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**LSO Competence Task Force: Renewing the Law Society's Continuing Competence Framework
Submitted Via LSO Competence Task Force Portal**

**Law Practice Program (LPP) at Ryerson Submission:
Developing a Continuing Competence Framework for the Future**

Introduction

The Law Practice Program (LPP) at Ryerson is an approved route to licensing for lawyers in Ontario. It was established by contract with the Law Society of Ontario with two goals: first, to help address the persistent shortfall in articling placements, and second, to standardize the approach to skills development and training that are at the heart of the licensing process.

By the end of this, our 8th year, almost 2000 licensing Candidates will be LPP Alumni. They will all have successfully completed 4 months of interactive skills development and training, followed by 4 months of work experience where the skills development continues under the supervision of a practicing lawyer. Throughout the previous 7 years, and we hope this year as well, every Candidate who successfully completed the first 4 months of skills development and training obtained a work placement.

The LPP is not an academic program. Thousands of lawyers and other professionals have participated in the program as mentors, advisors, assessors, subject matter experts, training deliverers and employers. The LPP is a purpose-built, standardized, assessed, future-looking, consumer-centric skills development and training program.

Our experience in developing and delivering a skills training program might be of assistance to your work on the Continuing Competence Framework. We will also offer some observations and ideas on the approach you might take. We hope that the result of your work will be a forward-looking Framework that will support a vibrant, strong and prosperous profession, encourage excellence, and result in an enhanced individual and collective ability to serve the public. It will be a Continuing Competence Framework for the Future.

This work is styled as a renewal, and it is time for that. It has been years since the original Framework was developed, and there have been many alterations to it since then. We see both a need, and an opportunity, to be ambitious. Why? The world has changed.

Pandemic

The pandemic became real for most Canadians in mid-March 2020. Justice providers were seriously challenged. For weeks our formal system of justice was almost at a standstill. Lawyers in all settings and all types of practices were forced to adapt to a new reality.

Over the weeks and months that followed a lot changed. Zoom became a household word. Technology and different approaches to the practice of law that had been ignored, dismissed or

even ridiculed just months before were adopted relatively quickly. So many of the practices and procedures that lawyers had been told would not, could not or should not be changed for various ethical, professional, or other reasons were suddenly changed out of necessity, and the results have proven to be overwhelmingly positive.

The pandemic may have forced change on many practices in the justice sector, but rapidly accelerating change has been happening in the world around us for many years. The technology and business approaches that might be seen as new developments in law have been part of the broader community for years. Many of them are neither new, nor particularly sophisticated. Our rules, structures and expectations have not kept pace with the times. This review is an opportunity to build for the future.

The pandemic's effects should further encourage us to pursue an evidence-based approach to regulation. Evidence matters. We are a traditional profession, and it is important to acknowledge and understand those traditions. However, we need to prepare the lawyers for the future. Just because we have done something in a certain way, or feel comfortable doing it that way, does not mean that it is the only way to do it. We should be governed by the evidence. When we are told that a new or innovative approach cannot be tried, we should ask why not? We should also remember how many times in the past we have been told 'no' for reasons the pandemic made clear just aren't so.

Opportunity

This discussion provides an opportunity to advance both a social benefit to society and an economic benefit to lawyers. Lawyers have a monopoly over all legal services in Ontario, but we serve less than 20% of those needs. The people and businesses we do not serve have consistently said that our approach to justice is too complex, too slow and too expensive.

A Continuing Competence Framework should recognize and support the opportunity to be found in serving the unserved. The Framework should be consumer-focussed, not simply client-focussed, by including those we could but do not yet serve. There is a very significant economic opportunity for the legal profession in this, but it will not be realized if we only follow the path of the past.

The LPP has, from the start, seen the opportunity in this, and has introduced our Candidates to different business and other approaches that either are being or could be used to serve legal needs.

Confidence

The approach to building the Framework should reflect confidence in our colleagues. The Framework should allow them to use their talent and ability to the greatest extent possible. It should inspire them to reach for more, not limit or restrict them. Rules that are unduly prescriptive or restrictive will hold them back from realizing their full potential, and make them lose the promise of their future. Such an approach will soon lose the confidence of the led.

We should recognize that all lawyers and licensees are so much more than the sum of the law they know. They each bring a unique background, strengths, and perspectives that can enrich, broaden, and strengthen the legal services they deliver. The faster we develop a continuing competency framework that recognizes, supports and encourages this, the better.

Skills Matter

Skills matter. They enable lawyers to leverage their legal and procedural knowledge and deliver the services the client and circumstances require.

The LPP has used the LSO skills framework, which is a more expansive version of the National Standards framework, to develop and deliver the core skills that are required for licensing. We have done this by engaging thousands of members of the profession over the years as mentors, assessors, subject experts, advisors and program developers. They have worked together with other experts with different expertise to design, develop and deliver the program.

Legal skills are important, but they are not enough. Teamwork, emotional intelligence, business skills, technology and creativity, to name just a few, are all important. The T-shaped lawyer, or variations of it, is the standard. We have incorporated these additional skills, in different ways, into the LPP. From the teamwork required to work in a 'law firm', to the technology that supports it (e.g. Clio), from the modules on emotional intelligence and design thinking, to the preparation of a business plan, the LPP is constantly enhancing the skills base of the program.

Skills are what enable lawyers to do their work. Our knowledge and skills are what should differentiate us from those who would provide services that we could provide. They are at the very core of what it means to be a lawyer. They are a key part of the brand, and constitute a core justification for self-regulation. A framework which supports their continuous development is essential.

We apply a “**coaching**” approach to training, rather than a policing approach. We use adult learning concepts to support the development of our Candidates: learn about something; try it out (in our case in a simulated environment first); receive feedback by someone with experience; reflect on the feedback; and apply the feedback on subsequent improved attempts. Every year, our Candidates tell us that this approach has increased their confidence and competence in the various areas of development.

The opportunity to practice or experience “true to life/the profession” opportunities in a safe, **simulated environment** before they enter a workplace has also greatly benefitted our Candidate development. If they make a mistake, nobody goes to jail, loses money, loses their right or gets reported!

The Report mentions several areas of concern, including **communications, client relationship management and practice management**. We address these issues in the LPP using the virtual firm simulations. For example, included are the following annual “deliverables” (ie work products within their virtual firm simulations):

- Receiving, reviewing, applying regular daily simulated emails and phone messages from which work must be determined and completed
- Initial and follow-up meetings with our “actor” clients, and work that flows from those meetings, in the different substantive files. Ethical and professionalism issues often arise.
- A “file audit”, developed from the LSO’s concept of Practice Reviews – where a practising lawyer reviews their files and suggests improvements.

The Foundation Matters

A Continuing Competence Framework needs a reference point. Licensing, which is entirely within the control of the LSO, is that point. The licensing process purports to require that every lawyer has certain core skills. Without a verifiable reference point, a solid skills foundation, any subsequent framework to improve those skills has no foundation on which to stand.

What Gets Measured Gets Managed

It is not possible to assume a skill has been learned or developed from mere attendance at an event, or from the passage of time. If you do not assess whether the skill has been obtained, you do not know whether it has been. The failure to measure, to test, to examine what has been learned and what has not means you simply don’t know.

Assessing skills is not easy. It is time-consuming and requires resources. It serves to demonstrate where the individual is on the continuum of development, and clarifies and can assist with what improvement is required. It also helps focus the mind of the Candidate on the importance of the skill.

The LPP assesses the skills that are at the core of the licensing requirements. It is not a “gotcha” process, where those who do not meet the standard are failed. Instead, we use the assessment process to encourage skills training and development. We use a combination of means, at various stages, with specific criteria and with different experts, to assess the skills development of the Candidates. Our approach is to take them from where they are and help them get to where they need to be.

Technology

The LPP has used technology in many ways from the beginning. Most of our first 4 months of interactive skills training was online during the first 6 years, and all of it is now. We have used cloud-based technology for our Candidates to manage their ‘practices’ during these 4 months (e.g. Clio and Google suite of products). Beyond that, though, we have incorporated technology

and new business approaches into every year of our training. We do it for two reasons: first, to understand the possibilities in traditional practices, and second, to recognize the opportunities if you consider serving consumers differently.

The challenge with an imposed technology requirement is that we are so far behind, and the debate over it will inevitably be so long, that it will be obsolete before it is imposed. Many of the current formulations focus on existing practice models. They do not contemplate a rethinking of service delivery, and do not take into account other business models. They concentrate on technology, and don't seem to contemplate that technology is often leveraged by new business approaches or models.

This is an area where information, resources and encouragement would go further than direction. We would be better off to speak of what is happening beyond Ontario's borders, what the opportunities are for all lawyers if they use technology and different business approaches, and what the risk of inaction or too little action is.

Conclusion

The world is changing. The pace of change is accelerating. Consumers, globalization and technology are combining to drive and accelerate change. Legal needs are engaged throughout the changes that are occurring. Unfortunately, the legal profession is serving a small percentage of those needs. The structures that support the legal profession must be able to help lawyers adapt to change, and maybe more importantly take advantage of it. The successful adapt to change. Leaders take advantage of change.

Our continuing competence framework must be fit for both the present, and for the future we wish to see. It must have a solid foundation, but be adaptable to rapidly changing events. It must inspire and not simply police. Leadership that entices with the opportunity for better will drive change faster than that which only seeks to enforce minimum standards. We should aspire to the highest standards. There is a future in excellence, not so much in mediocrity.

A continuing competence framework for the future will be uncompromising in ensuring that there are core skills, competencies and standards of conduct that must be demonstrated by licensees whenever they serve their clients. It will be ambitious in supporting those who seek to serve the many not now served. It will be future- looking, recognizing that law and legal services are part of the world around us, not separate from it. It will be based on confidence in the members it supports, both for who they are and what they can bring to the future. It will help to release and leverage the talent and ability of all.

The LPP is looking forward to the future.

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