

Special Information Session Summary

Oct. 27, 2015

Proposal: The FLSC has asked Canadian Law Societies to participate in a new national assessment regime through the implementation of a national exam to ensure that students meet national competencies standards. If implemented, candidates seeking admission to the legal profession would therefore have to pass two separate sets of exams – one national, one provincial.

The establishment of a substantial national exam, creation of new testing apparatus to administer the exam, and associated fees constitute a major change to the admission to the legal profession. The LSS therefore seeks to determine what, if any, opinion UVic law students want to convey to the LSBC with respect to the FLSC proposal. As the LSBC is in the midst of active discussion on the matter, our opinion could impact their decision. While this proposal has not yet been approved, if approved it will likely be implemented quickly *could impact the Class of 2018*.

The LSS will hold a referendum from November 4-11, 2015. It will ask two questions:

1. Should the LSS send a letter to the LSBC stating the collective opinion of the UVic Law Student Body with respect to the FLSC proposal? (Yes/No)
2. Are you in support of the LSBC participating in the FLSC proposal (Yes/No)

To enable students to make an informed decision, a summary of the information session that occurred on Oct. 27, 2015 is included below. Dean Webber, Associate Dean Calder, and Alan Treleaven (LSBC Director of Education & Practise) presided over the meeting.

1. Brief overview of the Federation of Law Societies of Canada (FLSC) – <http://flsc.ca>

- National coordinating body of the 14 provincial & territorial law societies,
- Created by the various law societies.
- Primary vision is to act in the public interest by strengthening Canada's system of governance of an independent legal profession.
- Mission statement includes:
 - Setting national standards.
 - Harmonizing provincial and territorial rules and procedures.
- In the recent past, the FLSC set a task force to deal with two questions:
 - How should foreign-trained lawyers seeking to practice in Canada be assessed?
 - What standards of accreditation should be set for new law schools?
- As a result of the task force, the FLSC set new accreditation standards based on a national competency profile. This profile was accepted by all Canadian law societies, other than Quebec.
- The accreditation standards sets mandated course requirements and requires a reporting regime from each law schools. This raises the question of what more a national exam would test.
- **The current proposal is intended to address how to implement the new national competency profile and ensure that students have met its standards.**

2. The FLSC Report and Proposal

- FLSC has proposed a new national assessment regime for any person seeking admission to the legal profession.
 - This proposal has not yet been adopted by the various law societies in Canada and is currently the focus of active discussion by those law societies.
- Each law society has been asked to indicate whether or not they want to participate in the proposed national assessment regime *by mid-December 2015*.
 - The regime is projected to go live *in 2018*.
- The FLSC estimates a cost of **\$1,725** per candidate to administer the proposed assessment regime that “will largely be paid for by student fees”¹
 - This may be in addition to whatever fees each province requires.
 - This cost covers the *assessment regime only*, not articling alternatives.
 - This cost covers the *national regime only*, not any additional local exams.
 - This cost is based on all provinces and territories participating; it will likely be more expensive if fewer law societies opt in.
- There are 3 components to the FLSC proposed assessment regime, although the specific proposal before the law societies only deals with the first and third components.
 1. **A National Exam** (primary focus)
 2. Professional Training (not addressed in this specific proposal)
 3. Experiential Learning

National Exam

- Focus is on skills, without displacing or overlaying academic training received at law school. However, this raises the question of how you could separate skills testing from substantive law.
- Testing your ability to engage with different areas of national law in alignment with the national competencies profile. However, this raises the question of what constitutes national law, especially in areas of provincial regulation (eg. Family or Wills & Succession).
 - To address this, the proposal also allows the provinces to add their own additional exams to test matters of ‘local law’.
- Basic form (2 exams that must be passed to gain admission to the profession)
 - Multiple-choice test: focused on ability to learn and apply practical legal knowledge and procedures.
 - Long answer & drafting: focused on skills needed to complete more complex legal work.
- Both tests would be administered by a new central authority and would be taken online

Experiential Learning

- Meant to establish clear performance measurements for articling. This would include providing principals with the tools necessary to evaluate articling students in relation to these measurements.

¹ Quoted directly from the FLSC Report. While it hasn’t yet been conclusively indicated who will actually bear these costs, Mr. Treleven noted that this language is reminiscent of the language Ontario used when implementing its pilot articling alternatives and those fees have been paid for by students.