

## Frequently Asked Questions

### Leading a New Era of Lawyer Competency

*The Law Society is suspending the mandatory Continuing Professional Development (CPD) filing requirement for the profession for the years 2020 and 2021. Suspending the CPD program allows the Law Society to refocus its' thinking and dedicate resources toward the next phase of lawyer competency.*

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#### **1. Why did the Law Society suspend the mandatory Continuing Professional Development (CPD) requirement for two years?**

Recent efforts to improve our current CPD program have helped improve ease of use, effectiveness and accountability of the program. However, the fundamentals of the program have not been assessed in several years.

While our current program has been credited with understanding the nature of self-directed adult learning, it has some inherent issues that require a rebuild rather than a repair. The issues relate to limited oversight, constraints of a one-size-fits-all model and lack of a wellness component.

The Law Society is in a better position than ever to embark on developing the next phase of lawyer competency requirements. We are equipped with feedback from our articling surveys, the new CPLED competency framework and a strategic plan that prioritizes competency as a key initiative moving forward.

#### **2. What does this mean for competency requirements going forward?**

The suspension of mandatory CPD filing allows us to dedicate our resources to two important projects:

1. We will work with our stakeholders to develop a new competence framework for a lawyer's entire career that is proportionate, effective and dynamic, and incorporates wellness as a key component. We are committed to open dialogue as we work towards to this important goal.
2. Establish an Indigenous cultural competency requirement for all Alberta lawyers to meaningfully address our obligation arising from the TRC's calls to action. It is our goal to have this requirement in place for Alberta lawyers beginning in 2021. Like our approach to competence, these requirements will not be one-size-fits-all and will respect the backgrounds and practice environments of Alberta lawyers.

#### **3. Why was it necessary to suspend the mandatory filing requirement of the current CPD program while a new program is being developed?**

Suspending the CPD program allows the Law Society to refocus thinking and dedicate resources toward the next phase of lawyer competency.

Instead of looking at ways to improve our current professional development program; we want to start fresh. A modern and dynamic competence framework may look entirely different from what is in place today and we don't want to be limited by our current program.

#### **4. Do I still have to file my CPD plan?**

We strongly encourage you to develop a CPD plan for 2020 and 2021. Taking the time out to schedule professional development activities benefits both you as a lawyer, your law firm or organization and your clients.

All Alberta lawyers must remain committed to professional development activities that are of interest or where there may be room for growth. The Law Society Code of Conduct, Chapter 3, imposes an ethical responsibility on lawyers to be competent in all legal services undertaken on a client's behalf. It remains the responsibility of every Alberta lawyer to maintain their own competence and self-assess areas for improvement.

The CPD planning tool through the Lawyer Portal continues to be available to track and declare professional development activities.

#### **5. Can you provide more details on the Indigenous cultural competency requirement?**

Our Indigenous Initiatives Liaison, Indigenous Advisory Committee and Lawyer Competence Committee will work with Law Society staff and other stakeholders to create cultural competence programming on Indigenous issues. This requirement supports the Law Society's commitment to the Truth and Reconciliation Commission's Calls to Action and assists the profession in better serving Albertans.

#### **6. How can I provide feedback on a future lawyer competency program?**

Our 2020 – 2024 Strategic Plan highlights competence & wellness as one of four strategic goals. Through development of a new competency framework, the Law Society will promote high standards of competence and wellness. We want to:

- be sure that competency requirements are relevant and proportionate to the stage and setting of lawyers careers;
- broaden the concept of competency to extend into non-traditional areas such as technology and general cultural competence; and
- reduce stigma related to mental and physical health issues by creating a supportive environment for lawyers to ask for help or resources.

In addition to the feedback collected through our articling survey report, there will be further engagement opportunities extended to the public, profession and other stakeholders. Ongoing engagement will inform future decisions about the new competency framework and programming.

#### **7. Why is an ongoing competency requirement necessary for Alberta lawyers?**

Learning doesn't stop once law school ends. Like other professions, lawyers must stay up to speed with technology, issues and consumer needs.

A mandatory ongoing competence requirement demonstrates that Alberta lawyers continually strive for excellence in their practice of law, enhancing the quality of legal services provided to the public. The Law Society has an obligation to ensure that lawyers maintain and improve their skills, so they continue to adhere to the high professional standards.

We want to have a greater impact on the public interest and the profession by making competence initiatives a higher priority. Our role in driving competence is key to maintaining the effectiveness, wellness and ethics of the profession.

The main competence initiatives we administer are articling requirements to enter the profession and the CPD program to support ongoing practice. As we take a comprehensive look at our articling requirements, it is logical to reassess the competency requirements expected throughout the career of a lawyer. Articling requirements and ongoing competence programming should be coordinated, and this is our opportunity to do so.

#### **8. Will the Law Society consider lawyer wellness in the new competency framework?**

A commitment to competence also requires a holistic commitment to wellness. Our conduct process reveals that many conduct matters have their genesis in a lack of wellness, rather than in the competency of the lawyer. We are committed to finding proactive solutions to lawyer wellness and to incorporate them into a future competence model.