



October 19<sup>th</sup>, 2016

Law Society of Upper Canada  
Osgoode Hall  
130 Queen Street West,  
Toronto ON M5H 2N6

Attention : Professional Development and Competence Committee  
Policy Secretariat – Sophia Sperdakos  
Via email : [ssperdak@lsuc.on.ca](mailto:ssperdak@lsuc.on.ca)

Dear Ms. Sperdakos,

**Re: CCLA Input into proposed LSUC Motion to end Law Practice Program**

On behalf of the County of Carleton Law Association (CCLA), we thank you for this opportunity to contribute to the discussion on the Professional Development & Competence Committee (PD&C Committee/ “the Committee”) recommendations, *inter alia*, to end the Law Practice Program (“LPP”) following completion of the third year (2016-17) of the original five-year pilot project.

We specifically respond to the Report to Convocation: Pathways Pilot Project Evaluation and Enhancement to Licensing Report (“the Report”) released by the Committee on Sept. 22<sup>nd</sup>, 2016.

We observe that running predominantly through the Report is the contention that the LPP is perceived by its candidates to be a second-tier pathway into the profession. This current perception still does not derogate from the fact that, as one of our members succinctly put it, “At least the LPP is giving people a fighting chance. The alternative is no chance at all. If I were a student, I would at least want a chance.”

Moreover, the Committee’s Report itself stated, “There is no evidence to suggest that the LPP is in fact second-tier or merits [such] a 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”. We therefore caution against a rush to terminate the pilot while it is still in its infancy.

Our group considered the context of the Report wherein the original five-year pilot was amended by Convocation in its October/November 2012 report. It was stated that a five-year pilot was a long time and might end up having the unintentional effect of entrenching it, thereby not treating it as the pilot it was intended to be. We respond that extending the LPP to the end of Years 4 and 5 as a specifically-labeled pilot will not achieve entrenchment, but rather will allow for accurate assessment of LPP’s future viability, using the same tools the Law Society has developed to date.

We note that the LSUC retained senior psychometrician Dr. A. Sidiq Ali, as the Senior Evaluation Consultant to develop specific tools to capture and apply data from the 2014-2015 and 2015-2016 years (1 & 2) to evaluate the LPP overall. The conclusions garnered by psychometric testing of the LPP pilot were stated to depict negative trends over a two-year span when comparing the LPP to Articling. The areas addressed included: the perception that the LPP is viewed by candidates and some Articling principals as a second-tier transitional experiential

training, the relative lack of LPP work placements, a greater percentage of withdrawal from the LPP program, fewer calls to the Bar in this group, and lower hire-back statistics, amongst others.

With respect, our group contends a brief two-year window of observation cannot accurately depict the forward momentum of any "trend". We are only in the midst of Year 3 right now. A trend would be more accurately observed with data garnered from this year, plus Years 4 and 5.

We also ask whether the perception of LPP as a second-tier training process is merely an artifact of its relative novelty being compared by the profession and law students' long-standing familiarity with Articling's time-hallowed tradition. But given the long-running history of Articling, it could hardly come as a surprise that this new process would initially be viewed skeptically by members of the profession and by law students. We believe this could change over time, and possibly within the originally planned five year period after familiarity with the LPP grows.

Some members of our group support the LPP in theory while others do not. However, we all agree that terminating the LPP pilot after three years leaves law students with no other path to licensing but to somehow try to obtain Articles. This has proven to be an arbitrary barrier to many. The LPP was created to offer a viable option to Articling. Anecdotally, we offer our own examples of success with the LPP. One Criminal Defence practitioner in our group had two LPP students. One of them went on to become self-employed, while the other was hired by a major law firm. A Real Estate practitioner in our group hired an LPP student last year, taking him back as an associate after his call this year. Of note, these three LPP students are minorities with no prior connections to the legal community. We are unanimous in our decision that it is too soon to scrap the LPP program without a meaningful test period exceeding the two short years allowed so far.

The Committee's Report to evaluate the LPP over its first two years is indeed detailed, insightful and thorough. However, we strongly feel these same tools should be applied across the broad panorama of the initially-conceived five-year pilot, not to a tiny two-year snapshot. If indeed the current findings remain fairly consistent at the end of the five years, a true and demonstrable "trend" might seal the fate of the LPP. If on the other hand the LPP proves a viable long-term option to Articling when employing the parameters of the current report, another pathway to licensing will remain available to Ontario law students.

On behalf of the CCLA, we exhort you not to terminate the LPP at the end of Year Three (2016-2017) but rather continue it to the end of the originally-contemplated Year Five (2018-2019) for two reasons. Firstly, many of us feel the LPP has already been of great benefit to many licensing candidates, and thus to the profession. Secondly, we feel terminating the LPP two years prior to its original five year test period is precipitous. Allowing the LPP to continue to its originally anticipated evaluation period will have the salutary effect of either confirming the PD&C Committee's current analysis and recommendations concerning the pilot, or alternatively, provide sufficient time for it to accurately observe success by its own parameters.

We thank you sincerely for your time and consideration of this submission.

Yours very truly,

Karen Ann Reid  
Craig O'Brien  
Rosalind Conway  
Mark Habib  
Andrew Ferguson  
CCLA Trustees and Pathways Pilot Project Committee