

Sample Enhanced Education Plan for Stale-dated Degree Applicant

(Please note: this sample articling plan is a comprehensive plan intended as a sample guideline. Each articling plan is developed taking into consideration the particular circumstances of the application)

1. This document is intended to serve as a guideline and checklist for an articling program for Mr./Ms. _____ at the law firm of _____ in the City of _____, Province of Alberta.
2. The main practice areas in which Mr./Ms. _____ are to obtain experience are identified. In addition, a descriptive overview of the intended pedagogical approach is provided. Essentially the intention is to provide a classic articling program coupled with a more focused and rigorous method of supervision.

To satisfy concerns as to whether Mr./Ms. _____ is familiar with substantive law, there will also be an additional major component of the program which focuses on reading and interpreting statutes.

3. The proposed articling program will therefore involve the following main components:
 - a. Mentored exposure to specified key areas of practice for a general practitioner (Identified as mandatory Practice Tasks); and
 - b. A statute “refresher” component involving a requirement that the Student read specified key statutes for each practice area and discuss them with the Principal.
4. CPLED Program.
5. The role of the Principal is to ensure that the student will be exposed to each of the mandatory Practice Tasks and that he/she receives detailed supervision and instruction for each of them. As an example, the intended pedagogical approach to the Sale of Property is discussed in Appendix 1. A similarly thorough and rigorous approach will be followed with respect to each of the Mandatory Practice Tasks.
6. Given the varied nature of the practice at _____, it is entirely likely that the Student will be exposed to Optional Practice Tasks as identified in this document. When this happens, the Student will have the same detailed supervision and instruction as is contemplated for the Major Practice Tasks.

Practice Area No. 1: Real Property

A. Mandatory Practice Tasks:

1. Offer to Purchase: Draft or review
2. Search Title: Search and review encumbrances
3. Real Property Report: Review contents, municipal compliance procedure, connection with Land Use Bylaw
4. Sale of Property: Residential
5. Purchase of Property: Residential (Cash/New Mortgage)
 - a. Standard
 - b. Protocol
 - c. Title Insurance

B. Practice Tasks: Optional

1. Mortgage (New or renewal)
2. Mortgage Back to Vendor
3. Promissory Note and Collateral Mortgage
4. Purchase or Sale of Condominium
5. Transfer for nominal consideration
6. Lease (Residential)
7. Option to Purchase
8. Right of First Refusal

9. Caveat (Filing and discharge)

References:

- LESA Residential Conveyancing Guide
- Land Titles Procedure Manual
- Sterk, Conveyancing Law in Alberta
- Di Castri, Law of Vendor and Purchaser

Statutes:

- Land Titles Act
- Law of Property Act
- Dower Act
- Minors Property Act

Detailed discussion of Practice Area No. 1: Real Estate

Sale of Property:

The Principal will review each step of the transaction and all details of the documents, including references to governing statutory provisions, etc. As part of the review, the applicable provisions of the LESA Residential Conveyancing guide will be reviewed and discussed.

Offer to Purchase:

Review contents to identify:

1. Parties
2. Property
3. Price

Examine key issues such as conditions precedent, obligations regarding the Real Property Report (RPR), adjustments, acceptable encumbrances. Discussion of each provision of the Offer to Purchase, including focusing on the key provisions of concern to client.

Search Title and Encumbrances:

Examination of Certificate of Title:

1. Discussion of parts of the title
2. Examine and discuss each registered encumbrance
3. Examine and discuss the legal implications of each encumbrance and the significance to the client
4. Identify and evaluate the issues of concern

Checklist:

Examine Conveyancing checklist, review and discuss each step in the checklist and identify which ones are applicable to the transaction at hand.

Statement of Adjustments:

Review and discuss components of the Statement of Adjustments, particularly property tax adjustments

Trust Conditions:

Discussion of theory and structure of trust conditions:

1. Review provisions of the Code of Professional Conduct relating to trust conditions
2. Examine sample trust condition letters
3. Review of trust conditions imposed by other side
4. Consider post-closing undertakings

Real Property Report:

Examine RPR and identify key information:

1. Consider need for municipal compliance
2. Examine Land Use Bylaw regarding zoning provisions
3. Discuss variance procedure

Western Conveyancing Protocol:

Review and discuss the rules and mechanisms set out in the Protocol, identifying the advantages and disadvantages to client, comparing with Title Insurance and standard closing.

Documents:

Examine each document used in the transaction, with a discussion of statutory references where applicable (e.g. review and discussion of the Dower Act will be necessary as part of the discussion of the Dower consent portion of the Transfer of Land).

Closing and Report to Client:

Receipt of funds, payment of encumbrances, release of funds to client, reporting to client, post-closing obligations.

Practice Area No. 2: Family Law**A. Practice Tasks: Mandatory**

1. Interview Client
2. Uncontested Divorce: All steps through to grant of Final Judgment of Divorce
3. Custody: Interim Application or Variation (Guardianship, Access, Parenting Order, Contact Order)
4. Spousal Maintenance: Interim Application or Variation
5. Child Maintenance: Interim Application or Variation
6. Draft Separation Agreement/Matrimonial Property Agreement/Pre-Nuptial
7. Attend Alternative Dispute Resolution (Collaborative, Mediation, JDR, 4 Way Meeting)
8. Attend Examination for Discovery, Cross-Examination on Affidavit

B. Practice Tasks: Optional

9. Draft Statement of Claim for Unjust enrichment/Constructive Trust
10. Adoption (Birth and Step-Parent)
11. Change of Name
12. Child Welfare Matter
13. Maintenance Enforcement Matter
14. Enforcement of Foreign Order
15. 4-Way Settlement Meeting

References:

- Payne and Payne, Canadian Family Law
- LESA, Annual Family Law Refresher Course Materials
- LESA, Alberta Family Law Practice Manual Series
- Alberta Family Law – Annotated

Statutes:

- Adult Interdependent Relationships Act
- Age of Majority Act
- Change of Name Act
- Child and Family Services Authorities Act
- Child Youth and Family Enhancement Act
- Divorce Act
- Dower Act
- Extra-Provincial Enforcement of Custody Orders Act
- Family Law Act
- Family Support for Children with Disabilities Act
- International Child Abduction Act
- Legitimacy Act
- Maintenance Enforcement Act
- Marriage Act
- Married Woman's Act
- Matrimonial Property Act

Additional:

- Alberta Divorce Rules
- Rules of Court and Practice Notes
- Federal Support Guidelines
- Alberta Child Support Guidelines
- Employment Pensions Act
- Protection Against Family Violence Act
- Public Sector Pensions Act
- Pension Benefits Standards Act
- Child view software
- Provincial Court Act

Practice Area No. 3: Corporate

A. Practice Tasks: Mandatory

1. Simple Incorporation: Take instructions and incorporate Simple Corporation
 - a. Articles
 - b. Share Structure
 - c. Bylaws
 - d. Incorporation Minutes
 - e. Share Subscription/Share Certificate
 - f. Initial advice to Client
2. Prepare Annual Return
3. Prepare Directors Resolutions/Minutes – Dividends & Change of Name
4. Unanimous Shareholder Agreement
5. Section 85 Rollover Agreement
6. Society:
 - a. Incorporation
 - b. Annual Return

B. Practice Tasks: Optional

7. Revival of Corporation
8. Dissolution of Corporation

9. Amalgamation

References:

- Fraser's Handbook on Canadian Company Law

Statutes:

- Business Corporations Act
- Partnership Act
- Societies Act

Practice Area No. 4: Commercial

A. Practice Tasks: Mandatory

1. Purchase/Sale of Business Assets
2. Purchase/Sale of Business Shares
3. Draft or review Commercial Lease

B. Practice Tasks: Mandatory

4. Drafting Employment Contract
5. General Security Agreement – PPR
6. Corporate Mortgage
7. Opinion regarding Corporate Mortgage

References:

- LESA Business Law Refresher Course Materials

Statutes:

- Factors Act
- Fair Trading Act
- Franchises Act
- Personal Property Security Act
- Fraudulent Preferences Act
- Frustrated Contracts Act
- Garage Keeper's Lien Act
- Guarantees Acknowledgement Act
- Innkeepers Act
- Possessory Liens Act
- Warehouseman's Lien Act

Practice Area No. 5: Municipal and Planning Law (Administrative)

A. Practice Tasks: Mandatory

1. Attend MPC:
 - a. Review agenda
 - b. Review Land Use Bylaw
 - c. Review MPC Bylaw
 - d. Review Laux
 - e. Discuss legal implications of each agenda item
2. Prepare legal opinion on Land Use Bylaw matter arising out of MPC
3. Draft Amendment to Land Use Bylaw
4. Attend Subdivision and Development Appeal Board hearing
5. Drafting Land Sale/Purchase or Exchange Agreement
6. Review Tender documents and provide legal advice to City
7. Draft agreement regarding grants for social housing
8. Review and comment on major contract
9. Draft Amendment to regulatory Bylaw (e.g. Licensing & Traffic)

10. Attend Council:

- a. Review agenda
- b. Identify statutory provisions relating to agenda items
- c. Examine Procedure Bylaw
- d. Attend meeting

B. Practice Tasks: Optional

11. Prepare Indemnity Agreement (Proximity to Landfill, slope, etc.)

12. Draft License to Occupy or Lease of City Land

13. Draft Stop Order

14. Assessment Review Board hearing

References:

- Rogers, Law of Canadian Municipal Corporations
- Laux, Planning Law and Practice in Alberta

Statutes:

- Ambulance services Act
- Expropriation Act
- Freedom of Information and Protection of Privacy Act
- Historical Resources Act
- Local Authorities Elections Act
- Municipal Government Act
- Safety Codes Act

Practice Area No. 6: Litigation

A. Practice Tasks: Mandatory

1. Initial Interview with Client

2. Review and discussion of legal remedies with Principal

3. Drafting Civil Claim
4. Drafting Dispute Note
5. Attend Pre-trial Conference
6. Trial (Civil claims)
7. Drafting Statement of Claim/Statement of Defence
8. Motions
 - a. Order for Substitutional Service, Summary Judgment
 - b. Drafting Notice of Motion, Affidavit and Order
9. Enforcement of Judgment (Garnishee etc.)

B. Practice Tasks: Optional

10. Entering Default Judgment
11. Prepare Affidavit of Records
12. Examine on Affidavit
13. Examinations for Discovery
14. Examine in Aid of Execution/Instruct Seizure
15. Draft and File Statement of Builders Lien

References:

- Stevenson Cote, Civil Procedure Handbook
- LESA Civil Practice Update
- LESA Civil Litigation Refresher Course Materials

Statutes:

- Civil Enforcement Act
- Alberta Evidence Act
- Debtors Assistance Act

- Judgment Interest Act
- Limitations Act
- Occupiers' Liability Act
- Reciprocal Enforcement of Judgments Act
- Recording of Evidence Act
- Canada Evidence Act
- Survival of Actions Act
- Tort-feasors Act
- Unconscionable Transactions Act

Practice Area No. 7: General

General Review of Miscellaneous Statutes:

- Alberta Bill of Rights
- Conflicts of Interest Act
- Contributory Negligence Act
- Court of Appeal Act
- Court of Queen's Bench Act
- Electronic Transactions Act
- Employment Standards code
- Human Rights, Citizenship and Multiculturalism Act
- Interpretation Act
- Judicature Act
- Notaries Public Act
- Oaths of Office Act
- Survivorship Act

THIS Proposed Articling Plan has been acknowledged by Mr./Ms. _____ in the City of _____, Province of Alberta this _____ day of _____, 20__.

Principal (Signature)

Student (Signature)

Print Name: _____

Print Name: _____