



Recommendation for Mandatory Principal Training Program

Lawyer Development Task Force

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Purpose: For discussion and decision

I. Purpose

1. The purpose of this report is to propose the creation of an online mandatory principal training course.

II. Proposed Resolution

2. The Lawyer Development Task Force proposes the following resolution:

BE IT RESOLVED THAT: the Law Society of British Columbia develop an online principal training course comprising a series of modules that will be a mandatory requirement for all lawyers, regardless of experience, prior to serving as a principal to an articled student. The course will qualify a lawyer to be a principal for a five-year period, will be offered at no cost, and will be eligible for CPD credit in an amount to be determined by the Executive Director.

III. Task Force Process

3. The Lawyer Development Task Force has a mandate to review the current admission program while also looking at the pre-call education requirements and programs in light of developments in other Canadian jurisdictions as well as the Law Society's continuing professional development program. As part of the Task Force's review of the pathway to licensing, the Task Force retained Jordan Furlong to identify issues and propose possible changes to the Law Society's licensing program.
4. Jordan Furlong's final report "A Competence-Based System for Lawyer Licensing in British Columbia," ("Furlong Report") was considered by the Benchers at the Benchers Retreat in May 2022. The Furlong Report recommended that the Law Society consider developing more robust qualification standards for practice supervisors, including the creation of a mandatory online training program. The Task Force endorses this recommendation.

IV. Problem

5. Currently, there is only one pathway to becoming a licensed lawyer in British Columbia, which involves the successful completion of nine months of experiential training through articles. Although the Task Force is in the process of considering alternatives to articles for lawyer licensing, there is a pressing need and responsibility for the Law Society to address the problems within its control within the current licensing pathway.
6. Law societies across Canada have consistently reported that when surveyed about their articling experience, up to a third of articled students have shared incidences of harassment,

abuse, poor supervision or discrimination in their workplaces. While it seems unlikely that an online course alone will address all of these problems, the Task Force considers it likely that mandatory training will be able to decrease the incidence of at least some of these problems.

7. The Furlong Report highlighted that for such an integral role in a potential licensee's development, there are very few criteria for determining the minimum standards to serve as an articling principal. A lawyer who wants to be an articling principal need only: (1) demonstrate they have practiced law for the prescribed period of time and are currently practising full-time in British Columbia; (2) have a willingness to serve as a principal; and, (3) have an absence of misconduct. The lawyer is not, however, required to possess or acquire any particular skills in managing, mentoring, supervising or giving feedback to an articulated student, and there are no standards regarding the safety, support systems, ethical infrastructure or general professionalism of the principal's working environment.

V. Background

8. In addition to the Furlong Report's recommendation that the Law Society develop a mandatory principal training program, the Law Societies of Alberta, Saskatchewan, and Ontario have also recently created or are creating their own principal training programs. Each program operates slightly differently, however, there are some commonalities across the training, which are outlined below.

VI. Discussion

9. The discussion of the Task Force's proposal has been divided into the following considerations: (a) rationale for principal training program; (b) topics to be included as part of principal training program; (c) mandatory versus optional training; and, (d) pricing, credits, exemptions, and recurrence.

(a) Rationale for principal training program

10. It is essential that the Law Society supports both articulated students and principals throughout the articling period. Although most lawyers who volunteer to be a principal take care in their role, surveys have demonstrated that not all articling experiences are positive experiences for both the principal and articulated student. The public interest is served better by the Law Society improving its regulatory oversight of the supervised practice component of the licensing process.
11. The requirement for a principal to undertake an online training course before supervising an articulated student benefits the principal and the articulated student, and enhances the articling experience as a pathway to licensure. Principals are supported through the training and

provided with guidance on how to teach and supervise an articled student. Articled students benefit by undertaking their experiential training from a person who has support and guidance on how to deliver that training. And lastly, a baseline training requirement for those responsible for supervising articled students enhances the value of articling as a pathway to licensure, while also increasing consistency across articling experiences.

(b) Topics to be included as part of principal training program

12. The Law Society of Alberta's mandatory principal training program covers eight lessons including topics such as: relevant law society duties/requirements, how to be an effective mentor, dealing with difficult conversations, and cultural competency.
13. The Law Society of Saskatchewan's mandatory principal training program involves six self-directed lessons covering topics such as principal/student obligations and responsibilities, effective mentorship, setting and managing expectations, providing feedback, and communicating in a culturally safe manner.
14. The Law Society of Ontario is currently developing an optional principal orientation program, which is anticipated to address the core obligations of principals and supervisors under the Rules of Professional Conduct, applicable By-laws, and Licensing Process Policies, including obligations to ensure that employment practices do not offend human rights laws and to prevent harassment and discrimination. The orientation program may also include the relational competencies, such as managing interpersonal conflict, demonstrating cultural competence, providing timely and effective feedback, and coaching for performance.
15. The Task Force noted that the learning objectives and content should be reviewed and updated to reflect recent practice updates or current regulatory concerns. The list is not intended as prescriptive, but instead are suggested topic areas to be considered as part of the development of the initial course content:
 - Law Society duties and responsibilities for principals and articled students;
 - How to be an effective leader and mentor, including avoiding bullying, harassment, and discrimination;
 - How to set and manage expectations;
 - Understanding and discussing mental health and substance use issues, including the support resources available; and
 - How to communicate effectively, including training on cultural competencies and difficult conversations.

(c) Mandatory versus optional training

16. The Task Force debated whether the training for principals should be mandatory or optional.
17. Some Task Force members noted that making the requirement optional would likely still result in overall benefits and would encourage, rather than require, those who wanted information on how to discharge their responsibilities more effectively. It was noted that lawyers could market themselves as to that fact, and students could be able to identify those lawyers who were motivated to be better principals.
18. Other Task Force members preferred requiring the course for all principals. Because articling is still a mandatory requirement for admission to practice, the market for students remains captive. If the course were optional, those who did not take it could still have opportunities to act as principals to articulated students. Students' choices about who will be their principal are constrained. In those circumstances, making the course mandatory promotes more consistent standards overall. There were also some concerns that if the training were optional, those who needed it most might be the least likely to take it.
19. Overall, the Task Force recommends that the principal training program be mandatory. Both the Law Societies of Alberta and Saskatchewan elected to have their principal training programs be mandatory for all principals, while the Law Society of Ontario is currently developing an optional program. The Task Force thought strongly that the problem to be addressed by implementing a principal training program can only be addressed effectively if all principals, regardless of experience, take the course, so that there are no gaps in the training and regulatory oversight of the articling experience. Consistent, ongoing feedback of issues with the articling experience, is important, and an optional course could allow for principals to slip through the training gap and continue to have a negative impact on the development of licensees and the profession.
20. The Task Force considered the concern over the potential loss of articling positions if principals were required to complete a mandatory course, but concluded that the benefit of a mandatory course outweighed the potential loss of articling positions. The Law Society of Alberta, since introducing their course in February 2022, has not reported a loss of articling positions which supports the conclusion that the benefits of making this training mandatory outweigh the potential harm of reducing the number of willing principals. The Law Society of Saskatchewan only recently introduced its course, so at this point no data is available.

(d) Pricing, credits, exemptions, and recurrence

21. The considerations under this section are premised on a recommendation that the principal training program be a mandatory requirement.

22. The Law Society of Saskatchewan does not charge for access to its course, while the Law Society of Alberta charges \$125. The difference in pricing could be due to Saskatchewan developing its course in-house, while Alberta partnered with the Legal Education Society of Alberta for delivery of its course and charges a fee to cover those associated costs. Since the Law Society will develop its principal training program in-house, and due to the concern over impact on availability of articling positions, the Task Force recommends that the course be offered at no fee.
23. To encourage principals and potential principals to undertake the program, the other jurisdictions have credited the course with CPD hours, depending on the course length. This would be consistent with existing permissions in British Columbia, where “training to be a principal” qualifies for CPD credit, including potentially for Ethics and Practice Management credit.
24. The Task Force also considered whether there should be exemptions for principals who may feel burdened at having to take a mandatory program after years of experience in supervising articled students. While the Task Force recognizes that not allowing for an exemption could deter some current principals from volunteering to be a principal in the future, the benefits of the training again outweigh this potential detriment. The course would provide better training and support for the principal, and deliver better outcomes from the articling experience for both the principal and the articled student. In addition, the course would be created to be as accessible and easy to complete as possible, such as being offered online through self-directed modules, for no fee and available for CPD credits.
25. Lastly, the Task Force also recommends that principals be required to take the training program at least every five years. The rationale for this recommendation is that the content and learning objectives of the course need to reflect current professional responsibilities and legal practices in British Columbia. As outlined below in Subsequent Steps, the Task Force recommends that the Law Society review the mandatory principal training program every year, for three years, at which point enough articled students will have gone through the licensing process to evaluate the effectiveness of the program.
26. Given the potential changes to course content with the advent of a single legal regulator, the course should be reviewed and updated periodically to reflect these changes as required. Regular updates to the course content will coordinate with the requirement for principals to update their training every five years. As the rules change over time, principals will need updated training at regular intervals to keep abreast of new developments. And it is not only rules that change; best practices and expectations of a good principal change over time as well. For example, shared understandings of the skills of a good mentor and the importance of intercultural competency have changed significantly in recent times. The requirement for principals to refresh their training periodically will help to ensure that their skills stay current and relevant.

VII. Recommendation

27. The Law Society of British Columbia should develop an online principal training course comprising a series of modules. The course should qualify the lawyer to be a principal for a five-year period. The course should:

- cover the following suggested list of topics, although this list is not intended to be prescriptive, including:
 - Law Society duties and responsibilities for principals and articulated students;
 - how to be an effective leader and mentor; including avoiding bullying, harassment, and discrimination;
 - how to set and manage expectations;
 - how to understand and discuss mental health and substance use issues, including the support resources available; and
 - how to communicate effectively, including training on cultural competencies and difficult conversations;
- be mandatory as a qualification for acting as a principal; and
- be provided at no charge to the putative principal, and be eligible for CPD credit.

VIII. Cost and Organizational Implications

28. The preferred recommendation is for the mandatory principal training program to be developed in-house at the Law Society. The Law Society of Saskatchewan has pursued this option. To support this option, the Law Society should engage a subject-matter expert in instructional design to develop the course. It is difficult at present to estimate that cost. However, it is anticipated that the Law Society's costs will be reduced as it does not have to create the concept from scratch, and can model the course's content and accelerate its development by following the examples of course content and delivery produced by the Law Societies of Alberta and Saskatchewan. Law Society staff should be able to assist with the project.

29. The Law Society has a license with the online learning management system Brightspace from D2L. It is anticipated that the principal training program will be offered to lawyers through the Brightspace platform. This means that the costs for the delivery of the course will be included in the Law Society's annual license, and there will not be additional costs to the organization for delivery.

30. Lawyer Development Task Force recommendations, including the recommendation for a mandatory principal training program, were anticipated in the 2023 Fees and Budget Report. The budget sets aside a modest amount and earmarks net asset reserves for the anticipated recommendations, which includes ways to enhance the role of technology, remote learning and mentorship as part of the exploration of new pathways for lawyer licensing.

IX. Subsequent Steps

31. If the recommendation is approved by the Benchers, Law Society staff will work with subject matter experts (both content and design) to develop an online principal training course specific to the practice of law in British Columbia.

32. If the recommendation is approved, proposed amendments to the Law Society Rules to require a principal to undertake mandatory training and at what frequency will be provided for the Benchers consideration. Staff will also consider and prepare a transition plan through which to bring the new program into effect, including considering the timing of when the training will become mandatory in relation to the hiring cycle for articulated students, in order to act as a principal.

33. As principals complete the course, the Law Society will evaluate the effects and outcomes of the course through various methods, including:

- i. Reviewing the uptake of the course measured by completion and number of articling positions;
- ii. Seeking feedback from principals on the course content and delivery;
- iii. Collecting and analyzing feedback on the articling experience provided through an articulated student survey; and,
- iv. Revising the course content to reflect any relevant changes to learning or practice requirements in British Columbia.

34. The Law Society should evaluate the mandatory principal training program each year for at least the first three years. An estimate of over 1,800 articulated students will enroll in the Law Society Admission Program in a given three-year period. In conjunction with the development of other recommendations from the Lawyer Development Task Force, including alternatives to articling, an annual review every three years should be sufficient to evaluate the effectiveness of the mandatory principal training program in improving articling from the perspective of both principals and students.