

# INFORMATION ON WORK PLACEMENTS

## BACKGROUND

---

Due to increased demand, there is a growing shortage of articling positions for students seeking to be licensed to practice law in Ontario.

In November 2012, the Benchers of the Law Society of Upper Canada (LSUC) voted in favour of a pilot project to assess the effectiveness of a Law Practice Program (LPP) as an alternative pathway to licensing.

Training programs similar to what the LSUC is proposing for the LPP are run in other common law jurisdictions such as the UK and Australia.

The plan is to run the articling program alongside the new LPP for a period of 3 years, with a possible 2 year extension, and then determine how to proceed based on competency assessments of students from both streams.

In February 2013, the LSUC issued a [Request for Proposals \(RFP\)](#) for an LPP consisting of a 4-month Training Course and a 4-month Work Placement to commence in 2014/2015.

A minimum of 80 confirmed Work Placements must be submitted with a proposal.

RFP responses are due May 31, 2013.



## OUR LPP PLAN

---

The Osgoode LPP Project flows from *Osgoode Professional Development's* commitment to high-quality, innovative lifelong legal education. We have already pioneered a Professional LLM program, advanced certificate programs, and a range of cutting-edge professional development conferences, speaker series and webinars.

We believe that a well-crafted LPP can be not only as good as, but better than, articling in preparing graduate law students for practice.

We are working with experts from some of the best practical legal training programs in the UK and

Australia to create a proposal for an innovative Training Course based on “transactional learning” or learning through doing transactions in virtual law firms.

The best professional training tries to integrate Training Courses and Work Placements. We will endeavor to do that in a variety of ways in our program, building on expertise from professional legal training elsewhere and training in other professions, eg. medicine.

## WHAT WE'RE ASKING FOR

---

**We need Ontario lawyers to agree to provide Work Placements in time for the May 31, 2013 deadline, although Work Placements would likely not start until summer of 2014.**

Our proposal is still evolving, and if we are selected as an LPP provider, it may evolve further with the LSUC. This, however, is **what we do know**:

- Work Placements are generally **17 weeks long**, including 1 week vacation. At this point we think that those weeks will be consecutive. There may be more than one 17-week placement period in a year.
- Trainees on a Work Placement can do the **same work as articling students** and will be doing the Ontario Bar Exams.
- Work Placements must provide trainees the **opportunity to see and perform some of the Skills and Tasks** set out in Appendix 1.
- We would like to see trainees be paid for their Work Placements. We are suggesting a range between \$500-\$1000 per week. (If you have articling students, however, we recommend that the pay for an LPP trainee be on par with the pay for those articling students.) **Please note** that you may still participate if paying a trainee is not in your budget, or there are other barriers to you providing a paid placement. We will be seeking funding to pay honorariums to trainees in such cases.

## WHAT'S IN IT FOR YOU?

---

- ✓ A cost-effective means of obtaining a motivated trainee to assist with your practice who has up-to-date legal knowledge and research skills, and is probably more tech savvy than you are
- ✓ An opportunity to improve your own lawyering skills through the process of modeling and teaching
- ✓ A chance to give a potential employee a trial run before making a hiring commitment
- ✓ The satisfaction of participating in the training and assessment of the next generation of Ontario lawyers
- ✓ You can fulfill a portion of your Continuing Professional Development hours

## HOW YOU CAN PARTICIPATE

---

**Provide us with the letter attached as Appendix 2 on your letterhead, signed by you, as soon as possible.**

The project is scheduled by the LSUC to begin on November 1, 2013. If we are selected as a provider, we will contact you and let you know, in much greater detail, about how our LPP is going to work and what the next steps will be to securing a trainee for a Work Placement.

We will provide support with any forms or other documentation which may be required by the LSUC. We will also provide training and resources, if desired, on how to supervise and mentor.

At some point prior to the start of the Work Placement, you will meet with your trainee(s) and the LPP Placement Coordinator to discuss a 3-way

Learning Contract, which will set out each party's responsibilities with reference to the Skills and Tasks listed in Appendix 1. The Learning Contract will by no means be onerous for the supervisor or the trainee – we don't want the experience to be artificial. It will, however, ask you to be as engaged in the trainee's learning process as an articling principal.

There will be some kind of assessment of the trainee required; we are still developing the overall assessment framework and determining what learning outcomes we want to see, and are reasonable to expect from a Work Placement.

Thank you for supporting The Osgoode LPP Project.

Interested? [Click here](#) or contact Nicole Salama, Placement Coordinator at [nsalama@osgoode.yorku.ca](mailto:nsalama@osgoode.yorku.ca) or 416.673.4673

# List of Skills

(excerpted from the National Admissions Standards Project,  
National Entry to Practice Competency Profile for Lawyers and Quebec Notaries)

## 1. Ethics & Professionalism Skills

---

- a. Identifying ethical issues and problems
- b. Engaging in critical thinking about ethical issues
- c. Making informed and reasoned decisions about ethical issues

## 2. Oral and Written Communication Skills

---

- a. Communicating clearly in the English or French language
- b. Identifying the purpose of the proposed communication
- c. Using correct grammar and spelling
- d. Using language suitable to the purpose of the communication and the intended audience
- e. Eliciting information from clients and others
- f. Explaining the law in language appropriate to the audience
- g. Obtaining instructions
- h. Effectively formulating and presenting well-reasoned and accurate legal argument, analysis, advice or submissions
- i. Advocating in a manner appropriate to the legal and factual context
- j. Negotiating in a manner appropriate to the legal and factual context

## 3. Analytical Skills

---

- a. Identifying client's goals and objectives
- b. Identifying relevant facts, and legal, ethical and practical issues
- c. Analyzing the results of research
- d. Identifying due diligence required
- e. Applying the law to the legal and factual context
- f. Assessing possible courses of action and range of likely outcomes
- g. Identifying and evaluating the appropriateness of alternatives for resolution of the issue or dispute

## 4. Research Skills

---

- a. Conducting factual research
- b. Conducting legal research including
  - i. Identifying legal issues
  - ii. Selecting relevant sources and methods
  - iii. Using techniques of legal reasoning and argument such as case analysis and statutory interpretation, to analyze legal issues
  - iv. Identifying, interpreting and applying results of research
  - v. Effectively communicating the results of research
  - vi. Conducting Research on procedural issues

## 5. Client Relationship Management Skills

---

- a. Managing client relationships (including establishing and maintaining client confidence and managing client expectations throughout the retainer)
- b. Developing legal strategy and advising client in light of client's circumstances (for example, diversity, age, language, disability, socioeconomic, and cultural context)
- c. Advising client in light of client's circumstances (for example, diversity, age, language, disability, socioeconomic, and cultural context)
- d. Maintaining client communications
- e. Documenting advice given to and instructions received from client

## 6. Practice Management Skills

---

- a. Managing time (including prioritizing and managing tasks, tracking deadlines)
- b. Delegating tasks and providing appropriate supervision
- c. Managing files (including opening/closing files, checklist development, file storage/destruction)
- d. Managing finances (including trust accounting)
- e. Managing professional responsibilities (including ethical, licensing, and other professional responsibilities)

## List of Tasks

### A. Ethics, professionalism and practice management

---

- i. Identify and resolve ethical issues
- ii. Use client conflict management systems
- iii. Identify need for independent legal advice
- iv. Use time tracking, limitation reminder, and bring forward systems
- v. Use systems for trust accounting
- vi. Use systems for general accounting
- vii. Use systems for client records and files
- viii. Use practice checklists
- ix. Use billing and collection systems

### B. Establishing client relationships

---

- i. Interview potential client
- ii. Confirm who is being represented
- iii. Confirm client's identity pursuant to applicable standards/rules
- iv. Assess client's capacity and fitness
- v. Confirm who will be providing instructions
- vi. Draft retainer/engagement letter
- vii. Document client consent/instructions
- viii. Discuss and set fees and retainer

### C. Conducting a matter

---

- i. Gather facts through interviews, searches and other methods
- ii. Identify applicable areas of law
- iii. Seek additional expertise when necessary
- iv. Conduct legal research and analysis
  - i. Develop case strategy
- v. Identify mode of dispute resolution
- vii. Conduct due diligence (including ensuring all relevant information has been obtained and reviewed)
- viii. Draft opinion letter
- ix. Draft demand letter
- x. Draft affidavit/statutory declaration
- xi. Draft written submission
- xii. Draft simple contract/agreement

### C. Conducting a matter (cont...)

---

- xiii. Draft legal accounting (for example, statement of adjustment, marital financial statement, estate division, bill of costs)
- xiv. Impose, accept or refuse trust condition or undertaking
- xv. Negotiate resolution of dispute or legal problem
- xvi. Draft release
- xvii. Review financial statements and income tax returns

### D. Concluding retainer

---

- i. Address outstanding client concerns
- ii. Draft exit/reporting letter

### E. Adjudication/Alternative Dispute Resolution

---

- i. Draft pleading
- ii. Draft Court Order
- iii. Prepare or respond to a motion or application (civil or criminal)
- iv. Interview and brief witness
- v. Conduct simple hearing or trial before an adjudicative body
- vi. Prepare list of documents or an affidavit of documents
- vii. Request and produce/disclose documents
- viii. Draft brief

## Template: Confirming Letter from Participating Firm/Organization

[Your Letterhead]

[Date]

To: Placement Coordinator  
The Osgoode Law Practice Program Project

Re: Work Placement Position(s) for The Osgoode Law Practice Program Project

**Name of organization/lawyer** will provide: [(number) Work Placements for up to 17 weeks per year] **OR** [(number) Work Placements for up to 34 weeks per year] **OR** [(number) Work Placements for up to 51 weeks per year].

The following lawyer(s) will act as Supervisor(s) for the Trainee(s)\*:

1. **Name of Supervising Lawyer**
2. **Name of Supervising Lawyer, etc.**

The above noted Supervisor(s) confirm that **he/she/they** have reviewed the attached list of required and preferred Skills and Tasks set out in Appendix 1, attached, and confirm that these skills and tasks will be integrated into, and supervised during the Work Placement, subject to a Learning Contract entered into prior to the commencement of the Work Placement.

Yours truly,

Encl. Appendix 1

*\* Please note that Supervisors should supervise no more than two (2) trainees at a time.*

Please submit your letter by **one** of these methods:

Mail: Osgoode Professional Development  
2602-1 Dundas Street West, Box 42  
Toronto, ON M5G 1Z3  
Attn: Placement Coordinator

Email: [placements@osgoode.yorku.ca](mailto:placements@osgoode.yorku.ca)  
Fax: 416.597.9736  
Attn: Placement Coordinator