, that a majority of the Principals each year reported that they had “Ample” to “Tremendous” ability to train their articling candidate in the ten skills competencies, ranging from a low of about 45% and 37% for *Transactional/Advisory Matters*, in Year One and Year Two, respectively to a high of 90% and 88% for *Drafting and Legal Writing* in Year One and Year Two, respectively.

Principals' Ratings of their Ability to Deliver Training that Promotes Candidates' Growth in Skills Competencies (Year One and Year Two)

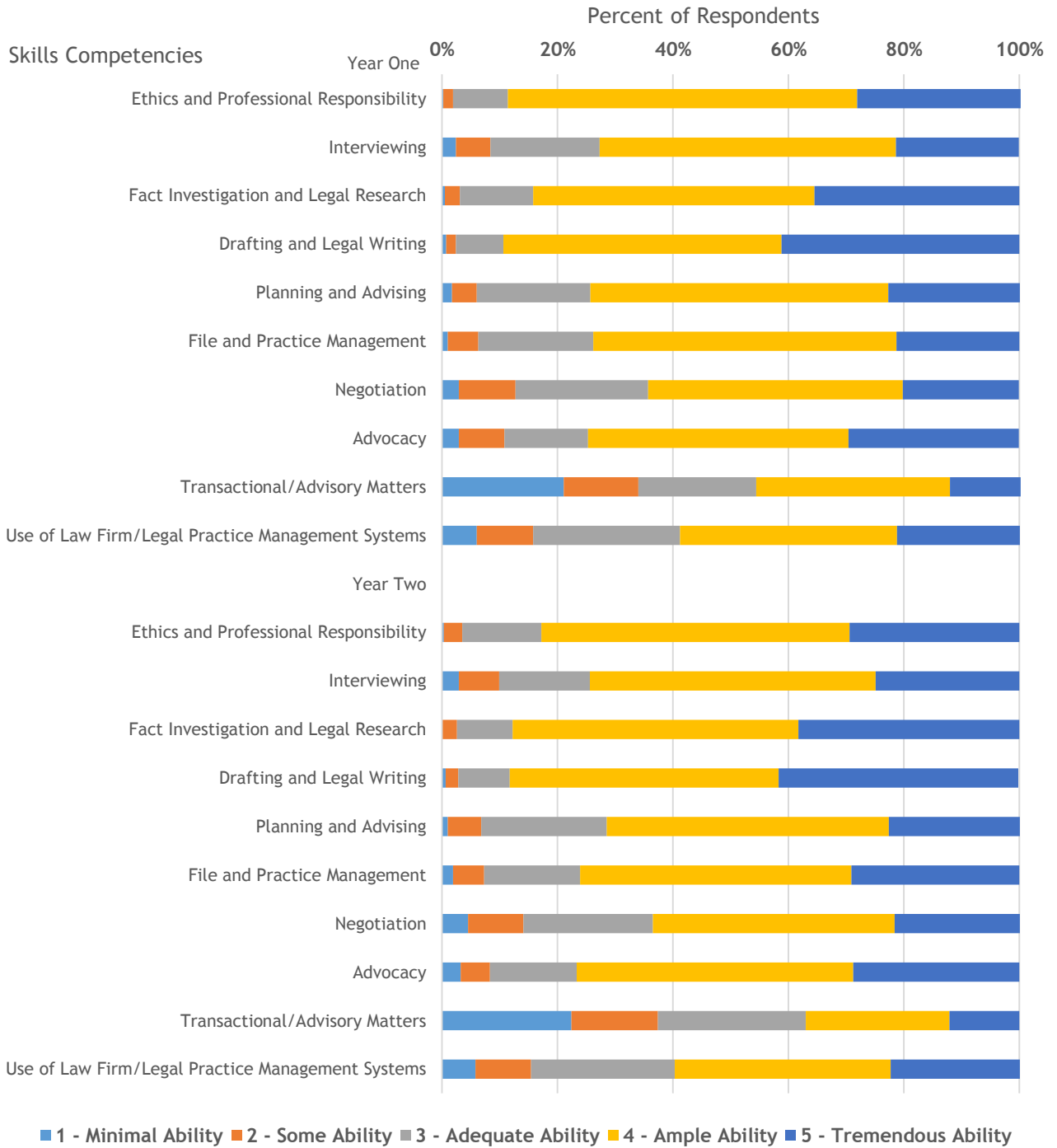


Figure 13. Principals' Ratings of their Ability to Deliver Training that Promotes Candidates' Growth in Skills Competencies (Year One and Year Two)

d. Assessment of Performance in Core Competencies

Law Practice Program - English

Assessment of candidate learning is designed to fit within the fair, accessible and objective parameters set forth by the Society. In keeping with the replication of law firm experiences, candidates are assessed on their work throughout the course, rather than tested at the end of a particular unit. Throughout the course, candidates are required to work in groups of four to produce numerous documents, ranging from research memoranda to commercial agreements. The weightings of these skills and tasks depend on their importance in the particular case being worked through.

Further, candidates receive individual assessments on research and writing, document drafting, client management, negotiation and advocacy. Candidates must receive an assessment of *competent*, as a firm and individually, in each practice area to successfully complete the LPP *d) Assessment of Performance in Core Competencies* training course.²⁴

A five-point rating scale was used by Ryerson University in the **Year One** training course to appraise candidates' competencies:

1. E – Exceeding
2. EM – Exceeding/Meeting
3. M – Meeting
4. MD – Meeting/Developing
5. D – Developing

Ryerson provided the Law Society with the ***Ryerson Law Practice Program Training Program 2014 Portfolio*** which specifically outlined the categories from which work assignments were completed during the training course:

- General Work File
- Special Firm's Project
- Administrative Law File
- Business Law File
- Civil Litigation Law File
- Criminal Law File
- Family Law File
- Real Estate Law File
- Wills, Estates Law File
- Additional Non-Specific Law File

Overall candidate performance in **Year One** is presented in Figure 14 below.

²⁴ Ryerson University Report to the Law Society, June 2015 and June 2016.

LPP Candidate Assessment Results for Ryerson Year One (Fall 2014)

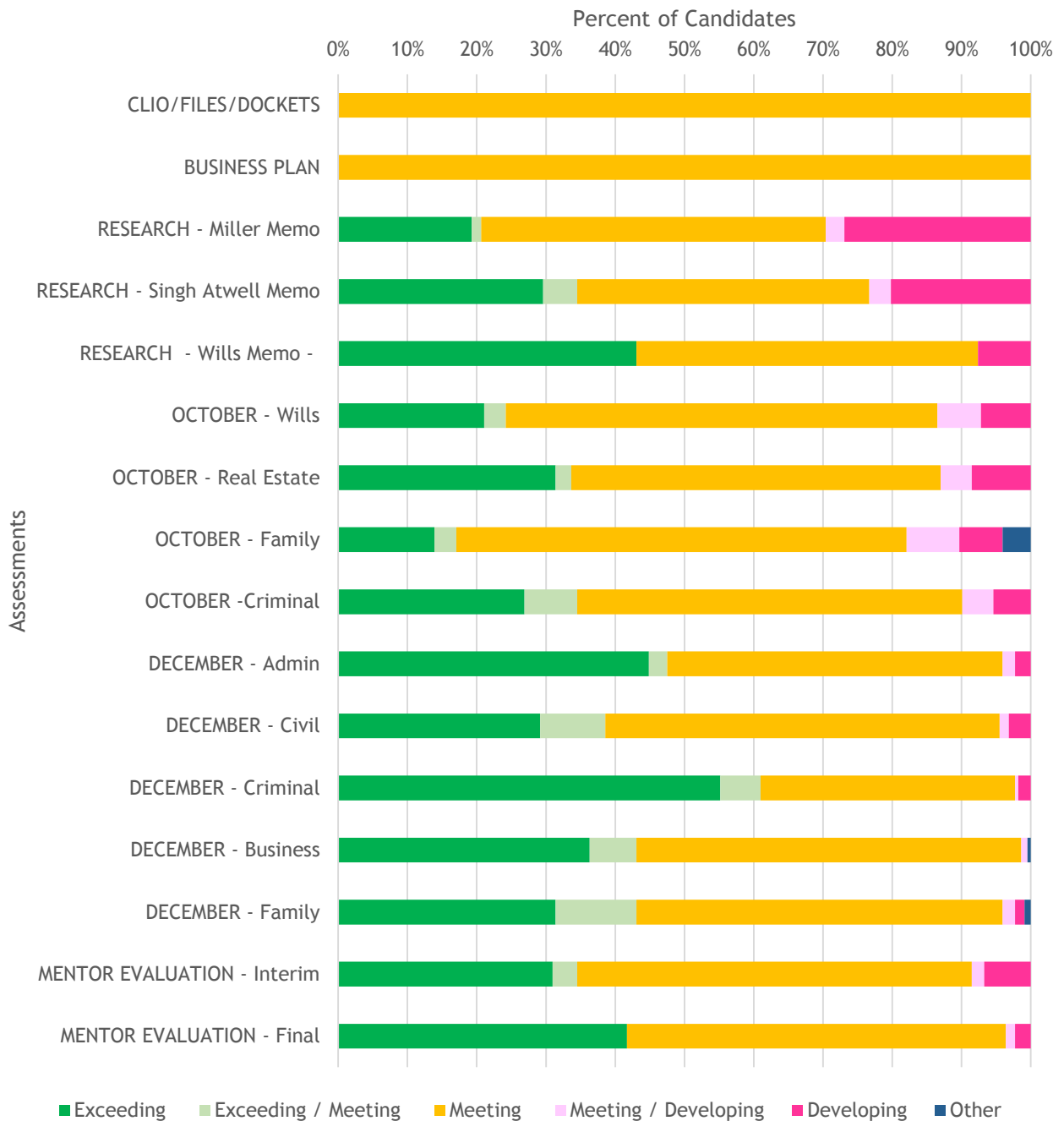


Figure 14. Ryerson LPP Candidate Assessment Results Fall 2014

Figure 14 above show us that most candidates are indeed “Meeting” the competency development expectation on all assessments. A considerable proportion of candidates are “Exceeding” or “Exceeding/Meeting” the expectations on all assessments. The *Research* assessments had the

greatest proportion of candidates still at the “Developing” stage; the *Miller Memo* had almost 30% of candidates at the “Developing” rating. Finally, it seems that over time, more and more candidates were achieving the “Exceeding” or “Exceeding/Meeting” ratings, with the *December Criminal Law, Business and Mentor Final* assessments showing the greatest percentage of candidates receiving these ratings.

In **Year Two**, a three-point rating scale was used by Ryerson University in the training course to appraise candidates’ competencies:

1. E – Exceeds
2. M – Meets
3. M –Developing

Ryerson provided the Law Society with the ***Ryerson Law Practice Program Training Program 2015 Portfolio*** which specifically outlined the categories from which work assignments were completed during the training course:

- General File Work
- Special “Firm” Projects
- Administrative Law File - Landlord and Tenant Matter
- Business Law Files (Incorporation and Business Acquisition)
- Civil Litigation Files
- Criminal Law File
- Family File
- Real Estate File
- Wills and Estates File
- Additional Non-Specific Law File

Overall candidate performance in the LPP English training course in **Year Two** is presented in Figure 15 on the following page.

LPP Candidate Assessment Results for Ryerson Year Two (Fall 2015)

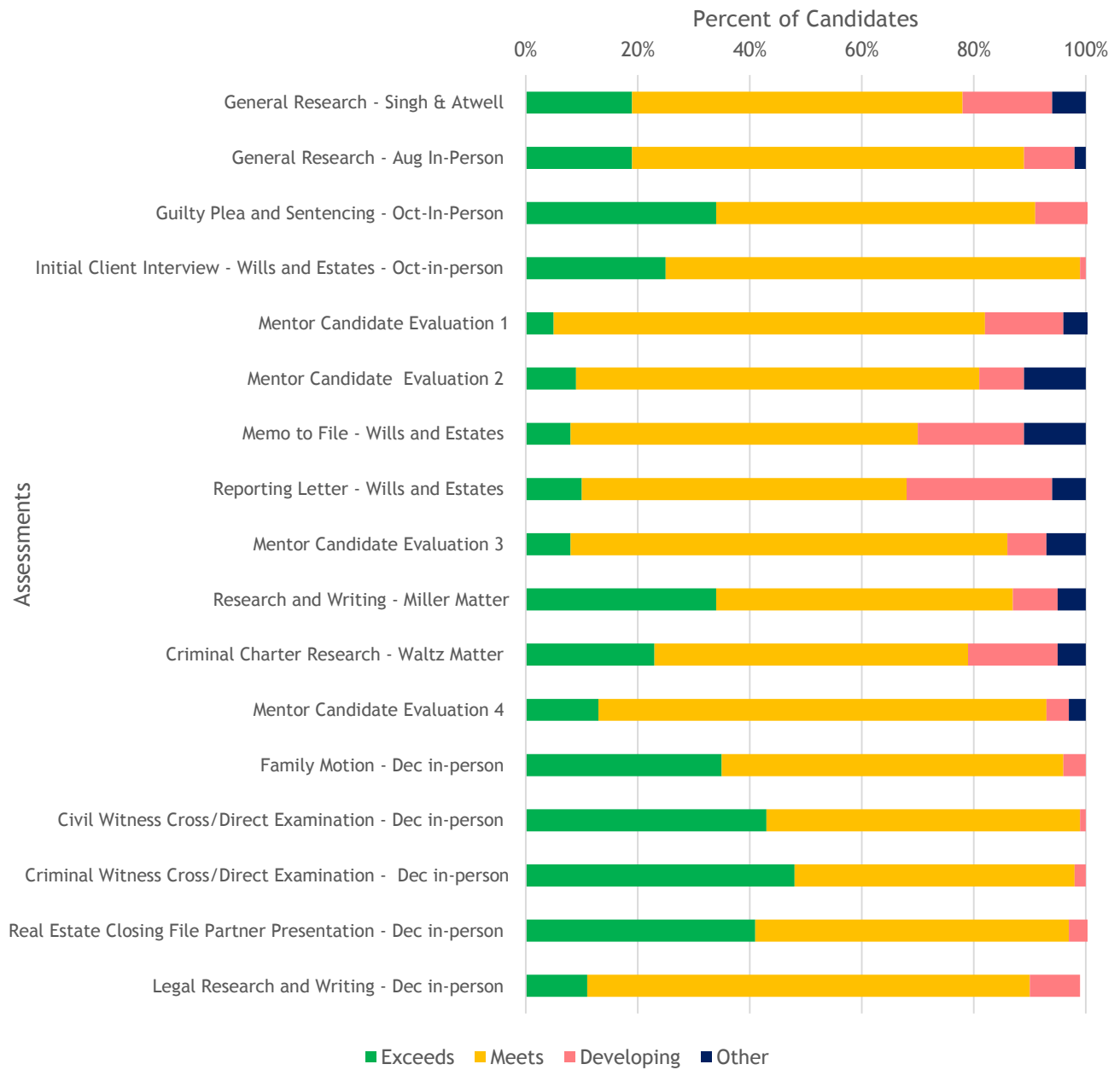


Figure 15. Ryerson LPP Candidate Assessment Results Fall 2015

Figure 15 above shows the candidates’ assessment results from **Year Two**. The assessment names have changed from Year One, but the general competencies remain the same. Further, and as noted, there is now a three-point scale, rather than a five-point scale used to rate the competency development of the candidates. Again, we see most candidates are indeed “Meeting”

the competency development expectation on all assessments. A considerable proportion of candidates are “Exceeding” or “Meeting” the expectations on all assessments. The *Wills and Estates* assessments had the greatest proportion of candidates still at the “Developing” stage; the *Reporting Letter* had just over one-quarter (26%) of candidates at the “Developing” rating. Finally, it seems that over time, more and more candidates were achieving the “Exceeding” ratings, with the December *Criminal and Civil Direct/Cross Examination, and Real Estate Closing* assessments showing the greatest percentage of candidates receiving these ratings.

LPP Work Placement Assessment

The work placement component of the LPP worked the same way as an articling placement, with a lawyer acting as a Principal, and either individually or together with lawyer colleagues, providing work to and assessing the work of a candidate during the placement. Ryerson obtained this information both during the placement, and at the end, from the Principal and the candidate. Candidates are provided with opportunities to gain further exposure to the nine competency areas, and where applicable are assessed on them:²⁵

Most of the work placements were completed at the end of April in each year, and data from the work placements provided to the Society by Ryerson indicated that all work placements, including the exposure to the competency areas, were complete in **Year One** and are expected to be complete **Year Two**.

As far as the five competency-based tasks (performance appraisal competencies), all were reported as being “*Regularly Done*” or to a “*High Degree*” in both **Year One** and **Year Two**.

Law Practice Program - French²⁶

In both **Year One** and **Year Two**, all the skills and tasks listed in the Federation of Law Societies of Canada’s National Competency Profile for lawyers were assessed or addressed at least once – and some at least five times – in the training component via the execution of various tasks in the following areas:

- Administrative Law: Landlord and Tenant Board, Human Rights/Government, and Immigration/Refugee
- Civil Litigation
- Commercial Law
- Criminal Law
- Family Law
- Practice Management
- Real Estate Law
- Wills and Estates

²⁵ It is noted by Ryerson that the nine competency areas have been further developed or refined during the work placements on a varying basis depending on the practice and nature of the work placement itself.

²⁶ LPP Report from the University of Ottawa, May 2015 and June 2016

In order to obtain a “Satisfactory” pass for the training component, candidates had to successfully demonstrate all the competencies evaluated in the LPP. All candidates successfully completed the training course in both **Year One** and **Year Two**.

In November and December 2015, the LPP offered some candidates the opportunity to take retake activities for the competencies they had not yet successfully demonstrated in the training component. In the case where the candidates did not succeed in a peripheral competence during the retake activities, we sent them a letter to inform them of their gaps and to encourage them to try to fix them in the placement component.

Candidates received their final training course results at the end of January. Candidates also received a detailed competency assessment report that specifies the rating they received for each skill and task listed in the Federation’s Profile.

In order to improve the training component for the pilot project’s third year, the LPP asked the candidates to complete surveys to have their feedback on the training component. Survey included questions on the following:

- Modules and practising trainers, including assessment;
- Professional development days;
- Resources offered by the LPP;
- Services offered by the University.

With a view to improving the training component for **Year Two**, the LPP asked candidates to make regular entries in a journal of reflection in order to more closely document their progress. This also allowed the university to check that all the candidates were well supported during their internships.

Mid-February, the university communicated with all the employers and the candidates for the mid-session assessment of internships. Each supervisor provided detailed feedback regarding their candidates’ performance. The candidates were also asked to complete a self-assessment about their performance and their progress in the internship.

When the assessments by the supervisors were not entirely positive or identified some gaps, the university followed up with them to discuss in detail the performance of the candidates. That allowed the university to determine if the candidate had satisfied the placement requirements.

It was noted in their report to the Law Society that within the final assessment process, the workplace supervisors also had to sign a solemn statement to the effect that they assessed their candidate in an objective and honest way, in a way not to undermine the trust the public has in the profession and the administration of justice.

Data from the training course and work placement assessments provided to the Society by the University of Ottawa indicated that all **Year One** and **Year Two** candidates successfully completed the LPP.

Articling Program

The BARS tools allow Articling Principals, candidates and the Law Society of Upper Canada know with a high degree of objectivity whether candidates were exposed to experiential training competencies development in the articling placements, and their performance of such through a **Performance Appraisal of Competencies** process.

Candidates in the Articling Program have their competencies appraised by their Principals using the BARS tool while they perform the five prescribed competency-based tasks:

1. **Interview a client** from *Establishing a Client Relationship* category
2. **Draft a legal opinion** from *Conducting the Matter – Matter Management* category
3. **Represent the client in an Appearance or through some form of alternative dispute resolution or settlement process** from *Conducting the Matter – Advocacy* category
4. **Professional responsibility assessment** from *Ethics and Professionalism* category
5. **Use of law firm/legal practice management systems** from *Practice Management* category

Table 3 (next page) shows that in **Year One**, Principals submitted 1,275 candidate performance appraisals. We see that just about one-third of candidates “significantly exceeds expectations” on all of the applicably-scaled tasks except *Conducting the Matter: Advocacy*, in which only 27% of the candidates did so. It is unclear if there is a relationship between the relatively low number of candidates “significantly” exceeding expectations and the relative lack of exposure to *Advocacy* in the articling placements as reported on the Experiential Training Plans and on the skills tasks exposure BARS tools. Generally, almost all candidates met or exceeded the expectations in the four applicably-scaled tasks. Finally, about 87% of the candidates were rated as being able to “successfully” use a *Practice Management* system.

Table 3: Articling Program Performance Appraisal of Competencies (Year One)

Performance Appraisal of Competencies (Year One)						
N=1,275	5	4	3	2	1	0
Competency-based Tasks	Significantly exceeded expectations	Exceeded expectations	Met expectations	Met some expectations/ Developing	Did not meet expectations	N/A
Establishing the Client Relationship	32%	32%	26%	1%	1%	8%
Conducting the Matter: Matter Management	34%	32%	26%	2%	1%	5%
Conducting the Matter: Advocacy	27%	29%	23%	1%	1%	20%
Ethics and Professionalism	32%	36%	31%	1%	1%	-
	5		3		1	0
	Uses the system successfully without assistance		Uses the system successfully with assistance		Does not use the system successfully, even with instruction	N/A
Practice Management	66%		21%		1%	12%

Table 4 (next page) shows the data for **Year Two**. Principals submitted 1,294 candidate performance appraisals. We see a slight increase over Year One as just over one-third of candidates “significantly exceeds expectations” on all of the applicably-scaled tasks except *Conducting the Matter: Advocacy*, in which again only 27% of the candidates did so. It is unclear if there is a relationship between the relatively low number of candidates “significantly” exceeding expectations and the relative lack of exposure to *Advocacy* in the articling placements as reported on the Experiential Training Plans and on the skills tasks exposure BARS tools. Generally, almost all candidates met or exceeded the expectations in the four applicably-scaled tasks. Finally, again about 87% of the candidates were rated as being able to “successfully” use a *Practice Management* system.

Table 4: Articling Program Performance Appraisal of Competencies (Year Two)

Performance Appraisal of Competencies (Year Two)						
N=1,294 Principals	5	4	3	2	1	0
Competency-based Tasks	Significantly exceeded expectations	Exceeded expectations	Met expectations	Met some expectations/	Did not meet expectations	N/A
Establishing the Client Relationship	33%	34%	24%	1%	0%	9%
Conducting the Matter: Matter Management	35%	33%	25%	3%	0%	5%
Conducting the Matter: Advocacy	27%	32%	20%	0%	0%	21%
Ethics and Professionalism	35%	37%	26%	1%	0%	0%
	5		3		1	0
	Uses the system successfully without assistance		Uses the system successfully with assistance		Does not use the system successfully, even with instruction	N/A
Practice Management	64%		23%		0%	14%

e. Access to Mentors, Principals and Supervisors, and the Quality and Timeliness of Feedback

Law Practice Program - English

Mentors

On the **Year One** LPP Exit survey, candidates were asked to comment on their experiences with their training course mentors. Many of the comments were aimed at **assessing or appraising the quality** of the training course mentors. Mostly, these types of comments were positive as mentors were described as “**great**,” “**fantastic**,” “**knowledgeable**,” “**supportive**” and “**showed interest**” in the candidate’s learning.

Some appraisal of the mentors was **critical** for different reasons, but most of these reasons focused on the candidates’ judgement that their mentors **lacked of expertise** in given particular areas of law practice.

This type of comment is likely tied to the unique learning experience of the Law Practice Program, as it spans seven substantive areas of law and practising lawyers, serving as mentors, would not necessarily have practical experience in all seven areas.

An emergent theme from the LPP Focus Groups (see Appendix 3 for summary) was that more timely feedback in training course is necessary for it to be useful to candidates. The following points were expressed by the candidates in the Focus Groups:

- Candidates feel that marked work and feedback were not meaningful, as it was not made clear what the standards actually were; disorganization with feedback instills lack of motivation in candidates.
- Candidates suggest quicker feedback; better planning from administration, and more recurrent check-ins.
- Candidates suggest more rigorous marking schemes, and structures for feedback. Also the feedback needs to be well interpreted by both candidates and mentors, and meaningful.
- More transparency and more communication needs to be had with mentors and administration regarding their time commitments
- Candidates suggest a feedback/marking system that mirrors the in-person week for every assignment.

Figure 16 below shows the effectiveness ratings for **Year One** with regards to their Mentors. The majority of candidates rated “Effective” or “Most Effective” on all aspects experiential training, with *Availability of your mentor to address learning issues* receiving just over 83% of ratings as such.

LPP Candidates' Effectiveness Ratings of Aspects of Experiential Training with Specific Regard to their Mentors (Year One)

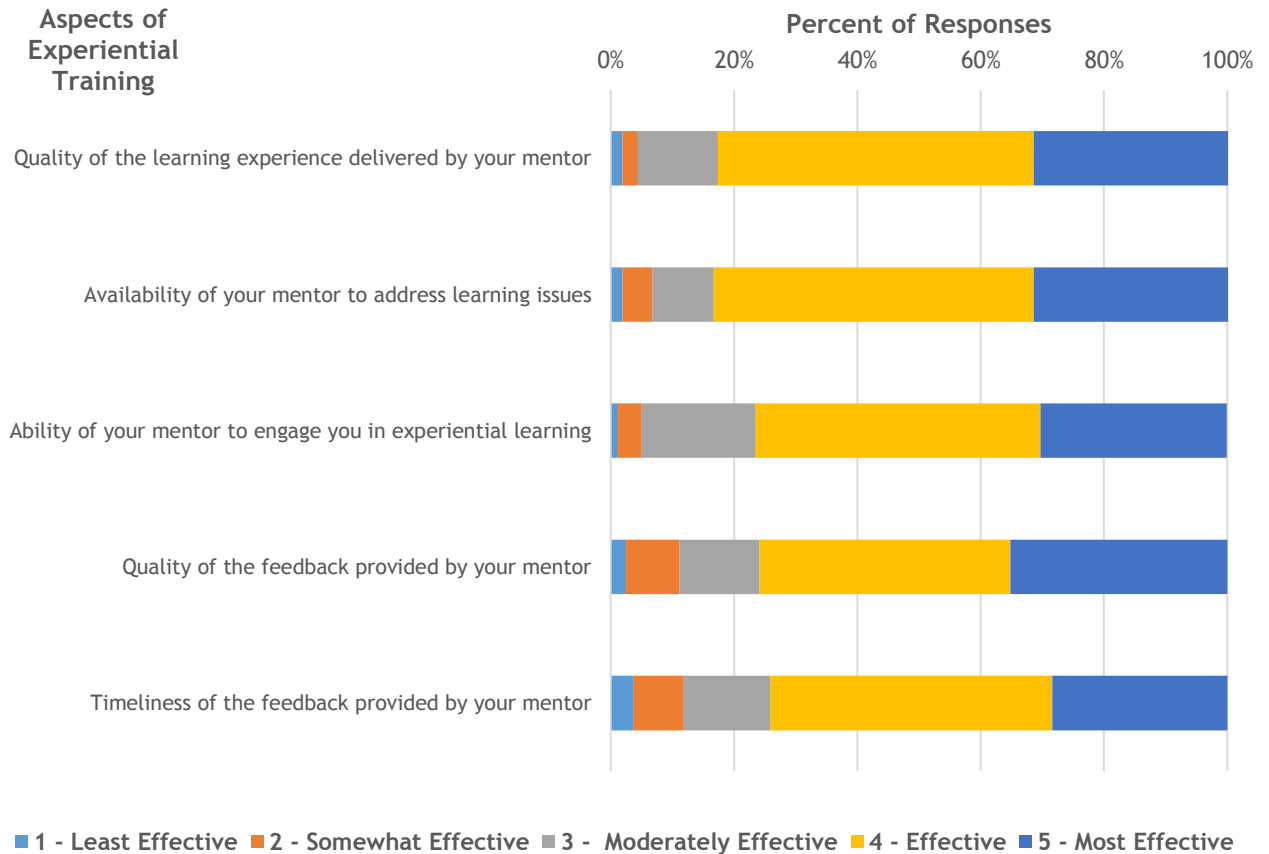


Figure 16. LPP Candidates' Effectiveness Ratings of Aspects of Experiential Training with Specific Regard to their Mentors (Year One)

In **Year Two**, the survey was more directed at each Virtual Firm Mentor, both with a quantitative rating (forthcoming) and the qualitative commentary. To make meaningful comparisons between Year One and Year Two, the qualitative commentary is presented next.

Many respondents offered feedback regarding the **quality of the mentors**. The majority of these **Year Two** comments were positive, **similar to Year One** highlighting mentors as “**fantastic**,” “**engaged**,” and “**dedicated**” to helping candidates learn, for example:

“I was fortunate to be mentored by extremely dedicated Mentors who cared dearly about our success throughout the licensing process.”

“Both the mentors were very co-operative, most effective and gave me their valued feedback in a timely fashion. They understood my weaknesses, qualifications and worked with me to overcome that. I am at such a different level now in comparison to where and how I started.”

Certain comments were made to suggest **greater diversity in professional experience** between the two mentors assigned to a candidate, for example:

“Both mentors were sole practitioners and I feel exposure to a non-sole practitioner would have been valuable for comparison.”

“Both were great, and very different personalities. My only comment is a general one: in my case both mentors were real estate professionals, it would be beneficial to have one solicitor and one litigator.”

However, some respondents in **Year Two** were critical of their mentors, again similar to **Year One**, specifically regarding the quality and timeliness of their **feedback**, as well as the limitations of their **expertise**, for example:

“A lot of the feedback depended upon whether or not they had any familiarity with the area of law we were working in at the moment.”

“They did not have enough information about the program to assist me. Sometimes it seemed as if they did not want to be on video.”

“Reviewing the tasks in a timely manner is essential to the motivation and progress of candidates. It’s discouraging to see otherwise from our mentors because they are an important catalyst in the LPP.”

However, what differed noticeably about the Focus Group responses (see Appendix 3 for summary) in **Year Two from Year One** was very few comments about the quality and timeliness of the feedback candidates received from their Mentors. This was a far larger issue in Year One than in Year Two.

Figure 17 on next page shows the **Year Two** LPP candidates’ ratings for each of their virtual firm mentors. Their second virtual firm mentors received marginally more positive effectiveness ratings on average.

LPP Candidates' Effectiveness Ratings for their Virtual Firm Mentors (Year Two)

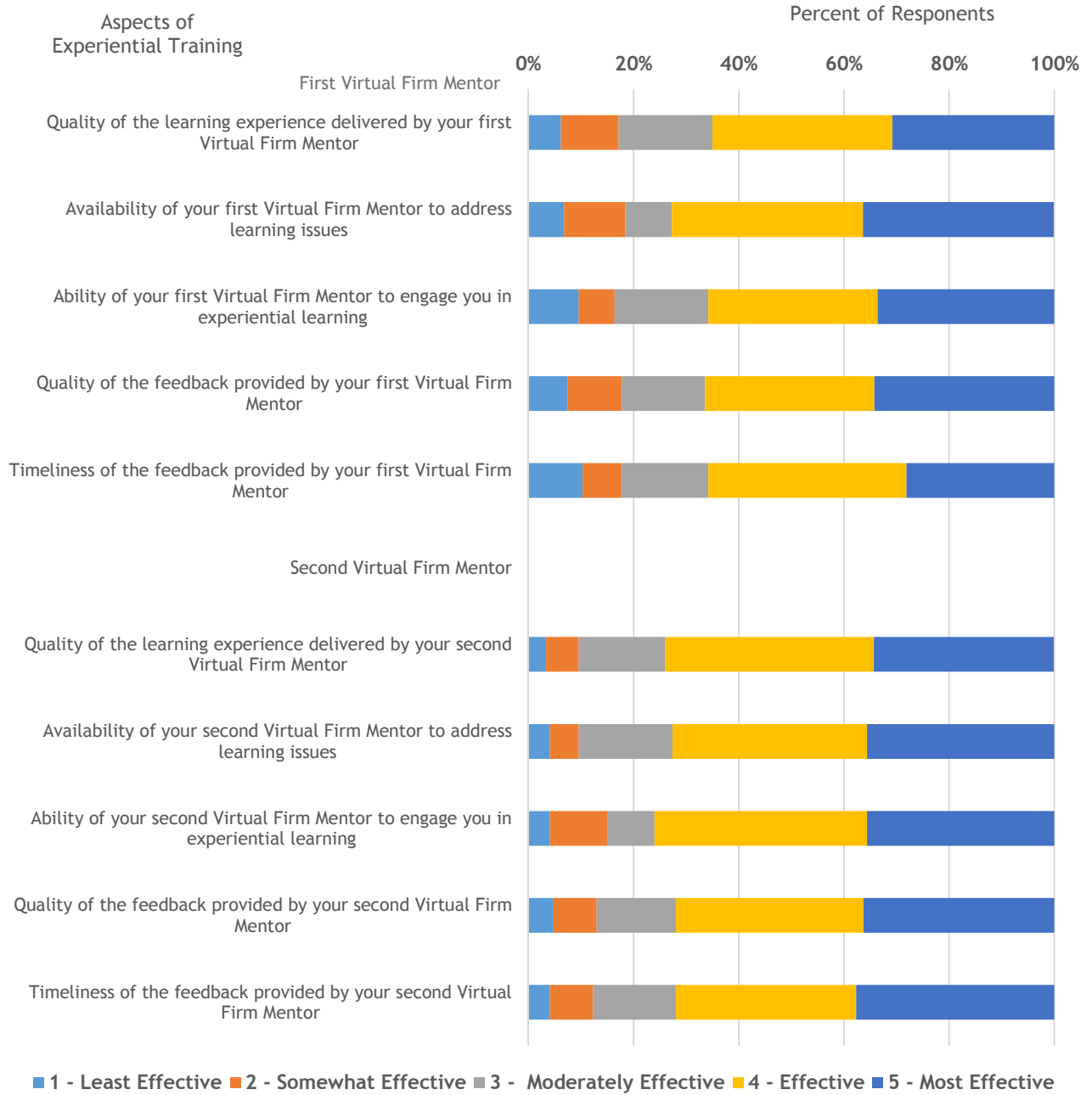


Figure 17. LPP Candidates' Effectiveness Ratings for their Virtual Firm Mentors (Year Two)

In-Person Week Assessors

We asked the candidates in **Year Two** to rate or comment upon their interaction with their In-Person Week Assessors, and almost two-thirds (65%) of respondents to the LPP Exit Survey indicated they were either “Quite Satisfied” or “Most Satisfied” with these Assessors, while just 8% were “Least Satisfied” or “Somewhat Satisfied.”

Work Placement Supervisors

Figure 18 show that the response category with the most ratings was “Effective” for **Year One**. Together with “Most Effective,” “Effective” had the vast majority of responses, ranging from a low of 67 % in total for *Timeliness of the feedback provided by your mentor* to a high 75% for *Quality of the learning experience delivered by your supervisor*. The rating of “Most Effective” received the greatest proportion of responses for *Ability of your supervisor to engage you in experiential learning* (35%). These results are considerably positive for the identified aspects of experiential training, but not as positive as the ratings for the mentors.

Canadian-Educated versus Internationally-Educated Candidates

There were no substantive differences in responses between those who graduated from a Canadian Law school and those who did not, except for on *Quality of the feedback provided by your supervisor* in which those who were not graduates of a Canadian law school showed more “Effective” and “Most Effective” ratings (73%) than their Canadian law school graduate colleagues (61%).

English LPP Candidates' Effectiveness Ratings of Aspects of Experiential Training with Specific Regard to their Supervisors (Year One)

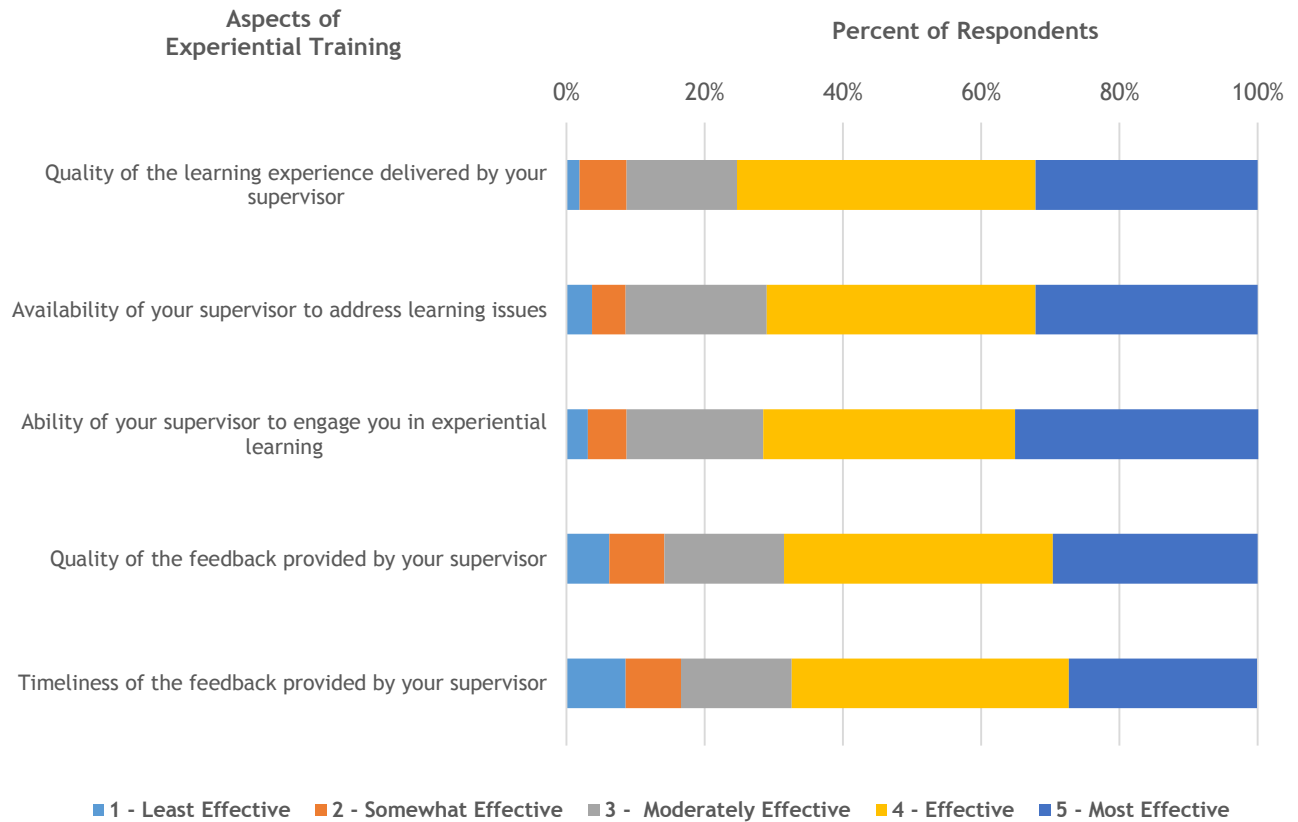


Figure 18 English LPP Candidates' Effectiveness Ratings of Aspects of Experiential Training with Specific Regard to their Supervisors (Year One)

In **Year Two**, LPP Candidates were asked to rate the effectiveness of *each* of their supervisors, if they had more than one. These data are summarized in Figure 19. Many respondents, however, did not have a second supervisor, so the number of respondents rating the second supervisor is considerably lower.

LPP Candidates' Effectiveness Ratings for Their Work Placement Supervisor(s) (Year Two)

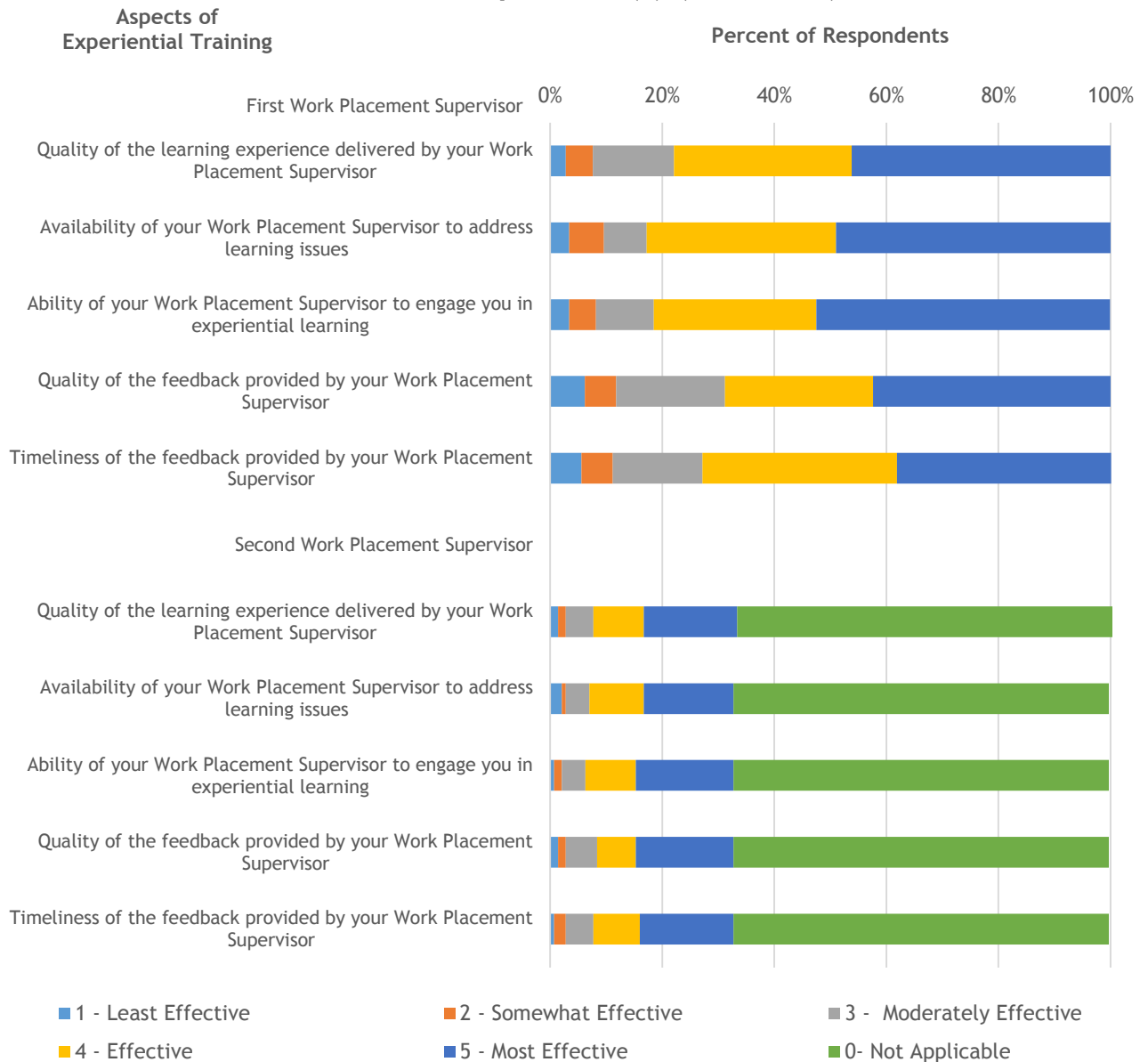


Figure 19. LPP Candidates' Effectiveness Ratings for their Workplace Supervisor(s) (Year Two)

In **Year Two**, we see a similar result across each supervisor on each aspect of experiential training on average, which are ratings of “Effective” and “Most Effective” from the majority of candidates. In fact, roughly 10% more candidates in Year Two than in Year One rated their supervisors as being “Most Effective” in the first three aspects listed.

In both **Year One** and **Year Two**, the most “Most Effective” ratings are in the *Ability of the Supervisor to engage you in experiential learning*. Further, *timeliness of feedback* continues to be the aspect of experiential training that is rated the least proportion of “Most Effective.”

Canadian-Educated versus Internationally-Educated Candidates

Generally, graduates of law schools outside of Canada rated their first work placement supervisor as “Effective” and “Most Effective” on all aspects of experiential training in greater proportions than their Canadian-educated colleagues, except for the *ability of the supervisor to engage you in experiential learning*, in which both groups rated “Effective” and “Most Effective” in equal proportions.

Law Practice Program - French

Mentors (Practitioner Trainers)

In **Year One**, the ratings of “Effective” and “Most Effective” garnered the vast majority of results for most of the aspects of experiential training, except for *Quality of the feedback provided by your practitioner-trainer* and *Timeliness of the feedback provided by your practitioner-trainer*. These results are similar to what was reported in the French Law Practice Program Focus Groups and what was reported in the English LPP in Focus Groups and on the Exit Survey.

In **Year Two**, all of the 6 respondents rated all aspects of their experiential training with specific regard to their Virtual Firm Mentors in the Law Practice Program as “Effective” and “Most Effective.”

Timeliness of feedback was not an issue in Year Two, though there were about half as many respondents to the survey question.

Supervisors

For **Year One**, we see in Figure 20 on the next page that respondents to the French LPP Exit Survey were most apt to rate aspects of their experiential training with regards to their workplace supervisors with “Most Effective” than any other group, and did so at almost double the proportion of the respondents to the Articling Program Candidates’ Survey. Articling candidates also rated in smaller proportions all aspects of their experiential training as “Effective” or “Most Effective” when compared to the respondents of the LPP Exit Surveys.

In **Year Two**, all of 6 respondents rated all aspects of their experiential training with specific regard to their Work Placement Supervisor(s) in the Law Practice Program “Moderately Effective” to “Most Effective.”

Timeliness of feedback was not an issue in Year Two, though there were about half as many respondents to the survey question.

Comparison of Effectiveness Ratings for Aspects of Experiential Training between the Pathways (Year One)

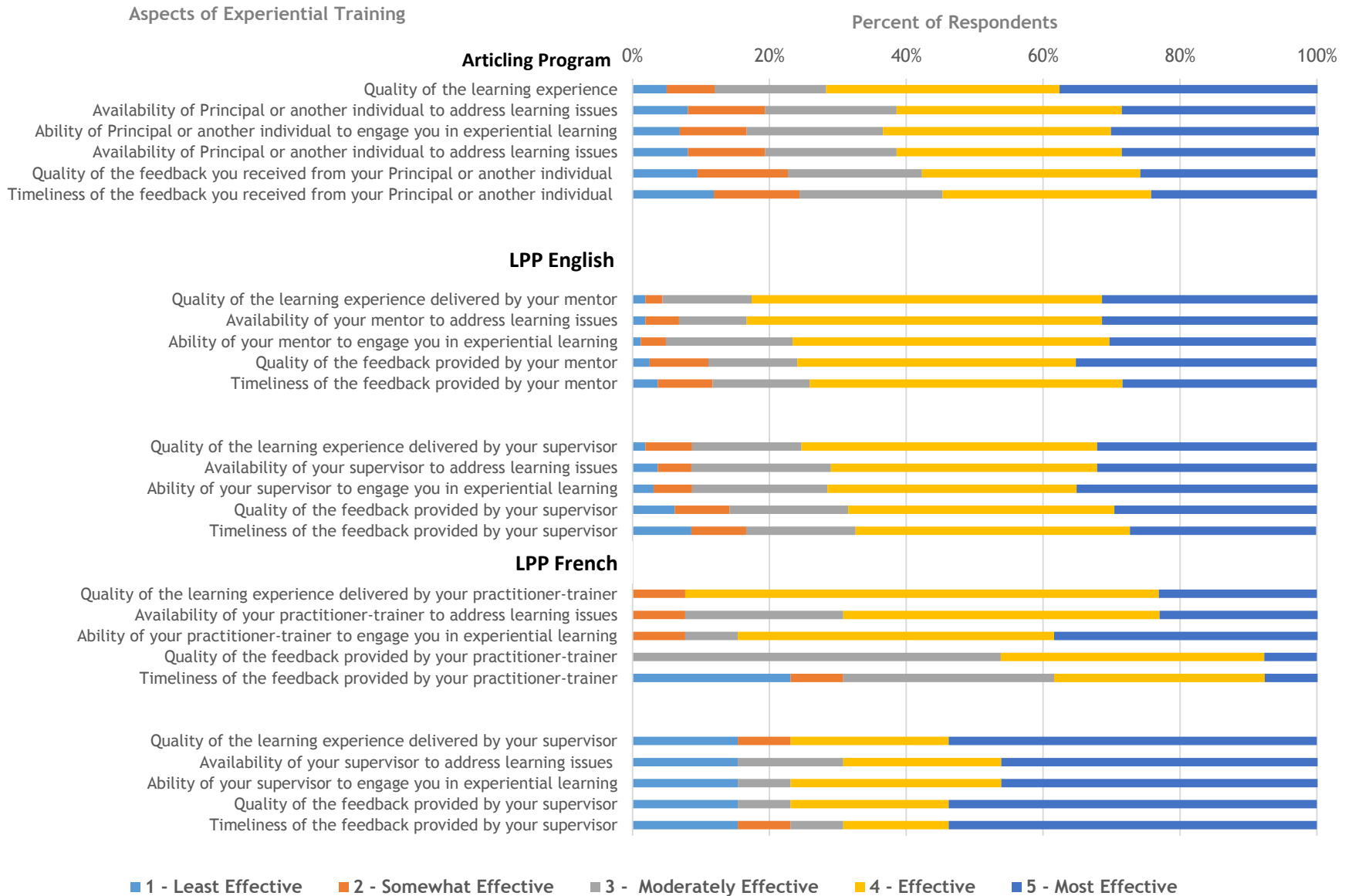


Figure 20. Comparison of Effectiveness Ratings for Aspects of Experiential Training between the Pathways (Year One)

Articling Program - Candidates

In **Year One**, Articling Program candidates reported that lawyers, for the most part (93%: 49% Principals and 44% another lawyer at the organization), provided the majority of their training with the experiential training competencies. This percentage of lawyers providing the majority of the candidates' training with the experiential training competencies was slightly larger in **Year Two** (95%: 53% Principals and 42% another lawyer at the organization).

Candidates in **Year One** also indicated that the Articling Principal or another lawyer in the organization provided the majority of the feedback about respondents' work (94%: 52% Principals and 42% another lawyer at organization), with administrative personnel at the firm not playing a large role (6%). In **Year Two**, again we see an increased proportion of Principals and other lawyers (96% in total) being involved in experiential training of the candidates, with a slight increase in the involvement of Principals to 55%, with 41% of candidates reporting another lawyer at the organization provided the majority of feedback on the respondents' work.

In **Year One**, there was a very good level of participation by Articling Principals in the performance appraisal of candidates, as over three-quarters (76%) of respondents reported it was their Articling Principal who completed the performance appraisal. **So in Year One, over 27% more Principals were responsible for the respondents' performance appraisal than were active in the training of the respondents.** However, the response rate of the Articling Candidate survey is too low (44%) to state this is representative of the entire population of placements.

In **Year Two**, there was even more participation by Articling Principals in the performance appraisal of candidates, as over four-fifths (81%) of respondents reported it was their Articling Principal who completed the performance appraisal. **So in Year Two, over 26% more Principals were responsible for the respondents' performance appraisal than were active in the training of the respondents.** However, the response rate of the Articling Candidate Survey is too low (44%) to state this is representative of the entire population of placements.

For **Year One**, the Comparison of Effectiveness Ratings in Figure 20 above illustrates that *Quality of the learning experience* received the highest proportion of "Most Effective" ratings at almost 38%. *Timeliness of the feedback you received from your Principal or another individual* received the highest proportion of "Least Effective" at almost 12%. **This latter result was echoed in the Year One Articling Program Focus Groups.**

An emergent theme from the Articling Program Focus Groups was that feedback on candidate performance was context-specific (firm-size, Principal style, area of law), and ranged from formal to "no news is good news". The following points were expressed by the candidates in the Articling Program Focus Groups:

- Candidates' feel that their experiential learning and development of skills are measured as good as indicated by being given increased responsibility. Positive feedback is seen in the form of your phone is ringing = more responsibility, they trust you, and your work.

- “No news is good news”, or feedback is given if candidates are proactive about requesting it. The onus is on the candidate to seek it out from principals and mentors
- Younger associates will take the time to mark up and provide thorough feedback to articling candidates
- Candidate would like to request for a structured feedback system in government and ministry (public sector)

For **Year Two** we see similar results on the Comparison of Effectiveness Ratings in Figure 21 below, namely that *Quality of the learning experience* received the highest proportion of “Most Effective” ratings at 37%. *Timeliness of the feedback you received from your Principal or another individual* received the highest proportion of “Least Effective” at 8%. **This latter result was also echoed in the Year Two Articling Program Focus Groups.**

Generally, feedback on candidate performance was context-specific (firm-size, principal style, area of law), and ranged from formal feedback in structured sessions, though this was a rarity, to “no news is good news,” which tended to be more of the norm across articling contexts in **Year Two**. Articling Program candidates suggested that mandatory feedback sessions would improve consistency and quality of principal involvement, especially with regards to offering feedback on the candidates’ work.

Articling Candidates' Effectiveness Ratings for Aspects of Experiential Learning Related to the Principal (Year One and Year Two)



Figure 21. Articling Candidates' Effectiveness Ratings for Aspects of Experiential Training Related to the Principal (Year One and Year Two)

7. About the Candidates

Demographic Information²⁷ for the Year One and Year Two Evaluation Cohorts, based on Licensing Process Application Data

Figure 22 below shows a comparison of **Year One** and **Year Two** evaluation cohorts' demographic information between candidates in each of the *pathways*. Generally speaking, the Articling Program and LPP are comparably similar in: (1) proportion of males and females, though the Articling Program has more females, and the LPP more males; (2) English and French; (3) Aboriginal; (4) persons with a disability; and (5) LGBT. However, there are a greater proportion of internationally-educated, *Racialized*, and *Age 40+* candidates are in the LPP in each of the evaluation cohorts.

The **Year Two** evaluation cohort has decreased proportions of French candidates and those self-identifying as Francophone in the LPP, where in Year One, the proportions of such were greater in the LPP. We see in the Year Two evaluation cohort an equal proportion of French in each pathway and a greater proportion of reported Francophones in the Articling Program.

SECTION SEVEN SUMMARY

- ❖ The LPP continues to show greater proportions of internationally-educated, Racialized and age 40+ candidates than the Articling Program.
- ❖ There is now a greater proportion of identified Francophones in the Articling Program than in the LPP.
- ❖ The LPP is balanced in terms of internationally-educated versus Canadian-educated candidates, while fewer than 10% of the candidates in the Articling Program are internationally-educated.
- ❖ The University of Ottawa produced more candidates in either pathway than any other law school.
- ❖ The vast majority of candidates in the Articling Program graduate law school in the year immediately preceding their licensing year, while just about half of the candidates in the LPP do.
- ❖ The largest proportion of internationally-educated candidates in the pathways receive their law degrees in the U.K., the U.S., and Australia.

²⁷ Demographic data is based on the candidate's choice as to whether he or she would like to self-identify as part of a demographic group.

Demographics for the Articling Program and Law Practice Program Year One and Year Two Candidates

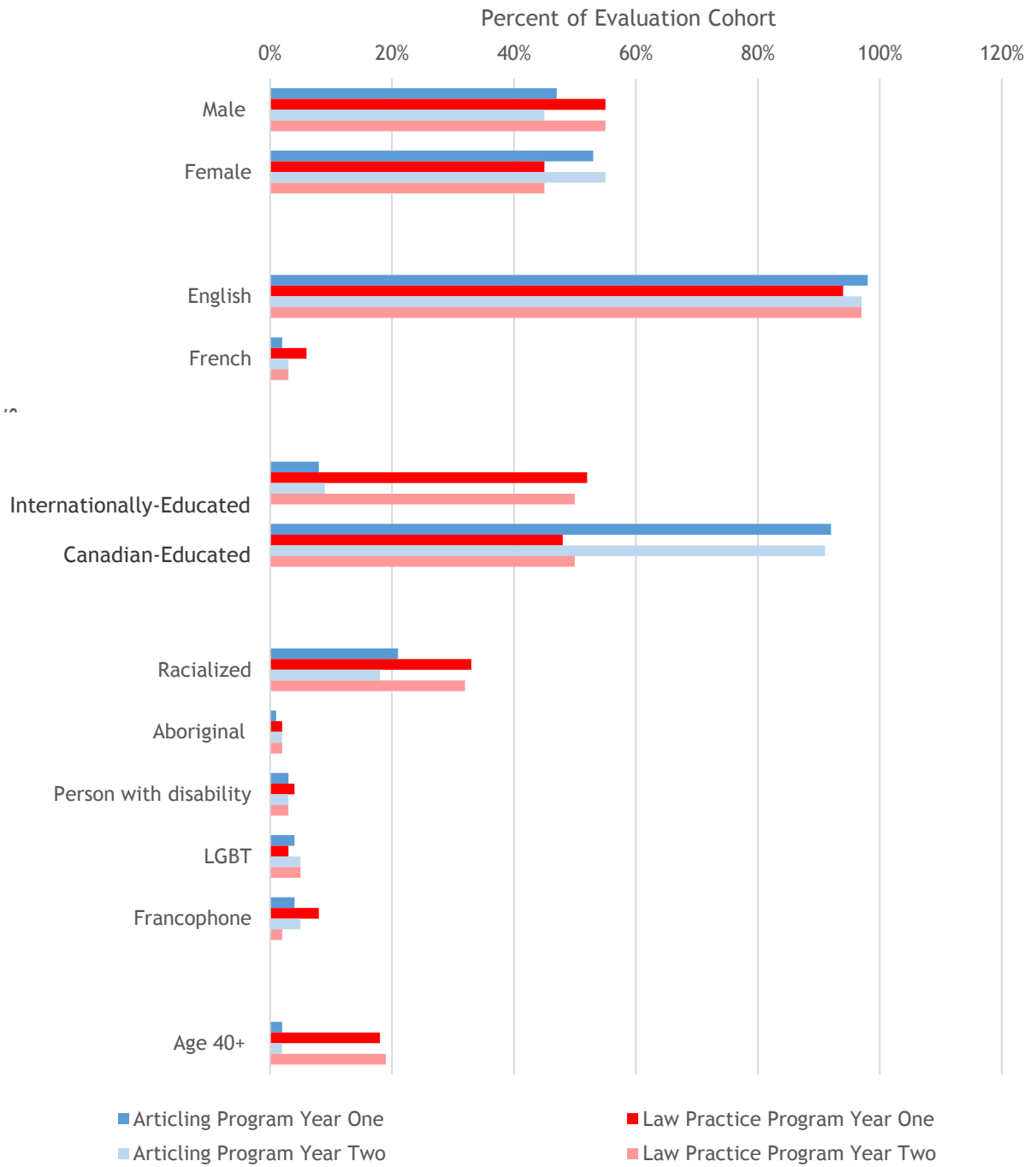


Figure 22. Demographics for the Articling Program and Law Practice Program Year One and Year Two Candidates

It is apparent from Figure 22 that proportionally, the **Year One** Law Practice Program had greater representation than the Articling Program from individuals who identify themselves as *Racialized, Person with a disability, Age 40+, or Francophone*. For **both evaluation cohorts**, there are virtually equal proportions of the candidates in the *pathways* that identify themselves as *LGBT*. But as previously noted, in **Year Two**, there are now a greater proportion of *Francophones* in the Articling Program than the LPP (5% to 2%, respectively), and also there are essentially the same proportion of candidates that describe themselves as *Aboriginal* (2%) across *pathways* and both evaluation cohorts.

In **Year One**, the greatest discrepancies in proportion between the *pathways* is in the *Racialized* category with the LPP having one-third (33%) of its enrolled candidates identifying themselves this way compared to just over one-fifth (21%) of the enrolled candidates in the Articling Program (a difference of 12%), and the *Age 40+* category with 17% of candidates in the LPP and just 2% of the candidates in the Articling Program identifying themselves this way (a difference of 15%). These discrepancies are not only apparent in **Year Two**, they have grown with 32% of the LPP reporting themselves to be *Racialized* compared to 18% for the Articling Program (now a difference of 14%); and 19% of the LPP in the *Age 40+* category compared to 2% for the Articling Program (now a difference of 17%).

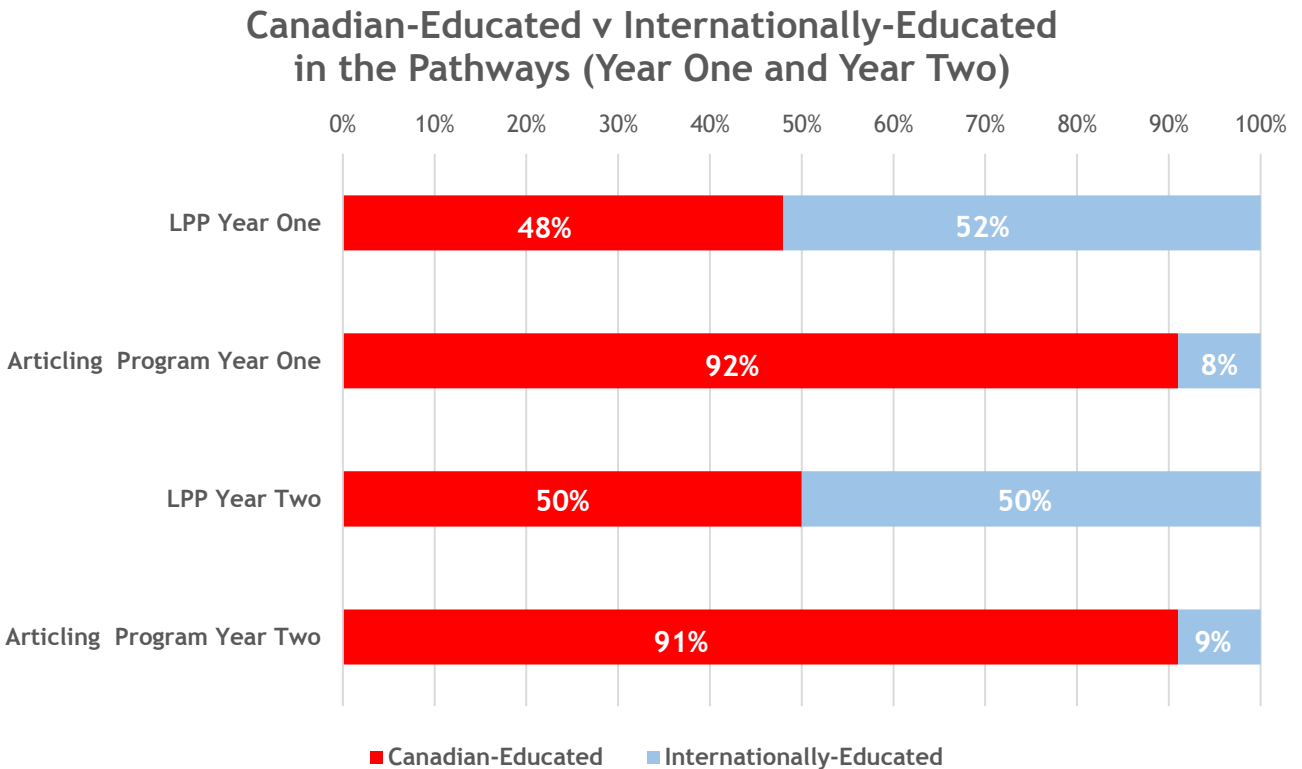


Figure 23. Canadian-Educated v Internationally-Educated in the Pathways (Year One and Year Two)

Figure 23 above illustrates a comparison between the *pathways* and their proportion of Canadian-educated and internationally-educated candidates. In **Year One**, 124 (52%) candidates in the Law Practice Program were internationally-educated candidates; 120 (8%) candidates in the Articling Program are internationally-educated candidates. In **Year Two**, 116 (50%) in the LPP were internationally-educated while 125 (9%) of the candidates in the Articling Program were internationally-educated candidates.

When looking at the schools that provided the legal education for Canadian-educated candidates in the *pathways*, Figure 24 presents the law schools by proportion of candidates for both **Year One** and **Year Two**. Figure 24 illustrates that law schools with the most candidates represented in the LPP and the Articling Program for both years are the University of Ottawa, Osgoode Hall, the University of Windsor, Western University and the University of Toronto; all are in Ontario. The University of Ottawa accounted for 22% of articling candidates and 32% of candidates in the LPP in Year One and 19% for each of the pathways in Year Two.

Figure 24 also illustrates that out of province law schools accounted for a much smaller proportion of the candidates in the *pathways*, with Thompson Rivers University having no graduates at all in the LPP and Articling Program in both **Year One** and **Year Two**. The University of Alberta had no graduates in either pathway in Year Two after having a handful of graduates in the *pathways* in Year One. In Year One, the universities of Calgary, Moncton and Montreal also had relatively smaller representation in the *pathways*; in fact, no graduates of these schools were a part of the Year One Articling Program evaluation cohort, and just a handful in the LPP. This remained essentially unchanged in Year Two with the exception of a few University of Calgary graduates in both the LPP and Articling Program.

Law Schools of Canadian-Educated Candidates in the Pathways (Year One and Year Two)

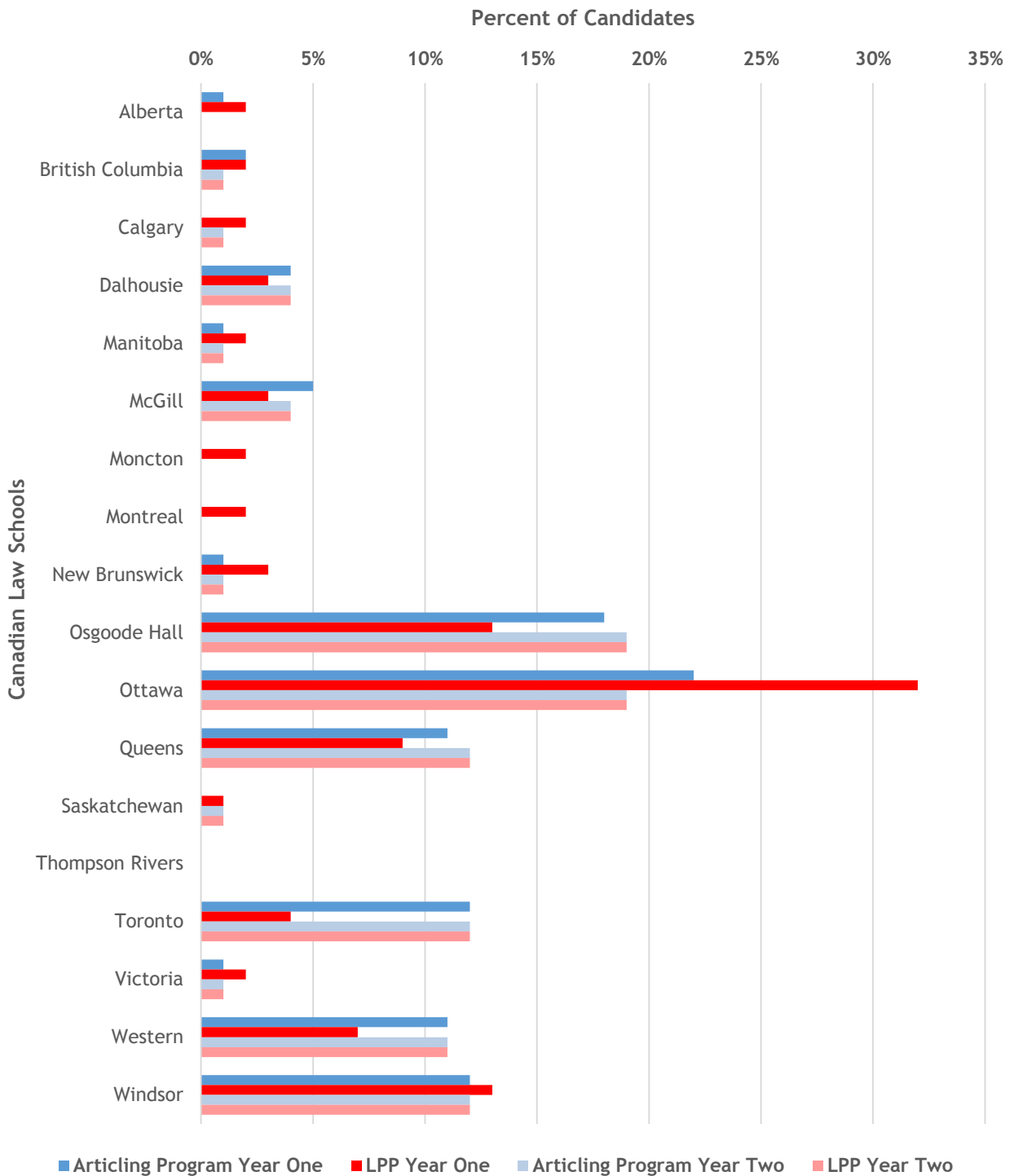


Figure 24. Law Schools for the Canadian-Trained Candidates in the Pathways (Year One and Year Two)

Law School Graduation Years Relative to Licensing Year for for Candidates in Each Pathway (Year One and Year Two)

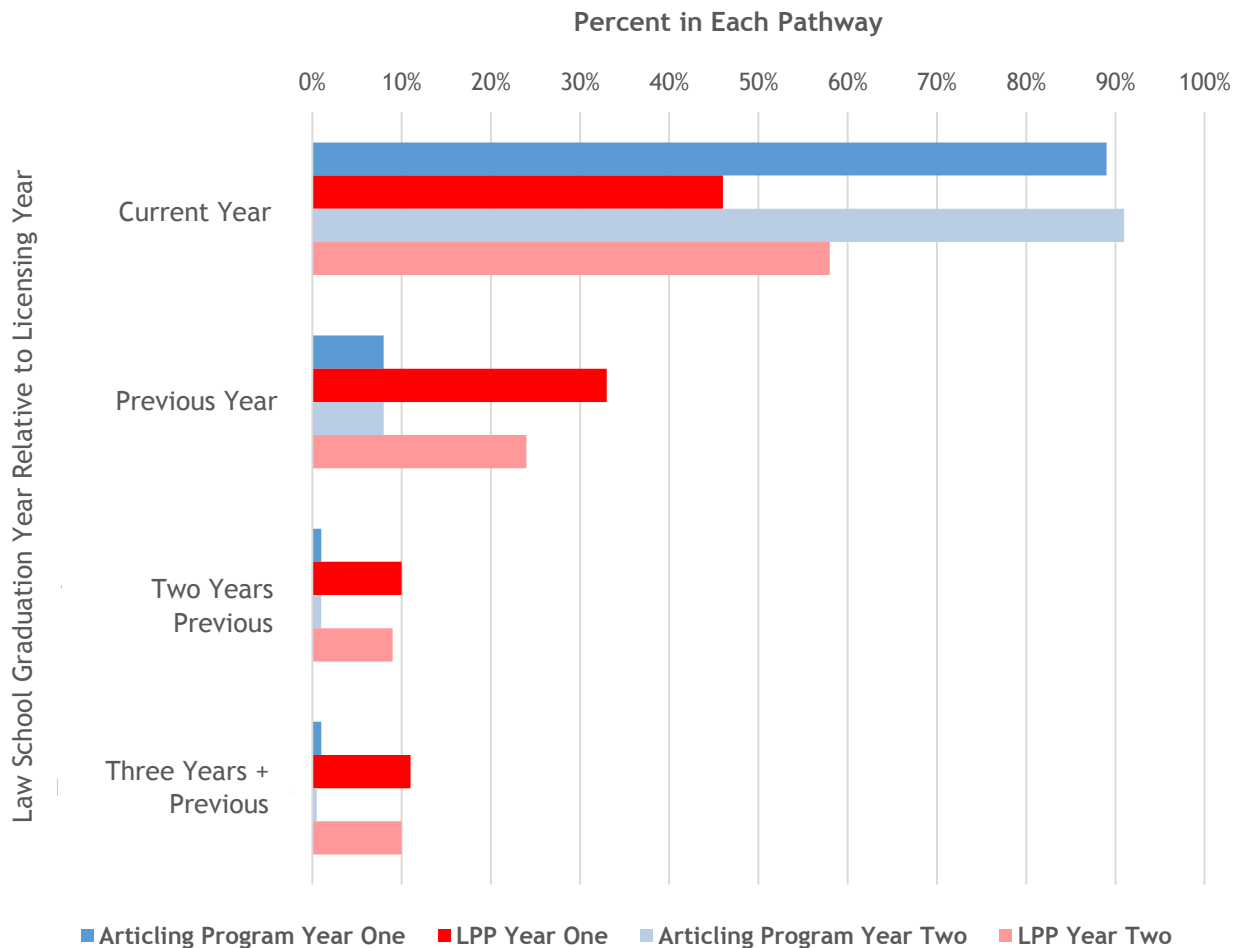


Figure 25. Law School Graduation Years Relative to Licensing Year for Candidates in Each Pathway (Year One and Year Two)

Figure 25 above presents the graduating years of candidates enrolled in the *pathways* for each evaluation cohort. We see that the vast majority (89% in Year One and 91% in Year Two) of the articling candidates graduated law school in same year as their enrollment in the Licensing Process, while about half (46% in Year One and 58% in Year Two) of the candidates in the LPP graduated in the same year as their enrollment in the Licensing Process. Further, about one-tenth (11% in Year One and 10% in Year Two) of the candidates in the LPP graduated from law school three years or more previous to their enrollment in the Licensing Process, compared to just about 1% of those in the Articling Program in both evaluation cohorts. With these data and data from Figure 22, it appears that the LPP continues to be the *pathway* with the more mature candidates.

Figure 26 below shows us the **Year One** breakdown of the *Aboriginal, Francophone* and equality-seeking communities in the *pathways* by where they received their legal training (in Canada or internationally).

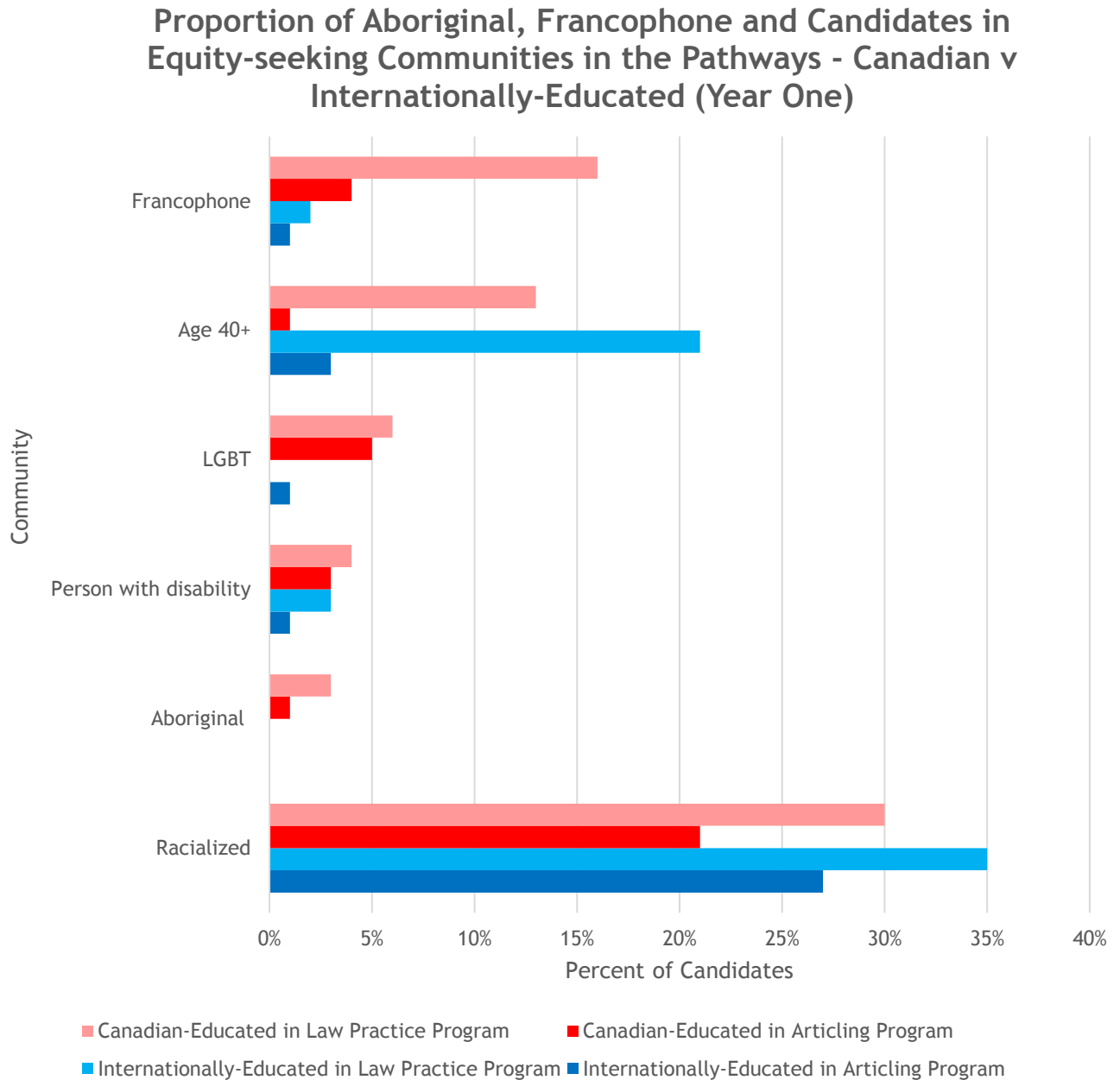


Figure 26. Proportion of Aboriginal, Francophone and Candidates in Equity-seeking Communities in the Pathways - Canadian v Internationally-Educated (Year One)

Figure 26 (above) shows us that for the most-part, those candidates who identified themselves as *Racialized*, were internationally-educated, though there were still substantively-sized groups of

Racialized candidates who were Canadian-educated. Further, no *Aboriginal* candidates were internationally-educated, the largest group of candidates *Age 40+* were internationally-educated and enrolled in the LPP. Finally, there were *Francophone* candidates in each of the groups.

Figure 27 below shows us the **Year Two** breakdown of the *Aboriginal*, *Francophone* and equality-seeking communities in the *pathways* by where they received their legal training (in Canada or internationally).

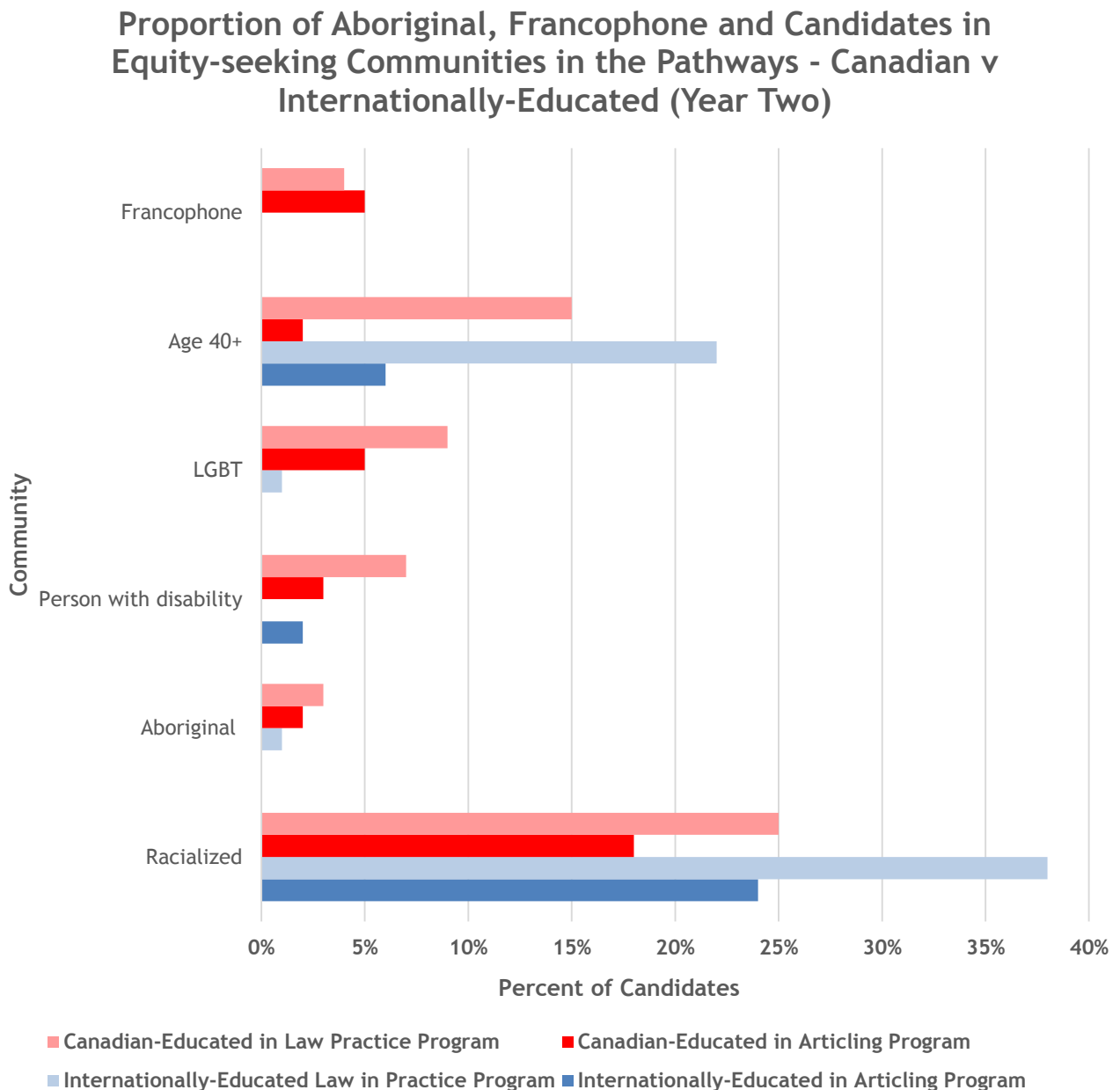


Figure 27. Proportion of Aboriginal, Francophone and Candidates in Equity-seeking Communities in the Pathways - Canadian v Internationally-Trained (Year Two)

Figure 27 shows us that in **Year Two**, there are very few internationally-educated candidates that identified themselves as *Aboriginal*, which is a very slight increase from Year One. There are no *Francophones* in this group, which is different from Year One. Further and also similar to Year One, the *Racialized* candidates tend to be more internationally-educated than Canadian-educated, though both groups are sizeable. Finally, and again similar to Year One, candidates *Age 40+* are more numerous in the internationally-educated group than the Canadian-educated group, and the numbers in both years for the LPP are substantive.

Generally, we see from Figures 26 and 27 that internationally-educated candidates in the *pathways* have a greater proportion that identify as *Racialized* and *Age 40+*, but Canadian-educated have a greater proportion of candidates in the *Francophone*, *LGBT*, *Person with Disability* and *Aboriginal* categories. Further, the largest percentages of candidates:

- that identified themselves as *Francophone* are found in the Canadian-educated LPP category in Year One, and in the Canadian-educated Articling category in Year Two;
- *Age 40+* are found most in the internationally-educated LPP category in both cohorts;
- that identified themselves as *LGBT* are found in the Canadian-educated LPP category in Year One and in Year Two;
- *with Disability* are in the Canadian-educated LPP category in both cohorts;
- that identified themselves as *Aboriginal* are found in the Canadian-educated LPP category in both cohorts, and had no one in the internationally-educated group identified as such in Year One; and
- that are *Racialized* are found in the internationally-educated LPP category in Year One, and in Year Two.

Figure 28 below illustrates where the internationally-educated candidates in each pathway in each cohort received their law school education. For both **Year One** and **Year Two**, most internationally-educated candidates receive their law degrees in the United Kingdom, the United States, Australia and to a lesser extent, India.

Country of Law School for Internationally-Educated Candidates in each Pathway (Year One and Year Two)

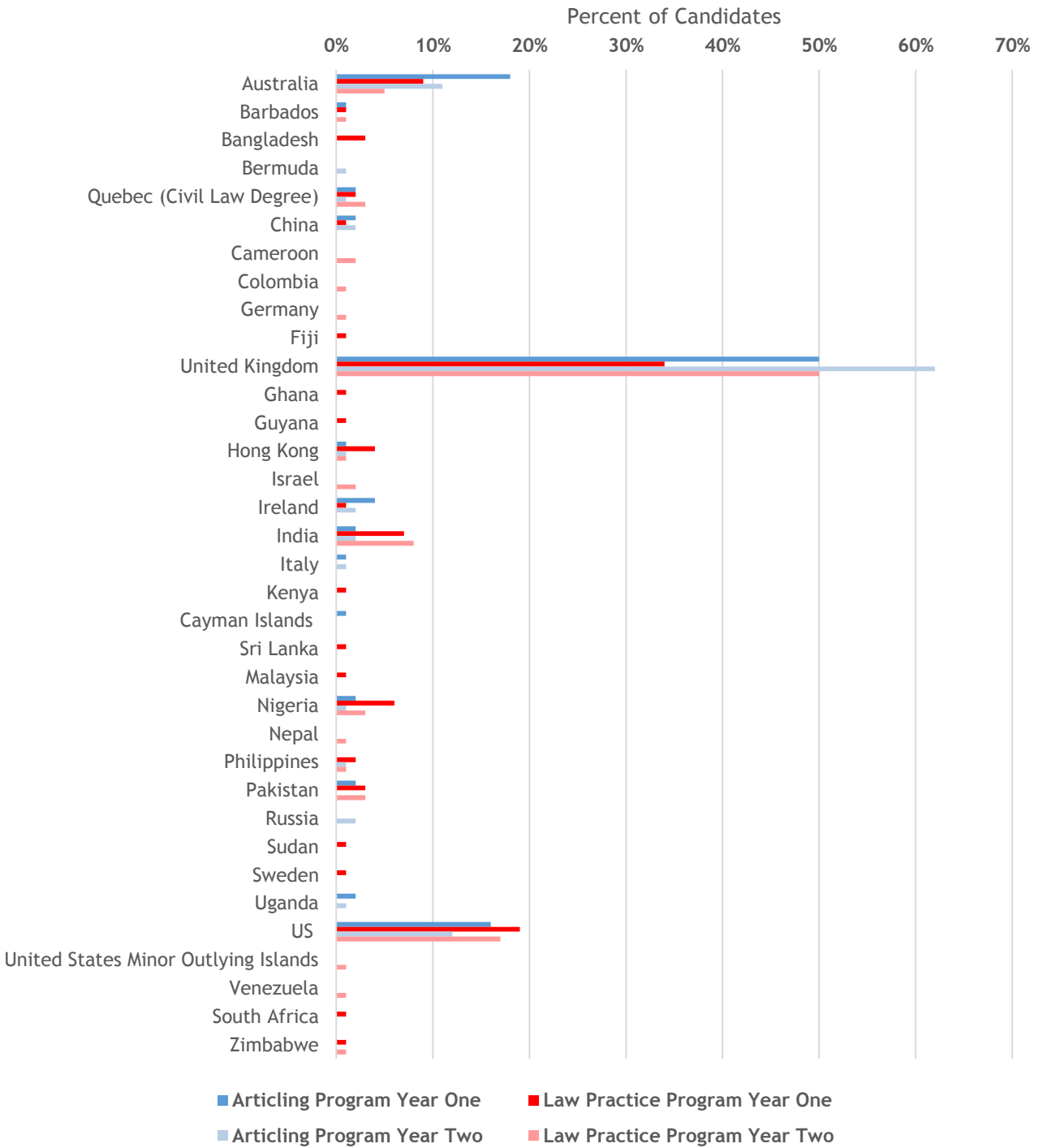


Figure 28. Country of Law School for Internationally-Educated Candidates (Year One and Year Two)

Preference for the Law Practice Program

As previously noted, just 38% of respondents to the LPP Entry in **Year One** indicated that the Law Practice Program was their first choice for experiential training. This figure dropped to 27% in **Year Two**.

In **Year One**, almost two-thirds (64%) of candidates who responded to the LPP Entry Survey did not graduate from a Canadian law school, and these respondents were considerably more likely (45% to 28%) to have selected the LPP as their first choice for experiential training than the Canadian law school graduates. In **Year Two**, just over half (51%) of the respondents to the LPP Entry survey did not graduate from a Canadian Law School, and these respondents were just slightly more likely (33% to 20%) to have selected the LPP as their first choice for experiential training than their Canadian law school graduate colleagues.

Further, in **Year One**, some 39% of graduates from law schools outside Canada did so between 2007 and 1999 or selected “Other,” contrasted with just 4% of graduates from Canadian law schools who indicated they graduated pre-2008 or selected “Other.” Of this seemingly more mature group of graduates from foreign law schools (pre-2008 or “Other”), more than two to one (32 to 15, or 68%) indicated that the Law Practice Program was their first choice for experiential training. Similarly, in **Year Two**, some 40% of graduates from law schools outside Canada did so between 2008 and 1999 or selected “Other,” contrasted with just 6% of graduates from Canadian law schools who indicated they graduated pre-2009 or selected “Other.” But, of this seemingly more mature group of graduates from foreign law schools (pre-2009 or “Other”), only just over half (18 to 13, or 56%) indicated that the Law Practice Program was their first choice for experiential training.

Comparison of Post-License Types of Practice Consideration between LPP and Articling Program

Figure 29 shows the comparison between results from the Articling Program Candidates’ Survey and the results from the Law Practice Program Exit Survey. We see that in both **Year One** and **Year Two**, those respondents enrolled in the Articling Program were considering “Private Practice” in a much larger proportion (67% and 63%, Year One and Year Two, respectively) than their colleagues who responded to the Law Practice Program Exit Surveys (45% and 56%, Year One and Year Two, respectively), and about the same proportion of these groups (about 2%) were considering “Non-practising,” with the exception of the Year Two Articling Program Survey respondents, of whom 4% were considering “Non-practising.” In both **Year One** and **Year Two**, proportionally, more respondents from the Law Practice Program Exit Surveys were considering “Practising but not in a Law Firm” or were “Undecided” than their colleagues who responded to the Articling Program Candidates’ Survey.

Comparison of Candidates' Post-license Types of Practice Consideration between LPP and Articling Program (Year One and Year Two)

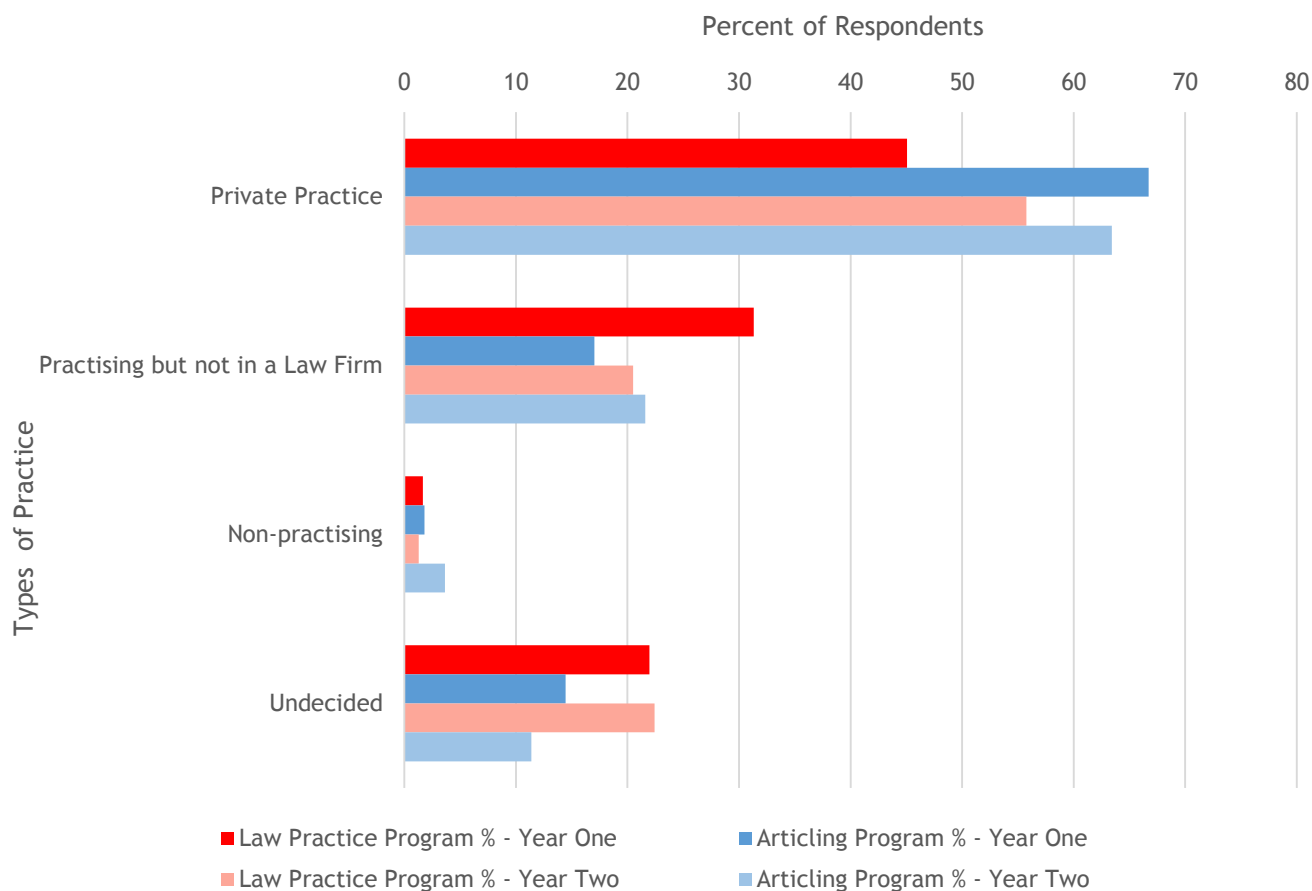


Figure 29. Consideration for Post-License Practice Type for Candidates in each Pathway (Year One and Year Two)

Comparison of Candidates' Post- License Area(s) of Law Consideration²⁸ between LPP and Articling Program

Figure 30 (forthcoming) shows that in **Year One**, Articling Program Candidates' Survey respondents selected in greater proportions than their colleagues in the LPP the areas of Aboriginal Law (9% vs 8%), Bankruptcy Law (6% vs 5%), Civil Litigation – Defendant (38% vs 34%), Construction Law (10% vs 3%), Environmental Law (9% vs 7%), Language Rights Law (3% vs 2%), and “Other” (10% vs 8%). Note that respondents were able to select one or more areas of law when completing the survey. Those in the LPP selected Immigration Law, Real Estate Law and Wills, Trusts and Estates in much greater proportions than their colleagues in the Articling

²⁸ When asked about placement considerations (areas of practice, and location), candidates responding to surveys were allowed to select more than one option, hence totals exceed 100%.

Program. The “Other” category was selected by almost 10% of the respondents and the areas of law most selected were Health Law and Municipal Law.

Figure 31 shows that in **Year Two**, Articling Program Candidates’ Survey respondents selected in greater proportions than their colleagues in the LPP the area of Aboriginal Law (10% vs 9%), which is similar to Year One. But unlike in Year One, the Articling Program candidates did not select any other area of law in greater proportions than their colleagues in the LPP. Similar to Year One, those in the LPP selected Immigration Law, Real Estate Law and Wills, Trusts and Estates in much greater proportions than their colleagues in the Articling Program. But in Year Two, those in the LPP selected Corporate Commercial Law in a much greater proportion than their colleagues in the Articling Program. Note that respondents were able to select one or more areas of law when completing the survey. Again as in Year One, the “Other” category was selected by about 10% of the respondents and the areas of law most selected were Health Law and Municipal Law.

Comparison of Post-license Areas of Law Consideration between LPP and Articling Program (Year One)

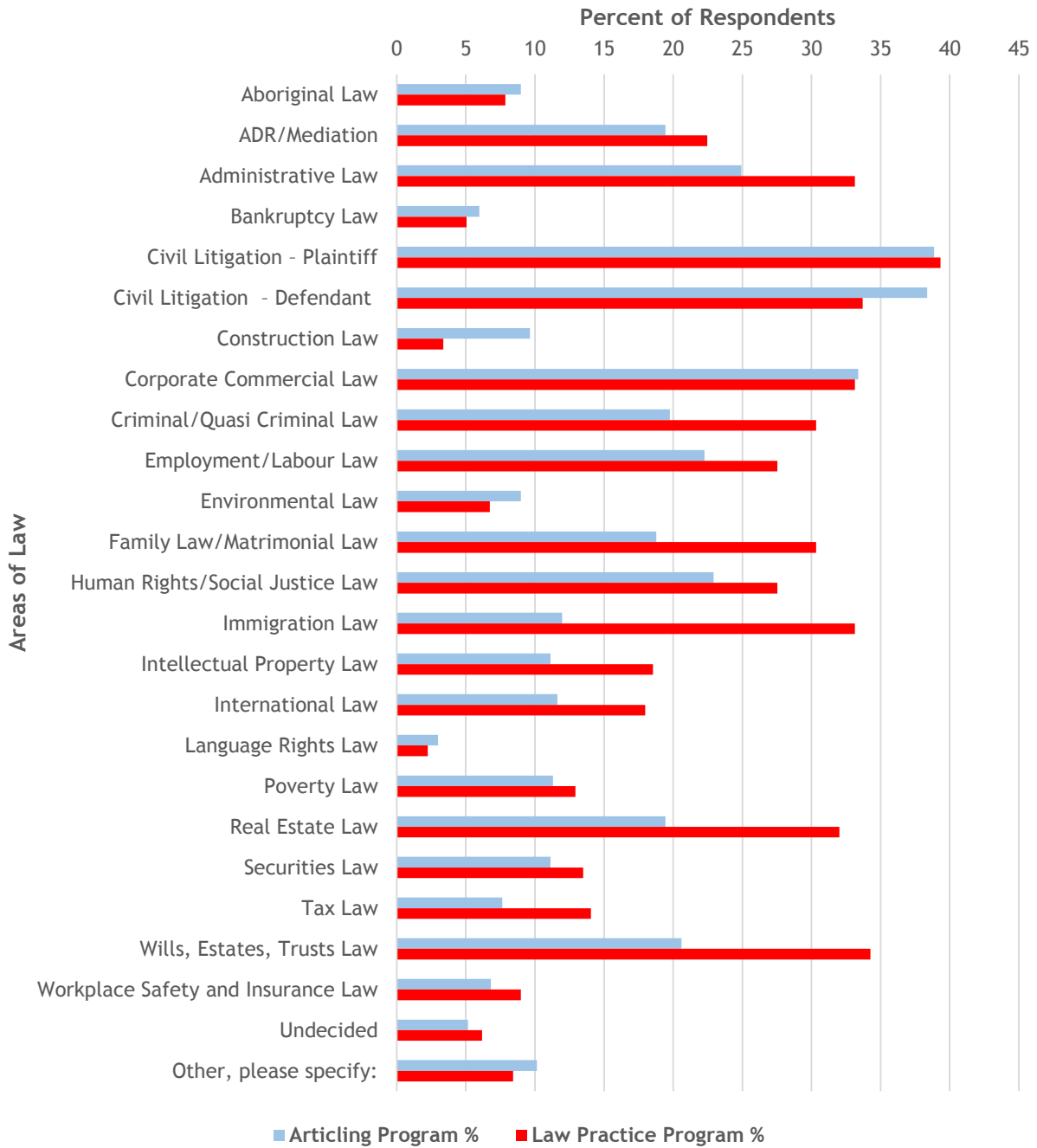


Figure 30. Comparison of Post-license Areas of Law Consideration between LPP and Articling Program (Year One)

Comparison of Areas of Law for Consideration between LPP and Articling Program (Year Two)

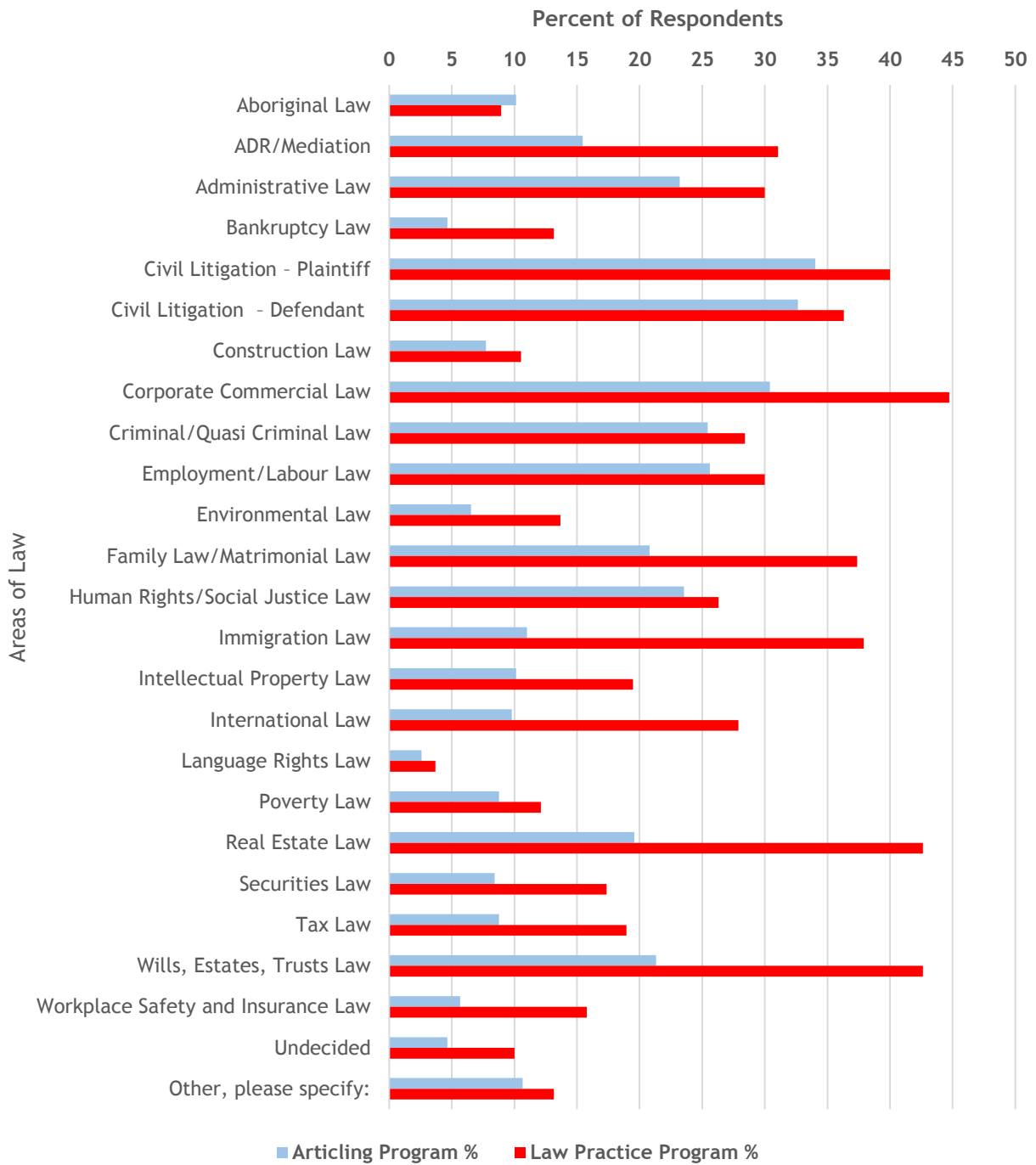


Figure 31. Comparison of Post- License Areas of Law Consideration between LPP and Articling Program (Year Two)

Comparison of Candidates' Post-License Location Consideration²⁹ between LPP and Articling Program

Figure 32 shows a comparison of the responses from the Articling Program Candidates' Survey and the Law Practice Program Exit Surveys for both evaluation cohorts. We see that about 75% of respondents in each of the *pathways* considered Toronto as a location for practice. Next most-selected was the East with about one-quarter of the combined English and French respondents in the LPP and about one-fifth of the combined English and French respondents in the Articling Program choosing that area.

About one in ten respondents in the LPP were “Undecided,” which was more than two times the proportion of the respondents in the Articling Program. The Northwest location was selected by the smallest proportion of each group of respondents.

²⁹ When asked about placement considerations (areas of practice, and location), candidates responding to surveys were allowed to select more than one option, hence totals exceed 100%.

Comparison of Post-License Location Consideration between LPP and Articling Program (Year One and Year Two)

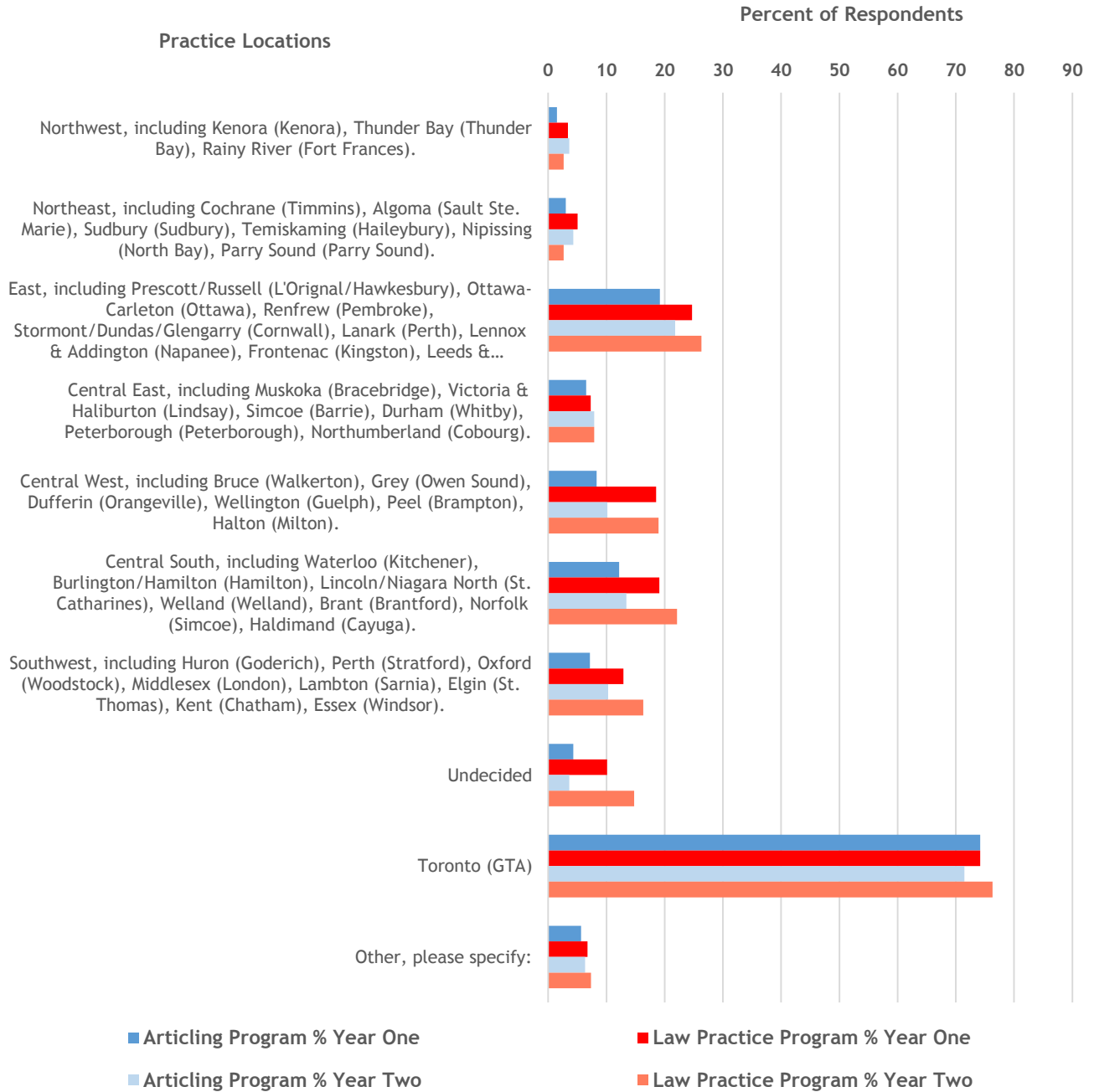


Figure 32. Comparison of Post-License Location Preference between LPP and Articling Program (Year One and Year Two)

8. The Search for a Placement

Law Practice Program - English

In **Year One**, 38% of the respondents to the LPP Entry Survey reported that the LPP was their **first choice** for experiential training, compared to 27% for **Year Two**. When asked why the LPP was their first choice, many of the comments from the Year One candidates mentioned “**articling position**” did so in reference to respondents’ status as “**foreign**” or “**foreign-trained**” and perceiving a difficulty in obtaining an articling position or opportunity. Many comments also mentioned that the Law Practice Program was “**broad in scope**,” “**innovative**” and exposed candidates to the “**Canadian legal system**,” “**many “areas of law**” and was akin to programs offered in the “**UK and Ireland**.” Comments from **Year Two** were very similar, as many of the respondents reported that the LPP offered them “**practical experience**,” others noted the “**innovative**” approach to the LPP delivery, and several indicated that the focus in seven areas of law was “**broad**” and “**comprehensive**.” Still, respondents who are internationally-educated described that they felt like they did not have the same “**opportunity**” as their Canadian-educated colleagues to join “**better**” firms, some mentioning that as an internationally-educated candidate, they were out of the “**regulated articling application cycle**.”

In **Year One**, of the 62% of the candidates in the LPP that indicated the Law Practice Program was **not their first choice** for experiential training, a great many responded that they “**wanted**” or “**preferred**” the “**traditional route**” of “**Articling**” or an “**articling placement**” rather than the Law Practice Program and “**tried**” to “**secure** (an Articling) **position**.” Some of the respondents commented that Articling was preferable for “**financial reasons**” or because it was “**paid**.” Some comments mentioned that not having an articling position would be a “**stigma**” and that after “**completing**” the LPP it would be difficult to find “**employment after call to the Bar**.”

In **Year Two**, most of the almost three-quarters (73%) that indicated they did not choose the LPP as their first choice for experiential training had responses that were related to three main themes: (i) candidates prefer articling because it is paid, longer in duration, providing more income than the LPP, thus “**disadvantaging**” those in the LPP; (ii) candidates prefer articling because it is “**traditional**,” and are wary of the

SECTION EIGHT SUMMARY

- ❖ A declining percentage (38% in Year One and 27% in Year Two) of candidates in the LPP reported that it was their first choice for experiential training.
- ❖ LPP focus group participants indicated they perceived the work placement process to be unfair.
- ❖ There is a significant discrepancy between perceptions of candidates in the Articling Program and Articling Principals as to the ratio of applications per articling placement.
- ❖ Internationally-educated or out-of-province candidates in the Articling Program feel disadvantaged in access to articling placements.
- ❖ Principals report that they offer articling placements: to recruit new members of the firm; as a responsibility to the profession; and because they can pay relatively lower rates for candidates in articling, compared to first-year associates, for much of the same type of work.

“**perception of the legal community**” which see the LPP the lower of a “**two-tier**” system of experiential training, creating a “**stigma**” around the LPP and its candidates, which may be “**detrimental**” in finding post-call employment; and (iii) many respondents declared they could not find and articling placement, so enrolled in the LPP as a result.

In both evaluation cohorts, almost all (99%) of the respondents to this question, **indicated that they had searched for an articling placement**. Just under half (45%) of those that declared they searched for an articling placement graduated from a Canadian law school in **Year One** as did just over half (52%) in **Year Two**.

We then asked those candidates who declared they searched for an articling placement to tell us about their search. Many of the responses in **Year One** mentioned “**extensive**” searches or “**searched for an articling position**” but were “**unsuccessful**” in receiving an articling “**placement**.” Some respondents had submitted “**applications**” to “**law firms**,” and mentioned that they “**received**” “**interviews**” but found the pursuit of articling positions “**difficult**” for many reasons, including that firms were “**not hiring or already hired**” for their articling positions. In **Year Two**, several respondents reported that law firms were simply not hiring, either as a holdover affect from the recession of 2008 or because they hired their summer students for articling placements. A great many respondents indicated that they had sent out dozens of applications, received only a few interviews, if any, and no offers. Others, who described themselves as internationally-educated candidates felt that the timing of the official application process was difficult for them to adhere to. Some candidates claimed they were not hired because they were “**mature**,” a “**minority**,” a “**non-traditional**” law school graduate or “**NCA**”³⁰. Finally, some respondents, did not say much other than their searches were, “**fruitless**,” “**terrible**,” “**futile**,” “**daunting**” and the like.

Work Placement Search Process

An emergent theme from **both evaluation cohorts** during the LPP Focus Groups was that the LPP work placements search process was unfair. They felt that forcing candidates to take the first call-back though it may not be in their best interest was unfair, as was the lack of transparency regarding work placement location and salary conditions.

The LPP Exit Survey results echoed these comments in **both cohorts** as well. The fact that many **work placements** were **unpaid** and that the **placement process was not “transparent”** were sore points for some candidates. In one of the LPP Focus Groups in **Year One**, a candidate stated that she/he should not have to be faced with doubts and fears that s/he would not find a position, since they are participating, and paying for the program.

Of the respondents to the LPP Withdrawal Surveys, 65% or 15 of the 23 received their legal education from a Canadian law school in **Year One** and 61% (14 of 23) in **Year Two**. Just short of two-thirds of the withdrawal survey respondents are from those educated in Canada. So we may say at this point, **Canadian law school graduates in the LPP, just under half the**

³⁰ National Committee on Accreditation of the Federation of Law Societies of Canada assesses legal education credentials obtained outside of Canada, or in a civil law degree program in Canada, for individuals applying to a law society in a Canadian common law jurisdiction (www.flsc.ca/en/nca).

LPP population over two evaluation cohorts, withdrew from the LPP at almost twice the proportion as their internationally-educated counterparts.

When asked why they withdrew from the LPP, most responses in both evaluation cohorts focused on looking for and finding an articling placement. Almost half (48%) of the responses indicated that the candidate had found an articling placement in **Year One**; this figure was over 60% (15 of 24) for **Year Two**. Of those 11 respondents that indicated they had found an articling placement in **Year One**, eight of the placements or around 73% were paid; this figure was 100% (15 of 15) for **Year Two**. Relatively few people reported that the Law Practice Program did not meet their needs (22%) in **Year One** and just 8% reported so in **Year Two**. Two of the five responses to the question in **Year One** relate to the geography of the Law Practice Program placements; another two responses related to finances and the other response was critical in general of the Law Practice Program. In **Year Two**, both responses indicated the respondents felt the LPP was geared to younger candidates.

Candidates in both evaluation cohorts were also asked to provide “any other comments about why you chose to withdraw from the Law Practice Program.” All responding candidates in **both cohorts** offered commentary. **Many of the responses to this question centered around two predominant themes, both of which are financially-driven: (1) the issue of the Law Practice Program placements being unpaid; and closely related, (2) the search for a paid articling placement.**

Articling Program

Figures 33 and 34 show us a comparison of what was reported by **Year One** and **Year Two** Articling Principals and articling candidates regarding the number of applications per articling position, respectively. These data show that the greatest proportion of candidates (40% and 43%, Year One and Year Two, respectively) reported that they applied to between 1 and 10 articling positions before obtaining theirs, while the largest proportion of Principals (40% and 41%, Year One and Year Two, respectively) indicated that more than 50 applications per position were received.

Comparison of Applications per Articling Position between Articling Candidates and Articling Principals (Year One)

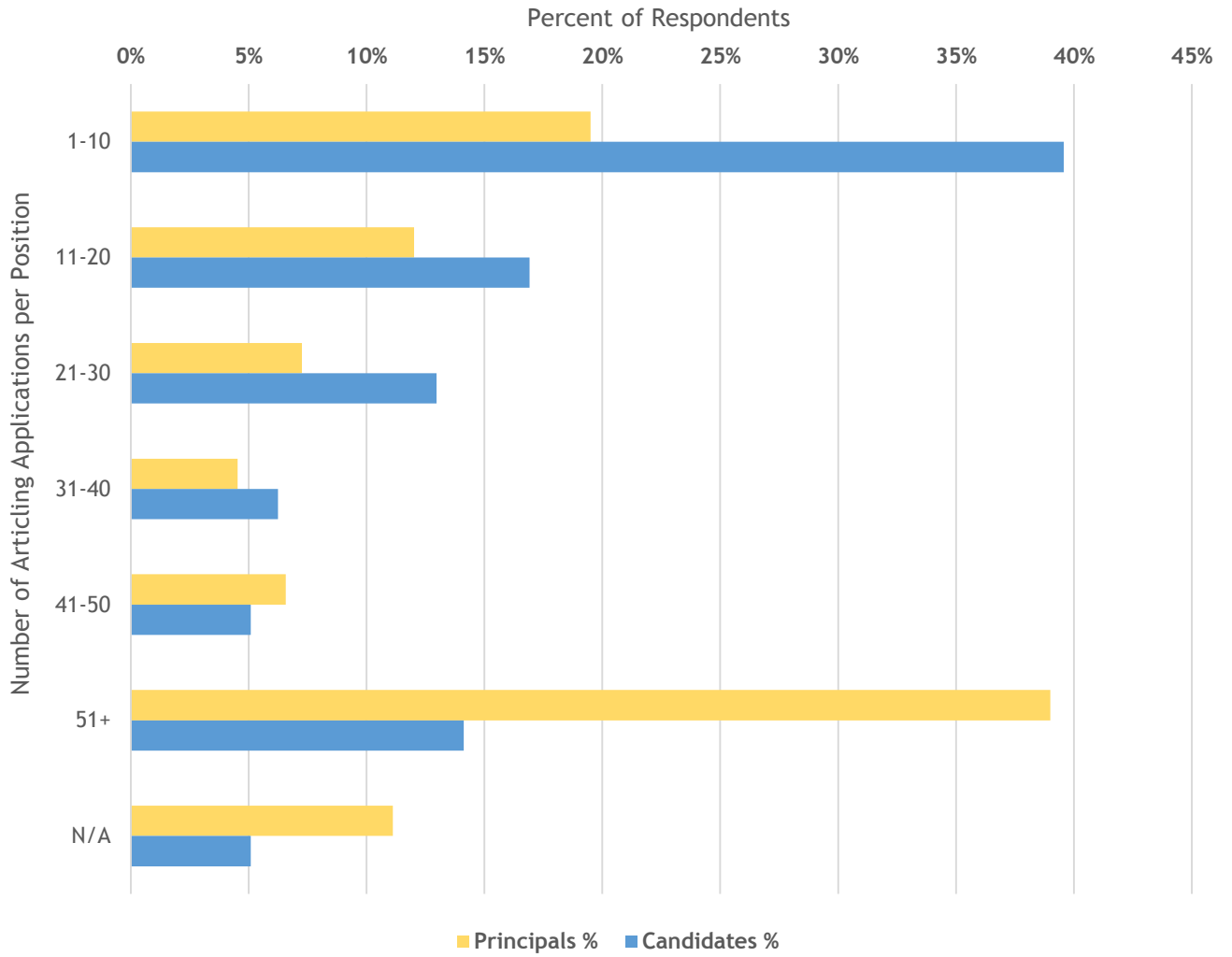


Figure 33. Comparison of Applications per Articling Position between Articling Candidates and Articling Principals (Year One)

Comparison of Applications per Articling Position between Articling Candidates and Articling Principals (Year Two)

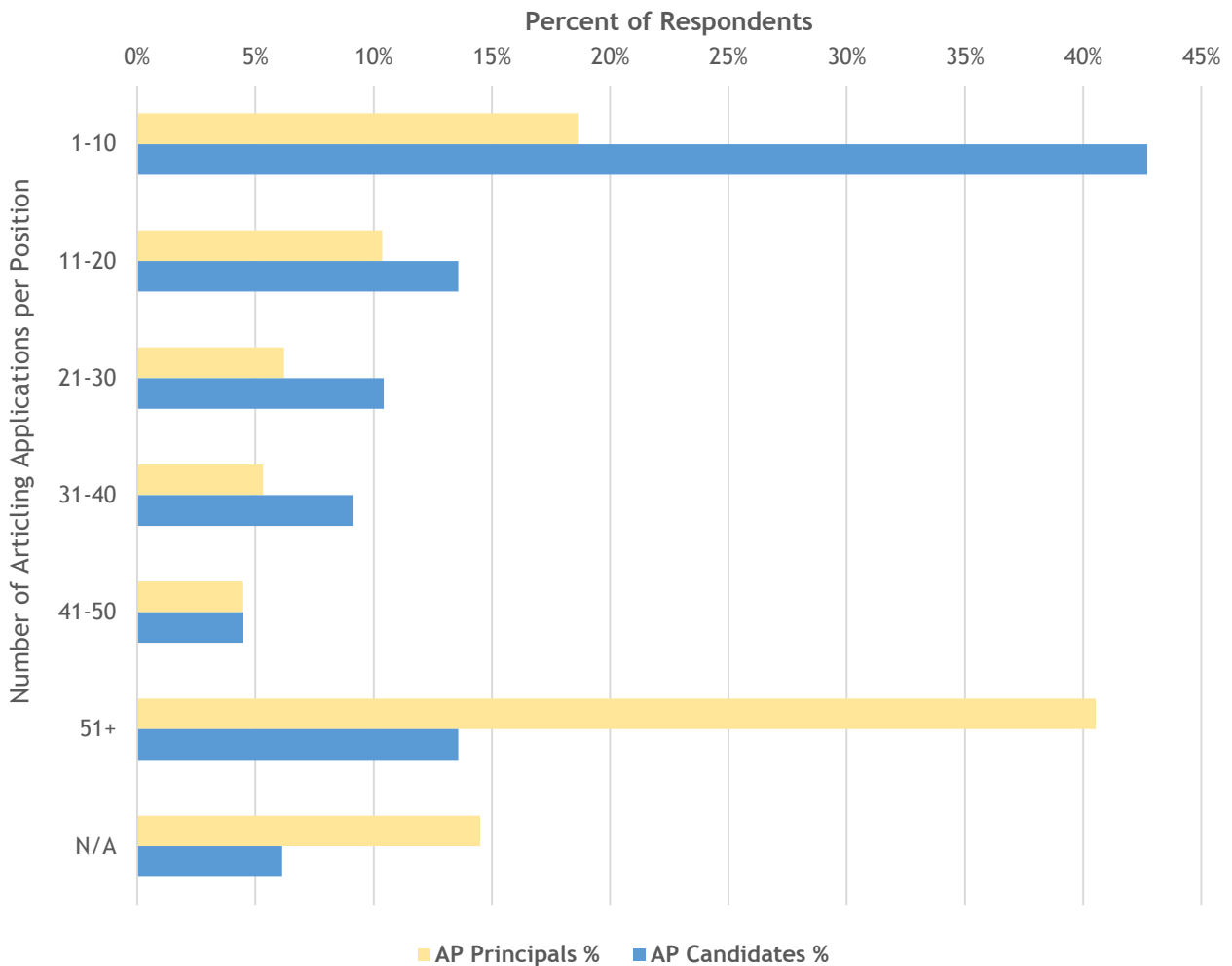


Figure 34. Comparison of Applications per Articling Position between Articling Candidates and Articling Principals (Year Two)

An emergent theme uncovered from Articling Program Focus Groups in **both evaluation cohorts** about the articling placements search is that out-of province or out-of country candidates are disadvantaged in access to articling positions. Candidates also felt that the search process puts those who are interested in social justice/child protection work at a disadvantage, as there is a deficit of paid opportunities and effective job search resources.

The following comments exemplify these sentiments:

“Candidate feels confined by jurisdiction deadlines for hiring and accepting and applying for positions within and out of province. It was stressful navigating different deadlines especially for those who were internationally educated.”

“Career offices are not highlighting an equitable amount of positions for articling positions; emphasis is given to corporate, Bay Street style positions, and there is a lack of postings on social justice, criminal, and family.”

On their survey, the Articling Principals were asked **why they offer articling placements** and there were three emergent themes to the responses in both **Year One** and **Year Two: Recruitment**, as firms utilize the candidates in articling positions to fill their hiring needs for entry to practice lawyers at post-call; **Responsibility**, as respondents felt they had a duty to help train and deliver new lawyers into the profession; and to a much lesser extent **Rates**, as the pay rate that candidates are remunerated at are below what a first-year associate lawyer earns, so it makes economic sense to some firms to hire articling candidates to perform many of the tasks a first-year lawyer would be expected to complete. The following direct quotations from Principals exemplify these themes:

“Students are an important aspect of our firm's growth. We hire students from first year summer and bring them all the way through. We take our responsibility seriously to train student and young lawyers.”

“It is a mutually beneficial circumstance where we can assist a student in their progress towards being called to the bar by providing a thorough practical experience in learning criminal procedure and court process while they can provide us with assistance in our practice in a busy law firm. Successful students may also become a source of interest when we look towards hiring new lawyers.”

“We feel a duty to the profession to have a student. Also, the students are our main source of growth in terms of new associates. Finally, they assist greatly with research and other tasks that sometimes can't be fully billed or billed at all.”

9. About the Placements³¹

Law Practice Program

In **Year One**, of the 170 (71%) candidates in the LPP who obtained paid work placements; 155 of these placements were for English LPP candidates, serving 70% of the English candidates; and 15 were for LPP French candidates, serving 88% of them.

In **Year Two**, of the 169 (73%) candidates in the LPP who obtained paid work placements; 158 of these placements were for English LPP candidates, serving 72% of the English LPP candidates, and 11 were for LPP French candidates, serving 100% of them.

In **Year One**, sixty-eight (68) candidates (29%) in the LPP obtained unpaid work placements; 66 of these placements were for English LPP candidates; and 2 were for French LPP candidates.

For the French LPP, one candidate accepted an unpaid placement because the candidate was not able to find a paid placement, and one candidate accepted an unpaid placement in order to work in a particular city or area of law (and withdrew from competition for paid placements).

In **Year Two**, twenty-seven (27%) of the work placements were unpaid, and all sixty-one (61) of these placements were for English LPP candidates.

In both **Year One** and **Year Two**, the location of LPP work placements were proportionally on par with articling placement locations with the exception of the greater proportion of LPP work placements in the Central East and Central West regions.

SECTION NINE SUMMARY

- ❖ From program delivery statistics we know about 71% of the work placements in the LPP were paid in Year One and 73% were paid in Year Two.
- ❖ According to survey data, 97% of the articling placements in both Year One and Year Two were paid.
- ❖ The largest proportions (29% in Year One, and 31% in Year Two) of work placements in the LPP were in small firms, while the largest proportions (36% in Year One, and 37% in Year Two) of articling placements were at medium-sized firms.
- ❖ Corporate/Commercial Law was reported as the most common area of practice in LPP work placements: 39% of placements in Year One and 47% of placements in Year Two exposed candidates to Corporate/Commercial work
- ❖ The largest proportion of articling placement practice areas reported by candidates on the Articling Program Survey was Civil Litigation - Defendant in both Year One and Year Two.

³¹ When asked about placement considerations (areas of practice, and location), candidates responding to surveys were allowed to select more than one option, hence totals exceed 100%.

Placement Location for the Articling Program and Law Practice Program Year One and Year Two

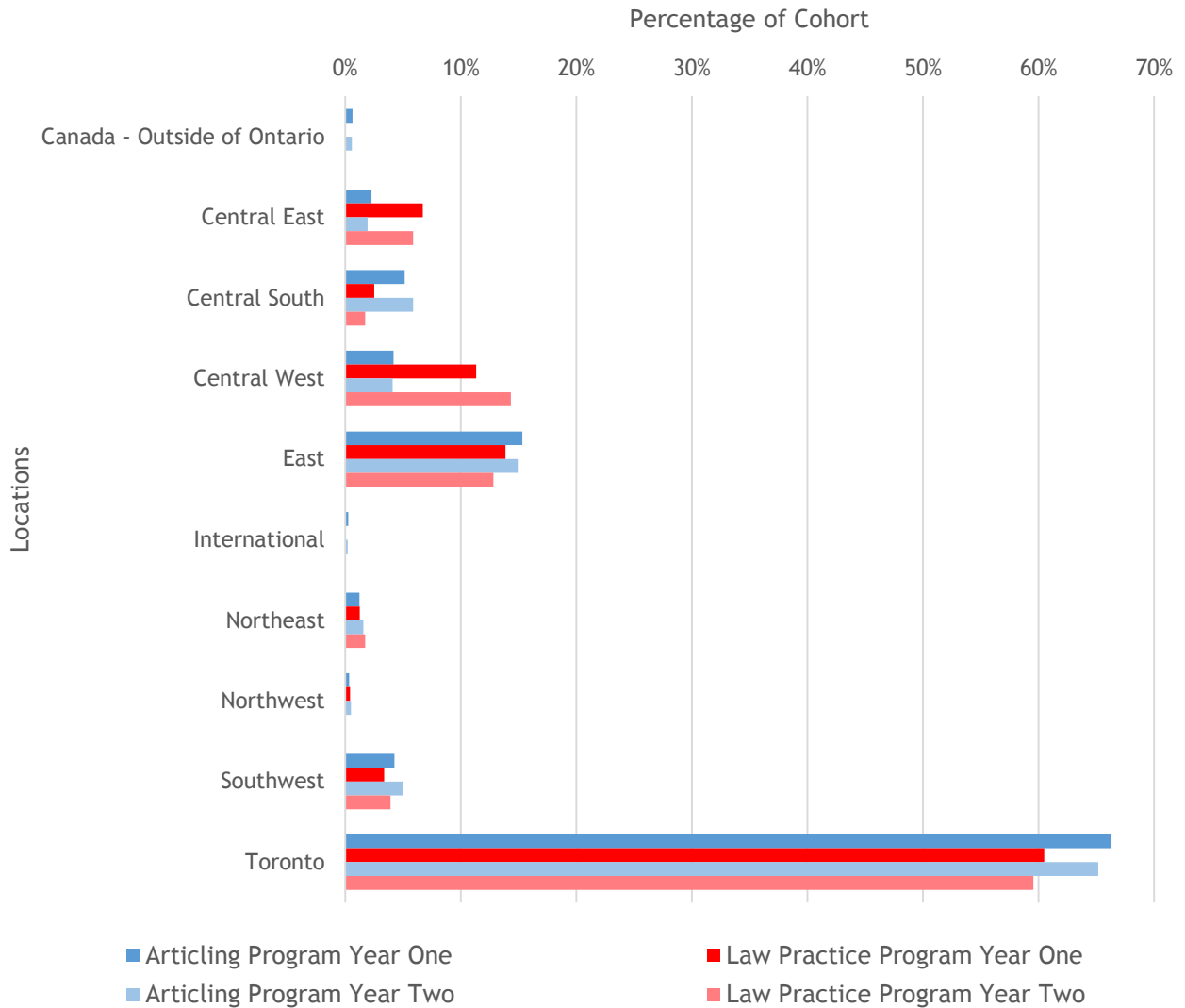


Figure 35. Comparison of Locations of Work Placements in the LPP to Locations of Articling Placements in the Articling Program Year One and Year Two

Figure 35 above shows both **Year One** and **Year Two** data that indicates the majority (over 60%) of the placements in the Articling Program are in the Toronto area, and the majority (~60%) of placements for the Law Practice Program are also in the Toronto area. The East is the location that has the next most placements across pathways and cohorts at about 13%-15%. The Northwest has the few placements across pathways and cohorts. Finally, there are no international or out-of-province placements in the LPP.

Table 5 below presents work placement settings for the **Year One** and **Year Two** Law Practice Program. In both years, around 3 out of 10 placements were in small law firms, and less than 1 percent was in a large law firm. In **Year Two**, there were more in-house counsel placements and more sole practice placements. This was balanced by there being fewer placements at medium firms and at government and public agencies than in Year One.

Table 5: Settings for Work Placements in the LPP (Year One and Year Two)

Settings	Year One		Year Two	
	Number of Candidates	Percent of Candidates	Number of Candidates	Percent of Candidates
Non-governmental organization (NGO)	9	4%	7	3%
Other	4 (1 Tribunal)	2%	5 (2 Tribunal)	2%
Crown's office	2	1%	2	1%
Education	6	3%	8	3%
Government or public agency	37	16%	26.5	12%
In-house counsel for a private corporation	29	12%	40.5	18%
Legal clinic	22	9%	14	6%
Sole Practice	32	13%	39.5	17%
Small Firm (2-5 lawyers)	68	29%	72	31%
Medium Firm (6-199 lawyers)	28	12%	14.5	6%
Large Firm (200+ lawyers)	1	<1%	1	<1%

Areas of Law in the LPP Work Placements

In **Year One**, the most common areas of law in LPP work placements were: Corporate Commercial (39%), Real Estate (29%), Civil Litigation – Plaintiff (29%), Civil Litigation – Defendant (27%), and Wills, Estates, Trusts Law (26%). The least covered areas of law were: Aboriginal Law (2%), Language Rights Law (0%), and International Law (0%). On average, LPP work placements covered 2.5 areas of law.

In **Year Two**, the most common areas of law in LPP work placements were: Corporate Commercial (47%), Civil Litigation – Plaintiff (36%), Civil Litigation – Defendant (36%), Real Estate (34%), Employment/Labour Law (34%), and Wills, Estates, Trusts Law (20%). The least covered areas of law were: Language Rights Law (3%), Tax Law (5%), and International Law (4%). On average, LPP work placements covered 1.5 areas of law.

LPP Candidates' Satisfaction Ratings for Aspects of Work Placement

Figure 36 on the next page illustrates that LPP candidates in **both evaluation cohorts** experienced the most satisfaction with *Location* of the work placement and the least satisfaction was for *Remuneration* at the work placement, each by a considerable margin. **The latter result is consistent to what was expressed in the Law Practice Program Focus Groups.** Together, “Quite Satisfied” and “Most Satisfied” ranged from a low of 49% for *Remuneration* to a

high of 78% for *Location* in **Year One** to 41% for *Remuneration* to a high of 76% for *Location* in **Year Two**.

When asked on the LPP Exit Survey in **Year One**, 37 candidates provided additional comments about their work placement. Many of the comments were **positive**, stating that the experience was “**fantastic,**” “**wonderful,**” “**great,**” and “**invaluable,**” despite many of the placements being unpaid. In **Year Two**, there were 23 responses to this question, many of which were **positive**, stating that the experience was “**great,**” and an “**amazing opportunity.**”

Canadian-Educated versus Internationally-Educated

In **Year One**, those who graduated from law schools outside of Canada were more “Quite Satisfied” and “Most Satisfied” in total (46%) than their Canadian-educated colleagues (36%) in *Remuneration*. But this gap closed considerably in Year Two as 41% of internationally-educated were “Quite Satisfied” and “Most Satisfied” compared to 40% of their Canadian-educated colleagues in *Remuneration*.

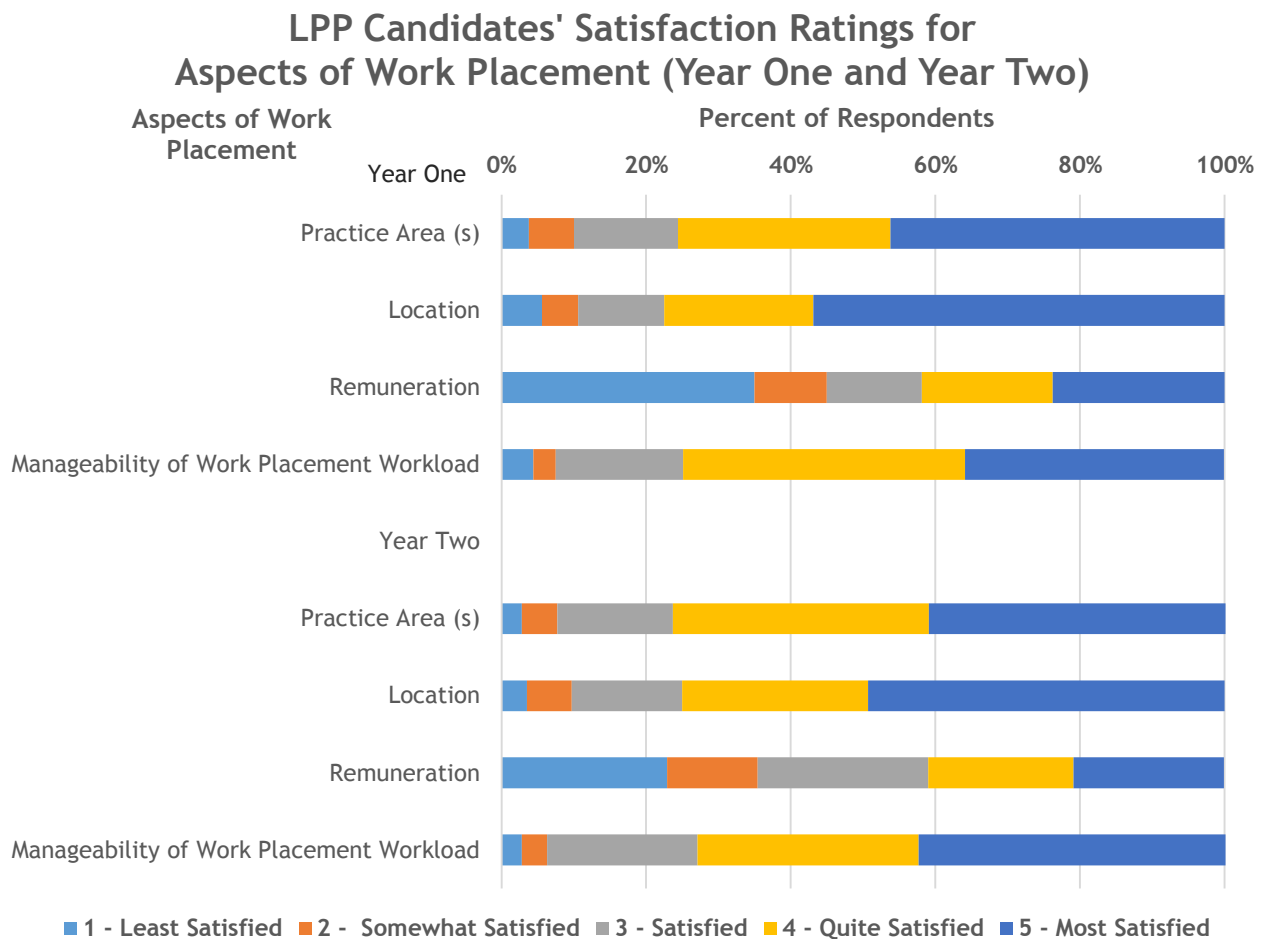


Figure 36. LPP Candidates' Satisfaction Ratings for Aspects of Work Placement (Year One and Year Two)

Articling Program

Of the **Year One** evaluation cohort of articling candidates, survey results tell us that approximately 97% of articling candidates secured paid placements, and 3% were unpaid. We see the same result for the **Year Two** evaluation cohort as again 97% of respondents indicated their placements were paid.

In **Year One**, there were 1,243 Articling Principals supervising the 1,455 articling candidates that made up the year one evaluation cohort, and most supervised just one candidate; however, 13% of the Principals supervised two candidates. There were 54 placements in the courts in Year One.

In **Year Two**, there were 1,221 Articling Principals supervising the 1,392 articling candidates that made up the year two evaluation cohort, and most supervised just one candidate; however, 14% of the Principals supervised two candidates. There were 48 placements in the courts in Year One

Table 6 below show us that taking the Articling Program as a whole in **Year One** and **Year Two**, respectively, the vast majority (75% each year) of articling placements were in law firms, with medium-sized firms (6-199 lawyers) being the most popular placement setting. Outside the law firm placements, 12% in **Year One** and 13% in **Year Two** were in government or public agencies.

Table 6. Settings for Articling Placements (Year One and Year Two)

Settings	Year One		Year Two	
	Number of Candidates	Percent of Candidates	Number of Candidates	Percent of Candidates
Non-governmental organization (NGO)	11	1%	13	1%
Other	60	4%	58	4%
Crown's office	43	3%	40	3%
Education	1	<1%	2	<1%
Government or public agency	179	12%	179	13%
In-house counsel for a private corporation	27	2%	22	2%
Legal clinic	28	2%	34	2%
Sole Practice	103	7%	92	7%
Small Firm (2-5 lawyers)	132	9%	129	9%
Medium Firm (6-199 lawyers)	530	36%	514	37%
Large Firm (200+ lawyers)	341	23%	309	22%

Areas of Law at Placements

In **Year One**, according to the Articling Program Survey where respondents were asked to identify all areas they practised in during their articles, the most common areas of law in articling placements were: Civil Litigation Defendant (57%), Civil Litigation Plaintiff (57%), Corporate Commercial (49%), Real Estate (44%) and Employment/Labour (43%). The least-covered areas for practice were: Language Rights Law (1%), Poverty Law (4%), Immigration Law (10%), and Aboriginal Law (12%).

Using data from the Experiential Training Plan submissions, about one-quarter (26%) of or 361 placements covered just one area of practice. About another quarter (24%) of or 350 of placements covered two to four practice areas. In all, just about half of all Articling Program placements addressed one to four or fewer practice areas.

In **Year Two**, again using the same source data, we see a similarity to Year One as the most common areas of law practice in the articling placements were: Civil Litigation Defendant (50%), Civil Litigation Plaintiff (45%), Corporate Commercial (41%), Employment/Labour (37%), and Administrative Law (31%).

In **Year Two**, again using the Training Plan data, just over one-quarter (27%) of or 374 placements covered just one area of law. About another quarter (24%) or (339) of placements covered two to four practice areas. In all, just about half of all Articling Program placements addressed one to four or fewer practice areas.

Administrative Support Available to Articling Candidates

On the Experiential Training Plan, Articling Principals were asked about the supports in place at the placement for the candidate, and it was reported in **Year One** that 79% of the candidates would have administrative support available to them during their placements compared to 83% of the candidates in **Year Two**.

Comparison of Satisfaction Ratings Between Pathways

Figure 37 shows a comparison of satisfaction ratings between the Articling Program Candidates' Survey and the Law Practice Program Exit Surveys in **Year One**. We see that on the one hand, *Location of Placement* (Articling Program, 56% and LPP, 57%) had the greatest proportion of the respective respondents rate their satisfaction as "Most Satisfied." *Remuneration* on the other hand, received the most "Least Satisfied" ratings from each respective group with the Articling Program Candidates' Survey respondents at 14% but the LPP Exit Survey respondents at 34% was considerably higher. In other words, though there were some feelings of dis-satisfaction regarding pay from the respondents of the Articling Program Candidates' Survey, the topic of *Remuneration* was considerably less satisfying to respondents of the LPP Exit Surveys.

Comparison of Satisfaction Ratings for Aspects of the Articling and Law Practice Programs (Year One)

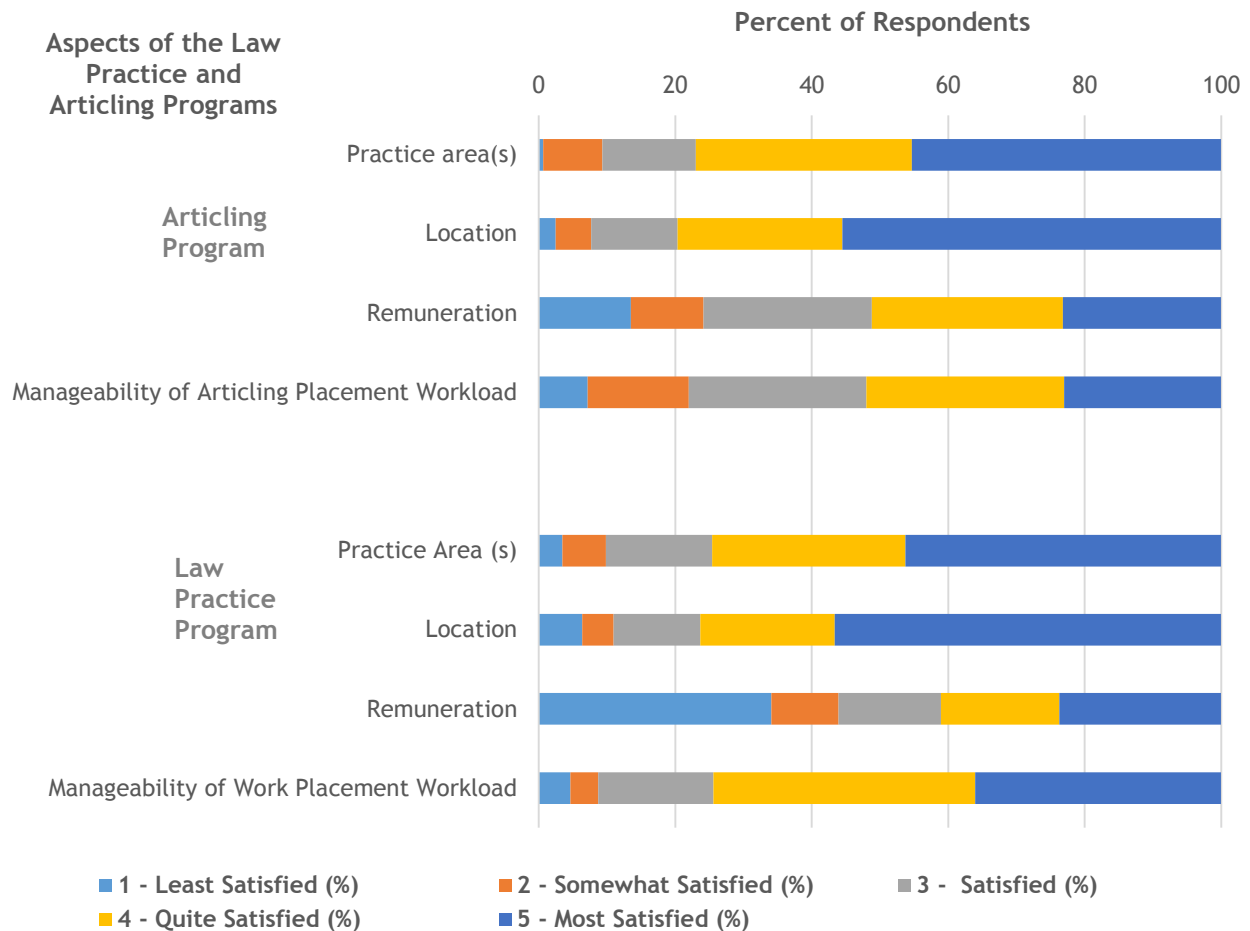


Figure 37. Comparison of Satisfaction Ratings for Aspects of the Articling and Law Practice Programs (Year One)

Figure 38 (next page) shows a comparison of satisfaction ratings between the Articling Program Candidates’ Survey and the Law Practice Program Exit Surveys in **Year Two**. We see very similar results to Year One, for example, *Location of Placement* (Articling Program, 59% and LPP, 49%) had the greatest proportion of the respective respondents rate their satisfaction as “Most Satisfied.” *Remuneration* on the other hand, received the most “Least Satisfied” ratings from each respective group with the Articling Program Candidates’ Survey respondents at 12% but the LPP Exit Survey respondents at 24% was considerably higher. In other words, though there were some negative sentiments regarding pay from the respondents of the Articling Program Candidates’ Survey, the topic of *Remuneration* was considerably less satisfying to respondents of the LPP Exit Surveys.

Comparison of Satisfaction Ratings for Aspects of the Articling and Law Practice Programs (Year Two)

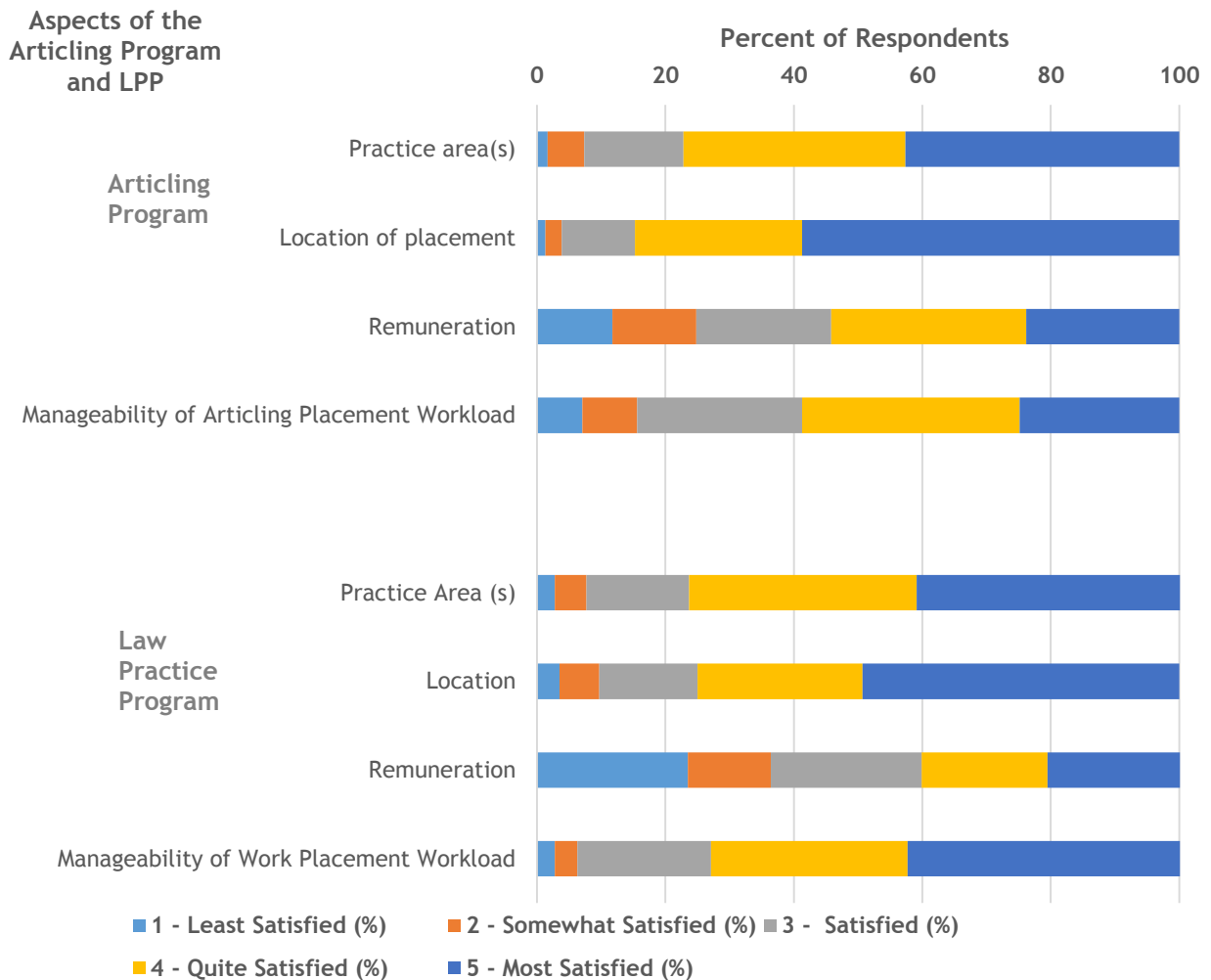


Figure 38. Comparison of Satisfaction Ratings for Aspects of the Articling and Law Practice Programs (Year Two)

When asked on the Articling Program for Candidates Survey in both **Year One** and **Year Two**, 92 candidates in each case of provided additional comments about their articling placements. Comments ranged from complimentary to critical. Some of the critical comments were aimed at the Law Society’s lack of “**check-ups**” on the articling experience and relatedly, the need for more “**regulation**” of the articling experience. Further commentary was aimed at the perception that articling experiences are “**not homogeneous**,” or the desire to have a “**mentor**” during the articling process; these are the very areas the Law Society is addressing with the enhancements to the Articling Program and the new Law Practice Program. Further criticism was directed at the

Articling Principals and the reality of **“heavy workloads,” long work hours** and the perception of **low pay** for those hours.

Still, many comments were complimentary of the **“great learning experience”** and **“excellent placement,” “practical experience”** and **mentorship** they had in the Articling Program. Some respondents responded that the articling experience was their **“dream job,”** or that they **“loved (my) placement.”**

10. Financial Impact

Law Practice Program

The Law Practice Program Survey provided information as to remuneration for work placements and the financial impact that the LPP had on them. **Year One** and **Year Two** data are presented next.

- Year One, 71% (170) of work placements were paid and 29% (68) were unpaid; Year Two, 73% (169) of work placements were paid and 27% (61) were unpaid
- Year One, 70% of the English were paid and 88% of the French were paid; Year Two, 73% of the English LPP were paid and 100% of the French LPP were paid
- Year One, on the LPP Exit Survey, 35% of LPP candidates were “Least Satisfied” and 24% were “Most Satisfied” with the remuneration from their work placements; Year Two, 23% were “Least Satisfied” and 21% were most “Most Satisfied.”

In both **Year One** and **Year Two**, three-quarters (76% in Year One, and 75% in Year Two) of the LPP survey respondents provided comments when asked about the financial impact of the LPP on their path to licensing. Most of the commentary here focused on the **cost of the Licensing Process** coupled with the notion that many of the **work placements were unpaid**, and the paid ones lasted **just four months**, which together put a significant amount of **financial burden** on many of the respondents.

A significant portion of commentary came from those who had secured **paid placements**, but still experienced financial strain due to familial obligations, living expenses, and transportation costs. Despite this, many of these respondents acknowledged that they were still in a lucky position to have received remuneration at all, given the circumstances of many of their colleagues.

Further contributing to the financial impact was that the Law Practice Program is not part of law school; thus disqualifying candidates as “students,” which made them **ineligible for the Ontario Student Assistance Program (OSAP)**. Additionally, some respondents gave up **part-time jobs** to take the Law Practice Program, only to find out later the workload was relatively light and they could have maintained a part-time job throughout the training course of the program, but others described the course workload to be heavy. Other

SECTION TEN SUMMARY

- ❖ The cost of the Licensing Process continues to be mentioned as the largest source of financial impact on candidates in both pathways.
- ❖ About one-quarter to one-fifth of respondents on the LPP Exit Survey reported they were “most satisfied” with remuneration of their work placement, compared to just over half of the respondents to the Articling Program Survey in both years.
- ❖ Over half the candidates in the Articling Program reported having their Licensing fees paid for by their articling organization; Licensing fees are not covered by work placement organizations for candidates in the LPP.
- ❖ About 40% of candidates in the Articling Program reported having paid leave to prepare and write the Licensing exams.
- ❖ Commentary from candidates in the LPP on open-ended survey questions suggest they feel a greater financial impact from the shorter work placement compared to their colleagues in the Articling Program.

candidates expressed that notion that they viewed the Law Practice Program cost as another year of tuition. The aforementioned financial impact is summarized by one candidate's response on the Year Two LPP Exit Survey:

“It’s put me further in debt by a significant amount. Not only do you have to pay for your own bar fees, everyone has to support themselves on no income for at least 4 months. An additional 4 if, like me, you get an unpaid placement. This program also doesn’t qualify for student loans so if you don’t have financial support or are able to get additional bank loans, you’re out of luck.”

However, many respondents also indicated that though the cost was high, the **benefits** of the Law Practice Program were **valuable**. These ideas, for the most part, were also reported by the candidates who participated in the Law Practice Program Focus Groups; an emergent theme in Focus Groups was that four-month work placements are too short for candidates to leave an impact on the workplace organization, and may therefore jeopardize hire-back.

Still, some respondents, especially in Year Two, indicated they were **“well-paid,”** and that there was **“not much”** or **“no negative impact.”** The following response from a Year Two candidate expresses a more positive look on the financial impact of the LPP:

“It was difficult to have no pay for the 4 months, but luckily I secured a placement that paid very well. However, despite the struggle, the nature of the exposure is much more beneficial than a multitude of articling positions. Prior to selecting the LPP, I had interviewed with and been offered 2 unpaid articling positions that would have been 10 months long and zero chance of hire-back, no opportunity to hold a part-time job outside of the role. The LPP allowed me to maintain a part-time job, and I got a paid placement and have been hired back. Overall, I can’t complain because it worked out for me, but I can imagine that the financial impact can be very difficult for those who didn’t get the same paid opportunities.”

Articling Program

The Articling Program Survey for Candidates provided information as to remuneration for articling placements and the benefits of articling in having articling organizations pay for Licensing Process fees, providing paid time off for studying for and writing the Licensing Examinations, and hiring-back candidates post-call. These results for **Year One** and **Year Two** are summarized as follows:

- In Year One and Year Two, 97% of respondents indicated their articling placement was paid
- Year One, 57% of respondents reported their Licensing Process fees were paid for by their articling organization; Year Two, 54%
- Year One, 43% of respondents declared their articling organization provided paid time off to study for and write the Licensing Examinations; Year Two 42%
- Year One, *Remuneration* gained a “Quite Satisfied” or “Most Satisfied” rating from about 51% of the articling candidates; Year Two, 54% rated they were “Quite Satisfied” or “Most Satisfied” with *Remuneration*

When articling candidates were asked if they had any comments about their pay, 30% of the respondents in **Year One** and 26% of the respondents in **Year Two** commented. Essentially, responses fell into three main themes: (1) wages were **too low**; many respondents used the term “**minimum wage**” and suggested that the wages did **not cover cost of living** or **wages outside of Toronto were considerably lower than in Toronto**; (2) wages were **fair, competitive, “the going rate for”** their location, or **reasonable** with many respondents listing their annual or monthly salaries; and (3) a few respondents took to **criticizing the Law Society of Upper Canada for the costs of licensing and the perceived low rate of pay** for articling positions. Criticism of the Law Society of Upper Canada for licensing fees and low wages tended to be long, and some ripe with vitriol.

Very few candidates indicated that their wages were “**great.**” Theme number 1 of the aforementioned was mentioned the most.

When asked about the financial impact of the Experiential Training Requirement of the Licensing Process, commentary in both **Year One** and **Year Two** was generally critical of **costs** and associated **fees** attached to the Licensing Process, especially for those whose firms did not pay their fees. Some respondents felt increased costs were **attributed to the Law Practice Program**. Other respondents commented that the financial impact was mitigated by their articling firm paying their fees.

11. Effect on Career Goals

Law Practice Program

In **Year One**, when asked, a very small portion of candidates said they would change career paths away from the practice of law. One candidate said, “Obviously it’s a fact of circumstance that we all need money and we can’t find a job so I will look in and around the legal profession. I don’t know what changed my mind, but I guess that my disillusion surrounding what it means to be a lawyer had to do with it.”

In **both evaluation cohorts**, a few LPP candidates also said that the broad exposure in practice areas and different placement settings helped give them perspective and solidify their career trajectories. A few mentioned that they would feel competent working in many areas of law because of their training. A comment from a Year Two candidate summarizes these notions well:

“(The LPP) broadened my horizons by introducing me to not only practice areas I hadn’t considered, but also helped me narrow down what kind of practice I wanted. It also forced me to pay close attention to the legal field as a whole and how important innovation was to the future of a successful practice.”

In **Year Two**, when asked if the LPP had changed their minds on their career goals, 63% of respondents said “No.”

Figure 39 (next page) shows a **Year One** and **Year Two** comparison of results of practice type consideration between the Year One and Year Two LPP Entry Survey and Exit Surveys. This figure shows us that the percentage of respondents selecting “Private Practice” did not change over time in Year One, but increased on the Exit Survey in Year Two. There were more increases in the percentage of respondents that selected “Practising but not in a law firm” and “Non-practising” in Year One, while these categories declined in proportion from Entry to Exit in Year Two. The proportion of those who were “Undecided” decreased over time from about 26% to 21% in Year One and from about 31% to 23% in Year Two.

SECTION ELEVEN SUMMARY

- ❖ Effects on career goals tend to be more positive than negative for both pathways.
- ❖ Broad exposure to different practice areas helped candidates in the LPP solidify their career trajectories.
- ❖ More candidates in Year Two of the LPP were considering Private Practice by the end of the LPP than compared to Year One.
- ❖ There were increases in considerations of practice in Civil Litigation - Plaintiff and Poverty Law over time in each LPP cohort.
- ❖ Over 40% of candidates in the Articling Program reported effects on career goals on the Articling Program Survey. However, most of the effects were shifts in focus for areas of post-license practice consideration.

Comparison of LPP Candidates' Post-License Type of Practice Consideration on the LPP Entry and Exit Surveys (Year One and Year Two)

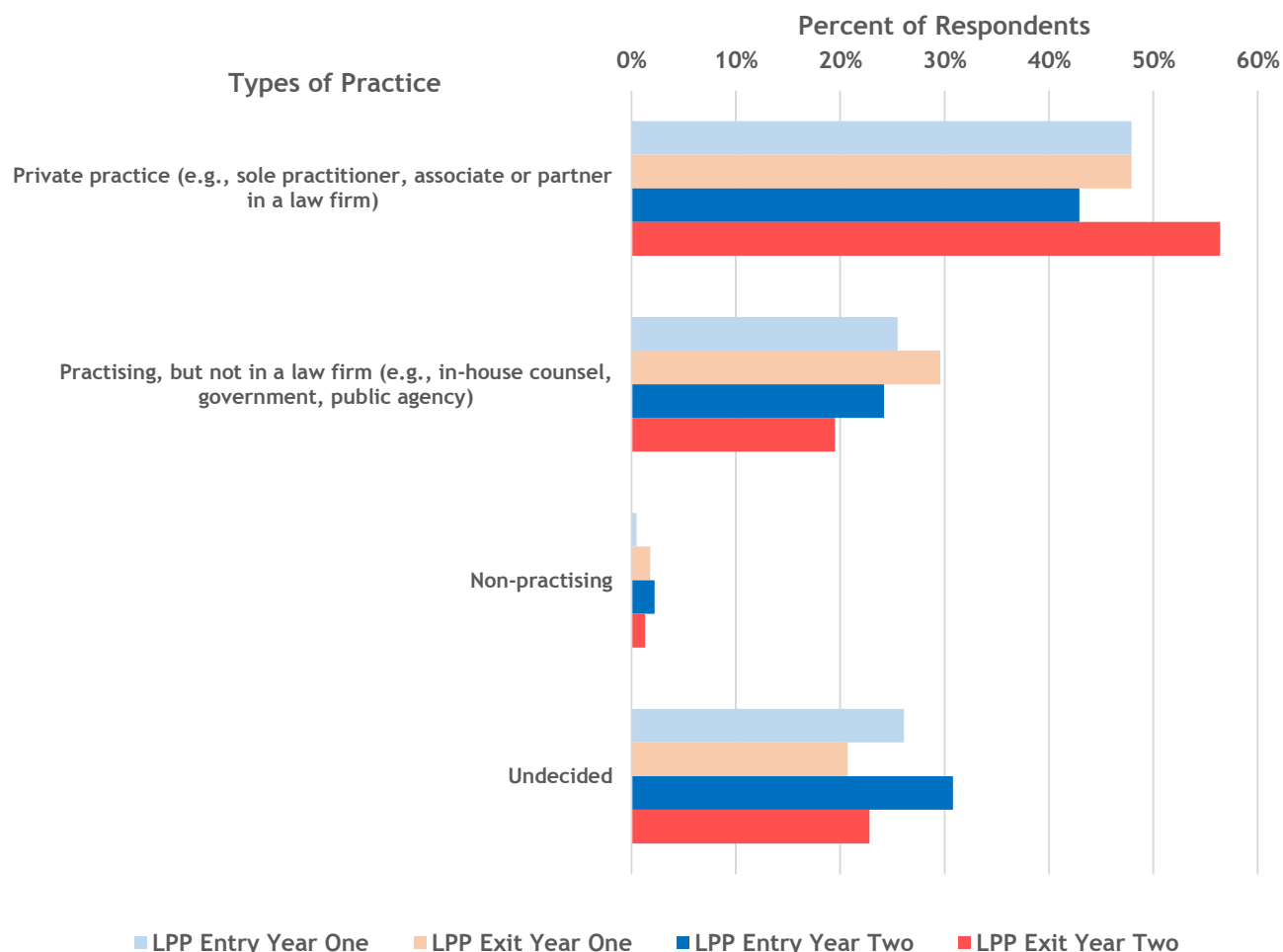


Figure 39. Comparison of LPP Candidates' Post-License Type of Practice Consideration on the LPP Entry and Exit Surveys (Year One and Year Two)

Figure 40 (next page) shows a comparison of candidates' post-license areas of law considerations³² from the Law Practice Program Entry Survey and the Law Practice Program Exit Survey in both **evaluation cohorts**. Candidates were given the option to select one or more areas of law on the surveys. The most-selected areas on the LPP Entry Survey tended to be the most-selected areas on the LPP Exit Survey as well in both cohorts. However, over time from Entry to Exit, we see declines in the Corporate Commercial, Family, Immigration, Human Rights,

³² When asked about placement considerations (areas of practice, and location), candidates responding to surveys were allowed to select more than one option, hence totals exceed 100%.

Real Estate areas. The “Undecided” category increased in Year One and decreased in Year Two. There were increases from Entry to Exit in both cohorts in Civil Litigation – Plaintiff and Poverty Law areas.

Comparison of LPP Candidates’ Post-license Areas of Law Consideration on the LPP Entry and Exit Surveys (Year One and Year Two)

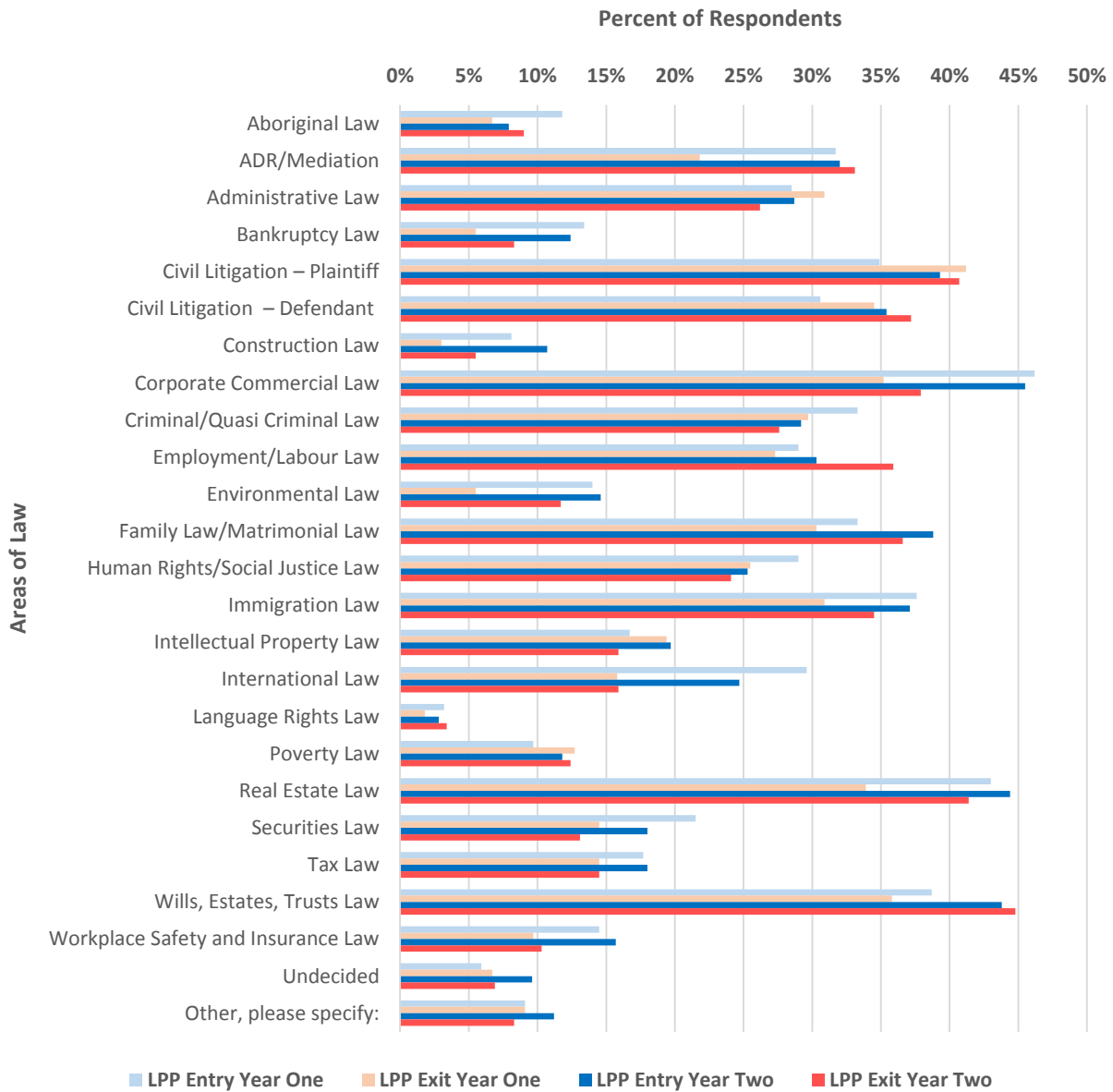


Figure 40. Comparison of Areas for Practice Consideration on the LPP Entry and Exit Surveys (Year One and Year Two)

Articling Program

On the Articling Program Survey for Candidates for **both cohorts**, almost half the respondents (46% in Year One and 41% in Year Two) reported that the Articling Program had changed their minds about their career goals. This result is consistent to what was reported in the Articling Program Focus Groups. An emergent theme in the Articling Program Focus Groups, especially in **Year One**, was that there is a lack of resources and significant workplace demands while articling and this lead to high stress and contemplation whether the profession is worth pursuing.

A comment from the Year One Articling Program Focus Groups, illustrates this theme that was more prevalent in Year One:

The current state of articling enables candidates to be treated as cheap labour. Culture promotes emotional physical and mental taxation, and it should be regulated to avoid future problems in life (depression, anxiety, drugs, suicide).

When asked to explain how the Articling Program changed their career goals, most of these responses in **both cohorts** were about **shifts in focus of actual areas of practice** rather than career changes. Yet a few of the responses were expressions of **career changes** that will take candidates away from the practice of law.

Other comments about a career change in the Articling Program Focus Groups included:

Candidates' mention that they cannot afford to change their career goals, until their student debt is paid off.

Articling helped inform candidate of the changes she would like to make in pursuing her legal career.

Candidates questioned whether or not they would want to pursue law anymore during darker periods in articling; questioned whether it was worth the lifestyle, getting sick (mentally and physically).

Demands of the profession are harsh and there is not a lot of support out there, so really need to consider a career change.

"I thought that I knew what areas I was interested in based on my schooling but after articling found that I liked another practice area that wasn't on my radar before. Also, I was able to gain a better understanding of the type of work that each practice group does and consider whether it aligns with my future career plans."

Figure 41 (forthcoming) shows us that the candidates articling on **both evaluation cohorts**, more candidates were placed in the areas of law of Civil Litigation - Plaintiff, Civil Litigation – Defendant, Corporate Commercial Law, Labour Law and Real Estate Law in the greatest proportions than were considering practice in those areas. The effect of these placements on their career goals may be surmised by the third bar for each cohort, as these are the post-license placements. These third bars match in size the first bars, considerations for practice more so than with the second bars, the placement areas. This result may be an indication that the articling candidates in each cohort are practising in areas more aligned to their considerations for practice

than their actual placement practices, which is a positive impact on career path and perhaps career goals as well.

Comparison of Articling Candidates' Consideration for Area of Law and Area of Law at Articling Placement (Year One and Year Two)

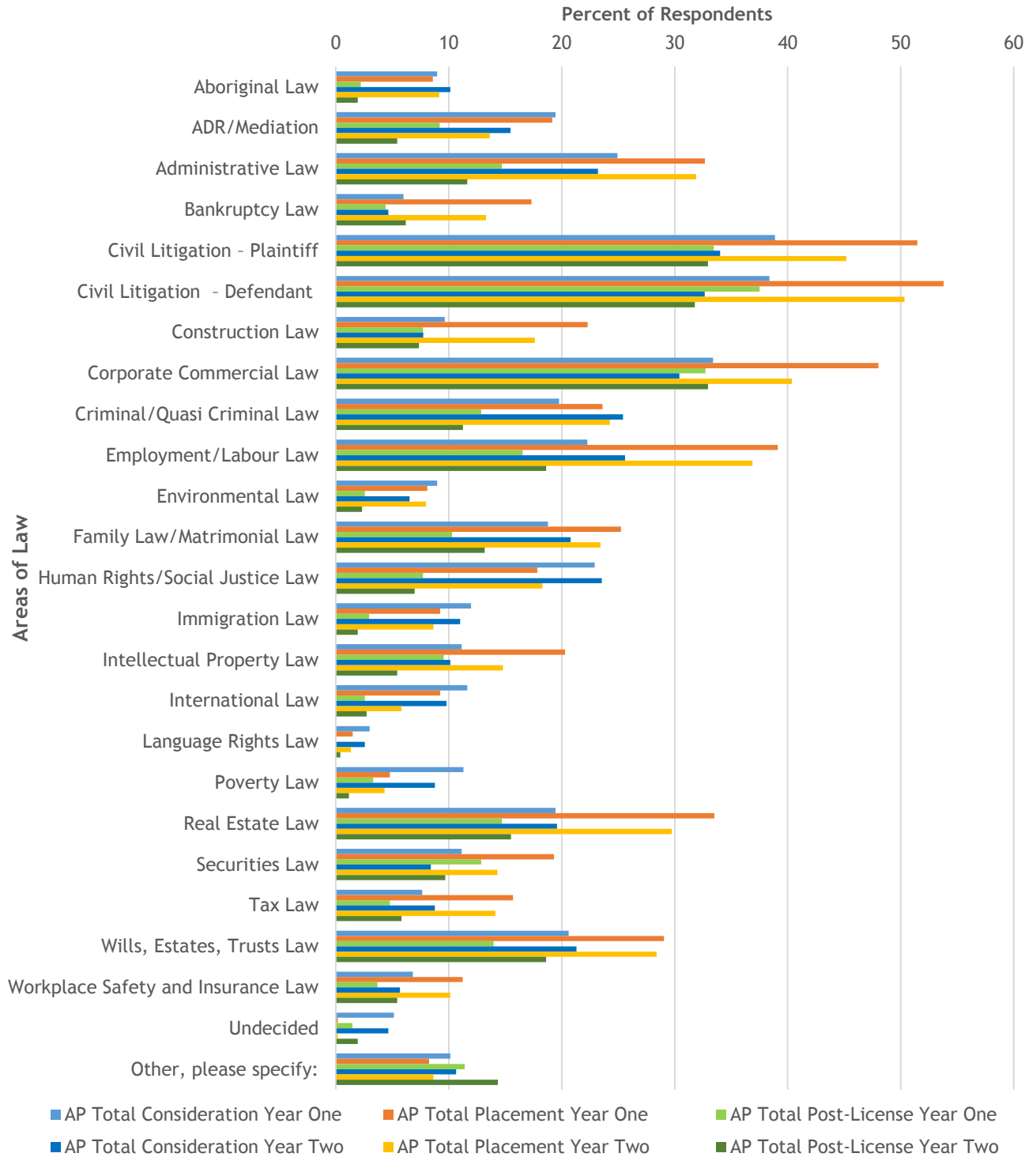


Figure 41. Comparison of Articling Candidates' Consideration for Area of Law and Area of Law at Articling Placement (Year One and Year Two)

Comparison of Candidates' Post-License Types of Practice Preference between LPP and Articling Program in Year One and Year Two

Figure 42 shows the comparison between results from this Articling Program Candidates' Survey and the results from the Law Practice Program Survey for both **evaluation cohorts**. We see that those respondents enrolled in the Articling Program were considering private practice in a much larger proportion (67% to 45% in Year One and 63% to 56% in Year Two) than their colleagues who responded to the Law Practice Program Entry Surveys, and about the same proportion of these groups (4% or less) were considering not practicing. This latter result contradicts what was reported in the Focus Groups in Year One sessions, as many of those participants from the Articling Program suggested that they would be altering their career choice to outside of law practice. However, in the Year Two Articling Program Focus Groups the notion of not practising did not surface as prevalently as in Year One, but on the Year Two survey, those in the Articling Program selected "Non-practising" at double the proportion than in Year One.

Proportionally, more respondents from the Law Practice Program Exit Surveys were considering "Practicing but not in a law firm" or were "Undecided" than their colleagues in the Articling Program.

Comparison of Candidates' Post-license Types of Practice Consideration between LPP and Articling Program (Year One and Year Two)

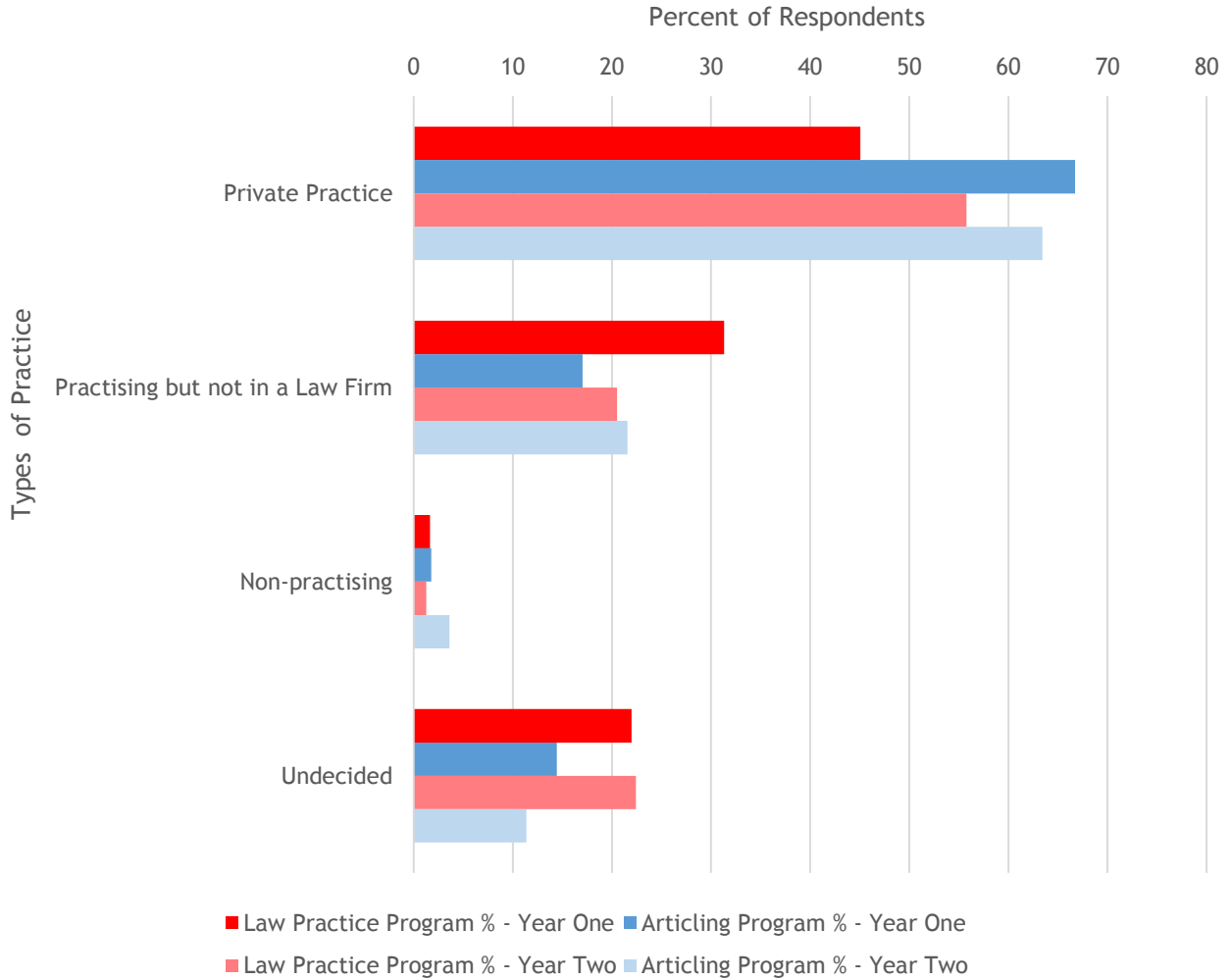


Figure 42. Comparison of Types of Practice for Consideration between LPP and Articling Program (Year One and Year Two)

12. Call to the Bar, Hire-Backs, Withdrawal from Program, and Year One Post License Practice Data

Law Practice Program

- Year One, 59% or 141 LPP candidates were expecting to be called to the Bar in June 2015; Year Two, 57% were expecting to be called to the Bar in June 2016
- Of the Year One cohort, those expecting to be called, 34% said they would be hired back by their work placement organization; Year Two, 32% of those expecting to be called to the Bar said they would be hired back by their work placement organization.
- Year One, 83% of those respondents who graduated from a Canadian law school indicated they expect to be called to the Bar in June 2015 compared to just 56% of their internationally-educated colleagues; Year Two, 79% of those respondents who graduated from a Canadian law school indicated they expect to be called to the Bar in June 2016 compared to just 65% of their internationally-educated colleagues.
- 15% of LPP candidates originally enrolled in the program withdrew in Year One, and this number grew to 18% in Year Two

Articling Program

- Year One, 94% of the respondents indicated they expected to be called to the Bar in June of 2015; Year Two, 92% of the respondents indicated they expected to be called to the Bar in June of 2016
- Of the 94% that expected to be called to the Bar in Year One, 48% said they would be hired back by their articling organization; Year Two, of the 92% that expected to be called to the Bar, 47% said they would be hired back by their organization
- Less than 1% of candidates in the Articling Program withdrew during Year One; and 1% withdrew from the Articling Program in Year Two.

SECTION TWELVE SUMMARY

- ❖ Just under 60% of candidates in the LPP reported that they expect to be called to the Bar in their licensing year, compared to just over 90% of the candidates in the Articling Program.
- ❖ Of those who expected to be called to the Bar in their licensing year, about one-third of candidates in the LPP expected to be hired back, compared to almost half of the candidates in the Articling Program.
- ❖ There are more lawyers from the Articling Program than from the LPP who are practising law in their first year: 82% versus 67%.
- ❖ One-quarter (41 lawyers) of the LPP new lawyers are Sole Practitioners, compared to 6% from the Articling Program (86 lawyers).
- ❖ Only 16% of the new lawyers from the LPP are working as an *Associate in a Professional Business*, when 48% of the new lawyers who articulated are working in this capacity.

Comparing the Pathways on Calls to the Bar

Tables 6 and X below shows **Year One and Year Two**, respectively, data on a critical outcome of the *pathways*, the number and proportion of candidates in each that have been called to the Bar. This summary shows that more than 9 out of 10 candidates in the Articling Program were called to the Bar in both June 2015 and June 2016, while just under 6 out of 10 candidates in the Law Practice Program were called at the same times. So, almost a third fewer candidates by proportion in the LPP than in the Articling Program planned to be called to the Bar during their year in the *pathways*.

Forty-three percent (43%) of articling candidates who responded to the **Year One** survey and 42% of the respondents from the **Year Two** survey said they took a paid leave from their placement to study for and write the Licensing Examinations. The LPP does not provide this opportunity. The LPP Providers strongly recommend that candidates complete both the Barrister and Solicitor Licensing Examinations prior to beginning the LPP, although they are not required to do so. Candidates who plan to write one or both examinations during the LPP training course are permitted a day off to write each examination, but no additional time away from the program for studying is available.

It was also noted in the LPP Focus Groups, especially in **Year One**, that the expectations of the LPP may have precluded Licensing Examination preparation.

Table 7: Number of Candidates Who Were Expecting to be Called to the Bar and Called to the Bar in June 2015 (Year One)

Categories	Articling Program		LPP	
Expecting to be called to the Bar in June 2015	1,337	92%	141	59%
Called in June 2015	1,323	91%	141	59%
Expectation to be hired back at placement organization after call to the Bar	48% of survey respondents indicating expectation to be called to the Bar		35% of survey respondents indicating expectation to be called to the Bar	

Table 8: Number of Candidates Who Were Expecting to be Called to the Bar and Called to the Bar in June 2016 (Year Two)

Categories	Articling Program		LPP	
Expecting to be called to the Bar in June 2016	1,278	92%	132	59%
Called in June 2016	1,283	92%	131	57%
Expectation to be hired back at placement organization after call to the Bar	47% of those survey respondents indicating expectation to be called to the Bar		32% of those survey respondents indicating expectation to be called to the Bar	

Figure 43 below illustrates a comparison of the proportions of candidates who were called to the Bar between the pathways in **both evaluation cohorts**.

Comparison of Proportions of Candidates in both Pathways who were Called to the Bar in June of their Licensing Year (Year One and Year Two)

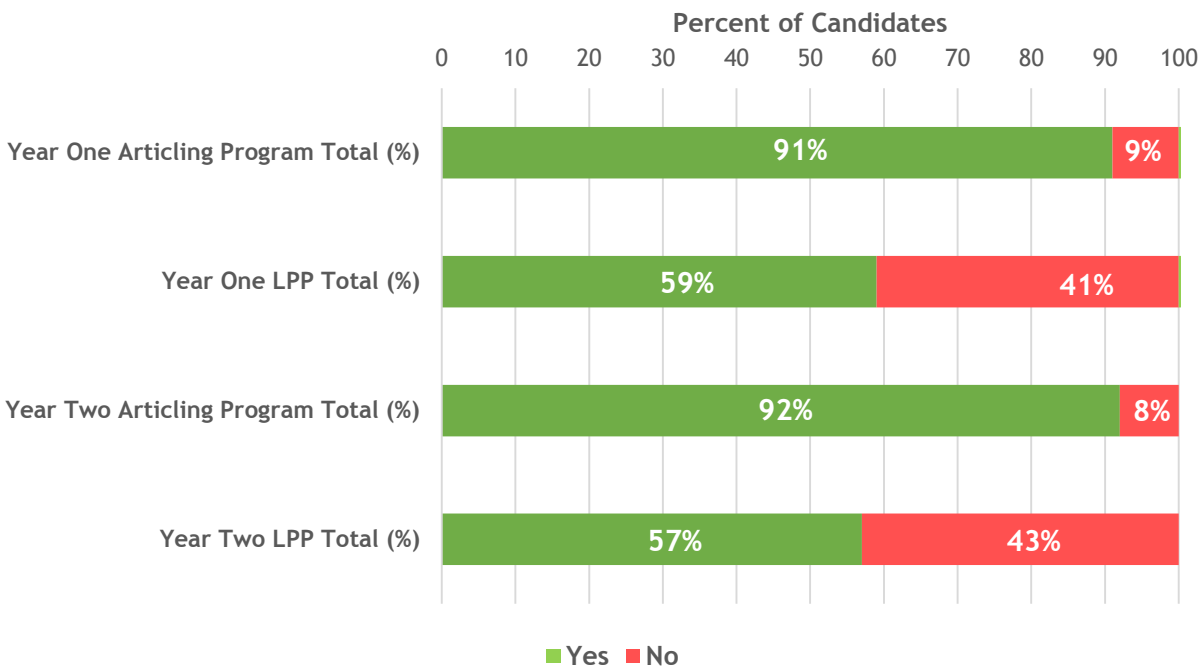


Figure 43. Comparison of Proportions of Candidates in both Pathways who were called to the Bar in June of their Licensing Year (Year One and Year Two)

Law Practice Program Hire-backs

As mentioned, in **Year One**, about two-thirds (59%) of LPP candidates were called to the Bar in June 2015. In **Year Two**, 57% were called to the Bar in June 2016.

In both cohorts, those that indicated they expect to be called to the Bar in June of their licensing year on the survey were asked if they would be hired back by their work placement organization following their call to the Bar. For **Year One**, 35% of the 105 LPP candidates that responded on the survey that they expected to be called to the Bar in June 2015, were expecting to be hired back, which is indicative of **36** candidates in total. In **Year Two**, a similar figure of 32% of the 94 candidates that responded on the survey that they expect to be called to the Bar in June 2016 were expecting to be hired back, which is indicative of **30** candidates. In **both cohorts** then, about two-thirds of those candidates indicated that they had not been hired back by their work placement organization.

So, out of the Year One cohort 36/238 (15%) and in the Year Two cohort 30/230 (13%) were expecting to be hired back after being called to the Bar in 2015.

In **Year One**, of the LPP candidates that said that they expect to be hired back by their work placement organization, most indicated that they would working in Corporate Commercial Law, Real Estate Law and Wills, Estates and Trusts Law. In **Year Two**, the LPP candidates that expected to be hired back by their work placement organization, most indicated that they would working in Civil Litigation – Defendant, Family Law/Matrimonial Law, Real Estate Law, and Civil Litigation – Plaintiff.

Canadian-Educated versus Internationally-Educated

In **Year One**, a slightly larger proportion of the respondents who were graduates of law schools outside of Canada (38%) indicated that they would be hired back by their work placement organization after their call to the Bar than their counterparts who graduated from law schools in Canada (31%), and this result held true for **Year Two** as 32% of the internationally-educated and 25% of the Canadian-educated indicated they would be hired back by their placement organization.

Comparing the Pathways on Hire-backs

Figure 44 on next page illustrates that over the two years of the evaluation, the candidates in the Articling Program have greater expectations to be hired back by their placement organization (48% and 47%, in Year One and Year Two, respectively) than their colleagues in the Law Practice Program (34% and 32%, in Year One and Year Two, respectively). In sum, however, in both *pathways* in each year, less than half of the respondents who expected to be called to the Bar in their licensing year expected to be hired back by their placement organization.

Comparison of Candidate Expectations to be Hired Back Post-Licensing (Year One and Year Two)

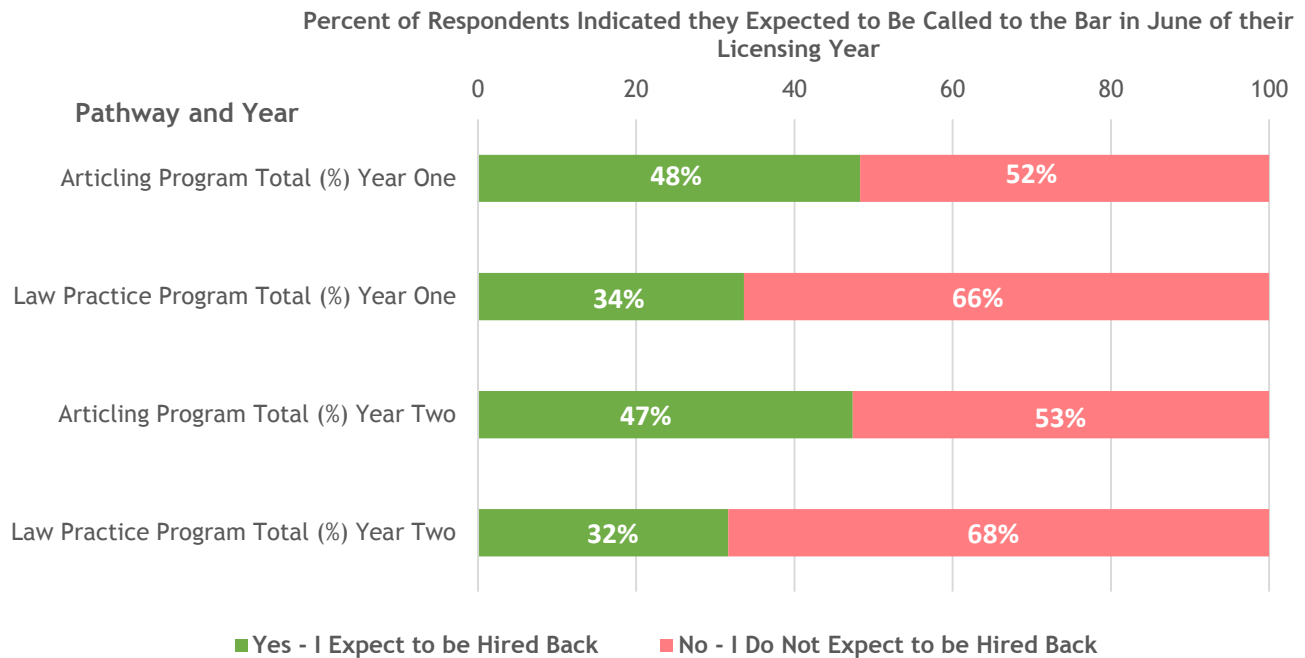


Figure 44. Comparison of Candidate Expectations to be Hired Back Post-Licensing (Year One and Year Two)

Withdrawal from the Program

As noted, in Year One 15% of those enrolled in the LPP withdrew from the program and just 1% of candidates in the Articling Program withdrew. In Year Two, withdrawals from the LPP were up to 18%, and the withdrawals from the Articling Program remained at 1%.

On LPP Withdrawal Surveys in both Year One and Year Two, most of the respondents indicated they withdrew from the LPP to seek and/or accept an articling position. The most responses from candidates in the LPP on their Withdrawal Surveys focused on looking for and finding an articling placement; in **Year One** almost half (48%) of the responses indicated that the candidate had found an articling placement and of those 11 respondents that indicated they had found an articling placement, eight of the placements or around 73% were paid. Most responses in **Year Two** (75% in total) focused on looking for and finding an articling placement. Fifteen or almost two-thirds (~63%) of the responses indicated that the candidate had found an articling placement. Of the 15 respondents who indicated they had found an articling placement, **all of them** reported the placements were paid. **These data suggest that an articling position was the first choice for experiential training for the majority of the respondents and when they did secure articles, they withdrew from the LPP.** Very few of the withdrawals from the LPP led to withdrawals from the Licensing Process.

Year One Post License Practice Data

Seventy percent (70%) or 167 out of the 238 candidates in the Year One LPP evaluation cohort were called to the Bar in June or September 2015. Ninety-four percent (94%) or 1,371 out of the 1,455 candidates in the Year One Articling Program evaluation cohort, were called to the Bar in June or September 2015. First-year practice information for these candidates, obtained through their 2015 Lawyer Annual Reports, is presented next.

Post License Practice Type

Figure 45 illustrates the status/type of practice of the new lawyers from each pathway who were called to the Bar in 2015.

We see that the greatest difference between the two pathways is the number of new lawyers who are employed as an *Associate in a Professional Business in Ontario*. A total of 26 new lawyers or 16% of the LPP cohort are working as an *Associate in a Professional Business in Ontario* and 658 new lawyers or 48% of the Articling Program cohort is working in this capacity.

There is 25% (or 41 lawyers) from the LPP cohort who are practising as a *Sole Practitioner*, which is 19% more than those lawyers in the Articling Program group, which has 86 lawyers or 6% of the total who are working as a *Sole Practitioner*.

There are proportionally more lawyers who completed the LPP who classified themselves as *Retired or Not Working*; a total of 25 lawyers in the LPP cohort (15%) classified themselves this way as opposed to 95 lawyers or 7% of those in the Articling Program cohort.

Finally, there is a greater percentage of lawyers in the LPP group (18 lawyers or 11%) than the Articling Program group (47 lawyers or 3%) that are *Otherwise Employed in Ontario*.

Comparison of Status/Type of Practice New Lawyers from Each Pathway (Year One)

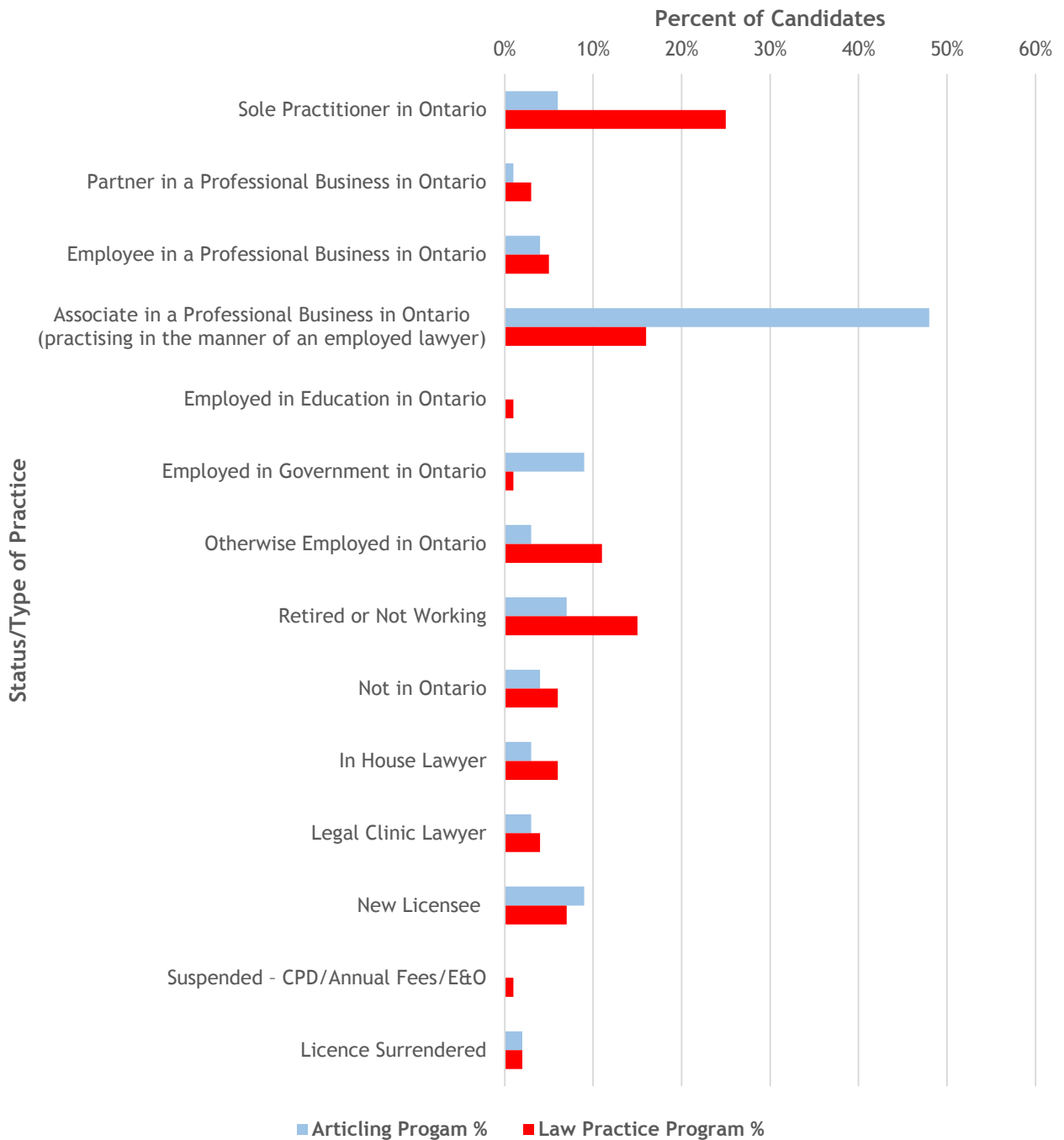


Figure 45. Comparison of Status/Type of Practice New Lawyers from Each Pathway (Year One)

Post License Practice Areas and Location

Of those who were called to the Bar in 2015, 124 lawyers from the LPP (67%) are practising law and 1,133 lawyers from the Articling Program (82%) are practising law. When looking at the areas of practice and location of practice for these groups, there is very little difference between the two.

With regard to practice areas, we looked at those lawyers in each pathway who practice in a particular area of law 25% or more of their time. When comparing the percentages of these lawyers in each group, we see a slightly higher percentage of lawyers from the LPP practising in Real Estate Law 25% or more of their time (20 lawyers), than lawyers from the Articling Program (82 lawyers).

We also note that, based on percentages in each group, there are more lawyers from the Articling Program who practice in the areas of Civil Litigation Defendant Law 25% or more of their time (224 from the Articling Program versus 9 from the LPP), and the same is true for those practising in Corporate Commercial Law (235 from Articling Program versus 16 from the LPP).

Proportionately more lawyers from the LPP (21 or 17% of LPP versus 86 or 7% from the Articling Program) are practising in Central West, including Bruce (Walkerton), Grey (Owen Sound), Dufferin (Orangeville), Wellington (Guelph), Peel (Brampton). This 10% difference in the Central West region is balanced by 10% more lawyers from the Articling Program working in Toronto.

13. Value of the Law Practice Program and the Articling Program

Feedback from both the LPP and the Articling Program Focus Groups in **both evaluation cohorts** indicate that both *pathways* share these common traits that represent value to candidates:

- Broad exposure in different content areas as well as various legal styles but through different vehicles:
 - In LPP, broad exposure came in training course and was universal; in Articling, broad exposure was across individuals who were in different work placement organizations/settings
- Opportunity to explore what they liked and what they didn't
- Gaining practical experience and applying theory to practice
- Networking and mentorship (formal and informal)
- Appearing more marketable
- Building employer-trust, and growth marked by increased responsibility
- Mentors/Principals that are qualified and involved notably improve the quality and thus value of experiential learning

Law Practice Program

Figure 46 shows a comparison of the Ratings for Value results from the Law Practice Program Exit Survey with those from the Law Practice Program Entry Survey for **both evaluation cohorts**. We see that in both years a smaller proportion of candidates selected “of little value” and a larger proportion selected “of great value” on the Exit Survey than on the Entry Survey.

SECTION THIRTEEN SUMMARY

- ❖ 81% of Year One LPP candidates and 76% of the Year Two LPP candidates said the LPP was “of good” or “of great” value.
- ❖ Candidates’ perceptions of value for the LPP increase over time in both cohorts.
- ❖ Sources of value are stressed as the practical nature of the training in the LPP as well as the broad exposure to practice areas and the mentors/networking.
- ❖ The work placements, including the process for finding a work placement, remuneration and the duration of work placements, were considered to be the sources of least value for candidates in the LPP.
- ❖ 75% of Year One articling candidates rated the Articling Program as “of good value” or “of great value”. This number dropped to 69% in Year Two.
- ❖ Candidates in the Articling Program reported the practical experience and tasks such as file carriage, as well as their Principals as mentors, as the greatest sources of value.
- ❖ The source of least value as reported by both candidates and Principals in the Articling Program were the enhancements, such as the Record of Experiential Training and the Experiential Training Plan.

Comparison of Candidates' Ratings of Value on the LPP Entry and Exit Surveys (Year One and Year Two)

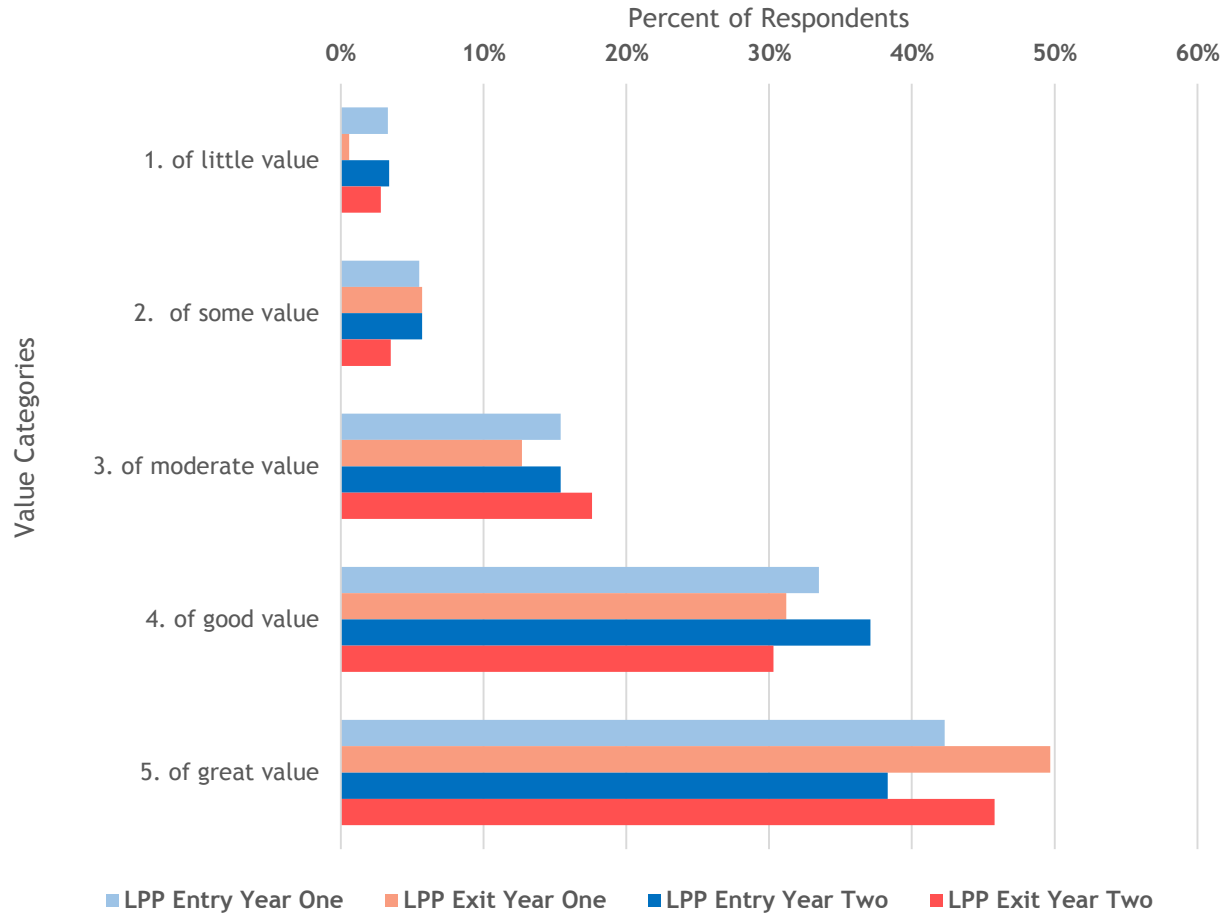


Figure 46. Comparison of Candidates' Ratings of Value on the LPP Entry and Exit Surveys (Year One and Year Two)

When LPP candidates were asked on the Exit Survey to tell us about the most valuable aspect of the LPP and how this aspect may be improved upon, if necessary, there were 156 responses to this question, which a response from 91% of the respondents for **Year One**, and there were 141 responses, or a response from about 90% in **Year Two**.

The main emergent themes in **both cohorts** were dominated by the **“training course,”** or **“training component”** and its **“practical” nature**, its exposure of the candidates to **“real world”** scenarios and **“files,”** and **“exposure”** to a **“variety,”** and **“depth”** of **“different of areas of law”** practice. **“Firm management”** and **“managing files”** were mentioned many times as the most valuable aspect of the training course, as it fostered **skill development and**

independence in the candidates. Further, the **mentoring** and related **networking** were also frequently mentioned as most valuable.

When the candidates were asked on the Exit Survey to tell us about the least valuable aspect of the LPP and how this aspect may be improved upon, there were also 156 responses for **Year One** and 141 responses for **Year Two**; and a great many focused on the **work placement**. Specifically, the **process for finding a work placement, remuneration of work placements** and the **duration of work placements were the main sub-themes here**. This sentiment matched what was reported in the Law Practice Program Focus Groups in each cohort.

Commentary on the process for finding a work placement was aimed at the perceived “**lack of transparency,**” and the perception the process did not “**involve candidates**” well, was “**not understandable.**”

Remuneration was a hot topic as candidates reported that all of the work placements should be remunerated, when in reality not all were.

Some candidates indicated that the **four-month work placement was not enough time** to gain ample experience in the specific areas of law practice.

Next most mentioned as the least valuable aspect of the Law Practice Program were components of the **training course** such as the **Real Estate Module, meeting times and protocols** and the **lack of feedback on assignments**.

Finally, while the in-person weeks were sometimes criticized, many respondents, especially in **Year Two**, suggested more of this type of interaction would be beneficial. Further, in a Year Two LPP Focus Group, there was consensus sentiment that candidates in the LPP were not in the “pipeline of law school, to summer at a big law firm, to Bay Street,” so sending Bay Street lawyers to speak to the LPP candidates as panelists was not effective as the LPP candidates viewed themselves as “on completely different career paths” from the panel speakers, so they did not find the panel sessions valuable.

Special Needs and Characteristics of the Franco-Ontarian Legal Community

When the French LPP candidates were asked to describe how the LPP addresses the special needs and characteristics of the Franco-Ontarian legal community, 12 out of a possible 13 respondents in **Year One** answered the question. The answers to this question and were mostly **positive** in terms of the Law Practice Program, especially delivered in French, providing **access to justice** for these candidates and the communities they will serve. In **Year Two**, none of the survey respondents answered this question.

Articling Program - Candidates

Figure 47 (next page) shows that in **Year One** and **Year Two** that while the respondents to the Articling Program Candidates’ Survey were generally positive in their ratings of value for the Articling Program, they were not as positive as their colleagues who responded to the LPP Exit Surveys. The ratings for “of great value” actually dropped considerably from **Year One** (43%) to

Year Two (32%) in the Articling Program. Seventy-five (75%) of articling candidates rated the Articling Program as “of good value” or “of great value” in **Year One**, but this number also dropped to 69% in **Year Two**.

Comparison of Candidates' Value Ratings between the Articling Program and the LPP (Year One and Year Two)

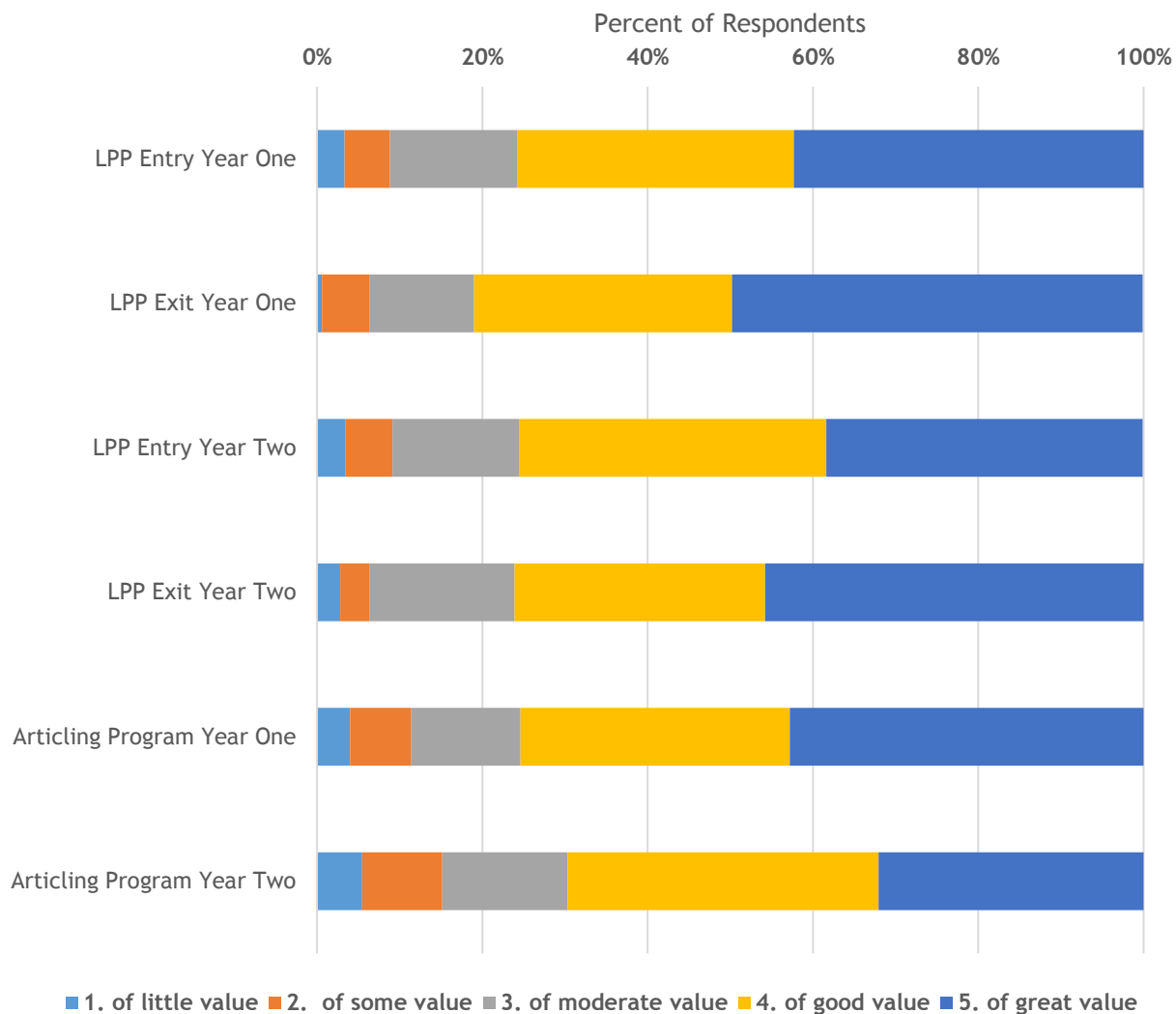


Figure 47. Comparison of Candidates' Value Ratings between the Articling Program and LPP (Year One and Year Two)

In both **Year One** and **Year Two**, when the articling candidates were asked to tell us what the most valuable aspect of the Articling Program is, a majority of the candidate comments were aimed at the “**hands-on,**” “**valuable experience,**” “**practical experience,**” or “**actual experience**” in the “**various areas**” of “**law practice**” that the Articling Program provides.

Respondents listed specific aspects of these experiences as well, such as **“file carriage,” “client interaction,”** and **“working with lawyers.”** The next emergent theme was focused on the ability of candidates to work with **“amazing,” “wonderful,” “experienced” “Principals,”** and **“Mentors”** in their articling placements. These lawyers provided the candidates with valuable **“guidance,” “feedback”** and **“supervision.”** A third emergent theme, though not expressed in the quantities of the first two, centered on provision of commentary for **improvement** of the Articling Program.

When the articling candidates were asked to tell us what the least valuable aspect of the Articling Program, responses could be slotted into three main themes. Much of the commentary on least valuable was aimed at various pieces such as the **“Experiential Training Plan,” “RET,”** the **“PRP”** or **“Ethics”** course, and the **“Bar Exams.”** Each of these topics were considered a **“waste of time,” “outdated”** or **“useless.”** The next emergent theme was the **“administrative tasks”** or **“menial tasks”** candidates felt like they had to perform in their articling placement. The third emergent theme could be categorized as the **“high costs,” “low wages,”** and **“long hours”** respondents reported as representing **“unrealistic standards”** and the **“stressful environment”** they were subjected to in the Articling Program.

Articling Program - Principals

A good majority (88% in Year One and 81% in Year Two) of the Articling Principals reported that the Articling Program was “of good value” or “of great value.” Figure 48 on the next page shows Principals were more positive on their value ratings than candidates in both years.

Comparison of Value Ratings for the Articling Program between Articling Principals and Articling Candidates (Year One and Year Two)

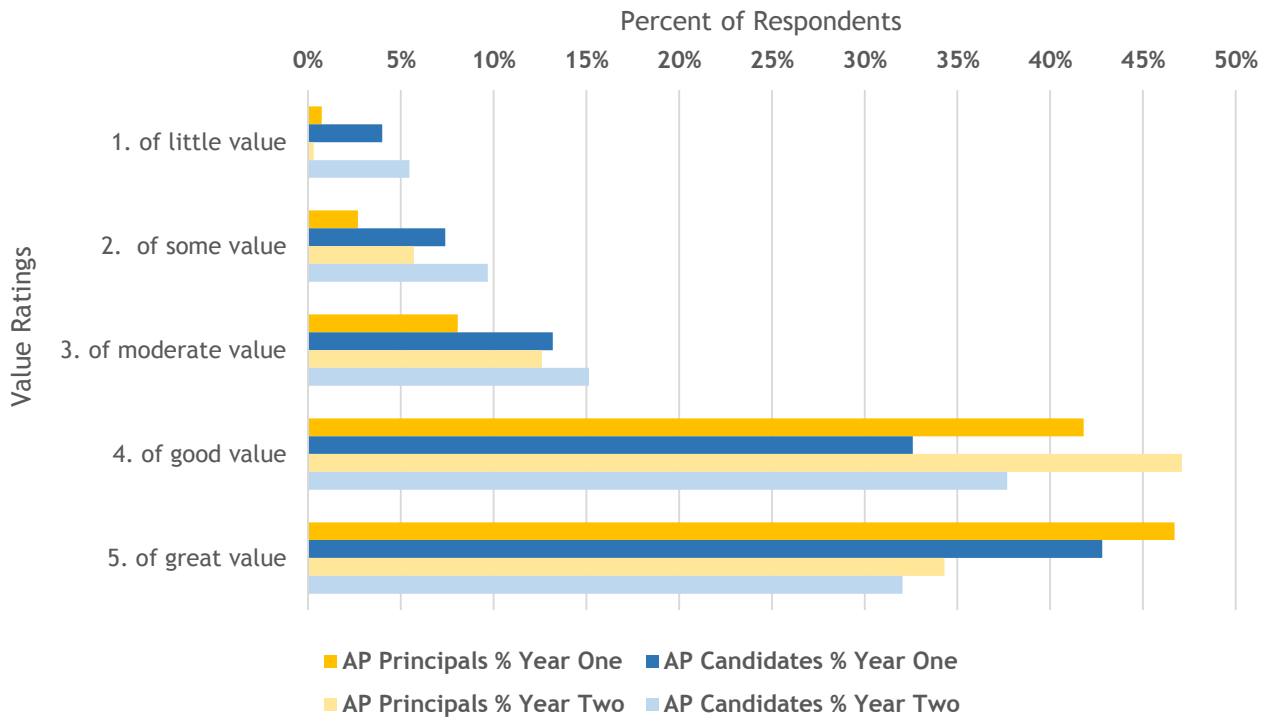


Figure 48. Comparison of Value Ratings for the Articling Program between Articling Principals and Articling Candidates (Year One and Year Two)

When the Articling Principals were asked what they felt was the most valuable aspect of the Articling Program, the majority of the comments were directed at the **“practical,” “hands-on” “experience”** in **“real world”** settings with **“broad exposure”** to many **“areas of law.”**

Another emergent theme, though not mentioned as frequently as the first, was what the candidate gains from their Principal, which was characterized as an opportunity to work **“side by side”** with real lawyers, **“mentorship,”** a **“network,”** and **“feedback.”** The third theme, and certainly not built on the quantity of comments as the others was the formal Law Society **“Articling Program”** or their firm’s **“articling program”** in general, with some comparison to the **“LPP”**; a few of these comments mentioned some of the **enhancements.**

The following quote from the Year Two data exemplifies these themes:

“You cannot replace hands on experience with a course or course work. Being out in the field, dealing with real situations, real clients, lawyers on the other side and having to

manage clients, expectations, deadlines, etcetera is invaluable. It provides hands on experience missing in all other training for lawyers.”

When asked, the Articling Principals said the least valuable aspects of the Articling Program were the **Enhancements** to the Articling Program, in which two sub-sets of comments were evident: (a) the **mechanics/logistics** of completing the online forms/tools, which were characterized as “**red tape**” and “**paperwork;**” and (b) the **relevance** and **merit** of the **reporting tools** or the **skills competencies** to specific types of settings or specific areas of law. The second broad theme was the **Articling Program** itself in terms of its **duration** and **focus**. The third theme was the notion “**nothing**” was the least valuable aspect of the Articling Program.

In both **Year One** and **Year Two**, many comments were made to suggest that the **Experiential Training Program** should be more individualized to each articling experience. Respondents felt that it was too broad and many competencies were not applicable to the professional setting, for example:

“The entire Experientail (sic) Training Program regime, in my view, is a failure. It tries to be a “one size fits all” and fails to recognize that not every articling experience will offer the ability to gain the same competencies. It is burdensome and adds little, other than administrative headaches, to the articling experience.”

According to the Principals’ Value Ratings for Aspects of the Articling Program (see Figure 49), the greatest proportion of responses for “of great value” was in *Providing the candidate with opportunities to meet the experiential training competencies* with about 9% in **Year One** and 12% in **Year Two**, which are relatively low amounts compared to the proportions of ratings for the other response categories. Generally speaking, the majority of responding Principals rated these aspects of the Articling Program in the “of some value” to the “of good value range.”

All of the aspects of the Articling Program that were part of the enhancements received a substantial proportion (> 25%) of responses at “of little value,” except *Appraising the performance of the candidate on the five specific tasks related to the performance appraisal competencies* in Year Two, which was at about 18% for “of little value.” Generally, between 38% (Year Two) for *Appraising the performance of the candidate on the five specific tasks related to the performance appraisal competencies* and 60% (Year One) for *Preparation and filing of the Experiential Training Plan* of respondents indicated the enhancements were “low value” or “of some value.”

However, it should be noted that three statements that represent the enhancements to the Articling Program (*Preparation and filing of the Experiential Training Plan*, *Appraising the performance of the candidate on the five specific tasks related to the performance appraisal competencies*, and *Preparation and filing of the Record of Experiential Training in Articling Program*) were rated more positively in **Year Two** than in **Year One**.

Principals' Value Ratings for Aspects of the Articling Program (Program Year One and Year Two)

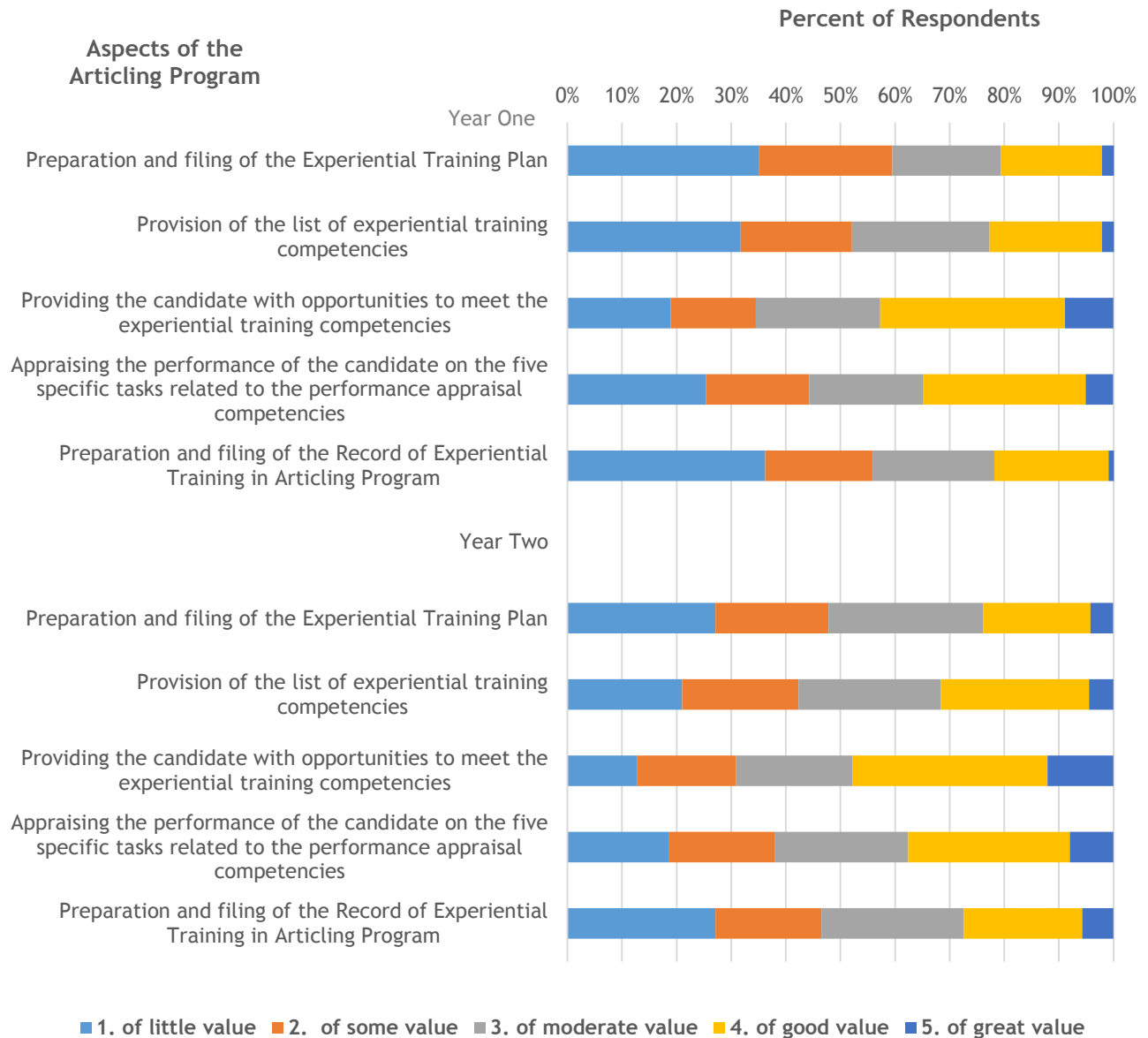


Figure 49. Principals' Value Ratings for Aspects of the Articling Program (Year One and Year Two)

The Enhancements to the Articling Program

Many comments from Articling Principals and articling candidates were critical of the enhancements to the Articling Program, ranging from the **online form submission process** to the **relevancy of competencies** for specific areas of law or to size of firms, to Law Society **surveys** and the **limited utility** and **mandatory nature** of the reporting process, especially

as some respondents felt their firms were doing a good job of training pre-call lawyers prior to the enhancements.

The Enhancements to the Articling Program were also mentioned most as the “Least Valuable Aspect” of the Articling Program; two sub-sets of comments about them were evident: (a) the **mechanics/logistics** of completing the online forms/tools, which were characterized as “**red tape**” and “**paperwork;**” and (b) the **relevance** and **merit** of the **reporting tools** or the **skills competencies** to specific types of settings or specific areas of law, for example:

“Although the ETC & PEC (sic) are somewhat helpful as checklists, their appraisal and filing is of little value. This, even more so when many of them do not apply to the areas of practice/articling experience of the students.”

Focus group feedback in both **evaluation cohorts** informed us that articling candidates and their Principals saw little to no value in the Experiential Training Plan; it was completed for compliance with the Law Society only.

14. Findings

While these findings are still considered preliminary, they are based on two licensing years' worth of data, including post-licensing information about Year One candidates. Findings, which are becoming more stable are presented in thematic area aligned to the four main evaluation questions (see page 10). Each theme will be discussed separately. We are reminded here that the goals for competency development in each pathway are the same, but the way each aim to achieve those goals differ substantively. Any variances between the pathways in the achievement of these goals may be attributable, at least in part, to their dissimilar structures and delivery.

a) Effectiveness of each of the Pathways in Providing Transitional Experiential Training in Defined Areas of Skill and Tasks Considered Necessary for Entry-Level Practice

Fairness

Both *pathways* are providing exposure to the experiential training competencies, growth in practical skills development, and access to mentors and their feedback. However, the quality and timeliness of feedback from the mentors, supervisors and Principals vary. The timeliness of feedback, at least in the LPP, is less of an issue in Year Two, than it was in Year One.

LPP is Second Tier Experiential Training

There is a notion expressed by candidates in the LPP and even some Articling Principals that the LPP is a second tier experiential training. The LPP is a new program and there is general lack of accurate awareness of it in the legal community, which helps stigmatize the LPP.

Some of the LPP Focus Group participants expressed that this notion of stigma is linked to nomenclature, for example, “LPP candidate” versus “articling candidate,” when both could be “students at law.” In any case, there seems to be a difference between the two types of candidates in the eyes of the profession. In some instances, the notion that candidates in the LPP are still in school, because they attend the training course at Ryerson University or the University of Ottawa, contributes to a general feeling of inequality among the *pathways*.

Also, some of the LPP Focus Group participants suggested that marketing and branding of the LPP and its association with Ryerson, which does not have a law school, is partially to blame for the sense of inequality among the pathways, contributing to the stigmatization of the LPP. However, survey data was not representative of the Focus Group comments about marketing or branding of the Ryerson LPP.

On a small-scale but very real basis, a candidate in one of the Year One LPP Focus Groups who was completing a work placement in the same organization and at the same time as an articling candidate became visibly upset at the way s/he was treated at the placement organization compared to the articling candidate in terms of remuneration and responsibilities given. Further, in a Year Two LPP Focus Group, there was consensus sentiment that candidates in the LPP were not in the “pipeline of law school, to summer at a big law firm, to Bay Street,” so sending Bay Street lawyers to speak to the LPP candidates as panelists was not valuable, as the LPP candidates

viewed themselves as “on completely different career paths” from the panel speakers. These examples are the manifestation of the stigma associated with the LPP.

Length of Work / Articling Placement

There are several related findings here that contribute to unfairness in the *pathways*:

- Work placements are 10 months in Articling Program versus four months in LPP, so there is more time in Articling Program to perform “real world” tasks and direct network with practising lawyers;
- LPP only paid for four months – if they were paid, and almost 30% in Year One and 27% in Year Two were not compared to 3% of articling placements in both years;
- Candidates expressed there was less time for supervisors to build trust, therefore limited responsibility in the LPP compared to the Articling Program;
- In total there is not as much “real world” experience in the LPP as in the Articling Program as even with the LPP training course, as there is only a total of eight months of experiential training versus 10 months in the Articling Program;
- More than half of the articling candidates get their Licensing Process fees paid for by their articling placement organization and 42% - 43% of articling candidates get their articling organization to pay their salary for the week as they study for and write the Licensing Examinations. There are no comparable quantitative data for the LPP, but Focus Group data suggest that candidates in the LPP are not afforded these benefits.

Program Withdrawal, Call to the Bar and Hire-Back Rates

Further contributing to a sense of unfairness among the pathways is the ever-important metrics of withdrawal from the program, being called to the Bar and being hired back by the placement organization. For example:

- 15% of LPP candidates originally enrolled in the program withdrew, while less than 1% of candidates in the Articling Program withdrew during Year One; these numbers were 18% withdrawal for the LPP and 1% withdrawal for the Articling Program in Year Two.
- Year One: 59% of LPP candidates were called to the Bar in June 2015; 91% of Articling Program candidates were called that month. Year Two: 57% of LPP candidates were called to the Bar in June 2016 and 92% of articling candidates were called in June 2016.
- Based on Year One survey results, 34% of LPP candidates were expected to be hired back after becoming licensed; 48% of articling candidates were expected to be hired back. Based on Year Two survey results, 32% of LPP candidates were expected to be hired back after becoming licensed; 47% of articling candidates were expected to be hired back.

Accessibility

Choice

The LPP is not first choice for almost two-thirds of the LPP candidates in Year One and almost three-quarters of the candidates in Year Two; most candidates would prefer to do the Articling Program instead. However, data show that the LPP is servicing proportionally more candidates than the Articling Program from each of the following demographic categories: internationally-

educated, *Racialized*, *Age 40+* and *Francophone*. Internationally-educated candidates indicated in greater proportions than their Canadian-educated colleagues that the LPP was their first choice for experiential training.

Finding a Work / Articling Placement

From the Focus Group data, we know that many of the candidates in the Articling Program secure their articling position through the firm they had summered with and do not participate in the on-campus interview process for articling positions. Still, we also know that a good many candidates in the Articling Program apply to several firms and go through numerous interviews to secure their articling position.

We also know that many of the candidates in the LPP have also gone through the on-campus interview process and been unsuccessful in securing an articling position. Further, the process to secure a work placement in the LPP was deemed unfair by some as they were forced to take the first work placement offered to them, regardless of fit for area of practice, location or remuneration. All told, the candidates in the LPP expressed they had a lack of choice when it came to securing a work placement. Both groups of candidates, however, were generally satisfied with their articling / work placement locations.

Post-Call Practice Consideration

In terms of practice types, there is a marked difference between the candidates' considerations. For example, Year One survey data suggests that two-thirds of respondents in the Articling Program were considering private practice at the end of their program where just 45% of respondents to the LPP Exit surveys were considering the same. About the same proportion of articling candidates in Year Two were considering private practice, but the proportion of candidates in the LPP considering the same increased to 55%. Further, about 31% of the LPP survey respondents were considering practising law but not in a firm, while just 17% of the Articling Program survey respondents considered the same in Year One. However, in Year Two, just about one-fifth of each pathway reported on their surveys that were considering practising but not in a law firm. So, fewer candidates in the LPP were opting for non-law firm practice considerations in Year Two than Year One, and this result in opposite the results for candidates in the Articling Program. It is unclear what these data mean at this point, and should be looked at again with the Year Three Cohort. Finally, an equal proportion of about 75% of each of LPP and Articling Program survey respondents were considering practice in the GTA, where the majority of the jobs are.

Post-Call Practice (Year One)

Proportionally, there are more lawyers from the Articling Program than from the LPP who are practising law in their first year post-call: 82% versus 67%.

One-quarter (41 lawyers) of the LPP new lawyers are Sole Practitioners, compared to 6% from the Articling Program (86 lawyers).

Only 16% of the new lawyers from the LPP are working as an *Associate in a Professional Business*, compared to 48% of the new lawyers who articulated who are working in this capacity.

Financial Impact

Based on the data at-hand we may surmise that the (negative) financial impact would be greatest on the candidates in the LPP as the candidates earn money for less time (4 months) versus their colleagues in the Articling Program who earn for 10 months. Further, there is a considerably greater proportion of placements in the LPP than the Articling Program that are unpaid. Also, as already noted, many candidates in the Articling Program have their articling organizations pay for their Licensing Process fees and provide paid time off to prepare for and write the Licensing Exams. Finally, we know from the Focus Group data that many candidates in the LPP had to take on part-time jobs to supplement their income during the Licensing Process, and still some others in the LPP were told they would not be able to keep a part time job during the training course, so they gave up their part time jobs to complete the LPP.

Objectivity

There is a good level of consistency in the objectivity of the candidates' performance assessments in the LPP training course, as they are all evaluated on the same competencies doing the same tasks, using the same metrics. When the LPP candidates move into their work placements, the competencies their performance is appraised on are from the nine competency areas, using a pass/fail or complete/incomplete scale.

The enhancements to the Articling Program bring consistency and objectivity to the performance appraisal of the candidates' competencies on the five tasks, as well as provide an objective metric for planned and realized competency exposure. Though about 75% of Principals on the surveys agreed or strongly agreed that the Articling Program is objective in appraisal of candidates' performance, only about one-third on average of them saw "good" to "great" value in the formal appraisal of candidates' performance.

It is important to note here that the objectivity described above does not guarantee demonstrated competency mastery as there is a lack of standardization in how the competencies are assessed between each pathway. Further to the lack of standardization is the lack of assessment rigour in the process which exposes an inherent risk of the Articling Program and the LPP: leaving the sign-off of the readiness for practice of the candidate in the hands of the Articling Principals or LPP Providers and out of the hands of the regulator.

Value and Effectiveness

From the Record of Experiential Training in Articling Program reporting, it seems that articling candidates' training goals are being met for the most part, that is when competency exposure is possible in the particular training context.

Both the LPP and Articling Program show high participant ratings for value and effectiveness, as candidates are provided with:

- Hands-on, real world experience and applying theory to practice;
- Growth opportunities in standardized competency areas;
- Some choice to practice in different areas and settings;
- Mentorship and networking experience; and in many cases
- Remuneration.

Specifically, for example:

- Candidates in the LPP provided the highest effectiveness ratings to their workplace Supervisors, especially in Year Two;
- Candidates in the Articling Program rated *Quality of the learning experience* the most effective aspect of the Articling Program;
- More candidates in the French LPP gave their program “of great value” ratings than any other group of candidates, and in general, the candidates in the LPP by proportion provided the most “of great value” ratings for their program;
- Candidates in the Articling Program reported the most growth in *Fact Investigation and Legal Research*, as well as *Drafting and Legal Writing*; and
- More Articling Principals than candidates by proportion rated the Articling Program of “great value,” but the data suggests the Principals were rating articling in general, or their specific articling program, and not the enhanced Articling Program.

Both Articling Principals’ and candidates’ perceptions of the enhancements to the Articling Program have not been positive for the most part. There are notions expressed in the survey and Focus Group data that the Record of Experiential Training in Articling Program was viewed only as a compliance piece and had no real impact on candidates’ experiences or growth in the competency areas. Further, many of the experiential training competencies were described as inapplicable or irrelevant in specific practice types and areas.

Additionally, there is a feeling among Principals that what they were doing in providing transitional, experiential training for lawyer candidates in the past was fine and there is no need for the enhancements. In fact, Principals rated the enhancements the least valuable aspects of the Articling Program both quantitatively and qualitatively. Finally, the perception that the new reporting requirements were a waste of time or needless paperwork was fairly prevalent among the respondents to the Principals’ and candidates’ surveys.

b) Supporting Candidates’ Opportunity to Obtain the Transitional, Experiential Training Requirement of the Licensing Process

Thus far it is safe to say that the Law Practice Program has attracted proportionally more internationally-educated, *Racialized*, *Francophone* and *Age 40+* candidates than the Articling Program. Slightly more than half (51% on average) of the candidates in the LPP are internationally-educated candidates. Further, almost two-thirds of the candidates in the LPP did not enroll as their first choice for transitional experiential training. Graduates of Canadian law schools, which make up slightly less than half of the LPP candidate population, withdraw from the LPP at twice the frequency of their internationally-educated counterparts. Further, about one in seven candidates in the LPP withdraw compared to one in a hundred in the Articling Program. Many of the candidates that withdraw from the LPP chose not to answer a survey as to why they withdrew, and of those that did respond to the survey, the majority left the LPP because of financial obligations.

The most responses from candidates in the LPP on their Withdrawal Surveys focused on looking for and finding an articling placement; in Year One almost half (48%) of the responses indicated that the candidate had found an articling placement and of those 11 respondents that indicated they had found an articling placement, eight of the placements or around 73% were paid. Most responses in Year Two (75% in total) focused on looking for and finding an articling placement. Fifteen or almost two-thirds (~63%) of the responses indicated that the candidate had found an articling placement. Of the 15 respondents who indicated they had found an articling placement, all of them reported the placements were paid. These data suggest that an articling position was the first choice for experiential training for the majority of the respondents and when they did secure articles, they withdrew from the LPP.

Additionally, and as previously noted, there appears to be a sentiment among candidates that there is a “stigma” attached to the LPP that may hamper a graduate in obtaining employment. However, we have not heard the relevant thoughts from employers or post-call graduates of the LPP at this point, so any “stigma” associated with LPP as far as obtaining employment is merely speculation. However, some preliminary post-call data on Year One candidates show that are more sole practitioners from the LPP than the Articling Program, and the former has proportionally fewer *associates* than the latter. Further, in general, there are more practising lawyers from the Articling Program (82%) than from the LPP (67%) from the Year One cohort. Still, these numbers are proxy measures, and to conclude there is any employment stigma associated with the LPP, we will require more useable data from employers.

In the Articling Program, where the majority of candidates are recent graduates of Canadian law schools and not *Aboriginal*, *Francophone* or part of an equality-seeking community in the Ontario legal profession, the compliance with the new reporting requirements is excellent in terms of percentage of Experiential Training Plans filed, but there are substantial amounts of “N/A” in competency areas.

What we do know about the Articling Program reporting thus far is that complete competency coverage in the placement is difficult, especially in non-law firm placement settings. We also know that there was some concern in Year One, stemming from lack of clarity, over what the possible repercussions are for candidates that do not get full competency coverage in articling. This concern did not materialize to the same extent in Year Two.

Career Path

There was a sense from the Focus Groups that the *pathways* programs affected candidates’ career paths. We know via surveys and Focus Groups data that the LPP provided those who did not obtain an articling position or did not seek an articling position, with another path toward Licensing. This was especially true for internationally-educated, *Racialized* and *Francophone* candidates, as they are represented in the LPP in greater proportions than in the Articling Program. We also heard in the Year One Focus Groups, exclusively from the Articling Program candidates that the demands of articling, that are financial, emotional (stress), and physical (e.g., working long hours) have turned many away from law practice. Again, these sentiments did not materialize to the same extent in the Year Two Focus Groups. However, the Articling Program Candidates’ Survey data do not bear the demands of articling out to the same extent as the Focus Groups for Year One. Many Articling Program candidates responding to the surveys in both years

suggested that career paths were being slightly adjusted in what may be construed in a positive way, to different areas of law practice, rather than away from law practice altogether.

c) Effectiveness of One Pathway over the Other in Delivering Transitional Experiential Training in Defined Areas of Skills and Tasks Considered Necessary for Entry-Level Practice

Performance Assessments

It is clear from the data at-hand that performance measurement has occurred in the LPP training course and in the articling placements with the new tools. Data from these performance measures show that all the candidates in the LPP and the vast majority of the candidates in the Articling Program met or exceeded the expectations for their competency development. We also understand that there may be some consideration of a possible common final culminating assessment for candidates in both *pathways*, but one does not exist currently. This brings to light the current lack of commonality among the performance assessment regimes of the two *pathways*.³³

The measurement tools in each program are different and these tools used dissimilar five-point scales in Year One, and then Ryerson moved to a three-point scale in **Year Two**, which makes the assessment scales between the pathways even more incongruent. However, we understand that both programs are delivered substantively different, that is their structures are dissimilar, even though theoretically they are addressing similar competency development, which is the purpose for the pathways delivery.

But, a lack of performance assessment commonality makes a comparison of pathway effectiveness based on candidate performance in the defined areas of skills and tasks invalid. In other words, it is very difficult, if not impossible, under the current measurement model to make an apples to apples comparison between the two *pathways* of candidate performance in the competency areas.

However, if the goal of *effectiveness* for the LPP and Articling Program in delivery of essential entry-to-practice level skills competency, is to state that each, both or none of the pathways are *effective based on their own measures of delivery effectiveness*, without accounting for competency mastery, the current model of candidates' performance measurement on the skills competencies will suffice.

Other Measures that Provide Purpose to the Delivery

To judge the effectiveness of one *pathway* over the other in delivering transitional experiential training in defined areas of skills and tasks considered necessary for entry-level practice will rely not just on perceptual measures, which are subjective, but on some key performance metrics such as hire-back rate and rate of being called to the Bar, which are measures of the purposeful end-products of the Licensing Process. Ultimately, this *purpose* of the pathways delivery we believe cannot be extricated from the delivery itself. Therefore, these metrics are the goal of the Licensing

³³ The primary author of this report, a Canadian Evaluation Society Credentialed Evaluator, also earned his doctorate degree in psychometrics and educational measurement and is a nationally-recognized expert in the field of credentialing program development, including professional licensure and certification assessment development. He has developed and evaluated high-stakes credentialing programs Fortune 500 companies and Canada's accounting and restructuring and insolvency professionals.

Process and the only common metrics in this vein between the programs. Having said that, it is then clear that after two years of the *Pathways* project, data would suggest the Articling Program is more effective than the LPP in producing competent lawyers for entry-level practice.

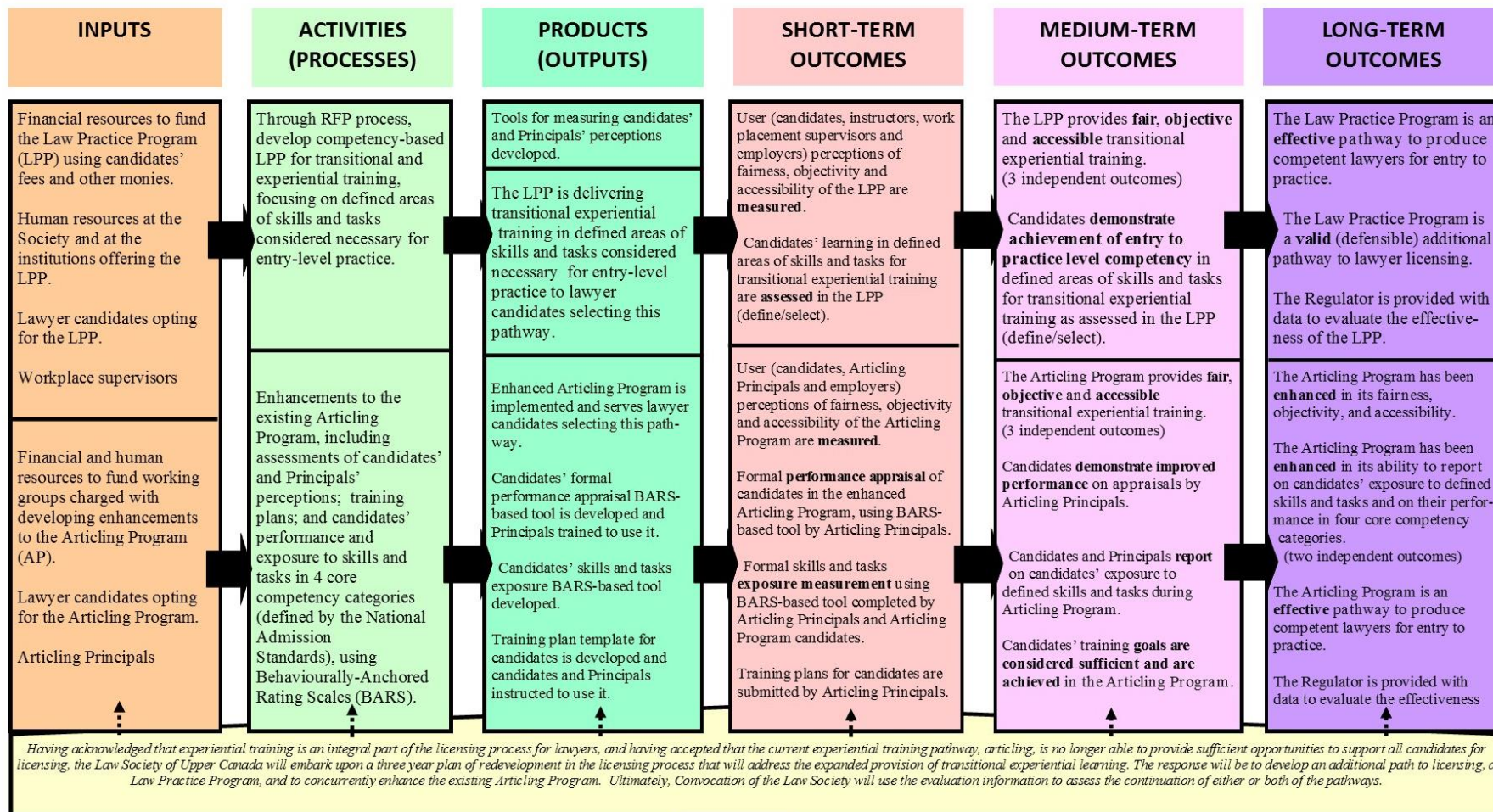
However, we do not have to make this determination now, especially since we have post-licensing data from just one cohort at this juncture. But would it be surprising if we made the same determination after three years of this study? This evaluator's opinion is no, based on the common, key metrics. How much of an advantage do candidates in Articling have over their LPP colleagues in being prepared for the call to the Bar and being hired-back, based on the structure of the pathways and not on competency development within each pathway? It is very difficult to disentangle these data to conclusively determine how many more candidates from articling than from the LPP we should expect to be called to the Bar and hired back, based on the perceived advantages of the structure of their pathway versus the structure of the LPP. So perhaps, we need to re-visit the wording of this evaluation question, Question #4 from our Evaluation Framework, or at least define more clearly how, or with what data, we may best answer this question.



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The Law Society of Upper Canada Pathways to the Profession Pilot Project Logic Model—Version 4.2 (December 4, 2014)



CONTEXT



Research & Evaluation Consulting Inc.: Delivering the Analytic Edge®

The Law Society of Upper Canada *Pathways to the Profession Pilot Project* Evaluation Framework

Evaluation Question	Short-Term Outcomes	Medium-Term Outcomes	Long-Term Outcomes	Target Group	Methodology (Data Collection)	Dimension (Data)	Timelines
<p>1. Does the Law Practice Program (LPP) provide licensing candidates with effective transitional experiential training in defined areas of skills and tasks considered necessary for entry-level practice?</p>	<p>User (candidates, instructors, work placement supervisors and employers) perceptions of <u>fairness</u>, objectivity and accessibility of the LPP are measured.</p> <p>Candidates' learning in defined areas of skills and tasks for transitional experiential training are assessed in the LPP (define/select).</p>	<p>The LPP provides fair transitional experiential training.</p>	<p>The Law Practice Program is an effective pathway to produce competent lawyers for entry to practice.</p>	Candidates	LPP Entry Survey	Profile of LPP candidate including experiences and needs	September 2014, 2015, 2016
		<p>The LPP provides objective transitional experiential training.</p>		<p>Candidates, Instructors, Work Placement Supervisors</p>	LPP Survey	Perceptions of the value of the LPP with focus on fairness, objectivity and accessibility	April 2015, 2016, 2017
		<p>The LPP provides accessible transitional experiential training.</p>			<p>New calls (LPP)</p>	<p>Post-Entry to Practice Survey Post-Entry to Practice Focus Group</p>	<p>Perceptions of the value of the LPP with focus on rating of transitional skills training for entry to practice</p>
		<p>Candidates demonstrate achievement of entry to practice level competency in defined areas of skills and tasks for transitional experiential training as assessed in the LPP (define/select).</p>	<p>The Law Practice Program is a valid (defensible) additional pathway to lawyer licensing.</p>	Candidates	LPP assessments on defined areas of skills and tasks - submitted by LPP provider	Candidates' performance in the LPP	January 2015, 2016 and 2017 and in May 2015, 2016 and 2017
		<p>The Regulator is provided with data to evaluate the effectiveness of the LPP.</p>	Employers	Focus group for employers of new calls (LPP)	Perspectives on quality of candidates from LPP	November 2015, 2016 and 2017	

Evaluation Question	Short-Term Outcomes	Medium-Term Outcomes	Long-Term Outcomes	Target Group	Methodology (Data Collection)	Dimension (Data)	Timelines
<p>2. Does the Articling Program provide licensing candidates with effective transitional experiential training in defined areas of skills and tasks considered necessary for entry-level practice?</p>	<p>User (candidates, Articling Principals and employers) perceptions of activities, fairness, objectivity and accessibility of the Articling Program are measured.</p> <p>Formal performance appraisal of candidates in the Articling Program, using BARS-based tool by Articling Principals.</p> <p>Formal skills and tasks exposure measurement using BARS-based tool completed by Articling Principals and candidates.</p> <p>Training plans for candidates are submitted by Articling Principals.</p>	<p>The Articling Program provides fair transitional experiential training.</p>	<p>The Articling Program has been enhanced in its fairness, objectivity, and accessibility.</p>	<p>Candidates and Articling Principals</p>	<p>Articling Program Survey</p>	<p>Perceptions of the value of the Articling Program with focus on fairness, objectivity and accessibility</p>	<p>May 2015, 2016, 2017</p>
		<p>The Articling Program provides objective transitional experiential training.</p>					
		<p>The Articling Program provides accessible transitional experiential training.</p>	<p>The Articling Program has been enhanced in its ability to report on candidates' exposure to defined skills and tasks and on performance in four core competency categories. (two independent outcomes)</p>	<p>Employers</p>	<p>Focus group for employers of post-call lawyers</p>	<p>Perspectives on quality of candidates from Articling Program</p>	<p>December 2015, 2016 and 2017</p>
		<p>Candidates demonstrate improved performance on appraisals by Articling Principals.</p>					
		<p>Candidates and Principals report on candidates' exposure to defined skills and tasks during Articling Program.</p>	<p>Candidates' training goals are considered sufficient and are achieved in the Articling Program.</p>	<p>Candidates</p>	<p>BARS-based exposure measurement by Principals and candidates</p>	<p>The skills and tasks candidates have been exposed to in Articling Program</p>	<p>August through May of each Articling year</p>
		<p>Candidates' training goals are considered sufficient and are achieved in the Articling Program.</p>					

Evaluation Question	Short-Term Outcomes	Medium-Term Outcomes	Long-Term Outcomes	Target Group	Methodology (Data Collection)	Dimension (Data)	Timelines
3. How does each pathway, LPP and Articling, support the licensing candidates' opportunity to obtain the transitional experiential training requirement of the Licensing Process?	All of the above for Evaluation Questions 1 and 2.	All of the above for Evaluation Questions 1 and 2.	All of the above for Evaluation Questions 1 and 2.	All of the above for Evaluation Questions 1 and 2. Candidates (Equity)	All of the above for Evaluation Questions 1 and 2. Equity Candidates' Focus Group	All of the above for Evaluation Questions 1 and 2. Perceptions of LPP and Articling Program experiences for equity candidates.	See above. April/May 2015, 2016 and 2017.
4. Is one Pathway, LPP or Articling, more effective in delivering transitional experiential training in defined areas of skills and tasks considered necessary for entry-level practice?	All of the above for Evaluation Questions 1, 2, and 3.	All of the above for Evaluation Questions 1, 2, and 3.	All of the above for Evaluation Questions 1, 2, and 3.	All of the above for Evaluation Questions 1, 2, and 3.	All of the above for Evaluation Questions 1, 2, and 3.	All of the above for Evaluation Questions 1, 2, and 3.	See above.

Pathways to the Profession Evaluation Focus Groups 2015 (Year One)
General Emergent Themes

Law Practice Program Themes	Themes Common to both the Law Practice Program & Articling Program	Articling Program Themes
<p><u>Low Value:</u></p> <ul style="list-style-type: none"> • More timely feedback in training course is necessary for it to be useful to candidates • Training course was fast-paced; lacked much needed depth in areas <p><u>Fairness:</u></p> <ul style="list-style-type: none"> • Unfair work placement process: <ul style="list-style-type: none"> ○ Forcing candidates to take the first call-back though it may not be in their best interest ○ Opacity regarding, location, and salary conditions • Unawareness of the LPP program in the legal community facilitates a disparity of treatment between LPP candidates and Articling candidates in the same work placement organization <ul style="list-style-type: none"> ○ Heavily linked to the nomenclature (e.g., candidate v candidate; LPP v Articling) • 4 month work-placements are too short for candidates to leave an impact on workplace organization, may jeopardize hire-back. 	<p><u>Value:</u></p> <ul style="list-style-type: none"> • Broad exposure in different content areas as well as various legal styles but through different vehicles: <ul style="list-style-type: none"> ○ In LPP broad exposure came in training course and was universal; in Articling, broad exposure was across individuals who were in different work placement organizations/settings ○ Opportunity to explore what they liked and what they didn't • Gaining Practical Experience & applying theory to practice • Networking and mentorship (formal and informal) • Appearing more marketable • Building employer-trust, and growth marked by increased responsibility <p><u>Practical Skills Development:</u></p> <ul style="list-style-type: none"> • Broad in LPP training course, focused in articling placement setting 	<p><u>Low Value:</u></p> <ul style="list-style-type: none"> • Articling Principals & candidates saw little to no value in the Experiential Training Plan; completed for compliance with LSUC • Articling candidates saw little or no value on aspects of Articling set out by the Law Society (e.g., PRP Course, Licensing Examinations) <p><u>Feedback:</u></p> <ul style="list-style-type: none"> • Feedback on candidate performance was context-specific (firm-size, principal style, area of law), and ranged from formal to “no news is good news” • Candidates’ experiential learning and development of skills, measured by being given increased responsibility <p><u>Fairness:</u></p> <ul style="list-style-type: none"> • Out-of province or out-of country candidates are disadvantaged in access to articling positions • Candidates request transparency from the LSUC regarding increases to licensing fees • Lack of resources and significant workplace demands for articling candidates lead to high stress and contemplation whether the profession is worth pursuing

Pathways to the Profession Evaluation Focus Groups 2016 (Year Two)

General Emergent Themes

Law Practice Program Themes	Themes Common to both the Law Practice Program & Articling Program	Articling Program Themes
<p>Low Value:</p> <ul style="list-style-type: none"> Aspects of training were rushed and underdeveloped; candidates should have the option to pursue certain areas of law in greater depth Lack of consequences in response to errors or inadequate performance within training component Mixed feedback regarding effectiveness of panels: candidates unable to relate to career paths of panelists <p>Fairness:</p> <ul style="list-style-type: none"> LPP is not yet a widely recognized program, leading to concerns that it is publically perceived as “second-tier” Job search process required more structure; lacked clarity regarding application protocols and deadlines Placements should be longer: <ul style="list-style-type: none"> Candidates require more time within workplace organization to develop skills and make a significant impact Mentors have less incentive to fully invest in placement experience due to the short duration Francophone candidates satisfied with LPP accommodations for Franco-Ontarian community 	<p>Value:</p> <ul style="list-style-type: none"> Practical career development: <ul style="list-style-type: none"> Exposure to a range of content areas allowed candidates to realize personal strengths and interests Networking, mentorship, and integration into the local job market Mentors/Principals that are qualified and involved notably improve the quality of experiential learning <p>Fairness:</p> <ul style="list-style-type: none"> Job search structure: <ul style="list-style-type: none"> LPP Candidates prefer more autonomy in choosing which placement offer to accept Articling Program candidates feel pressure to secure placement positions during early recruitment cycles, rather than wait to apply to more desirable positions Candidates request transparency from LSUC regarding program statistics (intake, graduation, employment) <p>Practical Skills Development:</p> <ul style="list-style-type: none"> Safe environment to transition from theoretical knowledge to practical application; good balance between education and practice Increased communication between LSUC and employers regarding candidates’ range of competencies may prevent candidates from feeling underutilized throughout placement 	<p>Low Value:</p> <ul style="list-style-type: none"> Candidates had little to no input in developing Experiential Training Plans; should be more individualized; often completed as an LSUC requirement rather than a genuine form of assessment <p>Feedback:</p> <ul style="list-style-type: none"> Feedback on candidate performance was context-specific (firm-size, principal style, area of law), and ranged from formal to “no news is good news” <ul style="list-style-type: none"> Mandatory feedback sessions would improve consistency and quality of principal involvement <p>Fairness:</p> <ul style="list-style-type: none"> Articling process puts those who are interested in social justice/child protection work at a disadvantage; deficit of paid opportunities and effective job search resources Out-of province or out-of country candidates are disadvantaged in access to articling positions due to the interviewing timelines

their new skills acquired during the LPP training component by working in a variety of legal environments, like national unions, governmental agencies, small firms, and government.

In addition, candidates presented a business case they had developed to assess the viability of opening satellite firms in Hawkesbury, Timmins, and Sudbury. This project also addressed the development of skills relating to law firm management. The candidates addressed the following subjects during their presentations:

- Offers of and demand for legal services in each community;
- Cost of living in each community;
- Availability and cost for renting space in each community;
- Availability of qualified labour in each community;
- Start-up fees and operational costs of a firm.

Lawyers and representatives of each region joined us by webinar to make observations about and comment on the presentations. Practising-trainers and an accountant were on site to assess the business cases.

The French LPP added three supervising lawyers to its team for the 2015 training component. Their role was to moderate work groups every other week with the candidates. The goal of those small groups was to closely follow the candidates' progress and give them more individualized feedback on legal drafting, practice management, and file management. Also, the discussion groups were used as a forum to discuss and share on issues relating to the professional obligations of a lawyer.

Based on the feedback received from the 2014-2015 candidates, the French LPP created a mentoring program for candidates in Year Two. In that program, each candidate is offered a chance to be matched with a member of the legal community as their mentor during the program. The goal is to give the candidates contact with lawyers and members of the legal profession in formal or informal settings, and to learn more about the practice of law from the solid experience of their mentors.

In accordance to reporting expectations stipulated by the Society, the University of Ottawa has conducted surveys of the candidates in order to obtain feedback about various aspects of the Law Practice Program, including:

- Modules and practising trainers, including assessment
- Professional development days
- Resources offered by the LPP
- Services offered by the University

Linguistic test

In order to ensure a certain quality of the French-Language within the program, the University of Ottawa's LPP created a linguistic test for candidates who did not study law in French but would like to register in the French LPP. The passing mark established by the LPP, in consultation with two legal writing experts, was 65%. Three candidates wrote the linguistic test for Year One: one candidate passed and two candidates failed and were therefore denied entry into the program. In Year Two, none of the candidates had to write a test because they all did their law studies in French.