A Better Understanding of How to Become a Lawyer in Canada: Regulations and Implementation

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Abstract:

This paper offers an overview of the Canadian provincial regulations and the accreditation process of foreign trained lawyers and Québec lawyers performed by the National Committee on Accreditation. The procedure to transform a law graduate into a lawyer is examined for each province in terms of general admission conditions, such as education, articling and bar admission course, and special admission conditions, such as minimum age required and Canadian citizenship or permanent/ temporary residence.

Further, there are problems with the Canadian accreditation system that could be remedied with minor modifications and a more cooperative approach. To become a lawyer in Canada, one must be admitted as a member of the law society where she or he intends to practice. A foreign trained lawyer or a lawyer who achieved her or his civil law degree in Québec must be accredited by the National Committee on Accreditation administered by the Federation of the Law Societies of Canada from Ottawa before applying to any of the common-law society admission programs.

Therefore, this paper presents a critical analysis of the provincial differences in terms of how new members are admitted in the law societies and analyses side effects of maintaining disunified provincial regulations across Canada. Despite differences, all law societies are focused on teaching law graduates how to apply their theoretical knowledge and practice law with professionalism and responsibility. This paper reveals how a disunified system of regulations is or might be perceived inequitable and unjust.

Finally, this paper offers recommendations to improve the process of recruiting new lawyers, presents concrete ways to improve the accreditation process of foreign trained lawyers, and suggests a more equitable process of accreditation for lawyers who have obtained a civil law degree in Québec and intend to practice in a common-law jurisdiction. Ideas are presented that will enhance a more cooperative partnership between members of the National Committee on Accreditation, Canadian law societies, and law schools.

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Rezumat:

Acest studiu oferă o privire de ansamblu asupra regulilor provinciale canadiene și procesului de acreditare a avocaților străini și avocaților din Québec desfășurat de Comitetul Național de Acreditare. Drumul pe care un absolvent de drept îl are de parcurs pentru a deveni avocat cu drept de liberă practică este examinat pentru fiecare provincie canadiană atât sub aspectul condițiilor generale de admitere în profesie, cum ar fi: educație, stagiu, examen de admitere în barou, cât și sub aspectul condițiilor speciale de admitere, cum ar fi: vârsta minimă necesară si statutul de cetățenie canadiană: cetățean sau rezident permanent or temporar.

În plus, studiul relevă problemele pe care sistemul canadian de acreditare le-ar putea remedia cu efort minim intr-o abordare cooperantă. Oricare avocat în Canada trebuie admis ca membru într-unul din barourile provinciale. Un avocat străin sau un avocat atestat in Québec trebuie acreditat de către Comitetul Național de Acreditare administrat de Federația Canadiană a Barourilor Provinciale din Ottawa înainte de a aplica pentru programul de admitere la oricare barou common-law.

Studiul de față prezintă o analiză critică a diferențelor întâlnite în admiterea noilor membri în barourile provinciale și analizează consecințele determinate de existența unor reguli provinciale diferite pe teritoriul Canadei. În pofida diferențelor, toate barourile urmăresc formarea solidă a noilor avocați și înlesnesc aplicarea de către aceștia a învățăturii teoretice care să ducă la practicarea meseriei cu profesionalism și responsabilitate. Studiul se dorește însă lămuritor în privința legislației provinciale care, în procesul de implementare, ar putea uneori fi percepută ca inechitabilă și injustă.

În sfârșit, această cercetare oferă recomandări pentru îmbunătățirea procesului de recrutare a noilor avocați, prezintă moduri concrete de perfecționare a procesului de acreditare a avocaților străini și propune un sistem mai echitabil de acreditare a avocaților de drept civil din Québec și care doresc să practice în jurisdicție common-law. Ideile sunt prezentate cu scopul creării unui parteneriat mai bun între membrii Comitetului Național de Acreditare, barourile provinciale și școlile naționale de drept.

Keywords*:* articling, bar, education, law, lawyer, law credentials, law school, law society, legal profession, National Committee on Accreditation, principal, qualifications, students-at-law.

Introduction

If one reviews the process of becoming a lawyer in Canada can see that, despite the general effort to make the regulations uniform, there are still unnecessary and problematic differences between provinces in terms of admission requirements and inconsistencies in the process of certifying foreign trained lawyers. The main point of this paper is that there is evidence of a serious need for re-designing the current system and implementing an integrated system to certify lawyers across Canada and from outside Canada, by aligning provincial regulations and improving the accreditation process performed by the National Committee on Accreditation from Ottawa.

In the view of the Canadian Federation of Law Societies, regulation of legal professions helps guarantee their independence. To serve this purpose, such legal services are self-regulated and not regulated by the government or another regulatory body (Bakan, 1994; Federation of Law Societies of Canada, 2009; Stager, 1990). The Canadian legal system has a rich history of ensuring the

authority of the legal profession (Arthurs, 1996; Pilkington, 1997; Pue, 1995; Riddell, 1916; Stager, 1990; and Watts, 1984). Another author expressed concerns about the future of self-regulation in Canada in the context of the loss of self-regulation in England and Wales, and Australia (Paton, 2008). The argument is that this is so because a lawyer must act in his or her client's best interest (Federation of Law Societies of Canada, 2009; Hazard Jr. and Rhode, 1985; Katzman, 1995; Law Society of Upper Canada, 2007, Schaffer and Redmount, 1977; Stager, 1990). On the positive side, regulating the legal service helps to prevent the possibility that a client will suffer harm as a result of incompetent lawyers' actions (Law Society of Upper Canada, 2007). On the negative side, some members of the public avoid pursuing claims or asking for legal advice only because they do not know how to find a verifiably qualified lawyer (Lauw, 1994). Therefore, to protect the public against false claims of expertise, Canada and Australia introduced formal specialist accreditation programs (Lauw, 1994). On this note, the regulatory bodies of the legal profession face a dual responsibility: to protect public interests and to assure the fairness of the authoritative rules (Shanahan, 1997). Analyzing the legal accreditation process of foreign trained lawyers in Ontario, the same author acknowledged the obligation of the legal profession "to consider both the individuals' right to equality of opportunity and the equal treatment without unfair discrimination, as well as the rights to protection of the legal profession itself" (Shanahan, 1997, p. 5). Also, the literature (Cumming, 1989, Maraj, 1995, Mata, 1994, and McDade, 1989, as cited in Shanahan, 1997, p. 144) noted that the issues of accreditation are based on the principles of equality and multiculturalism. Thus, it could be questioned if the principles of non-discrimination based on race, national or ethic origin have been infringed upon in the process of accrediting foreign trained lawyers. According to the Canadian Charter of Right and Freedoms, all individuals are equal before and under the law, and have the right to equal protection and equal benefit of the law. At the same time the fact cannot be ignored that legal professional associations are granted provincial autonomy. Thus, the solution could be in changing the regulations and not necessary in raising issues of discrimination. At the same time, McDade considered that Canada, as a party of the International Covenant on Civil and Political Rights, must guarantee "the rights of all individuals without discrimination on the basis of national origin" (McDade, 1988, as cited in Shanahan, 1997, p. 42). Shanahan (1997, p. 145) took the analyses further when suggested that according to her study different treatment applied to foreign trained lawyers "can be attributed to their place of education and not their place of origin". Aligning to Cumming's (1989) idea, this author calls for an amendment to the legislation that all individuals should be equal before and under the law despite their place of education, so long as the education can be demonstrated to be generally equivalent in nature (Shanahan, 1997).

Since there is an international tendency towards the globalization of the legal profession, it could be discussed why and how improving the practice of accrediting foreign trained lawyers in Canada can serve this purpose. Even though Canada's jurisdictions are predominantly based on the common-law system, Canadian lawyers are sometimes asked to provide services on an international level. While the world is mainly composed of countries based on the civil law system it was argued that there is a need for Canadian lawyers to

have strong knowledge of both the civil and common-law systems (Richardson, 2006). The same author encourages lawyers to be aware of the importance of having international working knowledge, arguing that it is easier to make the transition from "global" to "local" than from "local" to "global" (Richardson, 2006, p. 2). Improving the complex process of assessing international law credentials performed by the National Committee on Accreditation, Canada could easily shift towards the new trend of having more lawyers able to represent their clients no matter where they may be in the world. By giving an advanced standing status to those candidates coming from a civil law system, the National Committee on Accreditation could diminish the necessary time and resources to prepare a "global" lawyer. Again, each file must be assessed on individual basis taking also into account candidates' professional legal experience and applicants' academic qualifications and performance.

Professions such as lawyers and Québec notaries are rated as having the best job prospects (Immigration Guides, 2010). There are at least two factors influencing the demand for more jobs in the legal field. One factor is "the difference between the number of newcomers to the profession and the number of people retiring or passing away" (Service Canada, 2010, p. 2). The second factor is the economic growth (Service Canada, 2010). According to statistics, the need for more lawyers "goes up by about 1.5% for every percentage point in economic growth" (Service Canada, 2010, p. 3). To respond to the market demand law firms started to welcome new partners. According to Warren Bongard, co-founder and vice-president of ZSA Legal Recruitment, "on a national level, the hot markets are Alberta and Ontario, especially Calgary and Toronto" (2006, as cited in Middlemiss, 2006, p. 1). In British Columbia, the need for lawyers has lead to the opening a new law school at Thompson Rivers University in Kamloops, in partnership with the University of Calgary. On this note, Alastair Lucas, dean of the University of Calgary, Faculty of Law, affirmed that "there is currently more demand for legal education than there is capacity in Canada" (University of Calgary, 2009, p. 1). It is anticipated that "activities related to intellectual property and copyrights should grow significantly" (Service Canada, 2010, p. 4). Moreover, "due to globalization and growth in international trade, a rise in the demand for expertise in international law is also expected" (Service Canada, 2010, p. 4). "In 2006, however, the percentage of immigrants in this occupation was much lower than in all occupations (8% compared to 12%)" (Service Canada, 2010, p. 2).

Presented in more detail below is an account of how the system currently works so that the reader can gain further insight into the issues that are relevant while considering possible improvements to the accreditation process later in this paper. In order to become a lawyer in Canada, one has to be properly licensed according to specific regulations. Future lawyers must become members of one of the law societies where they intend to practice. In Canada there are fourteen law societies, one for each province or territory, except Québec, where there are two different structures, one regulating the notaries' profession, and one regulating the lawyers (Federation of Law Societies of Canada, 2009). The general requirements, however, are to hold a law degree from a recognized Canadian law school offering a law degree, to complete the law societies' admission program that usually involves an articling and a bar admission course, and to demonstrate positive character and repute (Federation of Law Societies of Canada, 2009). Then,

when these conditions are met, the candidate will be asked to make a formal appearance to be "called to the bar" of that law society (Federation of Law Societies of Canada, 2009). In addition, some provinces or territories may require the applicant to meet special conditions, such as be a citizen or permanent resident of Canada, have a minimum age, or be eligible to be hired in Canada. Finally, differences among provinces or territories might be specified in terms of how the articling and/or each bar admission course is designed in regards to the length of time required for articling and the bar admission course, their components, and whether or not there are final bar examinations required (Federation of Law Societies of Canada, 2009).

Inequitable provincial regulations have manifested in three primary ways: a requirement of Canadian citizenship or permanent residency; articling and bar admission courses and their varying duration and content; and the limitations and unfair disadvantages created for some lawyers through varying and spurious criteria for assessing the "good character" requirement. At this time, many practitioners recognize that the differences between the rules of law societies may create barriers in practicing law across Canada. Being aware of the necessity to make legal services more accessible for clients whose business crosses provincial boundaries, all common-law jurisdictions, except the three northern territories, signed the National Mobility Agreement (NMA). Permanent mobility of lawyers practicing in Northwest Territories, Nunavut, and Yukon is governed by the Territorial Mobility Agreement (TMA). By keeping the needs of clients in mind, law societies have acknowledged the value or importance of inter-provincial and territorial mobility (Federation of Law Societies of Canada, 2009). Although this recognition may vary across Canada, law societies agreed that restrictions on mobility must be based on public interest and not on the infliction or maintaining of unreal obstacles to entry into the profession (Federation of Law Societies of Canada, 2009). The NMA and TMA agreements were thoughtfully introduced and have reduced some of the frustration and immobility that previously incurred by some lawyers. In this paper we will see further opportunities to apply such thoughtful and practical legislation to the system on a larger scale to resolve other problems that are outlined below.

A foreign trained lawyer, or a lawyer who achieved his or her degree in Québec and aspires to practice law in Canada, and in other places than Québec, must first apply to the National Committee on Accreditation in Ottawa, which is administered by the Federation of Law Societies of Canada (National Committee on Accreditation, 2009). The role of the committee is to assess candidate's credentials and work experience and determine what future academic requirements the candidate must meet before applying to any common-law society admission program in Canada (National Committee on Accreditation, 2009). The National Committee on Accreditation from Ottawa was created in 1977 to evaluate the legal training and professional experience of lawyers with foreign or non-common-law credentials, including Québec, who apply for admission to one of the Canadian Law Societies (National Committee on Accreditation, 2009). The committee assesses each application and, if eligible, recommends one of the following: "pass examinations in specified areas of Canadian law; take future education at a Canadian law school with a specified program of studies; or complete a Canadian LLB program" (National Committee on Accreditation, 2009, p. 4).

Discrepancies and inconsistencies that can be noted in the process of evaluating international law credentials performed by the National Committee on Accreditation bring difficulties to foreign trained lawyers in obtaining a Canadian accreditation. By improving the process of accrediting foreign trained lawyers, Canada can benefit more from their international experience and knowledge. It has been asserted that it is time for the legal profession to become global and not just local (Richardson, 2006). The existence of different legal traditions in the world may require lawyers to have working knowledge of more than one legal system (De Cruz, 2007; Glenn, 2007; Zweigert, 1982). Today, the complexity of international applications may require a liberalization of professional services, including legal services (Abel and Lewis, 1988a, 1988b, 1989; Abel and Philip, 1996; Holden and Theodorides, 1986; Kawamura, 1997; Liu, 2008; OECD Proceedings, 1997).

For the purpose of this paper, I intend to review the requirements to become a lawyer in Canada (valid as of June 2010) in order to provide an overview of the standards held by each law society and describe the accreditation process performed by the National Committee on Accreditation from Ottawa. A critical analysis of the impact of differences among provincial regulations and inconsistencies in the accreditation processes of international law credentials on the status of the legal profession in Canada will be presented. Also, recommendations in terms of developing a better system of certifying lawyers will be proposed at the conclusion of this paper.

Regulations

There are 14 law societies in Canada: Law Society of British Columbia, Law Society of Alberta, Law Society of Saskatchewan, Law Society of Manitoba, Law Society of Upper Canada, Nova Scotia Barristers' Society, Law Society of Newfoundland and Labrador, Law Society of New Brunswick, Law Society of Prince Edward Island, Barréau du Québec, Chambre des Notaires du Québec, Law Society of Yukon, Law Society of Northwest Territories, and Law Society of Nunavut (Federation of Law Societies of Canada, 2009).

A board of directors, known as Benchers or Members of Council, administers each society, working usually on monthly or bi-monthly sessions (Federation of Law Societies of Canada, 2009). Admissions to practice as a lawyer within each society, establishing the professional standards, professional liability insurance, and the discipline of their members represent the most important tasks of the law societies (Federation of Law Societies of Canada, 2009).

The Law Society of British Columbia

The statutory mandate of the Law Society of British Columbia is to protect the public interest, and the honor, integrity, and independence of the legal profession (Law Society of British Columbia, 2006). To achieve these goals, this law society establishes "professional standards and regulatory programs" (Law Society of British Columbia, 2006, p. 7).

Conditions to become a lawyer in British Columbia were explored in the literature by Thompson (1979), and Towler (1994), and stated in the Legal Profession Act, S.B.C., 1987, and in the Rules of the Law Society of British Columbia (Rules). According to these sources, to be licensed as a lawyer in this province, applicants must complete the following conditions: to hold a law degree from a recognized Canadian common-law university or a "Certificate of Qualification" issued by the

Federation of Law Societies of Canada - National Committee on Accreditation; to be of good character and fit to become a barrister and a solicitor of the Supreme Court; to complete the British Columbia Law Society Admission Program (LSAP); to submit all the application forms and pay the required fees; and to be called to the bar (see *Table A*). The law society admission program includes: nine months of articles, ten weeks of full-time attendance at the Professional Legal Training Course (PLTC), and two qualification examinations based on the Professional Legal Training Course Practice Manual and the course work (Law Society of British Columbia, 2009).

The first condition to be fulfilled in order to practice law in British Columbia is to already hold a law degree from a recognized Canadian common-law university or a "Certificate of Qualification" from the National Committee on Accreditation (Thompson, 1979; Towler, 1994). To be accepted as a law student, usually a candidate will be required to hold an undergraduate degree. To apply for articling, there are no specific courses required as prerequisites. According to the National Committee on Accreditation (2009), the Law Society of British Columbia fully recognizes the "Certificate of Qualification" as an equivalence of a law degree (LLB) from an approved Canadian law school.

Second, a candidate must complete a nine month articling term under the supervision of a principal (Rule 2-32 (1); Thompson, 1979; Towler, 1994). A principal is a lawyer who meets all standards established by the law society and, as a result, she or he could hire and supervise a student-at-law. A candidate must have obtained an articling position in a legal firm or another legal work place before applying to be admitted as a member of this law society. According to Rule 2-30 (1.1), a lawyer could act as a principal if he or she has actively practiced law for seven out of ten years, from which three of the five years were full-time, before the articling start date. Also, the same provision requires principals to have spent at least five years out of the ten practicing law in British Columbia or Yukon Territory. Under these conditions, a lawyer could act as a principal to no more than two students-at-law at one time (Rule 2-30 (1)). Rule 2-30 (2) allows the law society to make exemptions in terms of who can act as a principal and how many students-at-law can a principal supervise at the time. According to the Articling Guidelines of the Law Society of British Columbia, principals and students-at-law will fill out two forms demonstrating the articling commitment, one called "Articling agreement" that will include the obligations of both parties during the articling term, and one called "Articling Skills and Practice Checklist" that identifies the preparation which students will receive during this training. Both forms are required to be submitted as a part of the students' application package for the Law Society Admission Program. During the articling, Rule 2-32 of the Law Society of British Columbia requires principals and students to submit mid-term and final reports. If students have completed clerkships or articles in another Canadian jurisdiction or have practiced law in another common-law jurisdiction, Rule 2-34 (1) permits them to be eligible for a reduction of the articling period. The articling term will be reduced by half of the time spent clerking, where the student has served as a law clerk (Rule 2 - 34 1).

Third, to be licensed as lawyers in British Columbia, applicants must complete ten weeks of full-time attendance at the Professional Legal Training Course (PLTC) (Thompson, 1979; Towler, 1994). This course is administered by the Continuing Legal Education Society of British Columbia, the

main provider of continuing legal education in the province, on behalf of this law society. In the view of this law society, this course is designed to ensure law school graduates have the entry-level knowledge to practice law in British Columbia (Law Society of British Columbia, 2006). The Professional Legal Education Course is a part of the Law Society Admission Program that links law school with practice (Law Society of British Columbia, 2006). While at law school students learn the legal concepts, at the Professional Legal Education Course future lawyers learn to apply these concepts in practice. According to the Professional Legal Training Course Manual, this program is designed to train students-at-law in terms of knowledge, skills, and attitude (Law Society of British Columbia, 2006). In terms of knowledge, the program provides students with various materials and examines them in the areas of Civil Litigation, Creditor's Remedies, Commercial, Company, Family Law, Real Estate, Criminal Procedure, Law Office Management, and Professional Responsibility (Law Society of British Columbia, 2006). In terms of skills, experienced instructors will assign students with specific readings that help them to achieve and practice a skill (Law Society of British Columbia, 2006). During the program, students will be assessed on the advocacy, writing, drafting, and interviewing skills (Law Society of British Columbia, 2006). Finally, this program teaches students on ethical issues, practice management, and business good practices (Law Society of British Columbia, 2006). During the program, students are also asked to complete and pass assignments on all these areas (Law Society of British Columbia, 2006). At the end of the Professional Legal Education Training Course students are asked to pass two qualification examinations (Towler, 1994). The purpose of these exams is to ensure that students-at-law have achieved a basic knowledge of the substantive law procedure and they are able to apply this knowledge to specific cases (Law Society of British Columbia, 2006). The first part of examinations covers the following matters: Commercial, Company, Real Estate, and Estates (Law Society of British Columbia, 2009). The second part assesses on Civil Litigation, Family, Creditor's Remedies, and Criminal Procedure (Law Society of British Columbia, 2009). Each part is three hours in length with the possibility for students to consult their books (open-book exams) and the "Practice Manual" (Law Society of British Columbia, 2009). In order to pass these examinations, students must obtain a mark of at least 60 percent (The Law Society of British Columbia, 2009).

Fourth, according to Section 19 of the Legal Profession Act, to practice law in British Columbia, applicants must be of good character and be suitable as barristers and solicitors of the Supreme Court. As a result, the Law Society of British Columbia will screen all applicants in terms of criminal charges, or other factors that, in its view, may influence applicants' character or fitness.

Finally, after submitting the required forms and fees and meeting all conditions summarized in graphic form in *Table A*, candidates will likely be called to the bar.

The Law Society of Alberta

A lawyer who wants to practice in Alberta must be licensed by the law society of this province. The requirements are stated in the Legal Profession Act, S.A. 1990, under section 37 (1) and 40 (1) (2), and developed in the Rules of the Law Society of Alberta and the Articling Manual for Students and Principals 2009 - 2010. According to section 40 (1) (2) of the Legal Profession Act, in order to be licensed as a lawyer in Alberta, an applicant must fulfill the following

conditions: to hold a law degree from a recognized Canadian common-law university or a "Certificate of Qualifications" issued by the Federation of Law Societies of Canada - National Committee on Accreditation; to be of good character and reputation; 18 years of age or older; to be a Canadian citizen or a Canadian permanent resident; to complete a 12 month articling program; to successfully complete a professional licensing program, offered by the Canadian Centre for Professional Legal Education (CPLED); to submit all the application forms and pay the required fees; and to be called to the bar (see *Table A*). Analyzing these requirements, Thompson (1979, p. 232) classified them in a "two-stage process". Stage one, "becoming admitted as a student-at-law" (Thompson, 1979, p. 232), involves holding a recognized law degree or a certificate of qualifications and to be of a good character and reputation. Stage two, "becoming enrolled as a member of the Law Society of Alberta" (Thompson, 1979, p. 232), involves completing 12 months articles, taking the Bar Admission Course, being a Canadian citizen or a Canadian permanent resident, and being at least 18 years old.

The first condition that applicants must fulfill is to hold a Canadian common-law degree and at least two years toward an undergraduate degree (Thompson, 1979; Towler, 1994). If one has a Canadian civil law degree or a foreign law degree, he or she must obtain a Certificate of Qualifications issued by the Federation of Law Societies of Canada – National Committee on Accreditation. This certificate is fully recognized by the Law Society of Alberta as an equivalence of a LLB from an approved Canadian law school (National Committee on Accreditation, 2009).

There are no specific courses required to apply for articles. The Law Society of Alberta, however, expects that applicants have basic knowledge to approach articling that will be conducted in the following course areas: "Business, Civil Litigation, Criminal Law, Family Law, Real Estate, Wills, Professional Responsibilities, Legal Ethics, Legal Problem Solving, and Legal Accounting" (Dalhousie University, 2009, p. 6).

Second, applicants must complete a 12 month articling period (Thompson, 1979; Towler, 1994). According to Rule 51(2) of the Law Society of Alberta, the application to become a student-at-law and the required documentation must be received by the law society at least 30 days before the proposed commencement date. After registration, students may start their articling at anytime (Towler, 1994). The standard articling period in Alberta is 12 consecutive months (Legal Profession Act, S.A. 1990; Thompson, 1979; Towler, 1994). The Law Society of Alberta may consider credit up to maximum six months articles served in another Canadian province (Towler, 1994). According to Rule 55(1) of the Law Society of Alberta, in order to qualify as a principal - a lawyer who is able to hire an articling student - one has to be a member of the Law Society of Alberta actively practicing law in Alberta for at least four years before articles will begin.

Third, the students' articling training and law school education are supplemented by the bar admission courses (Towler, 1994). The purpose of these courses is to bring students "to an acceptable level of competence as a practicing lawyer" (Towler, 1994, p. 137). During 2004 - 2005, Alberta introduced the Centre for Professional Legal Education (CPLED) program, designed to complement the articling period and delivered by the Legal Education Society of Alberta (LESA) on behalf of the law society (CPLED Program Handbook, 2008 - 2009). The role of this program is

to ensure that new members have the competencies required by this law society and the general public. The Centre for Professional Legal Education (CPLED) program contains eight modules, three delivered face-to-face where attendance is mandatory, and five delivered online with three required assignments and one competency evaluation for each course (CPLED Program Handbook, 2008 - 2009). According to Rule 60 (2) of the Law Society of Alberta, successful completion of the Centre for Professional Legal Education course implies the following: "attendance, participation, and professional behaviour; completion of all assignments, competency evaluations and examinations; and a grade of competency demonstrated in all of the above " (Rules of the Law Society of Alberta, 2009, p. 2 - 16). There is no final qualification exam required (CPLED Program Handbook, 2008 - 2009).

Fourth, to practice law in Alberta, applicants must prove their Canadian citizenship or permanent residence (Legal Profession Act, S.A. 1990; Thompson, 1979; Towler, 1994). In this sense, candidates must follow the Immigration Act (1976) provisions.

Fifth, applicants must be of good character and reputation (Legal Profession Act, S.A. 1990; Thompson, 1979; Towler, 1994). This condition is fulfilled by submitting two certificates of character completed by two people who have known the applicant for two years or longer (Law Society of Alberta, 2009). In addition, this law society can make any necessary inquire in assessing this requirement (Law Society of Alberta, 2009).

Finally, candidates need to demonstrate the minimum required age, submit the necessary required forms, and pay the fees. Applicants who have met all conditions summarized in graphic form in *Table A* will be called to the bar (Law Society of Alberta, 2009).

Since there is an international tendency towards the globalization of the legal profession, it could be discussed why and how improving the practice of accrediting foreign trained lawyers in Canada can serve this purpose.

By way of comparison, the Law Society of Alberta and the Law Society of British Columbia have similar provisions in terms of general admission conditions, such as education, articling, bar admission course, and good character, and different regulations in terms of articling and bar admission course duration and content. On this note, Alberta has regulated a longer articling period than British Columbia and a specific bar admission course that involves face-to-face and online modules. In addition, Alberta does not ask candidates to pass a final bar examination, but imposes the Canadian citizenship or permanent residence as a condition for admission.

The Law Society of Saskatchewan

According to the Legal Profession Act, S.S.1990, 2009 - 2010 Guide to Articling in Saskatchewan, and the Rules of the Law Society of Saskatchewan (Rules 149 to 162), an applicant who intends to practice law in this province has to fulfill the following conditions: to hold a law degree from a recognized Canadian common-law university or a "Certificate of Qualification" issued by the Federation of Law Societies of Canada – National Committee on Accreditation; to complete a 12 month articling term; to successfully complete the Centre for Professional Legal Education (CPLED) program; to be of good character; to be a Canadian citizen or a Canadian permanent resident;

to submit all the application forms and pay the required fees; and to be called to the bar (see *Table A*). These conditions were discussed in the literature by Thompson (1979) and (Towler) 1994.

First, to be licensed as a lawyer in Saskatchewan, one has to hold a law degree from a recognized Canadian common-law university or an equivalent (Thompson, 1979; Towler, 1994). The Law Society of Saskatchewan does not require students to have taken specific law courses as prerequisites to apply for articles. Applicants are assumed to have the basic knowledge to approach the articling term that will cover "Real Estate, Civil Procedure, Commercial Corporate, Criminal Procedure, Debtor/Creditor, Wills and Estates, Administrative Law, Family Law, and Provincial Court Practice" (Dalhousie University , 2009, p 5). Foreign trained lawyers or lawyers who achieved their legal training in Québec and want to practice in this province must obtain a "Certificate of Qualification" from the National Committee on Accreditation. The Law Society of Saskatchewan recognizes this certificate as an equivalence of a LLB from an approved Canadian law school (National Committee on Accreditation, 2009).

Second, in order to be admitted to the Bar, one has to complete the articling term (Thompson, 1979; Towler, 1994). According to Rule 153 of this law society, the standard articling term is 12 months, when a student-at-law works under the supervision of a principal in a legal environment. In order to qualify as a principal, a lawyer is asked to have practiced law full time "for at least five years immediately preceding the application" (Rule 150 of the Law Society of Saskatchewan, 2009, p. 90). Clerking for a provincial court will count against articles up to ten months, while the remaining time should be completed by articling for a lawyer (Rule 154). In the case when a student-at-law clerks for the Supreme Court or any federal level court he or she will receive "one month of credit towards the articling for each month in excess of three months spent clerking, up to a maximum of nine months" (Rule 154 3 of the Law Society of Saskatchewan, 2009, p. 21). The remaining three months must be completed articling for a lawyer, as well (Rule 154).

Third, applicants should apply and follow a Centre for Professional Legal Education (CPLED) program (Thompson, 1979; Towler, 1994). There is a possibility to apply for this program before or after articling. Prior to Module 5 however, "students must have secured an articling position" (2009 - 2010 Guide to Articling in Saskatchewan, p. 13). Centre for Professional Legal Education program consists of eight modules, five that can be completed online, and three that must be completed face-to-face (2009 - 2010 Guide to Articling in Saskatchewan). In terms of duration, the face-to-face modules are one week each. The content of the modules is common across Alberta, Saskatchewan, and Manitoba. Some variations, however, could be noticed due to substantive law and procedural issues differences among provinces (2009 - 2010 Guide to Articling in Saskatchewan).

During this program, skills such "problem solving, legal research, writing, drafting, interviewing and advising, advocacy, dispute resolution, personal practice management, office management, and ethics and professionalism" are assessed and developed (2009-2010 Guide to Articling in Saskatchewan, p. 13). There are no final qualification examinations, but, in order to successfully complete the Centre for Professional Legal Education program, students must pass 15 assignments and eight competency exams (2009 - 2010 Guide to Articling in Saskatchewan).

Fourth, to be licensed as lawyers in Saskatchewan, applicants must

demonstrate they are of good character and reputation (Thompson, 1979; Towler, 1994). In this sense, the Law Society requests candidates to present two "Certificates of Character" completed by two persons who have known them for at least three years (Law Society of Saskatchewan, 2009).

Fifth, to practice law in Saskatchewan, future lawyers must be Canadian citizens or permanent residents (Thompson, 1979; Towler, 1994). This condition is substantiated according to the Immigration Act (1976).

Finally, candidates need to submit the required forms and pay the fees. Applicants who have met all conditions summarized in graphic form in *Table A* will be called to the bar (Law Society of Saskatchewan, 2009).

The Law Society of Manitoba

Conditions to be admitted to the Manitoba Bar are stated in the Law Society Act, R.S.M. 1987, The Rules of the Law Society of Manitoba, and Canadian Provincial Legal Education Handbook, 2009 - 2010, and they were discussed in the literature by Thompson (1979) and Towler (1994). According to these sources, candidates must meet the following conditions: hold a law degree from a recognized Canadian common-law university or a "Certificate of Qualification" issued by the Federation of Law Societies of Canada – National Committee on Accreditation; serve a 52 weeks term of articles; to complete the Canadian Centre for Professional Legal Education (CPLED) program; be of good character and reputation; submit all the application forms and pay the required fees; and be called to the bar (see *Table A*).

First, applicants must hold a law degree from a recognized Canadian common-law university or equivalent (Thompson, 1979; Towler, 1994). According to the CPLED Handbook, the law degree must be dated not more than six years before the date of application to become a member of the Law Society of Manitoba. This law society does not require future lawyers to have completed certain courses before applying for articling. Articles in this province, however, must be conducted in the following subject areas: "Criminal Procedure, Civil Procedure, Administrative Advocacy, Family Law, Real Property, Wills and Estates, Corporate and Commercial Transactions, Ethics and Professional Responsibility" (Dalhousie University, 2009, p. 5). Candidates are presumed to have the basic knowledge to approach articling from this perspective. For foreign trained lawyers and lawyers who achieved their degree in Québec and intend to practice in Manitoba, a certificate of qualification from the National Committee on Accreditation will be taken into account as a recommendation, and the final decision regarding eligibility rests with this law society (National Committee on Accreditation, 2009).

Second, to be licensed to practice law in Manitoba, candidates have to complete the required articling term (Thompson, 1979; Towler, 1994). According to the CPLED Handbook, 2009 - 2010, students must successfully complete 52 weeks of full-time articles under the supervision of a principal. A principal is a lawyer who has been approved by the law society to professionally lead a student-at-law, based on his or her practice (CPLED Handbook, 2009 - 2010; Towler, 1994). There is no condition that articling must precede CPLED program, but this law society recommends students-at-law to follow this program while articling. Both articles and CPLED program must be completed within two years from the start date of any of them (CPLED Handbook, 2009 - 2010). The standard articling period is 52 weeks, but this law society could accept candidates to fulfill up to six

months of this term by clerking (CPLED Handbook, 2009 - 2010) According to the Law Society Rules, in order to benefit of six months credit, an articled student has to clerk for at least 12 months, because only 50 percent of the time spent clerking will count toward fulfilling the articles requirement.

Third, candidates have to complete the Centre for Professional Legal Education program which is the Manitoba Bar Admission Course (Thompson, 1979; Towler, 1994). This program is offered once per year and combines three face-to-face modules with five online modules. The three face-to-face modules will each be one week in duration (CPLED Handbook, 2009 - 2010). Classroom attendance or online participation is mandatory (CPLED Handbook, 2009 - 2010). In addition, students must demonstrate competency in: "problem solving, legal research, interviewing and advising, negotiating, advocacy, drafting, time management, writing, ethics and professionalism" (CPLED Handbook, 2009-2010, p. 11 -12). According to the same source, to successfully complete the program, students must pass 15 assignments and eight competency exams. There is no final qualification exam required.

Fourth, to be accepted to the Manitoba Bar applicants need to demonstrate their good character and reputation (Thompson, 1979; Towler, 1994). To prove this condition, applicants must provide one "certificate of character" and a certified criminal record check from the RCMP Canadian Criminal Records Information Service (Law Society of Manitoba, 2009). The "certificate of character" will be completed by a person who has known the candidate for at least five years (Law Society of Manitoba, 2009). In addition, questions related to this condition are included in the application form for admission to the Centre for Professional Legal Education program and in the application form to become an articling student (Law Society of Manitoba, 2009).

Finally, candidates need to submit the required forms and pay the fees. Applicants who have met all conditions summarized in graphic form in *Table A* will be called to the bar (Law Society of Manitoba, 2009).

To summarize, Alberta, Saskatchewan, and Manitoba have designed similar bar admission courses, organized by the Legal Education Society of each province. These courses consist of eight modules, five delivered online and three face to face, and end with 15 assignments and eight competency exams.

The Law Society of Upper Canada

The governing body of the legal profession in Ontario is the Law Society of Upper Canada, which has the exclusive power to establish under which conditions lawyers could practice in this province (Cumming, 1989; The Law Society of Upper Canada, 1996; Shanahan, 1997). To become a lawyer in Ontario, candidates must complete the Lawyer Licensing Process. These requirements have been examined in the literature by Shanahan (1997), Thompson (1979), and Towler (1994), and stated in the Law Society Act, R.S.O. 1990, and the Licensing Process Policies (2009). According to the latest information, the prerequisites to apply for this program are: to hold a common-law degree from an approved Canadian university or a "Certificate of Qualification" issued by the National Committee on Accreditation and to be of good character. Then, candidates must fulfill the following: complete ten months articling including an on line course called "Professional Responsibility and Practice" (P.R.P.) and pass a two part bar exam that is followed by a ceremony

where they are called to the bar (Licensing Process Policies, 2009). Mentioned by Thompson (1979) and Towler (1995) as a requirement, Canadian citizenship or permanent residence is no longer required as a condition to be accepted to the bar in Ontario (see *Table A*). In May 1, 2007, the Law Society of Upper Canada amended its rules and, as a result, the Canadian citizenship or permanent residence was eliminated as a requirement to apply to the Lawyer Licensing Process. Also, no minimum age is specified as a condition to be eligible to become a member (Licensing Process Policies, 2009; Thompson, 1979). Candidates must also submit all the application forms and pay the required fees.

First, applicants must have a law degree from a Canadian university approved by the Convocation of this law society. Before applying to law school "students must also have at least two years of university education" (Towler, 1994, p. 27). The following law schools are approved by the Convocation: "Osgoode Hall Law School/York University, University of Toronto, University of Ottawa, University of Western Ontario, University of Windsor, Queen's University, McGill University, University of New Brunswick, Dalhousie University, University of British Columbia, University of Victoria, University of Manitoba, University of Saskatchewan, University of Calgary, and University of Moncton" (Law Society of Upper Canada, 2009, Prerequisites section, para. 4). Analyzing this condition, Thompson (1979, p. 344) noticed that "it is to be expected that an LLB from the University of Calgary or University of Moncton would be acceptable for admission". In the meantime, these two educational institutions were officially included on the list of approved law schools. There are no specific courses required to apply for articles, but it is recommended that students have a background in the following areas: Business Law, Civil Litigation, Criminal Law, Estate Planning and Administration, Family Law, Public Law, Real Estate, Professional Responsibility and Practice, and Management Accounting (Dalhousie University, 2009). The Law Society of Upper Canada fully recognizes the "Certificate of Qualification" issued by the National Committee on Accreditation as a result of assessing foreign trained lawyers or lawyers who achieved their legal training in Québec (National Committee on Accreditation, 2009).

Second, applicants must complete the articling term (Thompson, 1979; Towler, 1994). The articling program in Ontario is ten months in length, within students-at-law being entitled to take up to two weeks of vacation (Towler, 1994; Licensing Process Policies, 2009). Also, students-at-law must begin their articling within ten years of graduating from law school (Licensing Process Policies, 2009). In terms of starting date, students registered in the licensing process can start their articling at any time. During this period, students work under the supervision of principals. To be approved as a principal, a member must have actively practiced law for three of the five years immediately preceding the commencement of the articling (Rule 23, (3), (b) of the Licensing Process Policies, 2009). According to the same source, students and principals will sign an education plan that has to be approved by the Law Society of Upper Canada. At the same time, candidates have to complete an online four week course, Professional Responsibility and Practice (PRP). This course will be the equivalent of 30 hours of learning during articling term (Licensing Process Policies, 2009). Principals will assess the articling students before the end of the articling term,

confirming that students have the expected entry level competencies of a new lawyer (Licensing Process Policies, 2009). This law society may accept "non-traditional articles", as well (Licensing Process Policies, 2009, p. 6). Non-traditional articles are defined as others than traditional and include "joint articles, part-time articles, and national and international articles" (Licensing Process Policies, 2009. p. 6). Joint articles represent "placements with two or more principals, either concurrently or consecutively" (Licensing Process Policies, 2009, p. 6). National articles are "placements served within Canada" by a student-at-law who is supervised by a lawyer "called to the bar in another Canadian jurisdiction" (Licensing Process Policies, 2009, p. 7). International articles are defined as "placements outside Canada" under the supervision of a lawyer who "has been called to the bar in another jurisdiction" (Licensing Process Policies, 2009, p. 7). An example of legal work outside Ontario, or even outside Canada, in a common-law jurisdiction, is a placement at the International Court of Criminal Justice, accepted to count against articles up to ten months (Licensing Process Policies, 2009).

Third, according to Rule 27 of the Licensing Process Policies (2009), in order to complete the law society admission program, candidates must pass the two part bar exam. There are two self-study examinations, one that assesses barrister competencies for entry level practice, and one that assesses solicitor competencies for the same level (Rule 27). Both of them focus on those competencies that are considered to be the most important in "the protection of the public and on effective and ethical practice" (Licensing Process Policies, 2009, p. 12). The barrister/solicitor exams will verify competencies in: ethical and professional responsibility, knowledge of the law: Public Law, Criminal Procedure, Family Law and Civil Litigation, and establishing and maintaining the barrister/ solicitor - client relationship (Licensing Process Policies, 2009).

Fourth, applicants need to demonstrate they are of good character. According to Rule 6 (21), in assessing whether or not candidates meet this condition, the law society has a total freedom to ask them to provide any supporting information in this sense.

Finally, candidates need to submit the required forms, and pay the fees. Applicants who have met all conditions resumed in graphic form in *Table A* will be called to the bar (Licensing Process Policies, 2009).

As all other Canadian provinces, Upper Canada has required the completion of articling as one of the general admission conditions to practice law. Specific for this province, however, is the existence of non-traditional articles, such as joint articles, national and international articles, and part-time articles.

Nova Scotia Barristers' Society

The legal profession in Nova Scotia is regulated by the Nova Scotia Barristers' Society, composed by approximately 2,500 practicing and non-practicing lawyers (Nova Scotia Barristers' Society, 2009). The practice of law in this province is governed in principal by the Legal Profession Act, S.N.S. (2004), the Regulations of Nova Scotia Barristers' Society, and the Legal Ethics and Professional Conduct: A Handbook for Lawyers in Nova Scotia (1998). According to these sources and the literature (Thompson, 1979; Towler, 1994), to be admitted to practice law in this province candidates must meet the following conditions: to hold a common-law degree from a recognized Canadian university or a "Certificate of Qualification" issued by

the National Committee on Accreditation; to be of good character and repute; to be entitled to be employed in Canada; to complete a 12 months articling term; to successfully complete a bar admission course that culminates with a bar examination; to submit all application forms and pay the required fees, and to be called to the bar (see *Table A*).

First, according to the Legal Profession Act, to fulfill the education requirement applicants must hold a bachelor degree or an "equivalent degree from a Canadian law school as established by the Credentials Committee of the Nova Scotia Barristers' Society" (Legal Profession Act of the Law Society of Nova Scotia, 2004, p. 7). If a candidate holds a degree in civil law, he or she has to pass a "comprehensive examination in common-law", or "complete a common-law conversion course approved by the Credentials Committee", or to hold a "Certificate of Qualification" issued by the National Committee on Accreditation (Legal Profession Act of the Law Society of Nova Scotia, 2004, p. 8). There are no specific law courses required by the Nova Scotia Barristers' Society. There are, however, some courses strongly recommended to have been taken by the students-at-law: "Business Associations, Taxation, Administrative Law, Evidence, Wills, Estates, Trusts and Equity, Family Law, Commercial Transactions, Real Estate Transactions, Advanced Property Law, and one "Perspectives" course" (Dalhousie University, 2009. p. 2).

Second, candidates who want to be accepted as members of the Nova Scotia Barrister's Society have to complete the articling term which is 12 months in length, including the Bar Admission Course (Regulations of the Nova Scotia Barristers' Society; Thompson, 1979; Towler, 1994). During articling period, students-at-law have the choice to work in a law firm or other law environment. For example, the articling requirement may be completed by clerking at the Supreme Court of Canada or at the Appeals Court of Nova Scotia (Rule 26 (6)). In a law firm or office, students-at-law will work under the supervision of qualified principals. A member of the Nova Scotia Barristers' Society could act as a principal if he or she fulfills the criteria stated by this law society, respectively being a practicing lawyer who "has practiced for at least five years before becoming a principal" (Regulations 3.5.2 of the Nova Scotia Barristers' Society, 2009, p. 21). It is also required that the office of law firm to have at least two practicing lawyers and one of them who has to be qualified as a principal (Regulations 3.5.2 b). A student-at-law could obtain credit up to six months for articles "performed in another province" if this period was "not more than three years prior" to the date when he or she has registered as an articled clerk (Regulations 3.4.2 c of the Nova Scotia Barristers' Society, 2009, p. 21).

Third, applicants who intend to practice law in Nova Scotia must also take the Bar Admission Course (Regulations of the Nova Scotia Barristers' Society; Thompson, 1979; Towler, 1994). Being a bridge between law school and practice, this course includes six week skills training and culminates with a bar examination (Towler, 1994). The skill training is designed to address the following areas: interviewing and counseling, negotiation, litigation, legal writing, and legal drafting (Regulations 3.6.5). Based on the learning path, it is considered that Nova Scotia "has moved the farthest away from the emphasis on practice areas focusing mainly on skills" (Canadian Bar Association, 2000, p. 26). Attendance at the skills course is mandatory (Regulations 3.6.5 b). At the end of this course, candidates are asked to take a bar examination, written twice

per year, in January and July, on which students must achieve a mark of at least 70 percent to pass (Regulations 3.6.9 a; Towler, 1994). Areas that will be assessed through this exam are: Administrative Law, Commercial Transactions, Business Organizations, Criminal Law, Constitutional Law, Contracts, Evidence, Family Law, Real Estate, Torts, Trial Procedure, Wills and Probate, and Professional Responsibility (Towler, 1994). The examination is closed-book, composed of 12 essay questions. When all the Bar Admission Course components have been successfully completed, future lawyers are called to the Bar and, during a ceremony, they will "swear or affirm the oath" (Regulations 3.10.5 of the Nova Scotia Barristers' Society, 2009, p. 3).

Fourth, the Nova Scotia Barristers' Society will assess applicants in terms of being of good character and repute, based on the information provided in the application form. In addition, candidates are asked to provide two letters of reference, attesting their good character.

Finally, candidates need to demonstrate they are entitled to be employed in Canada, submit the required forms, and pay the fees. Applicants who have met all conditions summarized in graphic form in *Table A* will be then called to the bar (Nova Scotia Barristers' Society).

In conclusion, although regulating similar general admission conditions as British Columbia, Alberta, Saskatchewan, Manitoba, and Upper Canada, Nova Scotia has designed, however, a specific bar admission course based mainly on skills.

The Law Society of Newfoundland and Labrador

The governing body of legal profession in this province is the Law Society of Newfoundland and Labrador. According to the Law Society Act, S.N. 1999, The Law Society Rules, and the literature (Thompson, 1979; Towler, 1994), in order to become a member of this law society, applicants must fulfill the following conditions: have obtained a common-law degree from a Canadian recognized university or have completed other training and study that is satisfactory to the law society Education Committee; are at least19 years old; are of good character and repute; have served articles for 12 months; have completed a bar admission course that is seven - eight weeks in duration, have passed the final examinations; have submitted the required forms and paid the fees; and have been called to the bar (see *Table A*).

First, candidates must fulfill the education condition (Thompson, 1979; Towler, 1994). In the view of the law society, this means to hold a common-law degree from a Canadian recognized university or to complete the training and study recommended by the Education Committee (Rule 6.03 (1) b of the Law Society of Newfoundland and Labrador). A "Certificate of Qualification" issued by the National Committee on Accreditation will be accepted as a recommendation, the final decision belonging to the Education Committee (National Committee on Accreditation, 2009). In addition, the Law Society of Newfoundland and Labrador requires prospective articling students to have completed the following law courses: "Canadian Constitutional Law, Civil Procedure, Criminal Law, Contracts, Administrative Law, Personal Property, Real Property and Torts (Dalhousie University, 2009, p. 1). The Education Committee may refuse to admit as students-at-law candidates who have not studied one or more of the following courses: "Commercial Law, Corporate Law, Evidence, Family Law, Wills, Trusts

or Criminal Procedure" (Dalhousie University, 2009, p. 1).

Second, applicants must complete the articles. The required articling term in Newfoundland and Labrador is 12 months. Up to three months of this period can be fulfilled by working as a summer student, after completing two years of law school (Rule 6.03 (2) c of the Law Society of Newfoundland and Labrador; Towler, 1994). The articling could be completed by clerking up to "six months for the Supreme Court of Newfoundland and Labrador, the Supreme Court of Canada or the Federal Court", and by clerking up to three months for the Tax Court (The University of Western Ontario, 2009, p. 2).

Third, prior to becoming members of this law society, candidates must fulfill the Newfoundland and Labrador Bar Admission Course, which is seven - eight weeks in length (Rule 6.03 (2) d; Thompson, 1979; Towler, 1994). Discussions and lectures will cover areas of "risk and practice management, ethics and professional responsibility, trust accounting, and professional and personal development" (Law Society of Newfoundland and Labrador Bar Admission Course section, 2009, para 4). The course also intends to develop on lawyering and transaction skills. In this sense, workshops will be held in "Civil Advocacy, Examination-in-Chief, Cross-Examination, Interviewing, Negotiation, Examination for Discovery, Real Estate Transactions, Title Searching Surveys, Criminal Advocacy, Mock Trial, and Sentencing Hearings" (Law Society of Newfoundland and Labrador Bar Admission Course section, 2009, para 5).

Fourth, to complete the Bar Admission Course, candidates must pass the final examinations (Rule 6.03 (2) d). They will be examined in areas of "Family Law, Commercial Law, Civil Procedure, Criminal Law, Administrative Law, and Real Estate and Wills" (Law Society of Newfoundland and Labrador Bar Admission Course section, 2009, para 6). To be successful, candidates should obtain "a mark of at least 60 percent on these exams and an overall average of 65 percent" (Law Society of Newfoundland and Labrador Bar Admission Course section, 2009, para 6).

Fifth, to become a lawyer in Newfoundland and Labrador, an applicants must be of good character and repute (Rule 6.03 (1) a).

Finally, candidates need to demonstrate they have the required age, submit the required forms, and pay the fees. Having completed all requirements resumed in graphic form in *Table A*, applicants will be then called to the Bar. This law society holds two ceremonies to welcome new members. Initially, candidates are called as solicitors, during a ceremony at the Supreme Court in St. John's, and then, at the same day, they are called as barristers (Towler, 1994).

The Law Society of New Brunswick

To practice law in New Brunswick, candidates must become members of the law society of this province. The requirements to become members were discussed in the literature by Thompson (1979) and Towler (1994), and stated in the Law Society Act, 1996 and the Rules of the Law Society of New Brunswick. According to Rules 22 (1 - 6), 23 (1 - 5), and 24 (1 - 4), candidates who want to practice law in this province should meet the following conditions: be graduates from a Canadian common-law school or hold another recognized law degree; be of good character and repute; complete 44 weeks of articling training; complete an eight week (four two week sessions) Bar Admission Course; pass a two part bar examination; submit the required forms and pay the fees; and be called to the bar (see *Table A*).

First, to article in New Brunswick, applicants shall have a common-law degree from a Canadian university or other accepted degree and a BA (Thompson, 1979; Towler, 1994). On this note, Rule 22 (2) underlines the necessity that candidates have studied not less than two years of university in a program finalized with a degree, other than law, and have followed a recognized program that confers a degree in common-law. In order to be accepted as students-at-law, there are no particular law courses required or recommended. Students, however, should be aware that articles will be conducted based on candidates' knowledge in four of the following areas: "Real Estate, Civil Litigation, Criminal Law, Family Law, Business Law, Wills and Estates" (Dalhousie University, 2009, p. 3). Reasonable skills are also required in eight of the following areas: "Professional Conduct and Ethics, Interviewing, Advising, Fact Investigation, Legal Research, Problem Analysis, Advocacy, Office Systems, Drafting, Writing, File and Practice Management, Negotiation, and Planning and Conduct of a Matter" (Dalhousie University, 2009, p. 3). Rule 22 (5) of the Law Society of New Brunswick states that the law society's council may admit as students-at-law candidates holding degrees in law other than recognized common-law degrees "if they have successfully completed a program of studies recognized by the Council as an equivalent to a degree in common-law" (Rules of the Law Society of New Brunswick, 2009, p. 6). In this context, a "Certificate of Qualification" issued by the National Committee on Accreditation will be taken into account as a recommendation (National Committee on Accreditation, 2009).

Second, applicants must complete the articling term. Articling in New Brunswick requires 44 weeks that must be completed in not more than three years from the date when it started (Thompson, 1979; Towler, 1994). Thus, articles could be served on a full-time or part-time basis. During this period, students-at-law work under the supervision of principals who have the mission to prepare students for admission as barristers and solicitors. Following the provisions of Rule 29 (1), students-at-law and principals must file an education plan that will contain minimum information about the knowledge and skills that students should acquire. Students' performance will be assessed in concordance with the education plan (Rule 29 7). The articling term may also be completed by clerking with the Federal Court of Canada or a court at the appeal level (Rule 34). The Law Society of New Brunswick can credit up to six months of the articling requirement from articles completed in another Canadian province or territory (Rule 34).

Third, candidates intending to become members of the Law Society of New Brunswick must also successfully complete a four separate two week sessions of bar admission course (Rule 37 (1) of the Law Society of New Brunswick; Thompson, 1979; Towler, 1994). Bar admission courses "are spread out over the 44 weeks of the articling term" (The University of Western Ontario, 2009, p. 1). Candidates are required to prepare daily assignments, some of them outside of class time. All of them, however, are mandatory. At the end of each block students are assessed based on their assignments and class preparation. According to Rule 41 (1) of this law society, at the end of the bar admission course candidates face two final open-book exams consisting of a total of 120 questions from the written materials, required statutes, and the Rules of the Court. In order to pass, candidates must obtain a grade at least 70 percent (Rule 41 3). Rule 38 of this law society states

that students-at-law who have completed the bar admission course in another Canadian jurisdiction may be exempted from all or a portion of this course in New Brunswick or be asked to complete a transfer course.

Fourth, candidates who want to practice law in Province of New Brunswick must be of good character and repute (Thompson, 1979; Towler, 1994). This condition will be assessed by the law society based on the information provided by the applicants in the application form regarding whether or not they have ever been convicted of a criminal offence.

Finally, candidates need to submit the required forms and pay the fees. Applicants who have met all conditions summarized in graphic form in *Table A* will be called to the bar (Law Society of New Brunswick, 2009).

The Law Society of Prince Edward Island

The governing body of the legal profession in Prince Edward Island is the law society of this province. Stipulated in the Legal Profession Act, S.P.E.I., 1992, the Law Society Rules, and discussed in the literature by Thompson (1979), and Towler (1994), the Prince Edward Island bar admission requirements are: to hold a Canadian common-law degree or an equivalent, for example a "Certificate of Qualification" issued by the National Committee in Accreditation; to be at least 18 years old; to be of good moral character and fit to practice; to be a Canadian citizen or a permanent resident; to complete a 12 month articling period; to complete the Bar Admission Course with its two components and a two week course in Prince Edward Island and the Nova Scotia Bar Admission Course; to submit the application forms and pay the required fees; and to be called to the bar (see *Table A*).

First, holding a common-law degree issued by a Canadian recognized university or a "Certificate of Qualification" from the National Committee on Accreditation is one of the prerequisites to be admitted to the bar in Prince Edward Island (Law Society Rules; Thompson, 1979; Towler, 1994). In addition, the Law Society of Prince Edward Island requires students to have completed a course in each of the following areas prior to be enrolled as articled students: "Canadian Constitutional Law, Civil Procedure, Administrative Law, Contracts, Criminal Law, Criminal Procedure, Property Law, Ethics and Professional Responsibility, Torts, Commercial Law, Corporate Law, Evidence, Family Law, Wills and Trusts" (Dalhousie University, 2009, p. 2). This law society also fully recognizes the "Certificate of Qualification" issued by the National Committee on Accreditation as equivalence of a LLB from an approved Canadian law school (National Committee on Accreditation, 2009).

Second, to be called to the bar in this province, an applicant must complete 12 months articling over a maximum of 24 months (Law Society Rules; Thompson, 1979; Towler, 1994). Giving applicants this period of time - 24 months- means that 12 months articling may be served on a full-time or part-time basis. If a candidate has completed his or her articling in another Canadian province, he or she can obtain credit up to six months of the required articling term in Prince Edward Island (The University of Western Ontario, 2009). Also, the law society of this province allows applicants to complete up to five months of an articling term by clerking in a court (Law Society Rules; Thompson, 1979; Towler, 1994). During articles, students work under the supervision of a principal, who must be a lawyer for at least five years before they begin serving in the role of principal (Law Society Rules).

Third, candidates who want to practice law in Prince Edward Island have to successfully complete the Bar Admission Course of this province. This course has two components: first, candidates have to fulfill a two week course in the province, designed to lead them to learn the law and the practice specific to Prince Edward Island; second, students are asked to take the Nova Scotia Bar Admission Course, emphasizing the skills required to practice law (Law Society of Prince Edward Island; 2009; Towler, 1994). This course offered by the province is mandatory without exemption and it is considered passed when students obtain a grade of at least 60 per cent (Law Society Rules; Towler, 1994). Students who have completed a bar admission course in another province can be exempted from taking the Nova Scotia Bar Admission Course. As Thompson (1979) observed, there is no final bar examination at the end of the bar admission course.

Fourth, being at least 18 years old is a prerequisite to be admitted to the Prince Edward Island Bar (Law Society Rules; Thompson, 1979; Towler, 1994).

Fifth, another prerequisite in order to practice law in this province is to be a Canadian citizen or permanent resident. The proof of Canadian citizenship or permanent residence will be made according to the Immigration Act (1976).

Sixth, candidates have to fulfill the condition to be of good character and to fit to practice law. In this sense, this law society will assess applicants based on information provided by them in the "confidential questionnaire" that has to be attached to the admission application form. There are 12 questions regarding previous offenses, "any outstanding civil judgments" against applicants, any professional suspensions, disciplinary actions, refusal registration as students-at-law or articled clerk, and "treatments for a psychiatric condition" (Law Society of Prince Edward Island, Confidential Questionnaire section, 2009, para 3).

Finally, candidates must submit the required forms and pay the fees. Having completed all requirements resumed in graphic form in *Table A*, applicants will be then called to the Bar (Law Society of Prince Edward Island, 2009).

In conclusion, the Law Society of Prince Edward Island has regulated a unique two part bar admission course consisting of a course that has to be completed in Prince Edward Island and another one that is the Nova Scotia bar admission course.

Barréau du Québec

Respecting the civil law tradition, the Province of Québec has two separate professional structures (Federation of Law Societies of Canada, 1996-1997). "The maple leaf on the logo with a light center and a dark background" symbolizes the dichotomy of the legal profession in Québec (Federation of Law Societies of Canada, 1996-1997, p. 10 - 11). One structure is the Barréau du Québec, that represents lawyers, and the other one is the Chambre de Notaries du Québec, that represent notaries. Candidates in Québec can choose for either the bar admission program or the course leading to the Chambre de Notaries. Each of these processes requests "a mandatory post-law school professional education program, examinations, skills testing, and articling" (Canadian Bar Association, 2000, p. 25). Conditions to be accepted as a member of the Barréau du Québec have been discussed in the literature by Thompson (1979) and Towler (1994) and regulated by Au Act Respecting the Barréau, R.S.Q. (2009), Professional Code, R.S.Q. and Regulation on Professional Training of Lawyers approved by the Decree No. 199 - 2005.

According to these sources, candidates to become members of the Barréau du Québec must fulfill the following conditions: to hold a Canadian civil law degree issued by a recognized university, that implies three years of studies; to be fluent in French in accordance with the Québec Charter of the French Language; to complete the professional training program of the Bar School (L'École du Barréau du Québec); to fulfill a six month articling term; to submit the application forms and pay the required fees; and to be called to the bar (see *Table A*).

First, candidates to the Barréau du Québec must fulfill the education condition (Thompson, 1979; Towler, 1994). There are six academic institutions that provide the course leading to admission to the Bar in Québec: "the University of Montreal, the McGill University, the Université Laval, the University of Ottawa, the Université de Sherbrooke, and the University of Québec at Montreal (UQAM)" (Barréau du Québec, 2009, Theoretical Training section, para. 2). If applicants have obtained a law degree from outside of Québec, they must fulfill the requirements determined by the Barréau du Québec Equivalences Committee, after examined candidates' files and meeting the applicants (Barréau du Québec, 2009). A survey distributed by the Canadian Bar Association in 1998, regarding the extend to which education of people working within the civil justice system includes education about the nature of conflict and the processes available to respond to disputes, concluded that the Barréau du Québec does not impose which courses to be provided by different civil law faculties (Canadian Bar Association, 2000). There are, however, reasons to conclude that the Barréau du Québec draws a profile that determines which law courses students could take to make them suitable for the training that follows the law degree (Canadian Bar Association, 2000). As a result, there is a "demand for courses on the profile list, somewhat to the detriment of certain elective courses offered by the schools" (Canadian Bar Association, 2000, p. 21).

Second, after finishing their civil law degrees, applicants must successfully complete a four or eight month training offered by L'École du Barréau du Québec (Bar School). There are four vocational training centers of this school located in Sherbrooke, Ottawa, Québec, and Montreal. The purpose of this course is to increase the knowledge and skills required to become a lawyer in Québec. A special attention is given to a practical approach. Candidates are exposed to ethical rules, writing legal documents, negotiation, and management (Barréau du Québec, 2009). In order to follow this training, applicants must have an excellent understanding of French, considering the fact that all classes at Bar School and all books are offered in French (The University of Western Ontario, 2009). If there are no records demonstrating a certain level of French education, students are required to take "a fourth part examination" testing their French proficiency (The University of Western Ontario, 2009, p. 1). In order to pass, they must obtain a mark of at least 60 percent on each section of the test (The University of Western Ontario, 2009).

Third, after successfully completing the Bar School Professional Training Program, students interested in practicing law in Québec must complete a six month internship called "articling". During this period, students-at-law work under the coordination of a supervisor.

Finally, after completing all requirements resumed in graphic form in *Table A* and presenting the required forms and fees, applicants are asked to attend a ceremony that officially confers them

the right to practice law in Québec (Barréau du Québec, 2009).

Compared to other Canadian provinces, Québec has two different legal professional structures: Barréau du Québec and the Chambre de Notaries du Québec. Essentially, to become members of the Barréau du Québec, law graduates must first complete the Bar School Professional Training Program and then apply for articling.

The Law Society of the Yukon

The Law Society of Yukon is the governing body of the legal profession in Yukon. Conditions to be licensed as a lawyer in this territory have been analyzed in the literature by Thompson (1979) and Towler (1994) and are regulated in The Legal Profession Act, R.S.Y.T. and the Rules of the Law Society of Yukon. Thus, applicants must fulfill the following: to hold a degree from a Canadian common-law university or a "Certificate of Qualification" from the National Committee on Accreditation; to complete the articling term; to complete the Bar Admission Course; to be of good character and repute; to submit the application forms and pay the required fees; and to be called to the bar (see *Table A*). Considering the fact that there are no guidelines for articling in Yukon, students who whish to article in this territory are advised to complete this training with a lawyer from British Columbia and follow the rules of this province. Under these circumstances, the articling is nine months. In terms of the Bar Admission Course, Yukon does not offer its own course, advising candidates to follow the British Columbia Professional Training Course.

The Law Society of the Northwest Territories

To become lawyers in Northwest Territories, candidates have to follow the rules of the Law Society of Northwest Territories. Conditions to practice law in this territory have been studied in the literature by Thompson (1979) and Towler (1994) and regulated in the Legal Profession Act, R.S.N.W.T. (1988) and the Rules of the Law Society as following: to hold a Canadian common-law degree or a "Certificate of Qualification" from The National Committee on Accreditation; to complete a 12 month of articling period; to pass another province Bar Admission Course; to be of good character and repute; to submit the application forms and pay the required fees; and to be called to the bar (see *Table A*). In terms of articling, there are no guidelines for articling in the Northwest Territories. At the same time, the Law Society of the Northwest Territories does not have its own Bar Admission Course. Candidates are required to complete the bar course of another Canadian common-law province that satisfies the exigencies of the Law Society of the Northwest Territory. In general, students will be advised to complete the Alberta Bar Admission Course (Law Society of the Northwest Territories, 2009).

According to Rule 51 (1) of the Law Society of the Northwest Territories, applicants need to demonstrate their good character. In assessing this condition, the Executive of this law society "is not bound by the letters of character provided by the applicant" (Rules of the Law Society of Northwest Territories, Membership section, 2009, para 4). If necessary, any inquiry could be addressed and any hearing could be held to assess this condition.

The Law Society of Nunavut

The Law Society of Nunavut, established in 1999, is the governing body of the lawyers practicing in the Nunavut Territory. Requirements to be licensed as

a lawyer in Nunavut are stated in the Legal Profession Act of Nunavut, R.S.N. (1988) and in the Rules to the Law Society of Nunavut as following: a recognized common-law degree from a Canadian university or equivalence; completion the articling term; completion of the Bar Admission Course and bar admission examinations; good character; and submission of the application forms and fees. After completing these conditions, candidates are called to the bar of this territory (see *Table A*).

First, to be licensed as a practicing lawyer in Nunavut Territory, applicants have to hold a common-law degree from a Canadian law school approved by the Executive of this law society (Rule 40). According to the same rule, the Executive evaluates the academic qualification applicants and has totally discretion to administer special examinations, if necessary.

Second, the articling term in Nunavut is 12 months in length. Students-at-law can article in Nunavut or in another Canadian province or territory. In 2006, however, nine graduates from the Akitsiraq Law School were able to complete their articling term in Nunavut.

Third, candidates must successfully complete the Bar Admission Course and pass the bar examinations. Before 2006, Nunavut did not have its own bar admission course, applicants being advised to complete another Canadian province or territory bar course. In 2006, the Law Society of British Columbia assigned instructor Ian Guthrie to teach the "first-ever" Professional Legal Training Course offered in Nunavut (Law Society of British Columbia, 2006, p. 29). This year became historically important, symbolizing the beginning of "education of nine lawyers in Canada's newest territory" (Law Society of British Columbia, 2006, p. 29).

Fourth, candidates must demonstrate they are of good character and repute. This requirement is to be proven with two letters of reference from reputable persons.

Finally, having submitted the required forms and fees and having met all the requirements summarized in graphic form in *Table A*, candidates will be then called to the bar (Law Society of Nunavut, 2009).

Table A
Provincial Admission Requirements

Province/ Territory	Prerequisites	Articling	Bar Admission Course	Final Examinations
British Columbia	A recognized Canadian common-law degree or a "Certificate of Qualifications" issued by NCA Good character and fitness Submission of the required forms and fees	Nine months	Ten weeks full time attendance at the PLTC	Two qualification exams passed with a mark of at least 60%
Alberta	A recognized Canadian common-law degree or a "Certificate of Qualifications" issued by NCA Good character and repute 18 years of age or older Canadian citizenship/ Permanent residence Submission of the required forms and fees	12 months	Completion of the CPLED program - eight modules: five online modules and three modules in class; students must pass 15 assignments and eight competency exams	No final examination

Manitoba	A recognized Canadian common-law degree or a "Certificate of Qualifications" issued by NCA Good character and repute Submission of the required forms and fees	52 weeks	Completion of the CPLED program - eight modules: five online modules and three modules in class; students must pass 15 assignments and eight competency exams	No final examination
Saskatchewan	A recognized Canadian common-law degree or a "Certificate of Qualifications" issued by NCA Good character and repute Canadian citizenship/Permanent residence Submission of the required forms and fees	12 months	Completion of the CPLED program - eight modules: five online modules and three modules in class; students must pass 15 assignments and eight competency exams	No final examination
Upper Canada	A recognized Canadian common-law degree or a "Certificate of Qualifications" issued by NCA Good character and repute Submission of the required forms and fees	Ten months	Completion of PRP course – four weeks online	Two part bar exam including a Barrister and a Solicitor Examination
Québec	A recognized Canadian civil law degree or fulfilling the requirements determined by the Barréau du Québec Equivalences Committee Fluency in French Submission of the required forms and fees	Six months	Completion of four or eight months Bar School Professional Training Program that comes after graduating law and before articling. Proven French language proficiency required or passing a Bar School four part French examination with a mark of at least 60% on each part	No final examination
Prince Edward Island	A recognized Canadian common-law degree or a "Certificate of Qualifications" issued by NCA Good character and fitness 18 years of age or older Canadian citizenship/ Permanent residence Good character and repute Submission of the required forms and fees	12 months	Completion of the Bar Admission Course with two components: a two week mandatory course in Prince Edward Island, passed with a grade of least 60%, and the Nova Scotia Bar Admission course	The Nova Scotia final examination passed with a mark of at least 70%

New Brunswick	A recognized Canadian common-law degree or completion of a program recognized by Council as an equivalent Good character and repute Submission of the required forms and fees	44 week articling in not more than three years from the time when articling started	Completion of eight week (four separate two week) bar admission course	Two part bar examination passed with a grade of at least 70%
Nova Scotia	A recognized Canadian common-law degree or an equivalent degree as established by the Credentials Committee, or a "Certificate of Qualifications" issued by NCA Good character and repute Entitlement to be employed in Canada Submission of the required forms and fees	12 months articling that include the period for the bar admission course	Completion of a six week bar admission course focused mainly on skills	Final bar examination passed with a grade of at least 70%
New Foundland and Labrador	A recognized Canadian common-law degree or other training and study that is satisfactory to the Education Committee 19 years of age or over Good character and repute Submission of the required forms and fees	12 months	Seven - eight weeks bar admission course	A series of bar examinations; each exam passed with a mark of at least 60% and 65% overall
Yukon	A recognized Canadian common-law degree or an equivalent degree as established by the Law Society of Yukon Good character and repute Submission of the required forms and fees	British Columbia nine months articling	British Columbia ten week bar admission course British	Columbia final examinations
Northwest Territory	A recognized Canadian common-law degree or an equivalent Good character and repute Submission of the required forms and fees	12 months	Completion of another Canadian province bar admission course that satisfies the exigencies of the Law Society of Northwest Territory (e.g., Alberta CPLD program)	No final examination, according to the Law Society of Alberta
Nunavut	A recognized Canadian common-law degree from a law school approved by the Executive Good character and repute Submission of the required forms and fees	12 months	Since 2006, completion of the Nunavut professional legal training course following the British Columbia model	Two final examinations

Differences among Provincial Admission Regulations

Provincial differences can be noted in respect to what pre-law education and pre-articling courses are required by different law societies, articling term and how, when and where candidates can article, duration and content of bar admission courses, assessment of a good character condition, and the requirement of having a Canadian citizenship or permanent residence. These conciliable divergences limit the ability of lawyers to practice in multiple Canadian jurisdictions and could create unfair situations.

Education

In the complex process of transforming a student into a lawyer the law school plays an important role. As Schaffer and Redmount (1977, p. 199) noted, "the process of becoming a lawyer truly begins with the first day of law school". "The knowledge, skills, belief, and ethical responsibilities learned and assumed during school make the student the lawyer" (Schaffer and Redmount, 1977, p. 199). Despite differences among their curricula, all law schools focus on teaching their students the knowledge and skills required to become a lawyer. According to the Canadian Bar Association (2000), law schools should be an important partner in the legal education process rather than an isolated participant.

To be licensed as a lawyer by a Canadian law society, an applicant must hold a law degree (LLB) from a recognized Canadian university or equivalence. Foreign trained lawyers or lawyers who achieved their legal education in Québec and intend to practice law in a common-law jurisdiction must obtain a "Certificate of Qualification" from the Federation of Law Societies of Canada - National Committee on Accreditation from Ottawa.

In terms of which pre-articling law courses are required by the law societies, it was noted that majority of provinces and territories do not "typically require specific law school courses" (Canadian Bar Association, 2000, p. 26). There are, however, two provinces, Newfoundland and Labrador and Prince Edward Island that ask their applicants to have completed certain law courses before applying for articles. For example, the Law Society of Newfoundland and Labrador requires the following pre-articling courses: "Canadian Constitutional Law, Civil Procedure, Criminal Law, Contracts, Administrative Law, Personal Property, Real Property, and Torts" (Dalhousie University, 2009, p. 1). The Education Committee of this law society has the freedom to wave these courses (Dalhousie University, 2009). The same committee may also refuse admission if one or more of the following has not been studied: "Commercial Law, Corporate Law, Evidence, Family Law, Wills, Trusts, and Criminal Procedure" (Dalhousie University, 2009, p. 1).

In Prince Edward Island, students must also complete the following pre-articling courses: "Canadian Constitutional Law, Civil Procedure, Administrative Law, Contracts, Criminal Law, Criminal Procedure, Property Law, Ethics and Professional Responsibility, Torts, Commercial Law, Corporate Law, Evidence, Family Law, and Wills and Trusts" (Dalhousie University, 2009. p. 2). Other provinces and territories do not require pre-articling courses, but strongly recommend a few of them. For example, the Law Society of Nova Scotia recommends future articled students to take the following courses: "Business Associations, Taxation, Administrative Law, Evidence, Wills, Estates, Trusts and Equity, Family Law, Commercial Transactions (including Secured Transactions), Real Estate Transactions/

Advanced Property Law, and one Perspectives course" (Dalhousie University, 2009, p. 2). On the same note, Canadian Bar Association (2000, p. 26) underlined that, although majority of law societies do not require, as a general rule, particular pre-articling courses, there are, however, some "mandatory subjects required for accreditation of the common-law LLB program: Civil Procedure, Constitutional Law, Contracts, Criminal Law and Procedure, Personal Property, Real Property, and Torts". Responding to the law societies needs, that students-at-law have completed a minimum basic framework, law schools curriculum tend to be quite similar (Canadian Bar Association, 2000). Differences can be noted between common-law and civil law schools (Canadian Bar Association, 2000).

The "Certificate of Qualification" issued by the National Committee on Accreditation after assessing the credentials of foreign trained lawyers and lawyers who achieved their law degree in Québec is recognized as equivalence to an LLB from an approved Canadian law school by the Law Societies of Upper Canada, Alberta, British Columbia, Prince Edward Island, and Saskatchewan, while "other law societies ...use the Committee's recommendation on a more informal basis" (National Committee on Accreditation, 2009, p. 13).

To be accepted as a student to a Canadian law school, usually applicants are asked to complete a pre-law education. It was observed that some law schools may ask for completion of two years of a university undergraduate program, while others require three years of study or a three year degree (Stager, 1990). In British Columbia, for example, law school candidates are asked to have an undergraduate degree, in Alberta they are asked to have completed at least two years toward an undergraduate degree, in Ontario and New Brunswick they must have at least two years of university education, while other provinces do not have such a condition. There is "no particular field of study preferred" (Stager, 1990, p. 99).

After all, a dual approach in terms of assessing the legal education of future lawyers is important considering that Canada is a multicultural society. On one hand, there are law graduates from a Canadian common-law school who apply to become members of one or more law societies. On the other hand, there are foreign trained lawyers who achieved their legal education abroad and Québec lawyers who need to be certified by the National Committee on Accreditation before applying to any Canadian common-law society. By creating the National Committee on Accreditation there is no need anymore for each law society to have its own committee to deal with foreign lawyers and Québec lawyers (National Committee on Accreditation, 2009). In addition, the practice of imposing certain pre-articling courses helps preparing future lawyers. There is no doubt that, by taking specific courses prior to articling, gives students-at-law the required knowledge to successfully approach this training. Finally, asking students to have completed undergraduate programs or courses before applying to law school is justified by the independence of law schools in setting their admission requirements and by the complexity of the legal profession.

Articling

In Canada, completion of articling term is a mandatory requirement to be licensed as a lawyer in all provinces. Articling was described as the "period during which students must acquire a working knowledge of the legal skills that transform a law student into a lawyer" (Conference of Governing Bodies of the Legal

Profession, 1958; as cited in Stager, 1990, p. 127).

The literature also emphasizes the importance of articling (The Ivanhoe/ Blackstone Guide to the legal Profession 1990; Law, 2001; Lebo, 1993; Rosen, Raycroft and Awerbuck, 1988; Stager, 1990, Towler, 1994). According to the Ivanhoe/Blackstone Guide to the Legal Profession (1990, p. 70), "the most important training during articles is the practical day-to-day work experience". The literature noted the new tendency that starts with law school, not only to emphasize the ability of law students "to know", but especially to develop their ability "to do what they know" (Munro, 2000, p. 13). Stager (1990, p. 128) also noted that "during the articling period, a student is expected to develop practical skills and a sense of professionalism". Munro (2000, p. 17) has defined skill as "the ability to perform a lawyer's task well "as a result of talent, learned technique, and practice". The literature is unanimous in recognizing that drafting and negotiating contracts, for example, will help students to learn contracts (Munro, 2000; Stager, 1990). Stager (1990, p. 128) added "conducting of searches related to real estate, filing of claims, advocacy and interviewing" to the list of skills expected to be developed while articling. In addition, articling is designed to help a student "learn about management of a law office through observing systems used for docketing (or recording) time spent of each file, billing clients, accounting, and developing and sharing legal work within the firm" (Stager, 1990, p. 128). Finally, Stager (1990) observed that some lawyers believe that the main function of the articling is achieving a sense of professional responsibility.

According to the same author, articling also serves other purposes: firms can assess articling students "as potential members without having to make a long-term commitment"; some law firms might see articling as an "opportunity to discharge their wider responsibilities to the profession and the public", firms can "renew the profession and enhance the level of legal services"; and the articling could become a "relatively inexpensive source of personnel who can perform either sophisticated work ...or more menial tasks" (Stager, 1990, p. 128). The author concluded that "under the best circumstances students may learn from their principal, gain experience with a law firm before making a permanent employment decision, establish an employment record that can be drawn on in the future, and receive at least modest remuneration...after their prolonged period of formal academic study" (Stager, 1990, p. 129).

The literature also noted that nowadays students start to work in law offices as summer students after their first year of law school (Rosen, Raycroft and Awerbuck, 1988). Towler (1994) analyzed advantages and disadvantages of being a summer student. On one hand, those who have worked as summer students have better chances than other candidates to be offered an articling job (Towler, 1994). On the other hand, having limited knowledge, students may experience difficulties in fulfilling some of the assignments (Towler, 1994). On the same note, facing the need to teach students how better apply why they learn, law schools encourage these initiatives. Moreover, by creating joint-programs, universities enhance students' chances to study and work in the field at the same time. Under these circumstances, it could be discussed if asking law graduates to complete an articling training is still justified. There are pros and cons of the articling. On the pro side, Lebo (1993) noted the following aspects: year of call, salary and benefits, and experience. The year of call is important because it often

determines lawyer's seniority and salary. Articling will now ensure that "a student is called to the bar as soon as possible after law school" (Lebo, 1993, p. 3). In terms of salary and benefits, "many firms and corporations offer attractive salary and benefit packages" (Lebo, 1993, p. 3). In terms of experience, Lebo (1993, p. 3) observed that working as an articling student means learning a lot "both about law and about legal life". On the con side, according to the same author, articling implies hard work, sometimes 60 or more hours a week and for one who decides not to be a lawyer, working as an articling student is going to be a barrier in the way of her or his plans (Lebo, 1993). Pros and cons of the articling have lead to a debate in terms of the future of articling. Proposals to abolish articling have been made. Stager (1990) noted in this sense the proposal made in 1972 by the Law Society of Upper Canada to replace articling by supplementary work in the bar admission course. Rich (1973) also observed the Manitoba initiative to abolish the articling period. All these initiatives, however, encountered resistance (Stager, 1990). The conclusion is that articling in Canada "has stronger support" compared to United States, where articling has not existed for many years, and Australia, where in some states an "alternative training course" has been introduced (Disney, Bosten, Redmond, and Ross, 1977, p. 131-137).

Despite its traditional support, the idea of abolishing the articling training could easily be based on the following arguments: law schools give students not only the opportunity to study law, but also the chance the practice what they study; being aware of the demand for good professionals in this field, law students often start to work in a law environment shortly after their first year of study; and the new shift in reforming the bar admission courses, emphasizing the lawyering skills, could determine a change in the perception of articling in Canada. On this note, Stager (1990, p. 136) observed that the new shift is also a "major challenge to the articling system that can be supplemented by the bar admission courses and even replaced".

All Canadian provinces require applicants who want to be licensed as lawyers to complete an articling period. Differences, however, can be observed in terms of duration, full-time or part-time attendance, when articling takes place, and how applicants can article.

In terms of duration, most provinces require a 12 month articling term (Alberta, Saskatchewan, Newfoundland and Labrador, Nova Scotia, Prince Edward Island, Northwest Territories, and Nunavut). Canadian territories, Yukon and Northwest Territories do not have their own guidelines for articling. Thus, in Yukon students are advised to article with a lawyer from British Columbia and to follow the rules of this province, while in Northwest Territories they follow the regulations of the Law Society of Alberta. Contrarily, in Nunavut, future lawyers are able to article in their territory or in any other Canadian province or territory. There are also provinces that require less than 12 months articles: the Law Society of British Columbia, the Law Society of Upper Canada, and Barréau du Québec. Also, some law societies regulated articling period in weeks: the Law Society of New Brunswick and the Law Society of Manitoba.

It can be observed that regardless the goal of the Federation of Law Societies of Canada to achieve some national consensus in terms of admission requirements, the articling across Canada varies in length from six to 12 months. A legitimate question could be if law societies would all agree on regulating the same articling term, and if so, how long this would be. Acknowledging the

importance of articling, but also the fact that today law students are early exposed to the legal environment, it could be supported that a short articling term, for example six to nine months, could successfully fulfilled the purpose of this training. Having the same articling period across Canada would also eliminate law graduates' perception that, in terms of duration, it could be more beneficial to article in one province than in another one. Further, a shorter articling term becomes advantageous for principals who could, therefore, supervise more students-at-law.

In terms of articling on full-time or part-time basis, majority of law societies do not specify anything in this sense, while others are very specific. For example, the Law Society of Manitoba requires applicants to complete the articling training on full-time basis, while the Law Society of New Brunswick and the Law Society of Prince Edward give students-at-law a limited period of time in which they must complete the articling, part-time attendance being allowed.

In terms of when the article takes place, before or during the Bar Admission Course, majority of law societies do not have specific requirements, permitting any order. There are, however, some law societies that require applicants to be enrolled or to article during completing some or all courses of the Bar Admission Program (British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Nova Scotia, and New Brunswick). In British Columbia, for example, applicants must obtain an articling position before enrolling in the Professional Legal Training Course (PLTC). The Law Societies of Alberta and Manitoba recommend applicants to complete all eight modules of the Canadian Professional Legal Education (CPLED) program throughout the articling term. On the same note, the Law Society of Saskatchewan, for example, requires student to have secured an articling position before starting Module 5 of CPLED. Also, the Law Society of Upper Canada requires candidates to fulfill an on line four week course called Professional Responsibility and Practice (PRP) when completing the ten months articling. Candidates to the Bar in Nova Scotia must complete the entire bar admission course during articling. Also, in New Brunswick, all modules of the Bar Admission Course are spread during the articling term.

In terms of how applicants can article, the general common regulation for all provinces is that students-at-law will be working in the law firm or other legal work place under the supervision of a principal. All provinces accept applicants to clerk as part of the articling term. Differences, however, can be noticed in terms of where applicants could clerk and for how long. In Ontario, for instance, the entire ten month article could be fulfilled by clerking. Moreover, the Law Society of Upper Canada is open to non-traditional articles, such as "joint articles, part-time articles, and national and international articles. In New Brunswick, the article can be completed by clerking with the Federal Court of Canada or a court at the appeal level, while in Nova Scotia this training can be fulfilled by clerking at the Supreme Court of Canada or at the Appeals Court of Nova Scotia. In these examples, there are no limitations in terms of duration of clerking that counts for articles, whereas in other provinces there are such limitations. For example, the Law Society of New Foundland and Labrador allows applicants to article by clerking with courts up to six months, while the Law Society of Alberta and Prince Edward recognize in this sense only five months. In Manitoba, up to six months of articling could be completed by clerking, but only 50 percent of this time will count against articles. Also, the Law Society of British

Columbia does recognize half of the time served as a law clerk to count towards articling. In Saskatchewan, there are some differences based on where applicants clerk. If one clerks for a provincial court, she or he may receive credit for up to ten months of her or his article. In case of clerking for the Supreme Court, or any federal level court, the applicant will receive credit of one month in surplus of three months spent clerking, up to nine months.

Despite differences, completing the articling term is one of the general conditions regulated by all provincial law societies to help applicants gain practical skills and work experience in the law field. According to the Canadian Bar Association (2000, p. 26), "all jurisdictions rely on articling to provide an important part of the professional preparation process".

Bar Admission Course

The literature (Stager, 1990; Towler, 1994) is unanimous in emphasizing that the differences in articling and law school education should be supplemented during a provincial bar admission course. According to Stager (1990, p. 132), there are three reasons that could justify this measure. First, it creates the opportunity of "testing students' knowledge of the substantive law that was taught in the schools" (Stager, 1990, p. 132). Second, considering the numerous optional subjects at law school, bar admission course ensures that "all candidates have at least the same minimum knowledge of law" (Stager, 1990, p. 132). Third, it overcomes "differences in knowledge and skills that result from disparate articling experiences" (Stager, 1990, p. 132). Four years later, Towler (1994, p. 137) added to this list the opportunity for students to get together and "compare notes about their articling experience and the job opportunities". In addition, Canadian Bar Association (2000, p. 25) observed that the purpose of bar admissions programs is to combine "lawyering skills, substantive and procedural law, professional responsibility, practice management and transactions". Usually, bar admission courses are assigned to practicing lawyers (Stager, 1990; Towler, 1994). Referring to this idea, Stager (1990, p. 133) noted that those assigned to teach are "specialists in a particular type of practice". Developing on this topic, Towler (1994, p. 137) concluded that, using practicing lawyers as lecturers in the bar admission course, provides students "an opportunity to see some of the most experienced and talented practitioners…".

As a result of the "criticism of conventional bar admission courses", a "different model of instruction based on the insights of clinical legal education" has emerged (Stager, 1990, p. 134). Towler (1994) noted that many provinces tend to change the image of the bar admission courses and adopt a skill-oriented approach. According to Stager (1990, p. 134), the focus is now on "lawyering skills rather on different academic or professional specialization". Moreover, this trend focuses on including "sub-skills, such as listening, questioning, and analyzing options, in the standard lawyering skills, such as interviewing and negotiation" (Stager, 1990, p. 134). Further, both levels of skills are then enhanced in the context of different fields of legal practice (Stager, 1990). Cruickshank (1985; as cited in Stager, 1990, p. 134) claims that the professional legal training course in British Columbia, introduced in 1985, was the first full-time course combining "skills training with procedural and substantive law". Following British Columbia example, Québec introduced the new professional legal training in 1986 Stager, 1990). As Stager (1990, p. 136) concluded, the focus is now on emphasizing lawyering skills,

such as “interviewing, counseling, negotiation, advocacy, management, and ethics”.

Based on the provincial autonomy, each law society designs its own bar admission course. Analyzing these programs across Canada, it can be observed that they present some commonalities. For example, all provincial bar admission courses include Ethics, Corporate and Commercial Law, Family Law, Estates and Wills, Civil and Criminal Procedure, Income Tax, and Law Office Management (Ellis, 1987; Stager, 1990; Towler, 1994).Differences, however, could be noted in terms of duration, content, and final bar examinations. Bar admission courses may “range widely in length” (Stager, 1990, p. 134). It was also noted that they “reflect legal practice conditions, educational objective, and especially financial commitment to the exercise by the provincial law society” (Stager, 1990, p. 134).

In terms of duration, bar admission courses may vary from four weeks to ten weeks. For example, in Ontario candidates to law society admission program must complete only a four week skills and Professional Responsibility Program (PRP), while in British Columbia they are required to complete a ten week Professional Legal Training Course (PLTC). The Law Society of New Brunswick requires candidates to complete four separate two week courses, while the Law Society of Nova Scotia asks for completion of a five week skills course. The Law Society of Newfoundland and Labrador requires applicants to complete a seven - eight week bar admission course, while in Québec future lawyers must successfully complete the Bar School Professional Training Program in duration of four or eight months.

In terms of content, the Law Society of Prince Edward Island brings a different approach by designing a two part Bar Admission Course. First part, a two week course offered by the Prince Edward Island province, is mandatory. The second part consists in a five week Nova Scotia Bar Admission Course that might be waived if students have completed one of these courses in another province. On this note, Alberta, Manitoba, and Saskatchewan have similar bar admissions course provisions. In these provinces, candidates to become lawyers are asked to complete the Centre for Canadian Professional Legal Education (CPLED) course that consists of eight modules. The Law Society of Nova Scotia designed a Bar Admission Course based mainly on skills, professional responsibility, and practice management. Yukon and Northwest Territories do not have their own Bar Admission Courses. Applicants who intend to practice in these territories are advised to complete the bar requirements of another Canadian common-law province. Thus, Yukon follows British Columbia’s bar admission regulations, whereas Northwest Territories follows Alberta rules in this sense. In contrast, since 2006, Nunavut has its own bar admission course.

Finally, there are different provincial approaches in terms of final bar examination rules. Some law societies ask candidates to pass final bar exams, while others do not mark the end of the bar course with such examinations. First category includes the Law Society of British Columbia, the Law Society of Upper Canada, the Law Society of New Brunswick, the Law Society of New Foundland and Labrador, and the Law Society of Nova Scotia. In British Columbia, New Brunswick, and Ontario applicants must pass a two part bar examination at the end of their bar admission course. Also, the Law Society of Nova Scotia has designed a “self-study” bar examination that can be written at the

beginning or during the bar course based on "distributed substantive materials" (Canadian Bar Association, 2000, p. 26).

The second category is made by the provinces that do not regulate final bar exams such as Prince Edward Island, Alberta, Manitoba, and Saskatchewan. In Prince Edward Island there is no final bar examination. The explanation might be that students are already asked to pass a final bar examination at the end of the Nova Scotia Bar Course. As a result, there is no interest for another final examination as long as passing the Nova Scotia Bar Admission Course is part of the requirements to be admitted to the Prince Edward Island Law Society. The Law Society of Alberta, Manitoba, and Saskatchewan, however, assess their candidates during the entire bar admission course. The importance of using an assessment tool in evaluating learning performances was also acknowledged by Munro (2000, p. 16-17) who noted that "the purpose of assessment is, in the broadest sense, to improve law students' learning".

Despite differences, bar admission courses are quite similar, emphasizing the need of "teaching and testing programs on those areas of law that are dealt with most commonly in a general practice" (Canadian Bar Association, 2000, p. 26). Noticing a reform of bar admission courses in the past 15 years, the Canadian Bar Association has been also preoccupied by the future of this training (Canadian Bar Association, 2000). In a survey distributed in 1998 by the Canadian Bar Association - Joint Multi-Disciplinary Committee on Legal Education, respondents identified the following areas in which they anticipated an increased need and interest in the future: "dispute resolution, practice management, effective use of computer technology, communication skills…", and "flexibility in lawyering skills and in the ability to adapt to change" (Canadian Bar Association, 2000, p. 26). It was clear from the side of law societies' respondents that "communication skills and use of technology are increasingly important", and, as a result, they referred to the need of creating bar admission courses able to prepare prospective lawyers to be "adaptable and flexible through acquiring skills and learning computer technology" emerged (Canadian Bar Association, 2000, p. 27).

All respondents also acknowledged the "importance of teaching and training in dispute resolution alternatives "as a part of the future bar admission course movement (Canadian Bar Association, 2000, p. 27). As this survey concluded, there is a need for future lawyers to achieve more training in alternative dispute resolution (ADR). Under these circumstances it becomes important to discuss how and why this new trend affects the future of the bar admission courses. The literature noted some of the reasons behind the expansion of alternative dispute resolution: there are situations when parties "cannot afford litigation" or they might present difficulties in achieving "their real needs through litigation" (Chornenki and Hart, 2005, p. 6). Moore (2003) justified the tendency of using alternative dispute resolution affirming that parties need to keep a high degree of control over the final decision. According to the same author, by approaching a judicial path, parties in conflict "lose their control of the outcome" (Moore, 2003, p. 10). As a result, since 1960 the practice of mediation has increased (Moore, 2003). Today mediation is an important tool in resolving ethnic and racial disputes, conflicts between tenants and landlords, disputes occurred in education area, commercial conflicts, a large variety of family disputes, and victim offender dialogue and reconciliation (Moore, 2003). This is why

future lawyers need to be more familiar with different forms of alternative dispute resolution. To address this need, law societies should offer more opportunities for their bar candidates to equally learn and practice alternatives to litigation.

Canadian Citizenship/Permanent Residence

Some of the Canadian Provinces have regulated citizenship/permanent residence as a "prerequisite" to admit new members (Stager, 1990, p. 137). Alberta, Saskatchewan, and Prince Edward Island are examples in this sense, while other Canadian provinces and territories do not require this condition. The literature identified the reasons behind this regulation. Stager (1990, p. 137) noted that "a lawyer is an officer of the court", and "lawyers are integral to the administration of justice", so they are supposed to be citizens or, at least, permanent residents. On the other hand, the same author argued that to be part of the administration of justice implies "honesty and a fiduciary relationship with a client rather than fidelity to a sovereign" (Stager, 1990, p. 137). Considering this dual situation, the Federation of Law Societies of Canada wanted to implement a proposal that all provinces regulate Canadian citizenship/permanent residence as a general condition for candidates who want to become lawyers in Canada. The intention of the federation was to eliminate all provincial differences under this criterion (Stager, 1990). The initiative did not succeed. Moreover, citizenship/permanent residence requirement has been questioned in two provinces, Ontario and British Columbia, as a violation of the Charter of Rights (Stager, 1990). In Ontario, the Supreme Court of Canada decided, in *Law Society of Upper Canada v. Scapinker* (1984), that such a regulation "did not violate the mobility provisions of the Charter" (Stager, 1990, p. 136). However, in May 1, 2007, the Law Society of Upper Canada amended its rules and, as a result, Canadian citizenship or permanent residence is no longer required to apply to the Lawyer Licensing Process. The British Columbia Court of Appeal held, in *Andrews v. Law Society of British Columbia* (1986), that "denial of admission to otherwise qualified non - citizens was a violation of the equality and anti-discrimination provisions" (Stager, 1990, p. 137). As a result, the Law Society of British Columbia does not ask applicants to fulfill this condition anymore.

At an international level, there are different views about citizenship as a condition to practice law. In the European Union, "lawyers may offer their service in other member countries, but reciprocal licensing or recognition of foreign qualifications is still an unsettled issue" (Stager, 1990, p. 137). At the Third Organization for Economic Co-operation and Development (OECD) Workshop on Professional Services on the theme "Advancing Liberalization through Regulatory Reform", held in Paris on 20 - 21 February 1997, it was noted the necessity to remove "restrictions on partnership between foreign licensed and locally - qualified professionals" and it was advanced the idea of temporary associations constituted for specific projects (OECD Proceedings, 1997, p. 12). Stager (1990) also observed that Australia does not require Australian citizenship for lawyers who achieved their training in the British common-law system. At the same time, in United States applicants are asked to be only graduates of the American law schools (Stager, 1990).

Good Character

The majority of Canadian law societies require further lawyers to possess a good character. Stager (1990, p. 138) noted that

"the requirement is not unique to Canadian provinces" as long as in United States all states require "good character as a prerequisite for admission". Differences may occur when the law societies have to assess applicants on this condition. It was noted that the most frequent inquiries made by the admission authorities are about previous legal convictions, differences happening in "the nature of the inquiries and in the manner in which character is assessed" (Stager, 1990, p. 138). Thus, Alberta, Manitoba, and Saskatchewan prefer to ask applicants to provide certificates or references to fulfill this requirement, while others, such as British Columbia, do not follow this practice. All law societies, however, have the freedom to ask applicants to provide any information regarding good character.

In 1980, the Federation of Law Societies of Canada discussed whether or not "prospective lawyers should be screened with a view to excluding those who are not temperamentally or morally suited to the practice of law" (The Federation of Law Societies of Canada, 1980, p. 144). Five years later, a report of the federation revealed that there is no much attention given by the law societies to the condition of a good character and there are fewer applicants rejected on this basis (The Federation of Law Societies of Canada, 1985). One of the first cases occurred in Ontario (1989) when an applicant, meeting all the other requirements, was rejected because he has been convicted during his law studies for child sexual abuse (Stager, 1990). The federation has recommended that all law societies should adopt a standard form in assessing this condition (The Federation of Law Societies of Canada, 1985). However, even after more than 20 years there is still no specific and agreed upon format for the assessment of good character.

As described in this paper, current provincial differences influence Canadian lawyers' ability to obtain the right to practice in multiple jurisdictions. It was noted that "until recently, it was harder for a British Columbia based lawyer to be admitted to the bar in Ontario than to be admitted to the bar of New York" (Richardson, 2006, p. 4). Facing an increased need to serve clients who have business across provincial boundaries Canadian law societies agreed on regulating temporary, permanent and territorial mobility as necessary measures toward liberalization of the admission rules. On this note, common-law jurisdictions have signed and implemented two agreements: The National Mobility Agreement (NMA) and the Territorial Mobility Agreement (TMA). The National Mobility Agreement regulates "temporary and permanent mobility of lawyers between all jurisdictions other than the three northern law societies and the Chambre des Notaries du Québec (Federation of Law Societies of Canada, 2010, p. 1), while the Territorial Mobility Agreement "governs permanent mobility to the three northern jurisdictions" (Federation of Law Societies of Canada, 2010, p. 1).

According to the National Mobility Agreement, lawyers can benefit of a temporary mobility that gives them the right to "provide legal services in or with respect to the law of a reciprocating jurisdiction for up to 100 days in a calendar year, without permit"(Federation of Law Societies of Canada, 2010, p. 1). In order to take advantage of this right "lawyers must be entitled to practice in a signatory jurisdiction that has implemented the Agreement', "have liability insurance and defalcation coverage", and "have no outstanding criminal or disciplinary proceedings, no discipline record, and no restriction or limitations on the right to practice" (Federation of Law Societies of

Canada, 2010, p. 1). Moreover, there is no need for lawyers to notify the "host law society that they are providing legal services on a temporary basis" (Federation of Law Societies of Canada, 2010, p. 1). The National Mobility Agreement has been signed and fully implemented by all common-law societies except The Law Societies of Yukon, the Northwest Territories, and Nunavut.

Under the umbrella of the National Mobility Agreement lawyers can also transfer permanently to another jurisdiction which is part of the same agreement without being asked to write any exams (Federation of Law Societies of Canada, 2010). In this case, the agreement asks lawyers to be qualified to practice "in a signatory jurisdiction that has implemented the National Mobility Agreement", to be of good character, and to "meet any qualifications that ordinarily apply for lawyers to be entitled to practice law in the jurisdiction in question" (Federation of Law Societies of Canada, 2010, p. 2). In addition, they must certify that they have refreshed and acknowledged reading materials demanded by the jurisdiction where they want to transfer (Federation of Law Societies of Canada, 2010).

Mobility to and from Québec is also regulated by The National Mobility Agreement (Federation of Law Societies of Canada, 2010). The implementing of this agreement in Québec was possible as a result of introducing of the Canadian Legal Advisory category for members from other Canadian jurisdictions. This new category allows "members of law societies in all other jurisdictions to become members of the Barréau, licensed to practice the law of their home jurisdiction, federal law and public international law" (Federation of Law Societies of Canada, 2010, p. 1).

The Northwest Territories, Nunavut, and Yukon ratified the Territorial Mobility Agreement and, as a result, they participate in the permanent mobility provisions of the National Mobility Agreement (Federation of Law Societies of Canada, 2010). The territories, however, will not participate in the temporary mobility provisions of the National Mobility Agreement (Federation of Law Societies of Canada, 2010). The Territorial Mobility Agreement will subsist for a limited period of time giving the territorial law societies time to evaluate and decide if they want to become full signatories of the National Mobility Agreement (Federation of Law Societies of Canada, 2010.

National Mobility Agreement and Territorial Mobility Agreement do not create rights, but provide "the framework that each signatory will use to create its own rules of implementation" (Federation of Law Societies of Canada, 2010, p. 1).

By regulating temporary, permanent and territorial mobility the Federation of Law Societies of Canada opened a door for Canadian lawyers to temporarily practice in other than their home jurisdiction or permanently transfer to another reciprocating jurisdiction without writing transfer examinations. Also, these mobility provisions eliminate possible unfair situations, for example when lawyers who although have fulfilled the admission conditions of one particular law society in terms of articling, bar admission course and final examination, can not simply practice in another jurisdiction that might require less articling term, or bar admission course duration, and no final bar examinations.

International Challenges: Legal Profession – A Self Regulated Profession?

The legal profession has been described by Hazard Jr. and Rode (1985, p. 13) as an "intellectual tie between

functioning economic and social institutions on one hand and organized legal administration on the other". The legal profession is a self-regulated profession. According to a traditional definition, there are some elements that make someone a professional: "technical knowledge and skill acquired through long education"; "highly complex nature of knowledge and skill which makes it impossible for the client or patient to understand and evaluate the service" and, therefore, the service must be accepted "on the basis of faith"; "society assumes that the professional will place the vital interest of the client/patient above his own interest"; and "self-regulation" (Watson, 1963, p. 16).

The legal profession has its own rules and regulations regarding who is licensed to practice, under which conditions, and for how long. Roots of the autonomy of the legal profession are embedded in the idea that lawyers have specialized knowledge and skills that allow them to claim autonomy to perform their functions, and such autonomy is given to them and granted by the state (Katzman, 1995). In the USA, "the Bar, controlling the instruments of power, to protect as well as regulate the legal profession, has enunciated the requirements for proper legal education" (Schaffer and Redmount, 1977, p. 19). Being supported by the court and statute, the Bar is the only one deciding who is accepted to practice law (Schaffer and Redmount, 1977). According to the American Bar Association (ABA) "a lawyer, as a member of the legal profession is a representative of clients, on officer of the legal system and a public citizen having special responsibilities for the quality of justice" (American Bar Association, 2004, p. 1). This is why a lawyer "should be competent, prompt, and diligent" (American Bar Association, 2004, p.1). It was observed that "in the face of difficult questions about what it means to be a lawyer in society, they are understandably moved to settle for learning the mores and the attitudes that will identify law students as legal professionals" (Dvorkin, Lesnick, and Himmelstein, 1981, p.6).

At the international level, the status of the legal profession has been recently changed. Discussions and concerns about maintaining self-regulation by the legal profession's regulatory bodies led in some countries to a major change (Paton, 2008). In England, and Wales, for example, the legislation adopted in 2007, marked the end of self-regulation of the legal profession (Paton, 2008). Australia has also changed the paradigm when decided that the involvement of the government in regulation of the legal profession better serves the public interest than self-regulation does (Paton, 2008). Moreover, in the United States the regulatory framework was changed towards the same direction (Paton, 2008).

Since the world changed, the legal profession is required also to adjust itself. Based on their location, common culture or, sometimes, defense necessities, different countries come together under the umbrella of international agreements (Richardson, 2006). As a result, lawyers of these counties must see themselves as a part of a large picture being able to represent their clients in more than one jurisdiction (Richardson, 2006).

In addition, the fact that Canada signed the North American Free Trade Agreement with the United States and Mexico brings us closer to the globalization of the legal profession. On this note, it is expected that North American lawyers will need to have "fluency in the legal system of all three countries" (Richardson, 2006, p. 2). In North America all jurisdictions, except Québec and Louisiana, are based on common-law system, while Mexico is based on civil law system (Richardson,

2006). According to the Article 1210 of the North American Free Trade Agreement, a lawyer can get permission to act as a "foreign legal consultant in another country" if she or he is member of the bar in her or his home country, is "subject to discipline and regulation by the home country", is of good character, and possess the adequate insurance (Richardson, 2006, p. 6). When these conditions are fulfilled the applicant can obtain a permit that gives him or her the right to provide legal service based on "the law of the country where he has been admitted to the bar" (Richardson, 2006, p. 6).

Compared to other professions, for example, medicine or engineering, which were more studied in detail, the legal profession has "escaped the rigorous attention of the social science research" (Stager, 1990, p. 8). As Podmore (1977, p. xiii) suggested, "much of the writing on the legal profession has been done by lawyers, about lawyers, for lawyers". After reviewing the literature on the legal profession, Maru (1972, p. 47) affirmed that "we still do not have a clear outline of the nature and functioning of the profession", although the studies on this topic have increased. Taking into consideration the fact that Maru's assessment was made in 1972, Stager concluded in 1990 that "two decades of research and writing have contributed little to these issues, especially with respect to the legal profession in Canada" (p. 9).

Understanding the complexity of the legal profession, Moliterno and Levy (1993, p. 5) considered the "process of becoming a lawyer an intense and consuming one". Here are some examples of this complex process at the international level. In United Kingdom "preparation for the bar begins with a first degree in law (roughly the equivalent of an American undergraduate degree) followed by a one year vocational course and then an apprenticeship" (Rhode, 2005, p. 107). It was also noted that in United Kingdom graduates have two options (Bonn and Levin, 1999; Rhode, 2005). If someone plans to build a career in trial work as a barrister, he or she will take a bar vocational course and then work as apprentice in a two year "trainee ship" (Rhode, 2005, p. 107). If one plans a specialty, other than litigation, he or she will take a legal practice course "complied by a one year pupilage as an apprentice" (Rhode, 2005, p. 107).

In Australia, the preparation for the bar has the same characteristics to that in the United Kingdom. In addition, it was observed that Australian law schools "placed little emphasis on clinical education or public service" (Rhode, 2005, p. 113). Here, "skills training and professional responsibility issues were largely relegated to postgraduate training" (Rhode, 2005, p. 113).

In China, "historically standards for admission to the bar were lax and the quality of preparation was relatively poor" (Rhode, 2005, p. 120). "During the Cultural Revolution, the legal profession in China was suppressed and reintroduced in 1980" (Rhode, 2005, p. 120). Facing a "tension between the need both to upgrade standards and to increase the number of practitioners as quickly as possible", the Government instituted a national bar exam (Rhode, 2005, p. 120). A broad range of applicants, however, were allowed "to provide alternative means of qualification" (Rhode, 2005, p. 120). For example, an individual holding "significant experience in law as an academic" could obtain admission to the bar without passing the exam (Rhode, 2005, p. 120). The general requirements, however, are to hold a college degree "or else two to three years of legal education" or a "study course" (Rhode, 2005, p. 120). In addition, applicants "must complete a one year apprenticeship and demonstrate good character" (Rhode, 2005, p. 120).

In Canada, each law society has its own rules, being completely independent from each other (Federation of Law Societies of Canada, 2008). Since 1926, however, the provincial law societies "have met collectively as a national organization for liaison and cooperation" (Stager, 1990, p. 41). During1926 - 1972, this new organization was called the Conference of Governing Bodies of the Legal Profession in Canada (Federation of Law Societies of Canada, 1996-1997; Stager, 1990). In 1972, this "title was changed to the Federation of Law Societies of Canada" (Stager, 1990, p. 41). According to the same author, one role that the Federation has is to "achieve some national consistency or uniformity on common concerns, such as legal education, admission requirements, inter-provincial transfers, and liability insurance" (Stager, 1990, p. 41). In other words, while recognizing the autonomy of provincial law societies, the federation deals with national issues (Stager, 1990).

It was anticipated that the England, Australian, and American experience of loosing the self-regulation by the legal profession's bodies will sooner or later influence the status of legal profession in Canada (Paton, 2008). These examples support the idea that the public trust is lost when the self-interest of the profession comes ahead of the public interest or confuses with the public interest (Paton, 2008). When this situation occurs the government will and can interfere and annihilate the self-regulatory authority of the legal profession, as the same author argued (Paton, 2008).

Difficulties in the Certification Process: Federation of Law Societies of Canada - The National Committee on Accreditation from Ottawa

Background

As per the above descriptions, there are different ways to become a lawyer in Canada. One path is to study law in any of the Canadian common-law universities and then apply to one or more of the law society admission programs. Another path is to study law abroad or to study civil law in a Canadian law school and then apply for any of the common-law society admission programs. In the latest case, the certification process becomes essential since creates a uniform framework applicable to all candidates. Also, having in place a centralized accreditation process under the umbrella of the National Committee on Accreditation, law societies do not need to deal with foreign lawyers or Québec civil law degrees individually (National Committee on Accreditation, 2009).

Before applying to any law society admission program, future lawyers must hold a law degree from a Canadian university. A foreign trained lawyer, or a lawyer who achieved his or her degree in Québec and aspires to practice law in Canada, elsewhere than Québec, must first apply to the National Committee on Accreditation from Ottawa, administered by the Federation of Law Societies of Canada (National Committee on Accreditation, 2009). The National Committee on Accreditation is in charge with assessing foreign lawyers' credentials and non-common-law credentials (including Québec) and launching whether or not candidates need to complete future academic requirements in order to meet the same standards as graduates from Canadian law schools who have obtained a LLB degree (National Committee on Accreditation, 2009). It was observed that the accreditation process is imputed not to "the quality of courses taken but rather to the content of these courses which would not include the necessary Canadian law" (Information regarding Transfer to the Practice of Law in Ontario from Applicants Qualified in Other Jurisdictions, 1996, as cited in Shanahan, 1997, p. 9).

The National Committee on Accreditation is composed by representatives from the Committee of Canadian Law Deans, members of the practicing bar, and members involved with the administration of provincial law societies (National Committee on Accreditation, 2009).

The Committee analyzes each case based on a uniform and national standard and issues a recommendation regarding any future legal education required. Canadian and non-Canadian applicants with foreign degrees are evaluated using the same standards (National Committee on Accreditation, 2009).The Committee, however, does not assess law degrees for lawyers who intend to become members of the Barréau du Québec or Chambre de Notaries du Québec. In this case, Barréau du Québec or Chambre de Notaries du Québec will apply their own evaluation procedures (National Committee on Accreditation, 2009).

To improve the foreign trained lawyers' accreditation procedure, the Law Society of Upper Canada has revised its own certification process (MacKenzie Report, 1996; Shanahan, 1997). Some issues dealing with the work of NCA arose regarding the decision-making process, transparency, the composition of NCA, competency-based assessments, and Québec applicants. The Accreditation Review Committee of the Federation of Law Societies of Canada issued a response to the MacKenzie Report from Ontario accepting some recommendations (Accreditation Consultation Report, 1997).

Method of Evaluation

Dealing with applicants across Canada, the National Committee on Accreditation applies a uniform standard on a national basis. Thus, "applicants with foreign law qualifications can apply to the Committee regardless of the common-law province in which they wish to practice in Canada" (National Committee on Accreditation, 2009, p. 3). By issuing a certificate of qualification, the Committee certifies that an applicant has "an understanding and knowledge of Canadian law', and secondly, that she or he has "knowledge equivalent to that of a Canadian common-law LLB program" (National Committee on Accreditation, 2009, p. 4). The certificate states as follows: "Having passed the prescribed course of studies required by the National Committee, it is hereby certified that the National Committee on Accreditation considers (name of applicant) to have education and training equivalent to a graduate of an approved Canadian law school" (National Committee on Accreditation, 2009, p. 4).

A foreign trained lawyer or a lawyer who achieved her or his credentials in Québec and intends to apply to the National Committee on Accreditation has to provide the following documents: transcripts of applicant's law education sent directly to the Committee by her or his post secondary institution; if the applicant was called to the bar in other jurisdiction, she or he will be asked to provide a proof of this fact; letter of reference or a sworn affidavit, when the applicant has professional legal experience; a filled-in National Committee on Accreditation form, and a non-refundable application fee of $535.00 or the equivalent in U.S. dollars , certified cheque (Canadian accounts only), or money order to the Federation of Law Societies (National Committee on Accreditation, 2009). In addition, applicants must provide other supporting materials, for example original transcripts of their pre-law grades, the outline of each course taken in their legal program, a Law School Admission Test (LSAT) score if required, and proof that they are proficient in English (National Committee on

Accreditation, 2009. The English proficiency is to be proved with one of the following: "a score of at least 600 in the pencil and paper version or 250 in the computer version or 100 in the Web-based version of the Test of English as a Foreign Language (TOEFL)", or "a score of at least 90 on the Michigan English Language Assessment Battery"; or "a score of at least 7.0 on the International English Language Testing System" (IELTS, Academic Module) (National Committee on Accreditation, 2009. p. 13 - 14). Analyzing the English proficiency condition, Shanahan (1997) noted that the National Committee on Accreditation's policy regarding this condition in Ontario has been changed as a result of the MacKenzie Report (1996). Thus, before 1996 the Committee's practice was to require an English competency test in all cases where applicants had "not undertaking their legal education in English or where the applicants had not demonstrated proficiency in the language in their submitted materials" (Shanahan, 1997, p. 10). The actual practice, however, is to "state in a standard letter of recommendation that the applicant has not written a language test and the National Committee on Accreditation has no basis upon which to decide whether a test is needed" (Shanahan, 1997, p. 10). Based on these observations, Shanahan concluded that the assessment of language proficiency "is left up to the law school and the law society" (Shanahan, 1997, p. 10). This becomes important for Ontario candidates who do not longer need to prove their language proficiency as a prerequisite to apply to the National Committee on Accreditation. Moreover, having proper tools to rely on, law schools are better equipped to assess this condition.

The Committee processes applications throughout the year in the order of receiving them (National Committee on Accreditation, 2009). By assessing each application, the Committee will take into account the following factors: "applicants' legal backgrounds - academic and professional", the type of legal system in the country where applicants achieved their legal education, "subject matter studied", applicants' academic marks and standing", "nature of the degree granted" by the institution applicants went to, professional qualifications and length and nature of applicants' professional legal experience (National Committee on Accreditation, 2009, p. 4).

After assessing all these factors, the Committee will make one of four recommendations.

First, applicants could be considered eligible to receive a Certificate of Qualifications and, therefore, eligible to apply to any Law Society Admission Program (National Committee on Accreditation, 2009).

Second, applicants could be advised to take and pass certain examinations in specific areas of Canadian law in order to future apply to a Canadian Law Society Admission Program (National Committee on Accreditation, 2009). In order to make sure candidates have "sufficient knowledge of Canadian substantive law and procedure", they are required to demonstrate their competency in at least the following courses: "Administrative Law, Business Law, Constitutional Law, Civil litigation, Contracts, Criminal Law, Criminal Procedure, Estate Planning and Administration, Evidence, Family Law, Professional Responsibility, Property, Real Estate, Taxation, Torts, and Trusts, Equity and Remedies" (National Committee on Accreditation, 2009, p. 4). There are two alternative ways to take these examinations; one is to ask permission to register as a special student in a Canadian LLB program and write the required examinations as part of his or her program of studies; or, second, to

write the Committee's examinations (National Committee on Accreditation, 2009). When asking permission to register as special students in a Canadian LLB program and write the required examinations as part of their program of studies, applicants must follow the law schools' admission rules. For example, if the faculty requires a Law School Special Admission Test (LSAT), then applicants must write this test. To be successful, applicants must "unconditionally pass each subject" (National Committee on Accreditation, 2009, p. 9). After completing the required examinations, applicants must send to the Committee "an official transcript under seal from the University" (National Committee on Accreditation, 2009, p. 9).

Third, it is recommended to applicants that they take a stipulated number of credit hours of law studies at a Canadian common-law school or take a specific program of studies at one of the Canadian law schools (National Committee on Accreditation, 2009). For example, applicants will be asked to take 30 credit hours that equals one full academic year (two semesters), or 45 credit hours that equal 1.5 academic years (three semesters), or 60 credit hours that equal two academic years (four semesters) (National Committee on Accreditation, 2009). According to the 2009 Guidelines, the Committee identified two situations: when applicants are asked to complete 30 credit hours and when applicants are required to complete 45 - 60 credit hours. Applicants who are asked to complete 30 credit hours "typically will be required to pass the following courses: Constitutional law (Charter of Rights), Evidence, Taxation, Basic Corporate Law (Business Associations), Administrative Law, Professional Responsibility" (National Committee on Accreditation, 2009, p. 8). Applicants who are required to fulfill 45 - 60 credit hours may be asked "in addition to the above, to pass some or all of the following: Family Law, Real Estate Law, Criminal Procedure, Civil Procedure, Commercial Law, Secured Transactions, Debtor Creditor Law, Trusts, Remedies, Torts, and Property" (National Committee on Accreditation, 2009, p. 8).

Fourth, applicants are advised to apply for and pass the entire undergraduate LLB program before they can apply for a Canadian Law Society Admission Program (National Committee on Accreditation, 2009).

After making a recommendation, the Committee will keep applicants' files for a maximum of five years (National Committee on Accreditation, 2009). Applicants, however, must be aware that the initial recommendation will expire within certain period of time that is written at the end of their recommendation letter (National Committee on Accreditation, 2009).

Obtaining a "Certificate of Qualification" is just one of the preliminary conditions to apply for admission as a barrister and solicitor in a Canadian common-law jurisdiction. In terms of recommendation, by issuing the certificate, the National Committee on Accreditation "testifies that the applicant has education and training equivalent to graduates from an approved Canadian law school" (National Committee on Accreditation, 2009, p. 13). The other admission requirements are under the power and regulation of each law society. As a result, a "Certificate of Qualification" by itself does not reduce the article term or supreme another provincial condition (National Committee on Accreditation, 2009). The Law Society of Upper Canada may allow, for instance, one who holds a "Certificate of Qualification" "to enter the Bar Admission Course" (National Committee on Accreditation, 2009, p.13).

Discrepancies and Inconsistencies in Current Evaluation Guidelines

As a unique structure in charge with the accreditation of foreign trained and Québec lawyers who intend to practice in a common-law jurisdiction, the National Committee on Accreditation faces the challenge to evaluate a large variety of law credentials. The main criteria used by the National Committee on Accreditation when assessing international credentials are: the nature of the law system applicants come from, candidates' academic performances, candidates' professional legal experience, and the length of the law program candidates' graduated from. In the case of Québec lawyers the Committee analyzes whether or not applicants have been admitted to the Barréau du Québec, they have a civil law degree and have been admitted to the Barréau du Québec, they achieved an important common-law experience, or they have graduated from civil law programs that have some common-law components. Under these circumstances, discussions of the guidelines used by the Committee to handle this demanding process become important for all parties involved.

One criterion taken into account by the National Committee on Accreditation in assessing foreign lawyers is the nature of the law system (common-law, civil law, or hybrid) where applicants come from. The literature mainly classifies the legal systems of the world in two important types: civil law and common-law (De Cruz, 2007; Glenn, 2007). Civil law is the predominant legal system in the world that recognizes the importance of statutes, codes, and contributions by scholars (De Cruz, 2007; Watson, 1981). Civil law countries include France, Germany, Italy, Switzerland, Austria, Latin American countries, Turkey, different Arab States, North Africa, and Madagascar (De Cruz, 2007). The main alternative to civil law system is the common-law system that considers courts decisions "law", and statutes having the "force of law" (De Cruz, 2007, p. 32). Examples of countries that are usually classified as common-law jurisdictions are: England and Wales, Australia, Nigeria, Kenya, Zambia, the United States of America, New Zealand, Canada, Singapore, Malaysia, and Hong Kong. Also there are countries that have elements of both civil and common-law systems (mixture). For example, South Africa, Louisiana, the Philippines, Greece, and Puerto Rico are hybrid jurisdictions (De Cruz, 2007). This distinction between civil and common-law systems is important since, on one hand, lawyers are more and more asked to become "global", and, on the other hand, there are cases when civil and common-law systems become interchangeable, e.g., California, USA.

The recent literature amply illustrates how the two main worldwide legal systems, common-law and civil, become more similar than different. The most important difference between the two systems is that common-law draws abstract rules from specific cases, whereas civil law implies abstract rules applied by the judges to the various cases before them (De Cruz, 2007). In other words, in civil law system "the judge is presumed to know the law (*jura novit curia*) and has to apply it, where it should be applied" (Glenn, 2007, p. 135). The scholars and the practitioners observed that nowadays the distinction between the two systems has become increasingly unclear (De Cruz, 2007). In civil law countries, the importance of jurisprudence increased, whereas in common-law countries statute law and codes became more relevant (De Cruz, 2007). "This is more evident in Europe, where civil and common laws now often work in tandem at the European level" (Glenn, 2007, p. 259). "Legislation in the United States has

also assumed civilian proportions and often receives civilian treatment. Codes of civil procedure and criminal law exist in many states; California, the largest state, has a civil code" (Glenn, 2007, p. 250-251). According to De Cruz (2007, p. 499), on one hand "we have seen how the common-law and civil law systems are differentiated" and on the other hand "we have also seen that there are clearly similarities in these two systems." In addition, "despite of their different attitude towards case law or judicial decisions and legislation, both systems are converging in their use of both sources of law" (De Cruz, 2007, p. 499). For example, English common-law system has started "to make more active use of the legislative process", whereas, "civil law systems are beginning to rely increasingly on case law, particularly in the German constitutional courts and the France administrative courts" (De Cruz, 2007, p. 500). Therefore, there is an increased need in the future for lawyers to have strong knowledge of both civil and common-law systems and the legal right to practice law in more than one jurisdiction.

Although the National Committee on Accreditation performs an individual examination of each particular file, according to the 2009 Guidelines there are some general frameworks that will be applied depending of the law system where applicants come from: candidates coming from common-law systems, candidates coming from hybrid systems, and candidates coming from other legal systems (National Committee on Accreditation, 2009).

First, candidates coming from a common-law background are assessed based on: "nature of the academic institution" and its accreditation by the governing bodies, if available; duration of law program; "subject matter studied"; "undergraduate pre-law education"; "grades and class standing" achieved that demonstrate candidates' academic performance (e.g., "top 25 percent of class, bottom 25 percent of class, first class, second class"); "language of instruction" in law school; admission to the bar based on a written exam in home jurisdiction; and professional legal experience, if any (National Committee on Accreditation, 2009, p. 6). In assessing applicants' professional legal experience, the Committee will assess at the duration of experience as following: less than one year, between one and three years, between three and five years, and over five years; "the nature, extent and diversity" of practice; and "relevance of the practice to Canadian legal practices and institutions" (National Committee on Accreditation, 2009, p. 8). All of these shall be provided and substantiated by applicants. Then, candidates coming from a "pure" common-law system are generally recommended to write challenge examinations under the following circumstances: they have "an undergraduate degree and a law degree from an approved law school recognized by the governing bodies of the national law societies or bar equivalent in the county of origin (National Committee on Accreditation, 2009, p. 6), the "approved law degree is a three year degree of approximately 90 credit hours and it is compatible to a law degree from a Canadian common-law school"(National Committee on Accreditation, 2009, p. 6), and "applicants have obtained the LLB degree with at least Second Class (Division) standing in all three years of their academic program" (National Committee on Accreditation, 2009, p. 6).

In its intention to be precise, the Committee distinguishes even between different common-law systems, as following: common-law systems including Australia, Bangladesh, England, Hong Kong, India, Ireland, New Zealand, Nigeria, Pakistan, Singapore, United

States of America, Wales, West Indies, etc., and common-law systems other than the above (National Committee on Accreditation, 2009). In the first case, when candidates come from one of the specified countries and they "attended and graduated from an accredited law school..."with a three year or six semester LLB/JD or equivalent degree, and with English as the medium of instruction", they are asked to "demonstrate competency in, or successfully complete an equivalent law school course, or pass an National Committee on Accreditation set examination" (National Committee on Accreditation, 2009, p. 6). In this case, the subject matters assessed will be: "Contracts, Torts, Property, Foundations of Canadian Law, Canadian Criminal Law and Procedure, Evidence, Principles of Canadian Administrative Law, Canadian Constitutional Law (with Aboriginal/ Charter component), Corporate Law (Business Associations), and Professional Responsibility" (National Committee on Accreditation, 2009, p. 6). In the second hypothesis, when candidates are graduates from common-law programs other than these specified countries, the Committee will take into account the following elements: "nature of program studied, length of degree, applicants' class standing, and, if, applicable, call to the bar and professional legal experience" (National Committee on Accreditation, 2009, p. 6 - 7).

Second, candidates coming from "mixed legal systems with a common-law component" (National Committee on Accreditation, 2009, p. 7) are be assessed using standards similar to those coming from a common-law background. In addition, in these cases the Committee will assess the "common-law component in the applicants' particular program" (National Committee on Accreditation, 2009, p. 7). Thus, if applicants come from hybrid jurisdictions, such as: Scotland, South Africa, Israel, Philippines, etc., and they "have achieved at least Second Division standing in a three year law school preceded by an undergraduate program, they are asked to study 45-60 credit hours in a Canadian common-law faculty" (National Committee on Accreditation, 2009, p. 7).

One general criterion used by the National Committee on Accreditation in assessing credentials is the "grades and class standing achieved" that demonstrates candidates' academic performance (National Committee on Accreditation, 2009, p. 7). In this sense, class standing obtained can be classified in: First Class (with Upper Division and Lower Division), Second Class (with Upper Division and Lower Division), and Third Class or lower, with the same divisions (National Committee on Accreditation, 2009). The distinction is important because the Committee's practice might be different whether or not applicants from hybrid systems belong to one class or another, to one division or another.

There are some guidelines provided by the Committee in terms of what class and/or division applicants belong. If applicants belong to an Upper Division Second Class degree obtained in a three-year law program that implies an undergraduate degree, the Committee will "usually asked them to complete 45 additional credit hours in a Canadian common-law faculty or equivalent prescribed examinations" (National Committee on Accreditation, 2009, p. 7). If applicants belong to a Lower Division Second Class Degree that meets all the other described requirements, they are usually asked to complete "60 additional credit hours in a Canadian common-law faculty or equivalent prescribed examinations" (National Committee on Accreditation, 2009, p. 7).

The Committee also takes into consideration applicants' professional legal experience. In one of the examples provided by the Committee, applicants belonging to an "Upper Division Second Class degree from a three year law program and several years of legal practice will usually be asked to pass five to eight examinations" (National Committee on Accreditation, 2009, p. 7). In another example, applicants with several years of legal practice but having a lower academic performance, for instance their degree is qualified by the Committee as Lower Division Second Class, will be advised to complete "30-45 credit hours or pass equivalent three hour challenge examinations in specified legal subjects" (National Committee on Accreditation, 2009, p. 7). Applicants holding "a Third Class or Lower Degree might not, in absence of significant professional experience, obtain any advanced standing" (National Committee on Accreditation, 2009, p. 7).

Another criterion taken into consideration by the Committee is the length of the law program from where candidates graduated. Thus, "applicants who have graduated from a two year law degree are usually asked to do more than those who have graduated from three year law degrees" (National Committee on Accreditation, 2009, p. 7).

Along with the general factors examined by the Committee in each particular case, elements such as "admission by examination into the Law Society or call to the Bar..., relevant graduate legal education, or direct admission as a Solicitor or Barrister without a law degree, law teaching experience, and the curriculum of subjects studied will be considered (National Committee on Accreditation, 2009, p. 7). For example, a candidate who was directly admitted as a solicitor and has several years of experience could be asked to complete "30 additional credit hours or pass eight three hour challenge examinations in specified legal subjects" (National Committee on Accreditation, 2009, p. 7).

Third, applicants from other legal systems, that do not have an important common-law component, are assessed based on their "formal legal education" and "professional legal experience" (National Committee on Accreditation, 2009, p. 7). In its Guidelines, The National Committee on Accreditation specifies that in absence of "any common-law exposure, academic or professional" and of any "relevant professional legal experience", "these applicants have very few chances to be recommended for any advanced standing in an approved Canadian law school" (National Committee on Accreditation, 2009, p. 7).

Fourth, the role of the National Committee on Accreditation is not only to assess foreign lawyers, but also to evaluate the following degrees: Québec law degrees, Diplôme d'études supérieures spécialisées en common law nord-américain (DESS) program of the University of Montreal, and Diplôme de deuxième cycle de common-law et droit transnational (DDCCLDT) program of the University of Sherbrooke. Québec graduates will be evaluated based on "their particular educational background and relevant professional experience" and receive "full credit for successfully completed courses in federal law" (National Committee on Accreditation, 2009, p. 7).

In these cases, the Committee distinguishes four possible situations. The first refers to that situation when applicants have been admitted to the Barréau du Québec and when the Committee might ask them "to attend one year at a common-law faculty in Canada in order to complete all common-law courses, approximately 32 hours"

(National Committee on Accreditation, 2009, p. 8). The second refers to that situation when applicants hold a "pure" civil law degree and have been admitted to the Barréau du Québec, when the Committee usually recommends them "to write examinations in some or all of the following subjects: Contracts, Civil Procedure, Trusts/Equity, Torts, Real Property, Commercial Law, and Family Law" (National Committee on Accreditation, 2009, p. 8). The third refers to applicants who achieved an important "professional experience in common-law areas of practice" and who will be assessed based on "their education, areas of practice and legal experience" (National Committee on Accreditation, 2009, p. 8). In these cases, an "Affidavit of Experience" and "samples of applicants' work" are required to be submitted (National Committee on Accreditation, 2009, p. 8). The fourth situation refers to applicants who graduated from civil law programs "that also have some common-law components of their studies" and who "will receive credit for the common-law portion of their studies" (National Committee on Accreditation, 2009, p. 8). To fulfill the remaining common-law courses, these applicants will be asked "to complete a reduced common-law program" (National Committee on Accreditation, 2009, p. 8).

As per the above descriptions while assessing foreign lawyers' credentials, the Committee could recommend candidates to pass certain examinations in different areas of Canadian law. Applicants who obtained this recommendation could ask permission to register as students in a Canadian LLB program and complete these exams as part of their studies. There are, however, some practical and logistical aspects that need to be discussed. Although these students have obtained the recognition of the Committee, they hardly find a place in any law school to complete the required exams as part of their program. Also, some law schools do not permit students to write supplemental examinations, such those recommended by the Committee. For this reason, applicants are advised to verify the "law schools examination regulations prior to registering" (National Committee on Accreditation, 2009, p. 9). It was also noted that the fact that a candidate was recommended by the Committee to complete his or her training into a law school does not secure his or her admission (Shanahan, 1997). According to MacKenzie Report (1996), the number of candidates granted advanced standing by the Committee is significantly higher than the number of available seats in the law school. As a result, a very few candidates will obtain a position in the law school to complete their training (Shanahan, 1997). According to the same author, only a "few schools can accommodate candidates who have more than one year of retraining to complete" (Shanahan, 1997, p. 13). For example, the largest number of seats for National Committee on Accreditation candidates in the Province of Ontario is offered by the University of Toronto – Faculty of Law, York University – Osgoode Hall Law School, and Queens University – Faculty of Law (Shanahan, 1997). According to MacKenzie Report, "during the last two years, the University of Toronto has registered between 18 and 20 National Committee on Accreditation students outside of the school's fixed enrollment of 170 students per year" (MacKenzie Report, 1996, p. 23). It was also observed that the great progress made by the Law University of Toronto is the fact that this school "offers full-time admission and par-time admission…" and "…it can accommodate National Committee on Accreditation candidates who have up to 60 credit hours of law courses to complete" (Shanahan, 1997, p. 13). This

becomes important since other schools in Ontario "provide services on a fee per course basis, but do not admit the candidate as a regularly enrolled student" (Shanahan, 1997, p. 13). As a result, these students will pay higher fees than the regular LLB students (MacKenzie Report, 1996). Law schools act as "subcontractors of the National Committee on Accreditation that for a fee offer courses required by the Committee, evaluate the students and transmit the results to the Committee" (MacKenzie Report, 1996, p. 25).

On the same note, the National Committee on Accreditation evaluation practice illustrates that candidates who come from other legal systems that do not have a substantial common-law element have very few chances to obtain the approval to challenge exams. It was also noted that documents published by the Committee confirm the idea that "applicants with legal training in jurisdictions that have no common-law elements are not usually given advanced standing in the absence of relevant professional experience (Shanahan, 1997, p. 10). On the other hand, "applicants with legal training in common-law jurisdictions or hybrid jurisdictions that combine both common-law and civil law are generally considered for advanced standing" (Shanahan, 1997, p. 10).

Discussions could be extended to Québec applicants holding a "pure" civil law degree and having some professional experience and who are usually recommended to challenge exams in specific subjects' area. There is no doubt that the Committee examines each application individually using candidates' education, professional experience, and teaching experience as criteria to fundament its decisions. As a result, there might be situations where a foreign graduate from a civil law program with a significant common-law professional experience could obtain an advanced standing status. According to the National Committee on Accreditation evaluation guidelines, however, foreign trained lawyers holding a civil law degree and Québec lawyers who graduated from a "pure" civil law program are assessed differently. Since the difference is made by the fact that the applicants have or have not learned or practiced common-law and not by how much Canadian law they have studied, and having the same premises that both, foreign trained and Québec lawyers, hold a "pure" civil law degree, there is no justification for the Committee to have two different approaches and, as a result, two different outcomes.

In conclusion, the demand for more professionals in the legal field does not automatically link to more jobs for foreign trained lawyers. These lawyers still face licensing regulations that can significantly diminish or delay their integration into the profession (Service Canada, 2010). According to the statistics published by the National Committee on Accreditation, the total number of foreign trained lawyers who applied to be certified in the last ten years increased significantly. If in 1999 there were 225 foreign lawyers applying to the Committee, in 2008 there were 560 applicants (National Committee on Accreditation, 2010). From the total number of 4515 applicants in the last ten years, a number of 749 applied in 2009 (National Committee on Accreditation, 2010). Only in two years did the number of applicants decreased. Thus, in 2004 the number of applicants decreased by 5% compared to 2003, while in 2006 the number of applicants decreased by 4% compared to 2005 (National Committee on Accreditation, 2010). The total number of certificates issued by the Committee in the last ten years was 1708 out of 4515 applications (National Committee on Accreditation, 2010). Most of these

certificates, 260 out of 749 applications, were issued in 2009 (National Committee on Accreditation, 2010). Based on statistics it can be affirmed that, from the perspective of foreign trained lawyers who intend to practice in Canada, there is an increased demand for certifying international law credentials. From the perspective of the National Committee on Accreditation, however, neither the increased number of applicants nor how demanding the job market might be have not warranted a revision of the criteria used to assess foreign trained lawyers.

Conclusion

Designing and implementing an integrated system of certifying lawyers in Canada is a difficult undertaking. The legislative autonomy of provincial law societies, dysfunctions in the process of accrediting foreign trained lawyers, and the general resistance to change could be identified as causes that are holding officials back from moving forward more swiftly.

First, the independence of the provincial law societies in stating and implementing standards for membership brings difficulties in developing a unified system of certifying lawyers across Canada. The legal profession's evolution takes place under the umbrella of law societies. Since each province or territory has specific needs and features that must be considered, achieving a national consensus about who will be accepted as a practicing member of the legal profession will be a challenge. Provincial autonomy also perpetuates seemingly undesirable differences between candidates applying to the bar in different provinces. For example, having Canadian citizenship or permanent residence as a requirement to join the legal profession obliges candidates applying to certain law societies to prove this condition, while candidates applying to other law societies where this condition is not required do not have to do so. This requirement diminishes options available for candidates in terms of professional mobility. The need for uniformity in setting admission requirements has been also addressed by the Federation of Law Societies of Canada as a unique organization dealing with national concerns. Therefore, the next step is to have members of all law societies align their admission regulations.

Second, dysfunctions in the accreditation process of foreign trained lawyers represent another cause that holds officials back in developing a better structured system of certifying lawyers in Canada. Although the National Committee on Accreditation is a federal structure in charge of the accreditation of foreign trained lawyers and Québec lawyers, provincial law societies, based on their legislative autonomy, could regulate or at least mediate the assessment made by the Committee. As McDade (1988, as cited in Shanahan, 1997, p. 31) noted, "at the provincial level, the province must address and respect the autonomy of professional associations and educational institutions under provincial legislation. Their independence, especially in administrative and entry procedures, makes it difficult to develop a course of action for accreditation procedures, let alone implement it". On the same note, studies that were conducted in Ontario identified an inconsistent assessment of foreign credentials as a barrier to accreditation of foreign trained professionals, including lawyers (Cumming, 1989; Shanahan, 1997). The "Access Task Force on Access to Professions and Trades in Ontario" report (Cumming, 1989, as cited in Shanahan, 1997, p. 33) "found a range of practices in this area, including occupational bodies giving no credit for previous training, to ones that have informal practices that rely on information". Thus, there is a need for the

National Committee on Accreditation to overcome their resistance to change, and develop better evaluation guidelines in assessing foreign trained lawyers, and for the provincial law societies to rely more on these new guidelines when accepting new members.

Third, the general resistance to change impedes a uniform system of certifying lawyers in Canada. Members of the National Committee on Accreditation, law societies, and law schools have a legitimate interest in keeping the status quo of the legal profession. By doing so, they can maintain their control over the process. For example, by not giving total credit to the "certificate of qualification" issued by the Committee when assessing foreign trained lawyers, some law societies choose to express their power during the admission process. Inertia is another factor that stops officials from changing the existing practices in certifying lawyers. They seem to prefer to work with what they already know instead of adopting new practices that may limit their autonomy.

In the final analysis, the legislative autonomy of law societies, inconsistent assessment of foreign trained lawyers, and general resistance to change need to be overcome in order to build a well integrated system of certifying lawyers across Canada. Law societies, the National Committee on Accreditation from Ottawa, and law schools have already achieved some important progress in designing and improving the process of becoming a lawyer in Canada. However, to better reach a national consensus, as one of the goals stated by the Federation of Law Societies of Canada, all participants in this process of transforming a law student into a lawyer should rethink the configuration of articling and bar admission course, eliminate the Canadian citizenship or permanent residence condition, embrace a common practice in assessing a "good character" requirement, and align the practice of recognizing the "certificate of qualification" issued by the National Committee on Accreditation. The Committee is also strongly urged to review its current certification guidelines and practices when assessing foreign trained lawyers holding a civil law degree.

Recommendations

When analyzing the current status of the legal profession in Canada, differences were noted in how law societies have chosen to legislate and implement conditions required for new members to be admitted. Although all law societies have agreed that it is important to reach a national consensus and have already started working together to achieve this goal, there is still a need for further developments in certain areas: improving the regulation and practice of articling and bar admission courses; eliminating provincial differences in terms of Canadian citizenship or permanent residence as prerequisites to practice law; finding a better way of defining and assessing "good character" condition; and implementing the same practice in terms of recognizing the National Committee on Accreditation "certificate of qualification". Also, the National Committee on Accreditation needs to move forward and improve its evaluation guidelines, by eliminating the existing differences in assessing foreign civil law trained lawyers and Québec lawyers holding a "pure" civil law degree. An enhanced partnership between members of different law societies and law schools preparing future lawyers would become essential for all parties involved in this process.

It is generally recognized that, through articling training, students-at-law learn practical skills, how to manage a law office, and how to become professionally

responsible. The importance of the articling term in preparing future lawyers would be enhanced if initiatives to create "joint degree co-op programs" would be generalized and approved by the Canadian law societies. Responding to an increasing necessity of the law profession for more specialization, the Queen's Law School created two joint programs LLB/ Master of International Relations (MIR), and LLB/Master of Planning (MP). Requiring a co-op job placement with a law firm or another law environment, e.g., government agency, courts, the LLB/ Master of Industrial Relations offers students the possibility to combine their studies with work experience. Moreover, the Law Society of Upper Canada recognizes co-operative placements to count toward the articling term. As a result, in Ontario graduates from those programs are viewed as having the articling completed and allowed to advance to the next stage in the licensing program of this law society. This is why **I recommend that more Canadian law schools consider including co-op programs in their curricula, and the law societies could facilitate these programs by consequently waiving the required articling.** A partnership between law schools and law societies in this direction would also respond to the demand of enhancing the importance of law schools' input in preparing future lawyers.

On the same note, law societies should move further in achieving national consensus in terms of admission requirements. **I recommend that all law societies align their regulations and legislate the same period of time for articling across Canada**. Acknowledging the early time when law students start working in a legal environment, usually after their first year of study, and offering the advantage of having a unique articling term that all students-at-law shall fulfill, **an articling period of six to nine months** seems to satisfy the time required for students-at-law to accumulate more experience and practice under the supervision of their principals.

As a result of an increased need and use of alternative dispute resolution as options to help resolving conflicts, law societies need to reconsider the structure of their bar admission courses. Silver (2001, Preface, para 3) underlined that "the skills involved in a good representation of a client have come to include negotiation and mediation skills, which are as much a part of the litigator's toolbox as anything a litigator may normally be called upon to do". Thus, **I recommend that all law societies rethink their bar admission courses by focusing more on alternative dispute resolutions training as a shift from an exclusive traditional judicial approach**. This becomes important since a traditional judicial approach leading to a win-lose result is not satisfactory anymore. Nowadays parties engaged in a dispute tend to be more orientated towards obtaining a win-win solution reachable through alternative dispute resolution. To achieve this outcome, lawyers are more often asked to possess conflict resolution knowledge, skills, and abilities.

Also, the Law Society of Alberta, Saskatchewan, and Prince Edward Island have regulated Canadian citizenship/ permanent residence as a prerequisite to becoming a member of this profession, while other Canadian provinces and territories have not. Taking into consideration that such regulations could be questioned as violations of the Charter of Rights, **I recommend that the Law Societies of Alberta, Saskatchewan, and Prince Edward Island amend their rules and no longer impose this condition as a prerequisite to practice law.** This initiative would also respond to the intention of the Federation of Law Societies of Canada to eliminate

provincial differences in terms of Canadian citizenship or permanent residence. Law societies do not need to recruit their lawyers exclusively from Canadian citizens or permanent residents where loyalty to Canada is presumed. At the same time, citizenship or permanent residence cannot be used as an objective standard to assess the competence levels of future lawyers. As professionals, lawyers must be loyal and honest in their relations with clients despite their citizenship or residence. On this note, Stager (1990, p 137) concluded that, since citizenship cannot be qualified as an "objective measure of the quality of professional skills", it could not be imposed as a requirement for admission to practice law.

In addition, to be of good character and repute is one of the general conditions to become a lawyer in Canada. There is no operational definition of good character and repute and no unique standards to determine it. Rhode (1985) also noted that there is no coherent definition of what good character means and no effective ways to anticipate it. Law societies have total freedom in assessing if candidates are of good character and repute. A few letters of reference, for example, do not verify one's ethical stance or practices in reality. In addition, Stager (1990, p. 138) identified some difficulties that could occur when a law society decides "to reject a candidate exclusively based on this condition". For example, such a decision chronologically will come after "the applicant has completed at least three years in law school, conceivably without being aware that he or she might be rejected by the law society for committing a minor criminal offence" (Stager, 1990, p. 138). On the other hand, the law schools refuse to be responsible for prescreening potential lawyers under this criterion, based on the idea that a "previous criminal record should not bar a person from a chosen educational field" (Stager, 1990, p. 138). The issue of a good character could be transformed into a punitive tool at the hands of law societies (Stager, 1990). On this note, Canadian and American experience demonstrates that "persons with deviant lifestyles or political views may be rejected because of their bad character" (Stager, 1990, p. 139). The same author also observed the danger of applying a "double standard" when, for example, future members are rejected for a behavior that is sometimes tolerated among those already accepted as lawyers (Stager, 1990, p. 139). The notion of character is "too vague and imprecise to use as the basis for granting or denying the important privilege of professional status" (Stager, 1990, p. 139). In conclusion, there is no reason to believe that someone who, "after being accepted as a lawyer and then has been disbarred for misconduct", could "have been detected" before admission to practice just by the "strict administration of a character test" (Stager, 1990. p. 139). To eliminate this possibility, **I recommend that a more uniform, behaviourally defined, and measurable definition of "good character" be adopted nationally.**

Moreover, there is a need to change the practice of the National Committee on Accreditation to better assess foreign trained lawyers so that they can equitably become professionals in Canada and serve the interests of Canadians. The next recommendation would maintain the actual role of the National Committee on Accreditation as a standing committee of the Federation of Law Societies of Canada continuing to apply a uniform standard on a national basis in dealing with foreign lawyer certification. As a result, the National Committee on Accreditation discretion and enforcement attributes would not be affected by this review. **There is a demand for a**

well-defined outline of the Committee's composition, competency-based assessments and procedures, and the decision-making process used for admissions. The Committee should give particular attention to becoming more transparent in doing its job. A first step could be to update statistics on regular basis and to better formulate and publish concrete guidelines and best practices.

The National Committee on Accreditation from Ottawa also needs to eliminate current differences while assessing foreign trained lawyers holding a civil law degree compared to Québec lawyers who graduated from a "pure" civil law degree program. On this note, it was affirmed that "foreign trained professionals can invoke the Canadian Charter in court to challenge the entry process of professions for discriminatory practices (Shanahan, 1997, p. 41). Since both categories of applicants come from a "pure" civil law degree program, **I recommend the Committee would apply an equal treatment, according to the Canadian Charter of Rights and Freedoms, and permit foreign trained applicants holding a civil law degree to challenge exams instead of not considering them at all for any advanced standing**. After all, the Committee has the power to decide how many subjects foreign lawyers need to study to demonstrate their knowledge of Canadian substantive law and procedure.

Finally**, I recommend an enhanced partnership between members of the National Committee on Accreditation, law societies, and law schools in licensing lawyers in Canada.** By adjusting their curriculum in accordance with future articles and bar admission courses requirements, law schools could become more valid partners in this process, rather than arbitrarily isolated entities. They are called to "prepare students to be contributing members of a practicing profession serving society" (Munro, 2000, p. 14). A survey distributed in 1998 by the Canadian Bar Association – Joint Multi-Disciplinary Committee on Legal Education – revealed the importance of law schools in "preparing lawyers to meet the demands of law practice" (Canadian Bar Association, 2000, p. 27). Respondents agreed about the importance of an "effective continuum in legal education", starting with law school, followed by bar admissions, continuing legal education, and the practice of law (Canadian Bar Association, 2000. p. 27).

At the same time, the law societies would more strongly encourage law schools to develop co-programs by counting them toward applicants' articling terms. Law schools need also to organize their seats available so that they take into consideration the possible outcomes of the National Committee on Accreditation. As Shanahan (1997, p. 91) noted, a limited number of seats in the law school for National Committee on Accreditation candidates diminish "the availability of retraining opportunities and put tremendous pressure on the candidates to take the first offer of admission regardless of the cost". Better planning would avoid unnecessary situations when candidates who were granted with advanced standing status by the Committee were unable to secure a seat in a law school, having annihilated any recognition frequently obtained as a result of a long and demanding accreditation process. On the same note, law societies should better align their provisions and practice and fully accept the National Committee on Accreditation final assessment when analyzing how applicants have met the education requirement. The idea that led to the creation of the National Committee on Accreditation in the first place was to have

a unique national structure in charge of determining the accreditation of foreign trained lawyers and Québec lawyers on behalf of all Canadian common-law societies.

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