

Continuing Professional Development for BC Lawyers

BC lawyers, on January 1, 2009, became the first in Canada to be subject to a comprehensive continuing professional development requirement, followed in April by Quebec lawyers. New Brunswick and Saskatchewan lawyers will be subject to a continuing professional development requirement in 2010.

All practising lawyers, both full-time and part-time, must complete 12 hours of accredited continuing professional development within the calendar year. At least two of the 12 hours must pertain to any combination of professional responsibility and ethics, client care and relations, and practice management.

While the Law Society continues to encourage self-study, the 12 hour requirement does not include self-study, such as reading or reviewing recorded material on one's own, subject to the exceptions for writing and some online programs listed in the Appendix A summary, below.

Lawyers record their accredited professional development activities online at the Law Society website. The system is paperless. Application for accreditation of courses and other professional development activities can be made both by education providers and individual lawyers, either before or after the event. Application for accreditation before rather than after the event is strongly recommended.

The Law Society focus is on assisting lawyers to satisfy the requirement through easy online identification of approved activities and periodic reminders. Lawyers are reminded by email about how much of the requirement they have fulfilled and how much remains. If the annual requirement of 12 hours is not met by December 31, a late fee of \$210 (including GST) applies. If the requirement is not met by April 1 of the following year, the lawyer is suspended until all required professional development is completed. The member will receive a 60 day prior notice of the suspension. The Law Society's Practice Standards Committee may in its discretion, on application by a lawyer, prevent or delay a suspension in special circumstances.

The Law Society has endeavored to implement a program with sufficient flexibility to permit lawyers to satisfy the requirement in a way that matches their own professional goals and learning preferences, and that is as straight-forward and stream-lined as reasonably possible for lawyers and legal education providers. The summary in Appendix A outlines the details of the program.

Questions may be directed to the Law Society Member Services Department, 6th Floor, 845 Cambie Street, Vancouver, BC V6B 4Z9, at

- memberinfo@lsbc.org,
- (604) 605-5311 or 1 (800) 903-5300, local 5311 (toll-free in BC), or
- facsimile (604) 687-0135.

(November 24, 2009)

APPENDIX A

Outline of the CPD Program in BC

(a) Overall Subject Matter Requirement For All Accredited Learning Modes

The subject matter of all accredited learning modes, including courses, must satisfy the following content criteria:

1. significant, intellectual, or practical content, with the primary objective of increasing the professional competence of lawyers, paralegals, articling students and/or law school students;
2. material dealing primarily with substantive, procedural, ethical, practice management (including client care and relations) or skills topics relating to the practice of law;
3. material primarily designed and focused for an audience that includes, as a principal component, lawyers, paralegals, articling students and/or law school students, but not if the subject matter is targeted primarily at clients, the public, other professions, or other students. See the exceptions for teaching and writing accreditation.

Accredited learning activities are not limited to subject matter dealing primarily with BC or Canadian law. Credit is available for subject matter related to the law of other provinces and countries.

The following activities will not be accredited:

1. activity designed for or targeted primarily at clients,
2. topics relating to law firm marketing or maximizing profit,
3. lawyer wellness topics.

(b) Credit Available For Participation In Courses

Courses are accredited based on the following criteria:

1. generally, credit is given for actual time attending at a course;
2. two or more lawyers reviewing together a previously recorded course, including by telephone or other real time communications technology, are able to obtain credit;
3. credit is available for the actual time participating in online "real time" courses, streaming video, web and /or teleconference courses, if there is an opportunity to ask and answer questions.

(c) Credit Available For Education Activities Other Than Courses

Education other than courses is available for credit, based on the following criteria:

(i) Teaching

1. The teaching must be for
 - a) an audience that includes as a principal component, lawyers, paralegals, articling students and/or law school students,
 - b) a continuing professional education or licensing program for another profession, or
 - c) a post-secondary educational program,

but not targeted primarily at clients.

2. Up to three hours of credit are available for each hour taught. If the lawyer is only "chairing" a program, however, the actual time spent chairing the program is all that may be reported (not 3 hours per hour of chairing).
3. Credit is available for the first time the teaching activity is performed in the reporting year. Credit is not available for repeat teaching of substantially the same subject matter within the same reporting year.
4. Credit is available for volunteer or part-time teaching only, not as part of full-time or regular employment.
5. Credit is available for teaching in legal skills training courses.
6. Mentoring will be eligible for credit beginning in the 2010 reporting year. In 2009, credit is not available for mentoring.

(ii) Writing

Credit is available for writing as follows:

1. writing law books or articles intended for publication or inclusion in course materials for one of more of the following audiences:
 - a) lawyers, paralegals, articling students and/or law school students, or
 - b) other professions, including students in a licensing program for another profession, or

- c) students in another post-secondary educational program,
but not for writing targeted primarily at clients;
- 2. credit is based on actual time to produce the final product, to a maximum of 6 hours per writing project;
- 3. credit is available for volunteer or part-time writing only, not when it is done as a part of full-time or regular employment;
- 4. the available credit is in addition to any credit available for teaching and preparation for teaching;
- 5. credit is not available for preparation of PowerPoint materials.

(iii) Study Groups

Credit for study group activity is available as follows:

- 1. attendance in a group setting at an educational session of a law firm, legal department, government agency or similar entity, if at least two lawyers are together at the same time (including by telephone or other real time communications technology);
- 2. attendance at editorial advisory board meetings for legal publications, but not when it is done as a part of full-time or regular employment;
- 3. the hours available for credit are the actual time spent at the study group meeting, excluding any time not related to educational activities;
- 4. credit is not available for activity that is file specific;
- 5. a lawyer must have overall administrative responsibility for each study group session, and a lawyer must chair each session;
- 6. no credit is available for time spent reading materials, handouts or PowerPoint, whether before or after the study group session.

(iv) Local Bar and Canadian Bar Association Section Meetings

- 1. Credit is available for the actual time spent attending an educational program provided by a local or county bar association in BC, as well as for section meetings of the Canadian Bar Association, excluding any portion of the meeting not devoted to educational activities.

2. To qualify, at least two lawyers must participate in the activity at the same time, including by telephone or other real time communications technology.

(v) Online Programs

A. Group Event

1. Credit is available for the actual time spent by the lawyer participating in online "real time" programs, streaming video, web and/or teleconference programs, but only if, through the program offering, there is an opportunity to ask and answer questions.
2. The credit available includes a study group's review of a previously recorded program.

B. Self-Study online education

1. Credit is available for online education on one's own for up to a pre-accredited limit per online program, as well as for completing an audio, video or web program, if the program includes the following characteristics:
 - (a) a quiz component, where questions are to be answered, and where an answer guide is provided to the lawyer after the lawyer completes the program and quiz. It is not necessary for the lawyer to submit the quiz for review;
 - (b) the quiz can be at the end of or interspersed throughout the program;
 - (c) there is an ability for the lawyer to email or telephone a designated moderator with questions, and a timely reply;
 - (d) there is no requirement for a "listserv;"
 - (e) there is no requirement that reading materials, handouts or PowerPoint be included.

C. Listserv/forum /network site

1. These forms of learning are not available for credit.

(d) Accreditation Process

1. All reportable credits can be approved by the Law Society in either of two ways:
 - (a) pre-approval of the provider; or

- (b) approval (before or after the event) of individual courses and other educational activities on application of the provider or individual lawyers.
- 2. An individual course or other educational activity offered by a pre-approved provider does not require further approval unless requested by the provider.
- 3. Providers are pre-approved and remain pre-approved if they maintain integrity and quality according to standards.
- 4. Lawyers can individually apply for approval of courses, either before or after the course or other educational activity takes place, where the course has not otherwise been approved.
- 5. All applications by providers and lawyers are to be submitted electronically.
- 6. Approval decisions are made by Law Society staff.

(e) Compliance and Reporting Requirements

- 1. The CPD requirement is based on the calendar year, with the compliance date being December 31 each year. Credits in excess of 12 hours cannot be carried over into a subsequent year.
- 2. Lawyers log on to the Law Society website and click on a link to the CPD program, where they are shown their individual credits obtained to date in the calendar year. After completing an accredited course or other accredited learning activity, lawyers should add that to their record.
- 3. Lawyers will be notified electronically of the approaching calendar deadline and, if the deadline is not met, will be given an automatic extension to April 1 of the following year to complete the necessary requirement, in which case a late fee of \$210 (including GST) will be charged. If the requirement is not met by April 1 of the following year, the lawyer is suspended until all required professional development is completed. The lawyer will receive a 60 day prior notice of the suspension. The Practice Standards Committee has the discretion to prevent or delay the suspension in special circumstances on application by a lawyer to do so.
- 4. The twelve hour requirement is subject to adjustment for entering or re-entering practice mid-year. Lawyers who have been exempt during the reporting year, but who resume practising law within the reporting year, must complete one credit hour for each full or partial calendar month in the practice of law.

5. Although embedded professional responsibility and ethics, client care and relations, and practice management content complies with the two hour requirement, providers are also encouraged to offer non-embedded content.

(f) Exemptions

1. All lawyers with a practicing certificate, whether full or part-time, are subject to the CPD requirement, with the following exemptions:
 - (a) lawyers with a practicing certificate who submit a declaration that they are not practising law. Examples of lawyers who might submit a declaration that they are not practising law are those who are:
 - inactive;
 - on medical or maternity leave;
 - taking a sabbatical;
 - (b) new members who have completed the bar admission program of a Canadian law society during the reporting year;
 - (c) lawyers who resume practising law within the reporting year after having been exempt and, subject to b, above, new members by way of transfer. These lawyers must complete one credit hour for each full or partial calendar month in the practice of law;
 - (d) no exemption is available for
 - being too busy (such as a long trial);
 - the practice of law being in another jurisdiction.