



RYERSON LAW PRACTICE PROGRAM

October 26, 2018

Dear Law Society of Ontario:

**Ryerson's Law Practice Program (LPP) Submission to the Law Society of Ontario's (LSO)
Dialogue on Licensing**

Overview

Ryerson's Law Practice Program (LPP) is now in its 5th year. Over 1,100 Candidates will have had the opportunity to obtain high quality, standardized, supervised, and assessed legal skills training designed and delivered by professionals by the end of this year. We have attached a copy of our Year 4 Public Report.

Our goal is to better position the Candidates for success in their future careers, not just get them over the licensing bar. They will find success when they are trained and specifically prepared to deliver to Ontario consumers, people and businesses, what the consumers need from legal professionals, in the way they need it.

We have been successful. Here are our post-Call numbers for the first 3 years:

- 90% of Year III, once Called, were working in law or law-related positions one year post-LPP (plus 5% were otherwise employed)
- 84% of Year II, once Called, were working in law or law-related positions one year post-LPP (plus 3% were otherwise employed)
- 75% of Year I, once Called, were working in law or law-related positions one year post-LPP (plus 5% were otherwise employed)

The active participation of hundreds of practicing lawyers and other professionals has helped achieve this success. We thank them for their dedication to the Profession.

The Public Interest

The LSO must regulate in the public interest. Putting the public interest first is the only justification for the monopoly the Profession enjoys. We encourage the LSO to expect high standards, not lower ones, from licensees. It should be a race to the best, not a decision to settle for less. Our experience shows that when you set the bar high, Candidates will rise to the challenge. If you get the public interest right, you will ultimately get the lawyer interest right.

The LSO is the only regulator in Ontario. You have a unique role and responsibility. Globalization, competition, technology, the access to justice crisis and the exclusion of large numbers of Ontarians from the legal system they pay for, are just some of the challenges the LSO faces.

The public needs lawyers trained to serve them in the way they need to be served. That includes a strong academic foundation, but also includes the practical skills that have always been necessary for practice. Today, it also includes other skills, such as working in groups, working across disciplines, knowledge of effective business methods and approaches, emotional intelligence, and how to address the effect of globalization and

the profound and increasing effect of technology. Little, if any, of this is delivered in law school at all, or consistently.

Where Should Licensing Go?

Lawyers should not be licensed to practise without demonstrating that they have acquired a strong and evolving basket of skills. The protection and advancement of the public interest demands it. These are most likely acquired through dedicated skills-based training that is supervised and assessed, and work experience. There may be a number of ways to acquire the necessary skills.

Skills Training

Our obligation is to help Candidates achieve what they need to be Called to the Ontario Bar. Our goal is to better position them for success in their future careers. Our program includes 17 weeks of skills training. It simulates practice, in a protected environment. The training is developed and delivered by members of the Profession. It is high quality, standardized, supervised, and assessed training. We have added additional elements, such as superb advocacy training led by Jim Seckinger and Sheila Block, a negotiation program led by Allan Stitt and his team at Stitt Feld Handy Group, and a Corporate Counsel program. We introduce our Candidates to e-discovery and intellectual property. This year we held an Equality, Diversity and Inclusion Conference for the Candidates and almost 100 members of the Profession. We have also, for the first time, included an Indigenous file.

Every year we have had the Candidates prepare a business plan, and have incorporated an increasing amount of innovation programming, including an innovation challenge. This year we have combined them, and are helping the Candidates develop an innovative approach to deliver legal services.

Work Placement

We support the requirement that Candidates complete a work placement. There is important learning that occurs in a real work setting that differs from a simulated environment. Every Candidate who successfully completes our training (and every year about 30 either leave or require further work before they can proceed) can proceed to a work placement. Every year, every Candidate has found one – we've had a 100% placement rate each of these past 4 years.

Work placements are essential. Our placements last 4 months and follow our training. Articling is 10 months without the preliminary training. It is the quality of the overall experience that makes the most difference. We remain actively engaged with both the Candidate and the employer during the placement to ensure a good quality experience.

Our approach has been successful.

There has been a lot of discussion about the length of time for a work placement. We would simply say that, on balance, a 4-month placement that follows our training works. The training must come first. It is an attraction to employers, and necessary for the Candidates. The employer can always extend, and a number of ours do.

Paid or unpaid, that is the question. Everyone wants to be paid. Ideally, everyone would be paid. The journey has been long, and costly. The real issue is whether you eliminate the possibility of placements that are not paid.

We find our placements through extensive outreach and marketing – we don't just create them. Our numbers are improving every year. Last year, Year 4, 80% were paid, with 16% of those being stipends of some sort. However, we are not at 100% paid yet.

If you mandate 100% paid articling and LPP placements, be prepared for the possibility/probability that there will not be enough. The numbers of students wanting to be licensed is rising, and the Profession has no control over that, the economy is not predictable, and much of the Profession is encountering challenges.

A number of our unpaid positions are with legal clinics. Quite a few of our Candidates have taken one, then found a full-time job in the clinic system because they have directly relevant experience. Other unpaid placements, private ones, have provided excellent training, in some cases a full-time paid position, and often an excellent reference.

All positions provide necessary training. There are many choices people have to make in their work career. We know that thought and care will be taken before eliminating the possibility of exercising a choice when that might be the only choice, or for reasons other than money a choice the Candidate would want to consider.

An Inclusive Profession

Our Candidates reflect the Province of Ontario, not necessarily the legal Profession. We are disproportionately racialized compared to the Profession generally. We have provided a pathway for many who have experienced challenges and were excluded in the past. We are the most successful equity program the LSO has. This year we held an Equality, Diversity and Inclusion Conference. The LPP addresses the very challenges the LSO has accepted in its [Working Together For Change report](#), and that the Profession struggles with. If the LPP does not exist, how are those challenges to be addressed?

Cost

- **General Observations**

We are a program provider. We have an interest in ensuring that Ryerson University does not lose money training lawyers for the LSO. We do not hide from these facts. There are some observations that need to be made, however.

Licensing Candidates are right to be concerned about cost. The journey from the beginning of post-secondary education to a Candidate's Call to the Bar is a long and costly one. Debt is real. Entering the Profession has always been financially challenging for most new lawyers. It is as challenging today as it has ever been.

Most of the lawyer's licensing journey is an academic one (including undergraduate studies, law school, NCA where applicable, and licensing exams). What the Call to the Bar represents and what licensing provides, however, is the right to be left alone with a client to practise anything – from murder to merger. Law students are not competent to do that. Law school does not prepare them for that. Law school will never be able to do

all that is required, even if they wanted to – and they clearly do not (we are not speaking of the Integrated Practice Curriculum – IPC – at the Bora Laskin Faculty of Law). More exams on their own will not provide what is needed. Skills-based training and practical placements are required.

Most of the cost of the lawyer’s licensing journey is the academic part. A lawyer will spend up to \$150,000 on tuition and fees for that journey. This does not include living costs for the many years involved. The licensing cost at the moment is about \$5,000. Yet the licensing year represents far more of what is important to the public protection, and the lawyer’s success, than the 3-5% of the overall cost that it now represents.

The discussion about cost seems to be all about the 3-5%. At some point, hopefully, the discussion will focus more on how to achieve and protect the public interest, and how lawyers can best acquire the skills they need to serve the public.

- **Our Costs**

Much has been said about our costs. Suffice it to say that the contract structure means the various figures you have seen represent the highest possible per Candidate cost. The more Candidates we get, the lower the individual cost.

We are not a law school class. As the Law Deans themselves often say, it is costly to put on experiential skills programs. The simulated environment and the constant engagement with members of the Profession are essential to success. (We leave the possibility of AI empowered interactive robots for a future licensing discussion!).

Our future costs can be lowered with the experience we have gained. In addition, they could be lowered if:

1. We have a greater ability to manage scheduling and structure.
2. Fewer reputation attacks. Every reputational attack costs money. It a significant driver of cost. If the LSO is going to do it, the LSO needs to lead by supporting it.

Respect

Those who choose the option to do the LPP, or any other alternative to the traditional pathway, are deserving of the Profession’s, and the LSO’s respect.

LPP Candidates have a right to be treated with the same respect as other members of the Profession. A lot of time is spent instructing and reminding them of their professional obligations. One of those is to treat colleagues with respect. They are bound by the *Rules of Professional Conduct*, even as Candidates. The Profession owes them the same respect. Even if it is argued that the Rules don’t require it - Society expects it.

A lot of time has been spent on the possibility that LPP Candidates might experience stigma, or be affected by it, etc. Let us be clear: the **only** stigma that exists is the one some members of the Profession choose to perpetuate. To the extent this discussion is well-intentioned, please stop. To the extent it is not, it must stop or be stopped.



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There is no factual foundation for suggesting that LPP Candidates are any less deserving of respect, or have achieved any less, or are any different in their ability, than any other Candidate who took any other route. The word 'stigma' has become an unacceptable means of perpetuating a fiction. Like all such forms, it is a differentiation without factual foundation, and should not be tolerated. The fact that the Candidate group is disproportionately racialized, in a Profession that itself says it has trouble accepting racialized licensees as readily as it accepts those who are not, is noteworthy.

The Next Steps

Ryerson has been pleased to deliver the LPP for the past 5 years, and we have been asked by the LSO to deliver a 6th. The facts speak for themselves – the LPP works. It helps achieve the public interest by helping Candidates build the skills they need to serve the public and succeed. We are interested in continuing to serve the public, and the Profession, by delivering the LPP into the future.

Thank you for your time and consideration,

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