



## National Admission Standards Project Frequently Asked Questions (December 2015)

On September 3, 2015, the National Admission Standards Project Steering Committee provided law societies with a document, *Assessing Candidates to Ensure They Meet the National Standard: A Proposal for Moving Forward* ("[Proposal](#)"), outlining a model for a national assessment system.

### 1. What is the proposal about?

The proposal is about the next steps in the development of national admission standards. Law societies across Canada have already agreed on the competencies required of new lawyers and Quebec notaries. The [National Competency Profile](#) has been adopted by 13 law societies subject to the development and approval of a plan for implementation.

The proposal sets out a plan for moving forward with the development of a national qualifying assessment system for admission to the legal profession in Canada. The proposal and accompanying Business Plan set out a **possible** model that is intended to reflect the foundational elements of a national assessment system. The precise details, including methods of assessment, the cost, the governance structure, etc. **will be determined by participating law societies.**

### 2. What is the Business Plan?

The Business Plan is developed **as a sample** to help law societies conceptualize what a national assessment system might look like. The model it presents contains the foundational elements of a final assessment system, including a focus on skills and reliance on law schools to assess knowledge. The final assessment system may be different from the model set out in the sample Business Plan.

### 3. Who are the proposal and Business Plan written for?

The proposal and Business Plan were written with law societies in mind. They are intended as a starting point for in-depth discussions with law societies to develop a mutually acceptable plan for achieving a national assessment system.

### 4. Will the assessment retest material from law school?

Law school programs must meet a common standard for their graduates to enter a law society admission program in Canada. The standard (called the [National Requirement](#)) requires that students demonstrate competency in relation to specified substantive legal knowledge, skills, and ethics and professionalism.

Teaching and assessing substantive legal knowledge is what law schools do best. The national assessment will not retest any of the substantive legal knowledge areas that have already been assessed in law school.

The national assessment will test skills, and ethics and professionalism, and there may be some overlap with the competencies in these areas that are assessed in law school as part of the National Requirement. The focus on assessing skills reflects their importance for competent legal practice. Given the breadth and depth of the skills and tasks in the National Competency Profile some duplication of testing may be necessary and appropriate.

### **5. Why is the focus on assessing skills?**

Law societies consistently report that skills are the most important competency for success as a new lawyer or Quebec notary and the area in which new legal professionals experience the most difficulty.

Our experts prioritized the competencies in the National Competency Profile based on a [survey of entry level legal professionals](#) about the frequency of use of each competency and the consequences of a lawyer or Quebec notary not having the competency. This exercise confirmed that skills are the highest priority category of competencies to be assessed.

Candidates must be able to demonstrate that they have acquired the skills in the National Competency Profile. This is consistent with the approach of most law societies to assessment.

### **6. How will skills be assessed?**

Our experts have confirmed that most skills can be effectively assessed through written tests that permit a wide sampling of cognitive abilities. For more complex skills, live demonstrations or simulations are preferable.

The proposal suggests four methods of assessment. The first method involves scenario-based multiple choice and single multiple choice questions. The second method includes questions requiring long answers using information supports (e.g. facts, case law), through to assessments requiring completion of a task, e.g., drafting an opinion, pleading, or case analysis. The third method involves simulated practice scenarios with interactive, audiovisual components in which candidates must apply more complex critical and analytical thinking skills. The fourth form of assessment involves demonstrated experience in the legal workplace (e.g., articling) or alternative environments.

These methods are subject to further discussion and agreement by law societies.

### **7. Does focusing on skills mean that substantive legal knowledge will not be assessed?**

Although skills will be targeted for assessment, the knowledge competencies will serve as the foundation and context for all assessment activities.

There are some knowledge competencies specified in the National Competency Profile that are not included in the National Requirement, e.g., evidence, wills and estates, and the rules of civil procedure. Some of these knowledge competencies could also be assessed where they are considered critical to legal practice.

**8. Will candidates have to pass two exams in order to practice law – one local and one national?**

The model in the proposal is for one comprehensive, nationally developed and administered assessment system that would replace all existing law society exams and testing regimes.

If a law society considered it necessary to add a local law exam, it is likely that the local exam would be narrow in scope, addressing only the jurisdiction-specific concerns and avoiding duplication with the national assessment.

**9. How will a national assessment address provincial or territorial law?**

It is possible to assess skills in the context of national law. Where the assessment involves provincial or territorial law (e.g., the possible assessment of the knowledge competencies that are not in the National Requirement, or assessment of skills in the context of provincial or territorial law), the assessment will use questions that apply nationally but require jurisdiction-specific knowledge to answer. In this case, the answer key would vary from law society to law society. Using the same questions with differing answers is an accepted practice in the assessment field.

**10. What will the national assessment cost and who is paying?**

The precise cost will vary based on the assessment system eventually agreed upon and how many law societies participate. These details are yet to be finalized.

Some of the cost will be borne by law societies. Law societies will realize savings in the long term through economies of scale. It is anticipated that these savings will partially offset the cost of the national assessment and will be passed on to candidates.

Our expectation is that participating law societies will work hard to keep the overall costs to candidates manageable and as close as possible to current bar admission fees.

**11. Will the national assessment apply to candidates who apply for admission to a law society in 2018?**

The goal is to have the first phase of the assessment ready for implementation by 2018. This timeline is subject to what law societies decide about the final assessment time line and how quickly progress can be made.

**12. How will the national assessment affect law society training programs?**

A national approach to professional training will be addressed at a later stage of the project. Training is a significant issue and we divided the project in this manner to make it manageable. An iterative approach also ensures that the project maintains momentum and that the necessary time and resources can be dedicated to a national dialogue on training once the assessment phase is underway.

In the meantime, it is expected that law societies will align their training programs with the National Competency Profile. Modifications to training programs will be at the discretion of

each society and a number of law societies have already begun to align their bar admission courses with the National Competency Profile.

The national assessment is designed so that candidates will be able to rely on their academic studies in law school and on any preparatory materials provided in relation to the assessment to succeed.

**13. Will candidates get credit for skills-focused courses taken in law school?**

Where skills-focused training is offered at a law school, it is conceivable that law societies will create exceptions to their admission requirements in recognition of the training; much as the Law Society of Upper Canada has agreed to do for candidates who will complete Lakehead's Integrated Practice Curriculum ("IPC"). Candidates who have successfully completed the IPC will be exempt from the Law Society of Upper Canada's experiential training requirement.

**14. Will law school curriculum change as a result of the national assessment?**

Law schools will not be obliged to offer additional courses or otherwise alter their curricula as a result of the national assessment.

Law students needn't take law school courses in the subject areas specified in the National Competency Profile in order to succeed in the assessment.

**15. Will the National Requirement be expanded?**

The National Admission Standards Project Steering Committee does not intend to recommend the addition of any of the knowledge competencies from the National Competency Profile not already included in the National Requirement.

The Federation recently established the National Requirement Review Committee ("NRRC") to undertake two primary tasks: 1) perform an initial review of the national requirement that graduates of all Canadian common law programs must meet to be eligible to enter law society bar admission programs; and 2) consider whether a non-discrimination provision should be added to the national requirement and if so in what form.

That committee has just begun its work. Consultation with the Council of Canadian Law Deans and those law school faculty or staff engaged in the compliance process of the National Requirement and with the Approval Committee is built into the committee's review and recommendation process.

The NRRC has already determined that its initial review will not result in changes to the competencies in the National Requirement. Possible changes to the competencies could be identified at this stage for future consideration.

**16. How can students prepare for the national assessment?**

Comprehensive study materials and tools for each phase of the assessment will be provided. The materials will cover all competencies addressed by the assessment, including those that form the basis of the skill and task assessment but are not tested directly (i.e., the knowledge competencies).

The study materials and tools will stand alone. In other words, students can rely on the materials and tools provided as the sole source for preparation for the assessment.

**17. Will the national assessment apply to candidates with a Certificate of Qualification (CQ) from the National Committee on Accreditation (NCA)?**

Yes. Persons with a CQ from the NCA are in the same position as a graduate of any common law program of a Canadian law school. They have met the National Requirement and are eligible to apply to a Canadian law society for admission to practice. The same requirements will apply to CQ holders as apply to all other candidates seeking admission to a law society.

