

Frequently Asked Questions

Lawyer Licensing and Competence in Alberta

Updated December 8, 2020

The Lawyer Licensing and Competence in Alberta Report was approved at the December 3, 2020 Benchers meeting. We have spent time prioritizing the recommendations in the report and considered potential timelines for implementation. This was a necessary step as we plan to resource this work and develop comprehensive engagement plans to gather ongoing feedback from the profession.

1. Why is the Law Society focusing on lawyer licensing and competence? And why now?

The professional development of all lawyers is vital to the growth and future of the legal profession in Alberta and that is why the competence of lawyers is at the forefront of everything we do in both our proactive and our regulatory work.

Equipped with feedback from our [2019 articling surveys](#) and a new five-year [Strategic Plan](#) that highlights competence & wellness as one of our four strategic goals, the Law Society is in a strategic position to progress our work in lawyer licensing and competence.

The Lawyer Competence Committee (LCC) is looking at the efficacy of articling as training for new lawyers, strategies for the ongoing training of lawyers beyond articling including changes to the Continuing Professional Development (CPD) program and the role of wellness in lawyer competence. This work reinforces the important role of the regulator in lawyer competence and recognizes that access to competent legal services is fundamental to the public interest.

2. Is this work related to the suspension of the current CPD program?

In February 2020, the filing requirement for the current CPD program was suspended for two years (2020–2021) to allow us time to improve the overall competency requirements for lawyers both in articling and throughout their career. A modern and dynamic competence framework will take time to build and that is why we have created the space to do so. Find out more in [the announcement](#) for this decision.

3. Is the Indigenous Cultural Competency education replacing the CPD program?

The Indigenous Cultural Competency education is one of two key projects that we are currently progressing related to lawyer competence. In October 2020, the Benchers approved an Indigenous Cultural Competency education requirement for all Alberta lawyers to meaningfully address our obligation arising from the Truth and Reconciliation Commission's (TRC) calls to action. More information on this can be found in this [FAQ](#).

We are also working on a new lawyer competence framework that will be the foundation for our future programs and requirements. Much of the proposed future work in lawyer competence must be grounded in a common understanding of core lawyer competencies.

While there is much work to be done over the next five years, we will launch the Indigenous Cultural Competency education in spring 2021. New CPD requirements will begin in September 2022. Details of the new CPD program will be provided to lawyers in advance to allow time to plan activities to satisfy the new requirements.

4. Can you tell me more about the Lawyer Licensing and Competence in Alberta Report and how it will impact lawyers?

The LCC has been working with well-known legal analyst and consultant, Jordan Furlong, on a report of recommendations for lawyer licensing and competence in Alberta. We did pre-engagement with a small sample of the profession on the report to gauge if we had any gaps in the report.

The report was approved at the December Benchers meeting and work is underway to prioritize the recommendations, as well as consider resourcing, timelines for implementation and future engagement opportunities for the profession. Read the full report [here](#).

These recommendations are grouped into work in three main categories: Lawyer Licensing, New Lawyer Development and Continuing Learning. Each recommendation is further categorized as achievable in the short, medium or long term.

5. Are all the decisions about the future of lawyer licensing and competence being made by the Law Society or will I have an opportunity to weigh in?

More engagement will be required on specific issues as we move forward in the development and implementation of the recommendations. Future opportunities to provide feedback will be offered to the profession and key stakeholders as part of our ongoing decision-making.

6. What are the recommendations identified in the report that the Law Society will be implementing?

The recommendations included in the report consist of short-, medium- and long-term priorities. Those priorities include:

Short-term priorities

Lawyer Licensing	New Lawyer Development	Continuing Learning
Establishing an application and education process for lawyers who want to act as articling principals.	Establishing a requirement for lawyers in their first three years of practice to complete a professional development program where they strengthen core competencies and achieve specified learning outcomes essential to their individual growth as lawyers.	Upgrading the current CPD program to include core activities as well as education and support in self-assessment and learning plan development. This would include random audits of the learning plans.

<p>Implementing a requirement for articling students and their principals to jointly complete a learning outcomes plan at the start of the articling term and the jointly review the plan quarterly during the term.</p>	<p>Encouraging all newly admitted lawyers to develop one or more mentoring relationships during their first year in the profession. This can be done in conjunction with the Mentor Express and Mentor Connect programs that already exist.</p>	
<p>Permitting articling principals to use their articling activities towards the fulfilment of their annual continuing learning requirements.</p>		

Medium/long-term priorities

Lawyer Licensing	New Lawyer Development	Continuing Learning
<p>Developing one or more new pathways, in addition to articling, by which Bar applicants can fulfill the workplace experience requirement for Bar admission. (Long-term)</p>		<p>Developing of an alternative program of continuing learning for lawyers with 20 or more years of experience where they can satisfy their CPD requirements through a range of activities such as public service or public legal education. (Medium-term)</p>
<p>Collaborating with CPLED to suggest potential modifications to the Practice Readiness Education Program (PREP) that could improve the experience for aspiring lawyers. (Long-term)</p>		<p>Developing an online education program that lawyers must complete if they want to enter sole practice in Alberta. (Medium-term)</p>
		<p>Establishing a requirement for sole practitioners to create a business continuity plan and register it with the Law Society. Law firms would be encouraged to do this as well if they do not already have one in place. As a resource, a free business continuity plan template would be developed and provided at</p>

		no additional cost to the profession. (Medium-term)
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7. When will the recommendations in the report move forward?

We have prioritized work that can be addressed quickly and identified work that will take more time because of development and the need for ongoing engagement with the profession and key stakeholders.

For short-term priorities, dedicated work will occur in 2021 and implementation could be underway by 2022. Medium-term priorities will likely be implemented in early 2023. Work on the recommendations categorized as long-term are not lower priority. In fact, work on many of these long-term recommendations needs to begin immediately and will require ongoing engagement with stakeholders.

Project and engagement plans will be developed with opportunities for the profession and key stakeholders to provide input and share feedback on the recommendations.

8. Some of the recommendations focus on sole practitioners specifically. Why are sole practitioners being focused on in this work?

The intention behind this work is to help set sole practitioners up for success from the beginning of their careers. We want to provide the appropriate education, support and resources to lawyers at all stages in their career and in whatever areas they choose to practise law.

As with all the recommendations identified in the report, project plans and engagement plans will be developed to ensure we capture the input of key stakeholders impacted by these decisions.