

January 29, 2026

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

Via Email: policyconsultation@lso.ca

Dear Ms. Lewis:

**Re: Consultation - Modernizing the Law Society of Ontario's Lawyer Licensing
Candidate Assessment Process**

I am writing to you on behalf of the Toronto Lawyers' Association ("TLA"). The TLA represents the interests of more than 3,700 members who practice law in all disciplines across the Greater Toronto Area. Our membership, and our Board of Directors, represents the full diversity of our profession in Ontario. Issues that touch on professional competence, regulating standards of learning, professional conduct, enhancing access to justice and protecting the public interest are of particular importance to the TLA.

This letter sets out the TLA's response to the Law Society of Ontario's ("LSO") Consultation on modernizing the LSO's lawyer licensing candidate assessment process (the "Consultation").

On a preliminary note, the TLA commends the LSO for making efforts to ensure that the existing model for assessing lawyer licensing candidates' entry-level competence, which has been in place since 2006, remains effective, robust, and relevant to today's legal practice.

The TLA supports evidence-based reform to the LSO's current lawyer licensing candidate assessment process. The TLA agrees that if designed and implemented effectively, a mandatory skills-based course coupled with a rigorous and objective method of testing to assess competence is likely to ensure that the requisite level of overall competence is met by lawyer licensing candidates. The TLA encourages the LSO to consider the costs of implementing reforms to the status quo for both lawyer licensee candidates and current licensees of the LSO. In our view, any reforms to the lawyer licensing candidate assessment process should result in proportionate increased costs for lawyer licensing candidates for cost recovery purposes only, and no increase in current lawyer licensees' annual LSO fees.

Summary of Responses to Consultation Questions

The TLA provides below a summary of its responses to the Consultation questions, followed by general comments and more in-depth discussion of the responses:

1. Do you agree that the lawyer licensing process should incorporate both training and assessment, in the manner described by the Committee in the Consultation report, to determine entry level competence?

The TLA agrees that the lawyer licensing process should include both training and assessment to determine entry level competence. The TLA supports a training and assessment framework focused on developing and testing for Ontario-specific skills and knowledge, and that is appropriately implemented by the LSO. That said, we have some concerns with certain aspects of what is proposed in the Consultation Report, which are discussed below.

2. If the LSO proceeds with implementing the Committee’s recommendations, what concern(s) do you have regarding the implementation? How could those be addressed?

The TLA’s concerns regarding the Committee’s recommendations primarily relate to cost, scalability and operational challenges, validity, independence, equity, and transition risk. We describe below the methods by which these concerns may be addressed.

General Comments

The Lawyer Licensing Framework in Ontario and Other Jurisdictions

Lawyer licensing exists to protect the public by ensuring that new lawyers meet a defensible minimum standard of competence at entry, without unnecessary barriers that worsen the justice gap. Its purpose is not to duplicate law school or workplace training, but to confirm that candidates can perform core entry-level tasks ethically, safely, and effectively, using valid, reliable, and fair evaluation methods.

Demonstrating competence in Ontario necessarily requires possessing knowledge of Ontario law and procedure, client-facing skills, professional judgment, and basic practice management, as well as habits of self-directed learning that support ongoing competence. Lawyer licensing should be grounded in an evidence-based competence profile and use assessments that directly test those competencies.¹

In forming this response, the TLA undertook a brief comparative analysis of existing methods of lawyer licensing used in other jurisdictions. Across common-law jurisdictions, regulators are

¹ Deborah Jones Merritt and Logan Cornett, “Building a Better Bar: The Twelve Building Blocks of Minimum Competence published by IAALS—Institute for the Advancement of the American Legal System” (December 2020) p 4, online: https://iaals.du.edu/sites/default/files/documents/publications/building_a_better_bar.pdf [“Building a Better Bar”].

moving toward blended, competence-based systems that combine clear competence frameworks, multiple assessment methods, and structured experiential learning:

- a) ***Examination-centered models with reform.*** The traditional U.S. bar examination remains common but is widely criticized for limited relevance to practice. Reforms focus on performance tests, open-book formats, longer time allowances, and combining written assessments with supervised practice.²
- b) ***Centralized competence frameworks anchoring assessment.*** As noted in the Consultation, several Canadian provinces use the CPLED Practice Readiness Education Program (PREP), which assesses observable performance against a published framework using trained assessors. This replaces traditional bar exams with standardized, performance-based assessments.³
- c) ***Centralized qualifying exams with required work experience.*** England and Wales’s Solicitors Qualifying Examination assesses candidate competence through two parts: SQE1, which tests functioning legal knowledge via multiple-choice questions, and SQE2, which tests practical legal skills and application of legal knowledge in realistic tasks. Independent reviews have found the SQE is robust, fair, valid, and reliable because it tests a range of relevant skills and knowledge in ways that reflect professional competence.⁴
- d) ***Integrated pre-post-admission continuum.*** Australian reviews call for an integrated competence-based frameworks that integrate both knowledge and authentic performance tasks that reflect real professional practice demands rather than just memorised content.⁵ They conclude that assessment involves linking academic learning, practical legal training, and pre-admission supervised practice so that competence is developed and assessed continuously, not tested only at a single point.
- e) ***Experiential curricular pathways and portfolio assessment.*** U.S. pilot programs and academic proposals explore regulator-assessed portfolios drawn from clinics, simulations, and supervised practice, graded against standardized rubrics.⁶

The empirical research and evidence on successful lawyer licensing models reveal two particularly relevant findings for the LSO in this Consultation:

- a) ***Alignment with real practice is critical:*** Research shows that closed-book, time-pressured multiple choice question-style tests are weak measures of readiness for practice.

² State Bar of California, “Blue Ribbon Commission on the Future of the Bar Exam” (26 April 2023), p. 27, online: <https://board.calbar.ca.gov/docs/agendaItem/Public/agendaitem1000030806.pdf#page=6>

³ Canadian Centre for Professional Legal Education, “Practice Readiness Education Program”, online: <https://cpled.ca/students/cpled-prep/>

⁴ Solicitors Regulation Authority, “SQE Independent Reviewer Annual Report 2024” (11 March 2025) online: <https://www.sra.org.uk/pdfcentre/?type=Id&data=1389512896>

⁵ Council of Australian Law Deans, “Reimagining the Professional Regulation of Australian Legal Education” (1 December 2021), pp. 181-208, online: https://cald.asn.au/wp-content/uploads/2024/04/Reimagining-KiftNakano_FINAL.pdf [“Reimagining Profession Regulation”].

⁶ “Alternative Pathways for Licensing Lawyers: Materials for AALS Gathering” (27 March 2024), pp. 4-5.

Performance-based assessments and supervised practice better reflect the work new lawyers actually perform.⁷

- b) ***Competence develops through performance:*** Studies consistently find that early-career competence depends on communication, judgment, research, client interaction, and workload management. These are skills best assessed through repeated, performance-based tasks supported by structured experience.⁸

Ontario's current lawyer licensing candidate assessment process combines open-book multiple-choice question examinations, completion of experiential training (articling, the Law Practice Program (LPP) or the Integrated Practice Curriculum (IPC)), and fulfill the good character and fitness requirements. While workable at scale, Ontario's current lawyer licensing candidate assessment process is increasingly out of step with other jurisdictions' assessment processes. Open-book, time-limited multiple-choice question examinations are convenient and test Ontario-specific knowledge but, as noted in the Consultation, they tend to reward speed and "indexing" strategies that are less focused on understanding the concepts and thoughtful analysis, and more focused on quick retrieval of the answer in the materials. Performance-based assessments are generally thought to better reflect the skills required for real practice.⁹ That being said, it may nonetheless be advisable to retain a limited multiple-choice component as it provides a standardized and scalable mechanism for assessing baseline competence across candidates, consistent with approaches adopted in other jurisdictions, including the United Kingdom.

In contrast to Ontario's framework, provinces using PREP have replaced multiple-choice question examinations with standardized simulations and capstone assessments under regulator control.

In light of the foregoing, the TLA recommends that the LSO adopt a multi-method approach to assessing lawyer licensing candidates' competence that is aligned with its regulatory competence framework. The multi-method approach may include:

- a) objective, written testing focused on performance tasks, open-book conditions, reasonable time limits, and limited use of multiple-choice questions;
- b) a standardized practice-readiness program using simulated files and a final assessment, delivered under LSO's control and aligned with the customary timing of articling and the LPP; and
- c) quality-assured supervised practice with trained supervisors, learning plans, staged reviews, and audits, with work product contributing to final assessment.

Responses to Consultation Questions

1. *Do you agree that the lawyer licensing process should incorporate both training and assessment, in the manner described by the Committee in the Consultation report, to determine entry level competence?*

⁷ Building a Better Bar, p. 4

⁸ Reimagining the Professional Regulation, p. 236

⁹ Building a Better Bar, p. 4

The TLA agrees that the lawyer licensing process should include both training and assessment to determine entry level competence; however, these elements should be anchored on an Ontario-specific minimum competence framework in which the LSO controls the standards, evaluation metrics and pass/fail decisions.

The TLA recognizes that the evidence from Canada and comparator jurisdictions suggests that the current form of LSO bar examinations, which exclusively features time-pressured multiple-choice questions, has limited relevance for everyday legal practice. This evidence supports adopting a blended, competence-based assessment model that:

1. Defines entry-level competence explicitly (knowledge, skills, ethics, judgment, and practice management);
2. Uses realistic, performance-based assessments (written tasks, simulated files, oral skills) aligned to that framework;
3. Includes objective, written and rigorous testing; and
4. Incorporates structured experiential learning that is quality-assured by the regulator.

The TLA would support the LSO moving toward a lawyer licensing candidate assessment process that integrates skills training with rigorous, independent assessment, rather than simply replacing the bar examinations with training alone or relying on workplace experience without standardized oversight. With respect to modernizing the assessment component, we would like to emphasize that the “changing demographic of licensing candidates” and the fact that candidates who enter through the NCA process have “poorer outcomes on the licensing exams”¹⁰ should not in any way justify lowering the standards or testing rigour. Any reforms to the assessment process must be driven by evolution in best practices and must continue to ensure that candidates demonstrate possession of the foundational knowledge, application skills and critical thinking required to be competent lawyers.

While the TLA is supportive of evidence-based reforms that reflect current best practices, we note that concerns have been expressed by certain stakeholders and members of the legal profession, including amongst our membership, that elimination of the solicitor and barrister examinations might compromise the rigour of substantive testing and lower the bar, so to speak, for lawyers entering the profession.¹¹ Before proceeding with reforming the assessment scheme, it is important for the LSO to satisfactorily address the skepticism that has been voiced so as to maintain broad confidence in the licensing process and in our self-governing profession more generally.

2. *If the LSO proceeds with implementing the Committee’s recommendations, what concern(s) do you have regarding the implementation? How could those be addressed?*

¹⁰ Consultation Report, pp. 5-6

¹¹ For a high-profile example of this view, see “Replacing the bar exam for new lawyers not acceptable: Ontario Attorney General” CTV News (17 November 2025), online: <https://www.ctvnews.ca/toronto/politics/queens-park/article/scrapping-written-exams-not-acceptable-ontario-attorney-general/>. See also “Ontario bar exam for future lawyers could be scrapped, replaced with skills-based course” CBC (21 November 2025), online: <https://www.cbc.ca/news/canada/toronto/ontario-bar-exam-replaced-9.6987640>.

The TLA's main concerns regarding implementation of the proposed recommendations relate to cost, scalability and operational challenges, validity (in the sense that it addresses real professional practice demands), independence, equity, and transition risk. In our view, each of these concerns can be addressed through careful design.

The TLA is concerned that the cost of implementing the proposed recommendations will be significant and may present a barrier to entry into the profession for some lawyer licensing candidates. The requisite timeframe for completing the recommended training and assessment may result in the delay of lawyer licensing candidates' entry to the legal profession. This may, in turn, result in financial hardship for some lawyer licensing candidates as they complete the training and assessment process. The TLA supports the continued use of the cost-recovery model for the lawyer licensing candidate assessment process. We do not support funding of the proposed recommendations through an increase in lawyer licensees' annual LSO fees. Cost considerations should be examined once the delivery costs are determined, and as noted in the Consultation report, the Law Society ought to proceed only if the licensing process would remain financially affordable.

To minimize the financial impact of the recommended training and assessment process on lawyer licensing candidates, the LSO should consider the implementation of modular delivery of training, frequent sittings for the completion of assessments, and part-time or concurrent completion of the recommended training and assessment process with articling. Accommodations requested by lawyer licensing candidates should be applied transparently and consistently, with appropriate consideration for the LSO's objective of promoting equity and diversity in the legal profession.

As detailed in the Consultation report, Ontario licenses approximately 3,000 lawyer licensing candidates each year, and this figure is increasing. To scale the recommended lawyer licensing candidate assessment process upward, the LSO may consider a pilot project and phased implementation of the reforms. The TLA encourages the LSO to consider the available data on the success of implementing similar reforms. In our view, the LSO should consider the experience of other jurisdictions where the PREP model is used and build upon those jurisdictions' experience in developing a model of training and assessment that is appropriate for the lawyer licensing process in Ontario.

There is a risk that a mandatory skills course delivered by a third-party organization could blur the line between providing lawyer licensing candidates with legal knowledge they did not acquire during their underlying legal training and assessing lawyer licensing candidates' competence in the practice of law. It will be important for the Foundations of Sole Practice course and National Committee on Accreditation (NCA) process to appropriately prepare lawyer licensing candidates with the legal knowledge they require to practice in Ontario. To address the concern that third party mandatory skills course providers may overstep their roles by providing legal education, the LSO should retain control over the competence framework, standards of evaluation, evaluation process and decision-making around whether lawyer licensing candidates pass or fail components of the assessment process. Assessments should be graded by trained assessors subject to oversight by the LSO.

The TLA has identified the risk that eliminating the bar examinations in their current form may result in a lawyer licensing candidate assessment process that is less rigorous in assessing Ontario's substantive laws. The TLA supports continued testing of substantive law through applied assessments such as open-book and mixed open- and closed-book examinations based on fact

patterns, drafting and issue-spotting. In our view, this approach maintains the existing rigour of testing knowledge of substantive law while enhancing the relevance of test material for the practice of law.

The TLA encourages the LSO to ensure equity and reduce variability in the experiential components that may form part of the reformed lawyer licensing candidate assessment process. There is a risk that without adequate regulation of environments, supervision, work assigned, and assessment practices, supervised practice may reinforce inequities. In our view, supervisors of lawyer licensing candidates should be approved, well-trained, and appropriately compensated. Thorough learning plans, staged reviews, audits and clear reporting to the LSO should be developed as required to appropriately train supervisors for their work. The LSO should conduct audits of supervisors' work for consistency and fairness of the experience among candidates.

In summary, while the TLA supports efforts to modernize the lawyer licensing process, careful implementation will be critical to avoid unintended barriers, inequities, and operational risks. With thoughtful design and robust LSO oversight, a move to a skills-based course with rigorous assessments can enhance competence and relevance while preserving accessibility, fairness, and confidence in the licensing process.

The TLA appreciates the opportunity to contribute to this Consultation. We would be pleased to provide additional information or to discuss this matter further, should the Access to Justice Committee find additional feedback beneficial.

Yours very truly,

A handwritten signature in blue ink, appearing to read 'Anna Wong', with a stylized flourish at the end.

Anna Wong
President
Toronto Lawyers' Association

cc: Jennifer Arduini, Chair, TLA Advocacy Committee