

Continuing Professional Development Program Guideline

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Continuing Professional Development Program Guideline

Introduction & Purpose

1. The Law Society of Alberta (Law Society) established a mandatory continuing professional development (CPD) program and developed Rules for the implementation and administration of the program. The ability of Canadian Law Societies to establish such programs and administer them through Rules was confirmed by the Supreme Court of Canada in *Green v. Law Society of Manitoba*, 2017 SCC 20, [2017] 1 SCR 360.
2. The Law Society defines CPD, in Rule 67.1, as:
 - 67.1 (1) “Continuing professional development” is any learning activity that is:
 - (a) relevant to the professional needs of a lawyer;
 - (b) pertinent to long-term career interests as a lawyer;
 - (c) in the interests of the employer of a lawyer or
 - (d) related to the professional ethics and responsibilities of lawyers.
 - (2) Continuing professional development must contain significant substantive, technical, practical or intellectual content.
 - (3) It is each lawyer’s responsibility to determine whether a learning activity meets these criteria and therefore qualifies as continuing professional development.
3. The Continuing Professional Development Program Guideline (Guideline) provides information about the CPD program, its requirements and its administration.
4. Specific mandatory CPD requirements, in addition to those of the CPD program, may be prescribed by the Benchers, as set out in Rule 67.4. Those CPD requirements do not form part of the CPD program to which this Guideline refers and are not subject to this Guideline.

5. Nothing in this Guideline should be taken as superseding or replacing any provisions of the *Legal Profession Act* (Act) or *The Rules of the Law Society of Alberta* (Rules).
6. Access to the CPD components described in this Guideline, including a lawyer's CPD plan, the review process and the contents of any application for exemption, is restricted to specific Law Society staff. A privacy policy outlining access to the CPD plan will be maintained within the CPD Tool.

The CPD Program

7. The Law Society's mandatory CPD program applies only to lawyers with an active status, however, the program is available for all lawyers to use.
8. The CPD program is a self-assessment and self-reflection-based program, in which lawyers develop a personalized learning plan for the CPD program year.
9. Lawyers are required to reflect on their learning needs, proficiency levels and priorities and then create a plan to achieve them. They are required to submit their plans to the Law Society by October 1 of each year. Lawyers are then encouraged to implement that plan. They may adjust their plan throughout the year, if necessary, and reflect on whether their plan met their learning needs and priorities before developing the next year's plan.
10. The Law Society has developed tools to assist lawyers with both planning and reflection.

The Mandatory Nature of the CPD Program

11. Participation in the CPD program is mandatory for all active lawyers. Rule 67.2 establishes the requirements to prepare and submit a CPD plan by the deadline and to maintain a copy of the plan for three years.
12. CPD plans must be prepared and submitted using the CPD Tool accessed through the Lawyer Portal.
13. A failure by an active lawyer to submit a plan will result in an administrative suspension, as set out in Rule 67.3.

The Professional Development Profile for Alberta Lawyers

14. In February 2020, the Benchers passed a motion to:

...create a new competence framework for the whole life of a lawyer for the Law Society of Alberta that is proportionate, effective and dynamic and includes wellness as part of that framework.

15. As an outcome from that motion, the Law Society developed new tools to provide more guidance for lawyers about what it considers to be important areas of focus for professional development. One of these tools is the *Professional Development Profile for Alberta Lawyers* (Profile).

16. The Profile sets out the competencies that the Law Society believes to be important to maintain a safe, effective and sustainable legal practice in Alberta today. It is designed to provide guidance to all lawyers, regardless of experience or practice area.

17. The Profile is not intended to be a checklist and lawyers are not required to demonstrate competency in every area of the Profile each year.

18. The Profile includes a proficiency scale to help lawyers assess their proficiency in a competency, set priorities and measure progress as they complete learning activities.

CPD Planning

19. For each year's CPD plan, lawyers are required to select a minimum of two competencies, from any of the domains contained within the Profile, on which to focus in developing their learning plan. As CPD plans are personal to each lawyer, their practice and their learning needs, lawyers may select more than two competencies from the Profile.

20. Each competency has a set of accompanying performance indicators to help lawyers assess their proficiency in that competency.

21. Lawyers may also add competencies to their plan that are not included in the Profile, such as those relating to specific practice areas, once they have selected the minimum two competences from the Profile.
22. Lawyers are required to rate their proficiency level on each of their chosen competencies and enter at least one learning activity for each of their chosen competencies, along with accompanying notes. These accompanying notes allow lawyers to provide more details or goals for each competency and learning activity.
23. There is no requirement for a minimum number of hours of CPD and lawyers can choose any appropriate learning activity, style or format to meet their learning needs, whether formal courses and conferences or informal learning activities, as long as the learning activity complies with the Law Society's definition of CPD contained in Rule 67.1.
24. Within their CPD plans, lawyers are required to include their:
 - a. selected competencies;
 - b. proficiency ratings;
 - c. desired learning activities; and
 - d. learning activity detailsand are encouraged to include their:
 - e. progress in improving their proficiency in their chosen competencies, measured using the Law Society's proficiency scale; and
 - f. self-reflection on the effectiveness of their CPD plan.
25. Lawyers can modify or update all of the above items throughout the year.
26. Lawyers are encouraged to select a variety of learning activities and to modify and change their learning activities not only throughout the year but for each subsequent CPD year, as their learning progresses and they develop in their practice.

27. Lawyers will not be able to submit a CPD plan that does not meet the minimum planning requirements, as detailed in the instructions contained within the CPD Tool on how to complete the CPD plan.
28. Lawyers will be able to edit their CPD plan, as well as track their progress in implementing their plan and completing their selected learning activities, until September 30 of the CPD year.
29. Lawyers will be encouraged to complete the Final Reflection activity in the CPD Tool to assess their CPD learning activities and the overall effectiveness of their plans, once they have completed all learning activities they planned to undertake for the year. These self-reflections will not be accessible to the Law Society.

CPD Plan Review

30. Rule 67.2 requires lawyers to maintain a copy of their CPD plan, as well as to produce a copy of their CPD plan on request and participate in the review process.
31. While also serving as an accountability measure, the primary goal of the review process is to support lawyers in working toward completion of their planned learning activities for the year and making progress on their professional development priorities.

Lawyer / CPD Plan Selection

32. Each month, a number of lawyers will be randomly chosen to have their CPD plan reviewed by the Law Society's Education Department.
33. Education Counsel will contact those lawyers to let them know their CPD plan has been randomly selected for review, when the review will take place, and that Education Counsel will view their plan components directly within the CPD Tool.
34. This contact will provide lawyers with advance notice of the review and permit them to track or update any progress they have made on their plans to date, if they have not already done so. They may also edit their plan if they have determined changes to their original plan are necessary. This will facilitate the review process and aid Education Counsel in providing supports, if needed.

Information To Review

35. The Education Department's CPD plan review will be conducted by Education Counsel and will include a review of:

- a. the chosen competencies,
- b. the lawyer's priorities,
- c. the selected learning activities, and
- d. any progress made in completing the learning activities.

36. This information can be accessed by the Education Department directly through the CPD Tool, without the need for a lawyer to produce a copy of their plan. As noted above, lawyers will be notified of this when contacted to let them know their CPD plan has been selected for review.

37. Information contained within the CPD Tool outside of that noted above, such as self-reflections or self-assessments completed using the proficiency scale, is not accessible to the Education Department.

38. During a review, Education Counsel may ask if the lawyer would like to share additional information, including any self-reflections or self-assessments, as part of the review process. Sharing additional information is voluntary.

Purpose of Review and Additional Support

39. The CPD plan and any additional information provided by the lawyer will be reviewed both to determine:

- a. if the CPD plan meets the minimum requirements,
- b. if the lawyer is working towards completion of their planned learning activities for the year, and
- c. if the lawyer is making progress on their professional development priorities,

and with a view to providing coaching and support to the lawyer in progressing through their plan and priorities.

40. If, during or following a review, a lawyer wants to further discuss their CPD plan or to receive ongoing coaching or other assistance from the Law Society to assist in implementing or making progress through their CPD plan, these supports will be available. This support is optional and the lawyer will not be required to further engage with the Society about their CPD plan once a review is complete.

Conclusion of Review

41. Not every step of the CPD plan review process outlined in this section will be applicable to every lawyer. A review concludes, for a lawyer, at the stage of the process when the Education Department is satisfied that the lawyer has fulfilled the minimum requirements and the lawyer does not want any further support.

Failure to Comply with Rule 67.2

42. A lawyer who

- a. fails to respond to a request to produce their CPD plan;
- b. produces an obviously inadequate or incomplete plan; or
- c. fails to participate in the review process

may be referred to another Law Society department, including Early Intervention or Conduct if the matter cannot be resolved by Education Counsel. The extent of the lawyer's failure to respond to the Law Society, to cooperate with the Law Society, and to participate in the review process, as well as the nature of the response to the request to produce their plan, will determine the department to which the lawyer will be referred.

Request to Produce CPD Plan Pursuant to Rule 67.2

43. The CPD Tool permits lawyers to download both a “simplified” and a “full” version of their CPD plan. The simplified version contains their selected competencies, priorities and learning activities. The full plan contains all of a lawyer’s CPD plan information, including their self-reflections and self-assessments.
44. If requested to produce a copy of their plan by a Law Society department, a lawyer is only required to produce the simplified version of the lawyer’s CPD plan.
45. Other information a lawyer includes in the CPD Tool, such as self-reflections and self-assessments using the proficiency scale, and shown in the full version of their plan, are not considered part of the CPD plan for the purpose of Rule 67.2. This information may be provided at the lawyer’s discretion but disclosure of this additional information is not required.

Exemption from Developing a CPD Plan

46. A lawyer may apply for and receive an exemption from developing a CPD plan for a CPD year. The following are the available exemptions:
- a. Maternity/Paternity/Parental Leave – This leave is available to lawyers who are expecting to become parents shortly before or during the CPD year and includes pregnancy, birth, surrogacy and adoption.
 - b. Medical Leave – This leave is available to lawyers who have a medical condition that prevents them from participating in the CPD program during the CPD year.
 - c. Other – This exemption is available to lawyers who have another circumstance that prevents them from participating in the CPD program during the CPD year.
47. Lawyers will be required to request an exemption through the Lawyer Portal in advance of and for each CPD year for which their circumstances prevent them from participating in the CPD program.
48. The Education Department will evaluate and decide upon any request for an exemption from the CPD program. This decision is final.

49. As the CPD Tool becomes active and available to lawyers on July 1 each year, the following will be given an automatic exemption:
- a. A student-at-law or a lawyer transferring from another Canadian jurisdiction who is enrolled as a member of the Law Society after July 1 in a year will not be required to develop and submit a CPD plan that year but will be encouraged to do so.
 - b. An inactive lawyer who becomes active after July 1 in a year will not be required to develop and submit a CPD plan that year but will be encouraged to do so.
 - c. Lawyers with an active non-practising status as of July 1 will not be required to develop and submit a CPD plan, as they are not entitled to provide legal services, though any lawyer with an active non-practising status who returns to an active practising status after July 1 in a year will be encouraged to do so.
50. An active lawyer who becomes inactive prior to October 1 in a year will not be required to develop and submit a CPD plan.

CPD Program Assessment

Data Collection from CPD Plan Review and CPD Tool

51. The Education Department will collect feedback and data that it obtains during the CPD plan review process.
52. Aggregate information about the competencies and learning activities that lawyers are selecting, identification of competencies that are consistently assigned top priority, information about whether the profession, as a whole, is showing progress on the proficiency scale through their self-assessments, and feedback about the CPD Tool and the self-assessment and planning process will be collected by the Education Department through the CPD Tool.

CPD Program Review

53. Information collected during the CPD plan review process and through the CPD Tool will be used by the Education Department to enhance the review process and inform decision-making about future compliance activities, as well as to assess any trends and inform decision-making to enhance the CPD program and supporting resources.
54. The Profile and related CPD program documentation are intended to evolve and change as the demands on lawyers evolve and change.
55. The Education Department will continuously review and assess the CPD program and monitor its effectiveness, as well as make recommendations for changes and improvements to the CPD program.