



Law Society of Upper Canada
Pathways Pilot Project Evaluation and Enhancements to
Licensing Report

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BAR ASSOCIATION
A Branch of the
Canadian Bar Association

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Introduction

The Ontario Bar Association (the “OBA”) appreciates the opportunity to provide input on the Law Society of Upper Canada (the “Law Society”) Professional Development and Competence Committee (the “Committee”) report to convocation dated September 22, 2016 (the “Pathways Pilot Project Evaluation and Enhancements to Licensing Report” or, the “Report”).

The OBA

As the largest voluntary legal organization in the province, the OBA represents approximately 16,000 lawyers, judges, law professors and students in Ontario. OBA members are on the frontlines of our justice system in no fewer than 40 different sectors and in every region of the province. In addition to providing legal education for its members, the OBA is pleased to assist government, the Law Society, and other decision-makers with dozens of policy initiatives each year – in the interests of the public, the profession, and the administration of justice.

In the brief period of consultation available for this submission, the OBA has sought input from our governing council of members representing a critical cross-section of the bar, including senior and junior lawyers from managing partners to new calls, who practice across Ontario as solicitors and barristers in solo, small, medium and large firms from all eight judicial regions of the province. The submission has also received input from members of the OBA’s Equality Committee, Young Lawyers Divisions, and our new Student Section.

Pathways Pilot Project Evaluation

Overview

Transitional training and the lawyer licensing process are issues that are fundamental to the future of the profession; both provide a mechanism that helps protect the public and foster access to high quality justice. The issues and the recommendations in the Committee’s report also engage significant questions of access, fairness, and diversity that are critical to lawyers and to future generations of law graduates seeking admission to the bar.

As noted in the OBA’s November 2012 submission regarding the Future of Articling:

We have provided the Law Society of Upper Canada with our advice on where a consensus solution lies between the imperfect extremes of doing nothing to address the articling job gap and over-reacting to the problem by eliminating what is otherwise considered a useful transitional training process. The OBA’s approach to this growing crisis is designed to reflect and maintain the strength and honour of our highly skilled profession. We understand that the Law Society has a public protection mandate. Recognizing that the practice of law requires both specialized



knowledge and a unique set of well-honed practical skills is the best way to protect the public and offer them access to high quality justice.¹

When the Law Society made a decision to launch the Law Practice Program (“LPP”) pilot, the OBA accepted Ryerson University’s offer to enter into a strategic alliance to ensure that the design and delivery of the program benefitted from those who best understand the issues and the skills required – the practicing bar.

To date, a number of our members have served as LPP work placement employers, mentors, assessors, curriculum developers and candidates. While our members have participated in the pilot to ensure that it has the best opportunity to remedy the concerns it was designed to address, the OBA encourages a thorough assessment of the Pathways options as critical to informing the future of transitional experiential training. It is with this objective that our members have considered the Committee’s current recommendations and report.

Timeframe Permitted for Comment

The recent release of the report – numbering some 200 pages – is the first opportunity for the profession to consider the Law Society Evaluation Consultant’s Interim Results report and the Committee’s accompanying analysis and recommendations.²

We note that the Committee has allowed roughly a 3½ week period from the presentation of the Report to Convocation on September 22, 2016 to its deadline for comment of October 19, 2016.³

In our view, the allotted timeframe is entirely inadequate for the bar to meaningfully comment on the numerous important issues within the Report, both with respect to the cancellation of the LPP and the proposed changes to the lawyer licensing process.

The Law Society has indicated that the extraordinarily short review period is necessary to accommodate its cancellation notification period requirements for its LPP service providers. Regardless of the reason(s) why the Law Society finds itself under such time pressures, our members feel that it is unacceptable to rush decisions on matters of such significance, especially given the substantial investment required to launch the pilot, the reported effectiveness to date,

¹ Ontario Bar Association, The Future of Articling, November 12, 2012. (<http://www.oba.org/submissions>) [“OBA 2012 Report”]

² “The Law Society retained Research and Evaluation Consulting (RaECon) with Dr. A Sidiq Ali, a scientific psychometrician acting as the Senior Evaluation Consultant, to develop the appropriate tools for capturing the required data.” Report, para. 28.

³ The Report was first sent out by email from the Treasurer one week earlier on September 16, 2016.



and the expected challenges its elimination would present to would-be candidates seeking admission to the bar.⁴

However, separate from concerns about the limited period of consultation and the consequential inability to address many of the important issues implicated in the Report, our members have expressed overwhelming consensus on a number of fundamental issues relating to the Committee's recommendations. These issues are summarized in the remainder of this submission.

Key Findings & Recommendations in the Pathways Report

Focus of the LSUC Licensing Process

The Report notes that “[t]he focus of the Law Society’s licensing process is to ensure that candidates have demonstrated that they possess the required competencies at an entry level to provide legal services effectively and in the public interest.”⁵

This focus reflects earlier comments by the 2012 Law Society Articling Task Force that:

“A fair and effective licensing process that is grounded in the achievement of entry-level competence is essential to the profession’s renewal. Moreover, that licensing process is an integral part of the Law Society’s mandate to regulate the profession in the public interest.”⁶

“[T]he competence of those who seek admission must be the Law Society’s primary substantive concern. The fairness of the requirement must be its primary process concern. In this context fairness means the removal of unreasonable process barriers, but the objective of the process remains: ensuring the competence of those who are licensed.”⁷

Competence and Effectiveness

In now assessing the LPP and articling pathways to licensing (“both pathways”), the Committee reaches the following conclusions related to effectiveness:

⁴ As noted in the Report, the investment goes beyond financial costs and includes the multitudinous efforts of the bar: “... a significant number of lawyers, law firms, judges and provider staff have assumed significant roles as mentors, advisors, teachers and work place supervisors and offered support for the LPP in numerous ways.” (Report, para. 50)

⁵ Report, Executive Summary, Conclusion, at p. 5.

⁶ Articling Task Force Final Report, *Pathways to the Profession: A Roadmap for the Reform of Lawyer Licensing in Ontario*, para. 28 [“LSUC 2012 Report”]

⁷ LSUC 2012 Report, para. 29.



“Both pathways provide exposure to transitional experiential training competencies, growth in practical skills development and access to mentors and their feedback.”⁸

“Overall, candidates in both pathways are considered to have met or exceeded competency expectations in the pathways’ defined areas, based on LPP provider and Articling Principal assessments.”⁹

“Both [pathways] show high participant ratings for value and effectiveness of the programs in addressing the five goals of transitional training.”¹⁰

“Generally, the pathways are seen as delivering fair, objective and accessible transitional, experiential training, though some aspects are not viewed as fair.”¹¹

“... over the last two years there has been positive feedback about the LPP pathway and the performance and competence of the candidates emerging from it. This has come from a variety of sources including work placement supervisors, lecturers, lawyers and mentors in both the English and French LPP.”¹²

“With two years of information, the Committee is unanimously of the view ... that both pathways provide exposure to transitional experiential training competencies, growth in practical skills development and access to mentors and their feedback.”¹³

Collectively these comments indicate that the Committee has a positive view of the effectiveness of both pathways in imparting the necessary entry-level competence on candidates.

The Report also briefly considers the effectiveness of both pathways with respect to each other. After noting that each pathway has its own structure, delivery and assessment tools, the Report notes the Consultant’s view that it is not necessary “to make this determination now, especially since we have post-licensing data from just one cohort at this juncture.”¹⁴

However, the report goes on to note the Consultant’s view that the comparison would require:

⁸ Report at para. 37.

⁹ Report, para. 37(a).

¹⁰ Report, para. 37(c).

¹¹ Report, para. 37(b).

¹² Report, para. 58.

¹³ Report, para. 43.

¹⁴ Report, para. 39(c).



“... some key performance metrics such as hire-back rate and rate of being called to the Bar, which are measures of the purposeful end products of the licensing process. Ultimately, this purpose of the pathways delivery we believe cannot be extricated from the delivery itself. Therefore, these metrics are the goal of the licensing process and the only common metrics in this vein between the programs.”¹⁵

In the OBA’s view, the objective of the licensing process is properly articulated elsewhere in the Report (and in earlier Law Society reports) as ensuring that candidates have demonstrated they possess the required competencies at an entry level to provide legal services effectively and in the public interest. Consequently, it is not clear why rates of hire-back and call to the bar are introduced as relevant metrics for assessing the effectiveness of the pathways. The former metric pertains to market considerations outside of the licensing purview and the latter pertains to a finding which is likely influenced by factors unrelated to either pathway.¹⁶

In any event, it is also not clear why comparing the relative effectiveness of the pathways is relevant to a decision to cancel the LPP, unless and until there is confidence that the remaining pathway or new alternatives are sufficient to fulfil the role that the LPP is playing in addressing the problems that gave rise to the pilot and that are expected to persist.

In sum, our view is that the Committee’s conclusion that both pathways are effective in imparting entry-level competencies militates strongly in favour of continuing with the LPP and the enhanced articling process, at least until the Law Society has properly reviewed the pathways and fully assessed and developed effective alternative options that better achieve the objectives of the licensing process.

Fairness & Accessibility

The Committee indicates that its recommendation to cancel the LPP is not rooted in concerns about effectiveness but rather concerns about the program’s lack of acceptance and financial realities that make the program unsustainable:

“On the basis of the perceptions of second-tier, the impact of this on equality-seeking groups and the financial realities of the LPP, the Committee is of the view that the pathway is not sustainable.”¹⁷

¹⁵ Report, para. 39.

¹⁶ To the extent that differences in the rate of call relate to difference in passing licensing examinations, the Report notes that “neither pathway is intended to serve a licensing examination preparatory function.” (at p. 32).

¹⁷ Report, para. 88.



With respect to second-tier status, the Committee states that:

“... after two years, and at the outset of the third, in the Committee’s view there is evidence that the alternative pathway of the LPP is *perceived* as second tier. The Committee strongly emphasizes the language of “perception,” because there is no evidence to suggest that the LPP is *in fact* second-tier or merits the perception.”¹⁸

The OBA has significant concerns about the limited/incomplete data upon which the Committee has based its recommendations and the associated need for further consideration of relevant metrics. This concern is particularly acute with respect to the purported “second-tier perception”.

The LSUC Consultant states that: “With only one (1) response, there are insufficient data to report on the perceptions of the employers of new lawyers who completed the LPP.”¹⁹ The Report also acknowledges: “The Committee accepts that there is little concrete evidence yet about law firm attitudes toward hiring the graduates ...”²⁰

More specifically on the issue of second-tier status, the Consultant states: “... we have not heard the relevant thoughts from employers or post-call graduates of the LPP at this point, so any “stigma” associated with LPP as far as obtaining employment is merely speculation.”²¹ Moreover, the Report offers no evidence of a stigma or perception of second-tier status within the profession at large.

According to the Committee:

“One of the most telling aspects of the evidence of second-tier perception and perhaps most significant, is that the majority of candidates in each licensing cohort appear to consider the LPP alternative as a second choice or, indeed, no choice at all.”²²

OBA members have several further comments with respect to the perception of second-tier status.

First, the Report notes that the “LPP is a new program and there is general lack of accurate awareness of it in the legal community, which helps stigmatize the LPP.”²³ As adverted to by some of the Committee members, we agree that it would be hard for any new initiative to overcome initial perceptions within such a short timeframe.²⁴

¹⁸ Report, para. 59. [emphasis in original]

¹⁹ Report, p. 67.

²⁰ Report, para. 79.

²¹ Report, p. 192

²² Report, para. 60.

²³ Report, p. 134.

²⁴ Report, para. 76. “A few members of the Committee have expressed concern that a focus on second-tier perception may not be fair to a program that is so new and that for all the considerations set out here has



Second, the Report has little commentary on the means by which the Law Society could or should work to overcome unfounded negative perceptions. In this regard, a number of OBA members pointed out a stark incongruity between the Committee's acceptance of unfounded perceptions of second-tier status as a rationale for cancelling the LPP, and the recent LSUC Equity and Aboriginal Issues Committee's call for the need to work together for change to overcome barriers faced by racialized licensees – including stereotyping – as an essential component of ensuring a healthy and successful legal profession and for advancing the public interest.²⁵

Other members expressed the view that continuing to focus on an unfounded perception needs to be addressed as itself a significant factor in perpetuating the perception.

Under the rubric of fairness, the Committee also mentions a shorter work placement period (and consequentially shorter income earning timeframes), higher withdrawal rate, lower rate of call in the originating license year, and lower expectation of hire-back as negatively impacting on the fairness to equality-seeking groups.

In the view of our members, these topics are underexplored in the Report and, as such, don't persuasively support the recommendation to cancel the program. For example, members questioned whether a higher withdrawal rate could indicate that the program is appropriately working towards ensuring entry-level competence and simply proving unsuitable for those who are unable to attain that benchmark. Shorter work placements and lower hire-back may be helpful tradeoffs in facilitating access to valuable work placement opportunities in a broader range of practice settings, including those that have historically been unable to offer longer articling placements and where access to justice is a concern. The relevance of the call in the originating license year is also underexplored in its relation to many other factors unrelated to the LPP itself. Lastly, some members noted that an unequal application of data and expectations as between both pathways undermines the reliance on these factors in the recommendations with respect to the LPP.²⁶ Collectively, these may be important issues to properly consider, but as such they are also reasons not to rush to conclusions based on two years-worth of data.²⁷

Regardless of the ultimate outcome of any further examination of these factors, our members felt that they do not presently comprise a sufficient rationale for cancelling the LPP without more

nonetheless garnered positive feedback in a number of quarters and has offered an alternative for a number of candidates."

²⁵ Challenges Faced by Racialized Licensees Working Group Final Report, *Working Together for Change: Strategies to Address Issues of Systemic Racism in the Legal Professions*, Executive Summary at p. 3-4 ["LSUC Working Together for Change"].

²⁶ For example, there is no suggestion that articling students who do not pass the licensing exams on the first try or who are not hired back reflect negatively upon the entire concept of articling.

²⁷ In fact, the Report notes that there is "post-licensing data from just one cohort at this juncture." (at para. 37(c))



effective solutions in place. As one member aptly put it, at this time the factors identified are a luxury for those candidates who, but-for the LPP, would be denied any real opportunity to complete the licensing process and be called to the bar. In the absence of more effective alternatives, the critical factor is the report's finding that the LPP is delivering fair, objective and accessible transitional experiential training.

The report also raises concerns about the LPP's financial sustainability, noting that:

"The majority of this pathway expenditure is currently being financed by all licensing candidates to support an average of fewer than 230 of their colleagues – or only 10% of each cohort ... The Committee finds that these financial burdens and inequalities cannot help but have a significant impact on the long term sustainability of the LPP pathway ... Deferring the decision for a year or two will not, in the Committee's view, likely change that reality."²⁸

Our members have several responses to this element of the Report.

First, it goes without saying that the Law Society has a responsibility to deliver pathways to licensing that provide fair, objective and accessible transitional experiential training at the lowest possible cost to achieve those requirements.

While the Committee may reasonably consider the cost impact that any pathway has on all licensing candidates, including those not in it, we caution against an approach that either visits the cost of overcoming systemic barriers on those who utilize such programs, or that suggests the cost for such programs is too high because only a subset of the population utilize them. Elsewhere in the report, the Committee states that the majority of LPP candidates have no choice in participating in the program as their only avenue to licensing. Some members expressed the view that the recommendation to cancel the LPP made those who faced barriers to traditional articling feel "too small to count". Other members analogized that it would be equally inappropriate to avoid installing a ramp to make a building accessible because the cost would be deemed too high on a per-use basis. Building on that analogy, still others pointed out that the Committee's recommendation is more aptly described as tearing down an accessibly ramp that is already in place and working well, in order to avoid the costs of maintenance and perceived stigma involved with using it.

Second, the Report does not provide any details about future costs after noting that "A few members of the Committee have suggested that an extension of the pilot would provide a further opportunity to investigate reduced costs for the LPP."²⁹ This left our members wondering whether the cost to carry the program forward in future years might be lowered by avoiding unnecessary

²⁸ Report, para. 82-83, 87.

²⁹ Report, at para. 87.



expenses and because original start-up costs had already been incurred. As an example of the former, some of our members who served as mentors and assessors said they had not expected any remuneration, and would have volunteered without the stipends that were offered. Given the absence of further information about potential costs it is not clear how the Committee concludes they are necessarily unsustainable.

Third, even if the Committee is correct in its conclusion about “the long term sustainability” of the LPP, that finding should not count against the short-term viability of the pilot.³⁰ To the contrary, taking the pilot to the completion of the 5 year window originally permitted in the Convocation decision would allow the Law Society to better measure and assess the data generated and to implement any more effective alternatives that are developed.

Specific Equity Considerations

In our 2012 submission on the future of articling, the OBA noted that:

“Based on the statistics in the Report of the Taskforce, observations by practitioners and presentations from affected law-school graduates at the OBA Council meetings, it is evident that the failure to secure an articling position is not necessarily a reliable measure of a candidate’s merit. This fact not only adds to the injustice for affected persons but also weakens the legitimacy of articling as an entry-to-practice criterion. Any transition program has to ensure that there are no arbitrary or non-merit-based hurdles that foreclose a candidate's ability to fulfill the licensing requirement.”³¹

The 2012 Report of the LSUC Articling Task Force recommended the pilot project to satisfy a number of concerns, including the concern that the articling placement shortage disproportionately affects equality seeking groups:

“The pilot project will provide not only enhanced access to the licensing process but also a wealth of information. This information will be analyzed and used not only to compare the two methods of transitional training, but also to continue to address a wide range of issues that arose during the consultation process, such as the challenges confronted by equality-seeking groups. The Task Force received numerous submissions from equality-seeking groups, nearly all of which rejected

³⁰ At para. 84, the Committee notes that while the approach taken with respect to funding “was considered appropriate for the duration of the pilot project, [it] questions whether it is sustainable or fair to extend the pilot or make the LPP permanent on this same basis.” Again this does not undermine a short-term continuation of the program.

³¹ OBA 2012 Report, p. 5.



the status quo out of concern that it fails to solve the articling placement shortages that are believed to disproportionately affect these groups.”³²

With respect to this objective, the Report notes that:

“The LPP is serving proportionally more candidates than the Articling Program from each of the following demographic categories: internationally-educated, racialized, age 40+ and, at least in Year One, Francophone.”³³

We also note that the recently released report of the LSUC Challenges Faced by Racialized Licensees Working Group states that:

“Racial and ethnic barriers were ranked highly among the barriers to entry and advancement. Forty percent (40%) of racialized licensees identified their ethnic/racial identity as a barrier to entry to practice, while only 3% of non-racialized licensees identified ethnic/racial identity as a barrier ... Racialized licensees were also more likely to have struggled to find an articling position or training placement.”³⁴

In light of the Report’s finding that articling position shortages will continue to be an issue in future years,³⁵ the OBA is concerned that eliminating the LPP will have a disproportionately negative impact on equality seeking groups, and return many candidates facing barriers to the same unacceptable position they were in three years ago.³⁶

Alternative Strategies to Address Persisting Concerns

As set out in our 2012 Future of Articling submission, the OBA recognizes:

“... that if the current system arbitrarily excludes potential candidates from the opportunity to fulfill the entry-to-practice criterion, it will not continue to survive scrutiny. The question

³² LSUC 2012 Report, p. 4

³³ Report, para. 37(g).

³⁴ LSUC Working Together for Change, p. 39.

³⁵ Report, para 138.

³⁶ As the Report also notes: “From the outset, the French LPP has developed a particular focus on the enhancement and broadening of the ability to offer quality legal services in French across the province and to facilitate the development of mentors and role models within the Francophone bar.” (Report, para. 125). In our view, this focus impacts access to justice for the French speaking public, by preparing lawyers who can serve such clients directly, accept judicial appointments, contribute broadly as members of the bar to Francophone legal issues, etc.



becomes: What is the best solution to maintain the benefits of the current model and solve the Gap problem...?"³⁷

In our view, this remains the fundamental issue for the Committee to consider, which the Report does not adequately address.

The Report states: "It is clear to the Committee that many of the issues that prompted the pilot remain."³⁸ The Report goes on to note that the Committee has developed a number of additional recommendations for strategies to address issues that continue to exist in transitional experiential training.

In particular, the Committee states that "Serious attention, effort and collaboration in the areas identified below can address some of the issues that the pilot has revealed or confirmed:"³⁹

- *Continued use of LPP program content, networks, professional placements etc. in other contexts so that the invaluable resources are not lost.*

The Report notes that for both French and English LPPs: "In the short life of the pilot project each has integrated meaningful program content with impressive physical and human resources and networks of professionals who have supported and assisted the programs and acted as supervisors, instructors and mentors ... Effort should be made to make use of the English and French LPP resources." With respect to work placements specifically, the report notes that "Most of the placements were with those who had not previously taken an articling candidate." The proposed motion to Convocation states that the Law Society will explore ways of "adapting work placements developed during the LPP to the articling context wherever possible and appropriate."⁴⁰

- *Consideration of the National Committee on Accreditation (NCA) process, readiness for licensing issues and exploration of bridging programs for internationally-educated candidates.*

The Report states that "the Law Society is committed to a vibrant, competent and diverse profession that in turn supports the diversity of the Ontario population." As noted above, the Report does not describe the way in which cancelling the LPP serves to advance that commitment. The report also states that "the Law Society should explore possible approaches to voluntary and robust bridging programs for internationally-educated

³⁷ OBA 2012 Report, p. 11.

³⁸ Report, at para. 122.

³⁹ Report, Executive Summary at p. 3.

⁴⁰ Report, Executive Summary at p. 3.



candidates to enhance their readiness for licensing in Ontario.”⁴¹

- *Attention to issues of fairness, including the Articling Program’s impact on equality seeking candidates and its accessibility and objectivity.*

As noted in the Report, the “Committee continues to have concerns with aspects of the Articling Program ... including the impact on equality-seeking groups and the hiring process, consistency and coverage of required competencies, working conditions and the dearth of certain types of articling positions, particularly in the field of social justice ... The Law Society must continue to monitor the Articling Program and address the issues that have emerged from the pilot respecting fairness, accessibility and objectivity ... Development of a fund to be used to support the above mentioned priorities in the context of transitional experiential training should be explored. The exploration will include an analysis of possible sources for funding, such as the Law Foundation of Ontario grants and the continuation of the lawyer licensee contribution to the licensing process, criteria for eligibility, relevant under-serviced communities and appropriate job locations.”⁴²

Throughout our discussions, OBA members expressed concern that the program content from the LPP should not be lost, given the significant investment needed to develop it and the positive reviews of its utility. If the LPP is discontinued, we therefore support the general recommendation to consider the ways in which the resources developed might be utilized. However, on the critical issue of placements, members questioned why the Committee hopes that employers who offered a four-month placement to a candidate trained under the LPP would be likely to take an articling student instead, given that those employers could have done so in the past and did not.

In summary, given the very brief descriptions, it is difficult to provide any significant feedback on the feasibility of the Committee’s alternative strategies. As noted several times throughout this submission, OBA members are overwhelmingly of the view that the options articulated above are far too general in nature to serve as reliable alternative options if the LPP pilot is abandoned at this time. The incomplete assessment of effective alternatives is highlighted by the Committee’s allowance of nine months to propose a plan to Convocation to address these recommendations.⁴³ Although the Committee intends to “explore possible approaches” with “serious attention, effort and collaboration”, we are concerned that the Law Society is far from being able to implement any alternatives at any time soon – with the danger that the profession simply reverts to the same position it was in before the pilot.

⁴¹ Report, Executive Summary at p. 3.

⁴² Report, Executive Summary at p. 3.

⁴³ Report at para. 3. “By June 2017 the Professional Development & Competence Committee will provide Convocation with a proposed process plan for addressing issues under a-e.”



Licensing Process Enhancements

In the time permitted for comment on the Report, the OBA received little substantive feedback on the proposed enhancements to the lawyer licensing process. This was in part owing to the attention members devoted to the Committee's recommendations with respect to the LPP, which comprised the majority of the material in the Report.

However, our members also expressed a concern about the lack of information pertaining to each of the recommendations, or the potential interaction of the recommendations collectively in affecting the licensing process in the future. This concern, along with a concern about minimal consultation, was raised when a similar package of proposals was put forward by the Committee in April 2016.

At that time, the Committee indicated that it had decided to address and respond to concerns raised over the following months and consider the enhancements in conjunction with its assessment of the Pathways Pilot Project commencing in September 2016. The Committee indicated that as a result, the licensing process changes that were discussed in the April 2016 report to Convocation would not be implemented for the 2017-18 licensing year.⁴⁴

In our view, the concerns previously expressed about short time period and the limited information available regarding the proposed licensing process enhancements continue to exist. Moreover, as a result of the concerns expressed about the Committee's recommendations pertaining to the LPP, we believe that it is not possible to consider the enhancements in conjunction with the assessment of the Pathways Pilot Project as the Committee had intended. As a result, the recommendations relating to licensing enhancements should be deferred along with the recommendation to cancel the LPP.

Conclusion

The OBA appreciates the opportunity to comment, although we believe the extraordinarily short timeframe has not allowed for adequate consideration of the significant issues at stake.

The Report suggests that the LPP has been successful in addressing the central challenges that it was undertaken to overcome; including providing an opportunity for candidates who could not find articling positions to become eligible to be called to the bar, and in doing so, bridging a gap that disproportionately impacts equality seeking and especially racialized candidates. By all accounts, this is a significant achievement.

⁴⁴ May 2016 Convocation. <https://www.lsuc.on.ca/with.aspx?id=2147502500>



The OBA's view is that the Committee's recommendation to cancel the LPP should be rejected in light of:

- the Committee's positive findings about the effectiveness of the program in meeting the objective of imparting candidates with the required entry-level competencies;
- the reliance on limited/incomplete data from two-years of the pilot, and the need for further consideration of relevant metrics, especially given the Committee's recognition that the purported "second-tier perception" problem is ill-informed and unfounded; and,
- the absence or inadequacy of any alternative measures to satisfactorily fill the role that the LPP is currently playing.

Instead, taking the pilot to the completion of the five-year window permitted in the original Convocation decision would allow the Law Society to better measure and assess the data produced and to potentially implement more effective alternatives.