

January 21, 2026

Via Email: PolicyConsultation@LSO.ca

Ms. Atrisha Lewis, Chair
Professional Development and Competence Committee
Law Society of Ontario
130 Queen Street West
Toronto, Ontario M5H 2N6

Re: Response to Convocation Report – September 2025; Modernizing the Lawyer Licensing Candidate Assessment Process

To Whom It May Concern:

The Canadian Immigration Lawyers Association (“CILA”) appreciates the opportunity to provide submissions to the Professional Development and Competence Committee (the “Committee”) in response to the September 2025 Convocation report entitled Modernizing the Lawyer Licensing Candidate Assessment Process (the “Report”). We commend the Law Society of Ontario for engaging in a broad consultation on the future of lawyer licensing and for its stated commitment to competence, public protection, and access to the profession. While we support thoughtful modernization and the integration of meaningful skills development into the licensing framework, we have significant concerns regarding the scope, sequencing, and mandatory nature of the proposed reforms, particularly as they affect internationally trained lawyers (ITLs), mid-career candidates, and those balancing employment and caregiving responsibilities. This submission sets out our position and responds directly to the two questions posed by the Committee.

About CILA

CILA is a national, non-profit professional organization established in 2020 to serve as a national body focused exclusively on immigration and refugee law. Its membership consists of lawyers across Canada who practice exclusively or predominantly in this area, representing individuals, families, and businesses before Canadian immigration agencies and the federal courts. CILA is an independent organization dedicated to representing the interests of the immigration bar, supporting a professional community of practitioners, students, and academics, and providing professional resources, mentorship, and accessible membership, while engaging with stakeholders and advancing the rule of law, access to justice, and constructive reform within Canada’s immigration system. By the nature of our practice, immigration lawyers maintain a unique, bird’s-eye view of the challenges faced by individuals adapting to Canadian culture, navigating Canada’s official languages, and recalibrating their professional skills and credentials to succeed in a new legal and social environment. The immigration bar also includes a disproportionately high concentration of internationally trained lawyers. We seek to bring this collective experience to the table.



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Having carefully reviewed the September 2025 Convocation report, we support the goals of the Committee but have multiple concerns about the listed proposals and advocate a cautious approach to implementing a PREP-style program in Ontario. We recommend proceeding by initially making this program a voluntary alternative to the Barrister & Solicitor examinations, while continuing to devote some resources to enhancing the accessibility of the traditional examinations to ITLs. The following is our response to the Committee's proposal, answering the two questions posed:

Question 1. Do you agree that the lawyer licensing process should incorporate both training and assessment?

Response: Not as proposed.

The Committee proposes replacing the current Barrister and Solicitor examinations with a mandatory predominantly on-line skills-based course with assessments for all licensing candidates. This represents a wholesale replacement of the existing examination model rather than incremental reform: LSO, Professional Development and Competence Committee, "Consultation – Modernizing the Law Society of Ontario's Lawyer Licensing Candidate Assessment Process" (25 September 2025) at 12–13 ("PDCCReport"). We join with the Attorney General of Ontario and the regional Ontario Law Societies in urging extreme caution in eliminating this important baseline of legal competence.¹

While the Report relies heavily on the Institute for the Advancement of the American Legal System's ("IAALS") report, the IAALS report does not mandate universal abolition of examinations, but rather identifies practice-based assessments as promising tools when carefully designed and validated: Institute for the Advancement of the American Legal System, Building a Better Bar: The Twelve Building Blocks of Minimum Competence (October 2020) at 9–11.

The Committee also relies on the Practice Readiness Education Program ("PREP") model used in other provinces. The PREP collectively licences far fewer candidates each year than Ontario does. Ontario licenses approximately 3,000 candidates per year, raising significant scalability concerns acknowledged by the Committee itself: Modernizing Report, supra note 1 at 12, 16. To put this into perspective, the University of Toronto

¹ Doug Downey (@DougDowneyMPP), "An objective, written and rigorous test is an important part of proving new lawyers are ready to practise law. Any changes that water down standards by scrapping written exams simply aren't acceptable" (tweet, 15 November 2025), online: X) <https://twitter.com/DougDowneyMPP> ("An objective, written and rigorous test is an important part of proving new lawyers are ready to practise law. Any changes that water down standards by scrapping written exams simply aren't acceptable."); Federation of Ontario Law Associations, Submission to the Law Society of Ontario Professional Development and Competence Committee Regarding the Consultation on Modernizing the Lawyer Licensing Candidate Assessment Process (16 December 2025) at 1–2 (letter from Mark R. Giavedoni, 2nd Vice Chair, FOLA), online: FOLA <https://www.fola.ca/wpcontent/uploads/2025/12/LSO-ltr-Dec-16-2025-lawyer-licensing-consultation-FOLA.pdf>



Faculty of Law, alone, serves approximately 640 students across its J.D., graduate (LL.M./S.J.D.), and professional programs. University of Toronto Faculty of Law, "About the Faculty of Law," University of Toronto (accessed 2025), online: <https://www.law.utoronto.ca/>. The Canadian Centre for Professional Legal Education ("CPLED") publishes annual summaries that show that in the 2023/24 Year in Review.

According to the CPLED 2023/24 report, the PREP was delivered to 900 students across Canada during that year.¹ This is the best publicly available aggregate participation figure across all jurisdictions using PREP. Canadian Centre for Professional Legal Education, 2023/24 Year in Review (5 Dec 2024) (online). To provide and deliver a PREP style program will require a significant undertaking for the LSO and will not necessarily deliver the best or necessary skills training for Canadian law grads of ITLs.

In sum, we do not support a full replacement of the Bar exam model with an online skills-based course and examination.

Question 2. If the Law Society proceeds, what concerns arise?

Response: The LSO should proceed carefully through the experiment and allocate some resources to improving the Bar examinations to address the concerns about ITLs. Should the LSO opt to move forward, we have a variety of recommendations:

1. To begin with, a new PREP-Style program should be voluntary for most candidates. CILA recommends that the program should be optional initially, allowing piloting and evaluation before complete replacement of in-person examinations. The Report makes it clear that it does not expressly advocate the adoption of the PREP. PREP is discussed as a comparator, not a proposal. The report describes the PREP as an example of a skills-based, course-and-assessment licensing model used in other provinces (Alberta, Saskatchewan, Manitoba, Nova Scotia). It contrasts it with Ontario's multiple-choice bar examinations. Our concern is that, should Ontario create its own version of this program, it would be an enormous undertaking and should start, as Oregon did, with its version of PREP as an optional alternative program.²
2. Notwithstanding that concern, mandatory participation could be justified for candidates who fail the licensing examinations multiple times, given the Committee's findings regarding poorer outcomes and regulatory risks.
3. The Report does not pay sufficient attention to the linguistic barriers for ITLs where English or French is not their first language. The report does not meaningfully engage with the critique that English as a second language (ESL) may be a contributing factor to the disproportionately low pass rates of ITLs. While the report provides an extensive analysis of assessment design, examination format, and structural

² Oregon State Bar Board of Bar Examiners, Report and Recommendation to the Oregon Supreme Court: Supervised Practice Portfolio Examination (Portland, OR: Oregon State Bar, 2022) at 2–3



barriers within the licensing process, it treats language issues only implicitly and does not examine whether the cognitive and linguistic demands of a tightly timed, multiple-choice examination may systematically disadvantage candidates for whom English is not a first language. See Report at pp18–20. Instead, the Committee appears to proceed on the assumption that language proficiency concerns are addressed upstream through the National Committee on Accreditation (NCA) process, which includes a threshold determination of English or French language proficiency as part of the assessment of internationally trained candidates before they enter the Ontario licensing regime. Ibid at 17.

4. In our professional experience, this assumption is flawed. The practice of law demands an exceptionally high level of language proficiency whether in English or French. NCA candidates must be able to communicate at the highest level of language proficiency in order to effectively perform their role as lawyers. In our practices as immigration lawyers, we are required to measure our clients' language proficiency against the Canadian Language Benchmark (CLB) standards which are also utilized by Canadian universities and colleges. Various IRCC approved testing services measure applicants' proficiencies against a scoring system ranging from a CLB ranking of 4 to 12. We recommend that the LSO, and indeed, all provincial and territorial law societies, implement their own CLB proficiency standards which should be at the highest levels of between CLB 10 and 12. These high language requirements should be brought to the attention of NCA candidates and future articling students at the outset so that they know the standard that they are required to meet before they embark on the NCA examination process.
5. Having acknowledged that NCA linguistic gatekeeping function, the report does not revisit language as a live variable at the licensing stage, nor does it analyze whether Ontario's licensing assessments impose an additional linguistic burden beyond what is necessary to measure entry-level professional competence. Ibid at 18–21. As a result, the ESL critique is subsumed into broader discussions of exam design and candidate stress rather than addressed directly as a distinct, evidence-based concern, leaving an analytical gap between the NCA's role in assessing baseline language proficiency and the LSO's responsibility to ensure that its licensing assessments evaluate legal competence rather than language processing speed.
6. We submit that a high level of proficiency in at least one of Canada's official languages must be demonstrated as a condition of licensure. Legal practice is inherently dependent on linguistic precision, nuance, and advanced comprehension; functional or conversational fluency is insufficient for competent advocacy, drafting, and client representation. Accordingly, applicants should be required to demonstrate advanced proficiency through a recognized and objective assessment such as the CLB standard for both English and French. We are aware that the National Federation of Law Societies of Canada is in the process of developing a standardized language-proficiency assessment and do not advocate unnecessary duplication. However, until such a regime is fully implemented and operational and sets a proficiency level at a suitably high standard, we submit that the Law Society of Ontario should independently require proof of advanced language competence, either through a Law Society-developed assessment or by adopting an established, industry-recognized testing standard.



7. The LSO should continue to work on improving the Barrister & Solicitor's Examinations. The LSO should continue to support candidates who opt for examinations, including diagnostic testing, and implement transparency measures to address concerns raised in the report.
8. The LSO should facilitate Peer Collaboration. The LSO should facilitate peer collaboration through official portals, addressing inequities faced by candidates lacking informal networks. Candidates who are interested in group studies should be able to connect with other candidates in their own locale, virtually, or who come from a shared legal system.
9. The LSO should facilitate ITL mentoring connecting candidates and lawyers who have transferred from the same legal system. ITLs would benefit from jurisdiction-specific mentorship addressing constitutional and professional differences between their original jurisdiction country or country of origin and Canada, beyond skills training alone. This could be accomplished by recording interviews with individuals who have previously made this journey or by implementing a formal mentorship program. Obviously, not all jurisdictions are likely to be covered at first. Still, the common ones could be easily covered, such as Australia, India, Pakistan, the United Kingdom, and the United States, with minimal difficulty. A mentorship program would be extremely beneficial for those ITLs who have failed to pass the Bar exam on one or more occasion.
10. It should be possible to complete a PREP-style program at night or on weekends. If the LSO decides to adopt a PREP-style program, it should push for them to open after hours and on weekends. An evaluation of this year's programming schedule shows that, while supporters claim the program is flexible, it offers limited flexibility. The Practice Readiness Education Program (PREP), as currently structured for the 2025–2026 intake, presents significant and systemic accessibility barriers for candidates who are employed full-time or who have primary caregiving responsibilities, including single parents. While the program is described as offering "flexibility," a review of the published schedule demonstrates that this flexibility is largely illusory for these populations.
11. The PREP structure imposes cumulative and inflexible scheduling demands across all three phases that are incompatible with full-time employment and caregiving responsibilities. The Foundations phase requires mandatory weekday attendance at six full-day workshops scheduled exclusively during standard business hours, with no evening or weekend alternatives, compelling working candidates to take repeated absences and requiring caregivers—particularly single parents—to secure weekday childcare that is often impracticable. The Virtual Law Firm phase, while nominally asynchronous, imposes sustained weekly deadlines and mandatory meetings over several months, effectively creating an uncompensated second workload extending into evenings and weekends from September through January. These burdens are further compounded by the Capstone phase, which requires fixed, multi-day oral and written assessments held exclusively on weekdays in February, many months after the initial Foundations phase, thereby



requiring long-term availability for weekday absences well into the following year. Taken together, the PREP schedule reflects an implicit assumption that candidates are not employed full-time, possess substantial workplace autonomy, or have reliable weekday childcare and external support—assumptions that do not reflect the lived realities of many ITLs, mid-career professionals, and single parents, for whom participation would entail significant financial sacrifice, employment risk, or disruption to caregiving.

12. Accordingly, while PREP may be theoretically "flexible" in design, it is functionally inaccessible to a substantial class of otherwise qualified candidates. Any serious commitment to equity, inclusion, and access to the profession would require the introduction of genuine evening and weekend options, alternative attendance models, or modular completion pathways that accommodate full-time work and caregiving responsibilities.
13. The PREP-Style Program should have a French option. There is nothing on the CPLED website which suggests that the PREP program is available in French. The LSO has offered the Barrister and Solicitor examination in French for many years. It should make plans to support the program in French.
14. The LSO should work to avoid duplication with other programs. It is recommended that the Law Society avoid duplication between the NCA, LPP, PREP, and any new skills-based program, consistent with its stated principle of avoiding undue barriers to entry. While we realize that this may not happen at the outset, this is a question which the LSO must ultimately address.

Conclusion

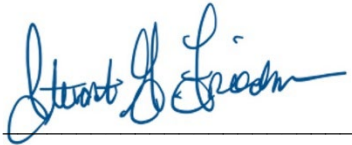
CILA acknowledges the concerns that have been raised in the Report about the challenges for ITLs to integrate successfully into the Canadian legal system as licensed practitioners. Given our experience as immigration lawyers, many of whom have made the transition to Canada as lawyers as well as those who have supervised ITLs through the articling process and as professionals who observe the challenges that our immigration clients experience in the integration process, we are cognisant of what NCA candidates face in navigating the hurdles of achieving success in Canada's legal environment. In our experience, a paramount indicator of success is a high level of language proficiency which is essential to the communication requirements for the practice of law. We urge the LSO, and indeed all provincial and territorial law societies, to implement their own independent language requirements for all NCA candidates to enhance their success in practice and to advise them of this requirement at the outset of the bar exam and articling process.

We note that one of the motivating factors for these proposed changes are the concerns by the Committee and as identified in the Report that the success standards for NCA graduates in passing the current bar exam are significantly lower than Canadian law graduates and that negligence complaints are significantly higher. We find it perplexing that the proposed changes to the program appear to relax or simplify the criteria for passing the bar exam. In our view this does not address the identified concerns. As discussed, we propose that there be



implemented enhanced mechanisms for ITLs to fully integrate into the Canadian legal milieu and to transition from their foreign legal backgrounds into a solid foundation for legal practice in Canada.

Yours very truly,



Stuart Friedman



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CC:

- Federation of Law Societies
- All Provincial and Territorial Law Societies

