



NOVA SCOTIA BARRISTERS' SOCIETY

POLICY RELATING TO EDUCATION AND ARTICLING PLANS

Pursuant to Regulations 3.5.2, 3.5.5 and 3.5.6, the Executive Director can approve a clerk's Education and Articling Plan as part of the Principal's Application. The Executive Director's decision to approve or reject an Education and Articling Plan is final per Regulation 3.5.8. Regulation 3.5.4 gives the Credentials Committee (the "Committee") the authority to prescribe the contents of Education Plans and Articling Plans.

The purpose of this document is to set out the criteria that will be used by the Executive Director when evaluating Education Plans and Articling Plans.

1. GUIDING DOCUMENTS

In addition to the *Legal Profession Act* and its Regulations, the Executive Director will refer to the following documents in evaluating Education Plans and Articling Plans:

- The Nova Scotia Barristers' Society "Statement of Articling and Admission Process Purpose and Principles" (dated March 2005);
- The Competency Framework (approved March 2005);
- The Model Education Plan (approved March 2005);
- Previous rulings of the Committee in dealing with Education Plans or Articling Plans; and
- Minutes of Committee meetings.

2. EVALUATING PLANS

(a) Primary Criteria

(i) Education Plans

Pursuant to the Nova Scotia Barristers' Society "Statement of Articling and Admission Process Purpose and Principles," only Education Plans must incorporate the following concepts:

1. They must allow for a primarily educational experience with emphasis on the acquisition and assessment of core competencies.
2. They must enable Articled Clerks to gain experience in both barristers' and solicitors' practice, without necessarily providing exposure to a comprehensive range of practice areas.
3. Throughout the articling term, the Principal or any Supervising Lawyer must assist in the Articled Clerk's development by providing the Articled Clerk with ongoing, meaningful feedback.

(ii) Articling Plans

Members who are approved to act as Principals must submit to the Society an Articling Plan that is specific to the needs of the Articled Clerk, and which attaches the approved Education Plan.

(b) Core Competencies

Pursuant to the Competency Framework, the Education Plans must incorporate specific competencies in each of the following areas:

- (i) Solicitor's practice;
- (ii) Barristers' practice;
- (iii) Personal Practice and Office Management; and
- (iv) Ethics and Professional Responsibility.

The Executive Director will use the Competency Framework, and its detailed list of Performance Criteria, to evaluate each Education Plan and Articling Plan.

3. SPECIAL CONCERNS

Several issues have been identified as important areas of inquiry when evaluating Education Plans. The Executive Director will ensure that these concerns remain paramount when evaluating Education Plans. These are:

- (a) Does the Plan give significant exposure to both a barrister's practice and a solicitor's practice?

"Significant exposure" means at least 25% of the articling term (3 months). If the clerk's exposure to either barrister's or solicitor's work is at or near the 25% minimum, the clerk must not attend the Skills Course during this time.

- (b) Does the legal research component dominate the educational experience?

Legal research must be part of the Plan; however, it must not interfere with the clerk's ability to acquire the other skills identified in the Competency Framework.

- (c) Is the process for educating the articled clerk conducive to having him or her build competence?

Is there a stepped process?

How will the clerk be supervised?

How will the clerk be given feedback?

- (d) Is there a Mentor? If so, who is the Mentor?

Ideally, the Mentor should not be the Principal or Supervising Lawyer as the Mentor's function is to provide guidance to the clerk in confidence. The clerk may discuss any problems or areas of concern relating to the articling experience with the Mentor, without worrying that this person has the responsibility for evaluation. There is no prohibition against a Principal acting as Mentor, however, as small firms and sole practitioners may not have another suitable lawyer available to fill this role.

- (e) Will the clerk be provided with other educational opportunities during the articling year, whether in-house or off-site?

- (f) Does the billable hours expectation, if any, interfere with the educational nature of the experience?

- (g) In addition to formal performance evaluations, is there a commitment to provide regular opportunities for informal feedback?

- (h) If there is a secondment,

- (i) How long is the secondment?

- (ii) What is the reason for the secondment?
- (iii) Does it provide an opportunity for meaningful learning?
- (iv) Does the lawyer to whom the clerk is seconded also qualify to be a principal?

To ensure that the Articled Clerk will become competent by the end of the articling term in both barristers' and solicitors' work, to the level of a newly called lawyer, the overall quality of the articling experience will also be considered.

Approved by the Credentials Committee – December 14, 2007

Revised by the Credentials Committee – December 10, 2009