

STATEMENT

For immediate release: Tuesday, May 24, 2022

FOLA welcomes recommendations of the Competence Task Force

The following statement can be attributed to Douglas W. Judson, Chair of the Federation of Ontario Law Associations (FOLA):

“The Federation of Ontario Law Associations welcomes the [final report of the Law Society of Ontario's Competence Task Force](#).

“We are pleased to see that the Task Force’s consultation process and evaluation of policies and programs has arrived at thoughtful and evidence-based recommendations. These recommendations reflect the sea change we have seen in the profession in the 20 years since the last review of competence-focused programming.

“The past two decades have been a period of significant change in the profession, but also more broadly in society. For lawyers, we have seen changes in the use of technology in our practices and institutions, in the economic model of practice, and in our understanding of how issues of equity, racialization, and reconciliation intersect with law and legal practice. How the Law Society adheres to its statutory mandate to ensure those practicing law meet standards of learning, professional conduct, and professional competence must keep pace with these realities.

“FOLA commends the Task Force for the following recommendations:

- We welcome the introduction of standards for technological competence. The pandemic has permanently changed how we practice, and technology is poised to play an increasing role in how we serve our clients, communicate with other counsel, appear before courts and tribunals, and safeguard client confidences. Failing to meet reasonable standards of technological competence creates risk and cost for all participants in a legal matter.
- We also acknowledge the value of the proposed practice essentials course for those who choose to become sole practitioners for the first time. We encourage the Law Society to ensure that this requirement remains low-cost, CPD-accredited, and flexible for licensees.
- As the leading voice of lawyers who practice across Ontario’s regions, we also commend the Law Society for doing away with the six-hour cap on archived or recorded CPD programs that are eligible for credit. This will support licensees practicing outside of urban areas to meet their annual requirements at reduced cost.

“As Benchers begin their deliberations on this landmark report, we remind them of [FOLA's submission to the Task Force](#) consultation, which underscored the critical role of Ontario’s network of county and district law libraries.

“Local libraries play an important role in ensuring that resources which uphold our statutory mandate of competence are available in all corners of the province. Libraries also provide licensees with access to resources which may be cost prohibitive for small practices to acquire. Law libraries also serve as a hub for disseminating information from the courts or providing locally-responsive professional development programming, which further supports a competent profession.

“We encourage Convocation to formally recognize, in its motion on the Task Force report, that ongoing, suitable, and sustainable funding for Ontario’s county and district law libraries is a pillar of maintaining consistent standards for licensee competence and learning across Ontario.”

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About FOLA:

FOLA represents the associations and members of the 46 county and district law associations across Ontario. Together with our associate member, the Toronto Lawyers’ Association, we represent approximately 12,000 lawyers. Most of the lawyers we represent are in private practice in firms across the province. They practice on the front lines of legal service and the justice system.

Background:

The Competence Task Force has undertaken the first comprehensive review of the policies and programs related to the competence of lawyers in over 20 years.

The Task Force was established to ensure that the Law Society’s competence framework remains effective, proportionate, and balanced while addressing careerlong competence in a manner that protects the public interest and is responsive to the public’s legal needs now and in the years to come.

The Competence Task Force has [made several recommendations](#) to Convocation:

- Approve the creation of a practice essentials course for licensees who designate as a sole practitioner for the first time after January 2024;
- Adopt the Federation of Law Societies of Canada Model Code of Professional Conduct commentary regarding technological competence, for both lawyers and paralegals;
- Wind up the Certified Specialist Program, effective September 1, 2022, other than the Indigenous Land Issues specialization (existing certified specialists would be allowed to keep their designation); and
- Eliminate the six-hour limit on archived or recorded CPD programs that are eligible for CPD credit.

The final report of the Competence Task Force is slated to be presented to Convocation on May 26, 2022.

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