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OBA support for mandatory professional development

By R. Lee Akazaki, C.S.

In November 2009, the Law Society launched a consultation on a proposal for a continuing professional development requirement.

Both the board of directors and the Council of the Ontario Bar Association (OBA) passed resolutions supporting the expansion of continuing professional development for all practising lawyers at their December 2009 meetings, and submitted recommendations to the Law Society on key details for implementation.

With Convocation's approval of a continuing professional development requirement at its February 2010 meeting, this marks the start of a generational transformation of lawyers' continuing education.

The OBA underpins its support for the new requirement with a commitment to ensure that lifelong learning for lawyers is meaningful, flexible and accessible. "As with many aspects of lawyer regulation," the OBA submission to the Law Society

consultation stated, "the Law Society must be responsive to the function of maintaining competence among members of the profession. The purpose of regulating learning in this way is to draw hitherto non-participants into the competence-seeking stream, and not to alienate them."


What will be the OBA's role in shaping this future? Will it deliver educational opportunities to its members across Ontario? The traditional CLE model, with leading practitioners and academics delivering formal papers updating the substantive law, remains an important cornerstone — the myriad complexities of modern legal practice and the pace of change make it ever easier for lawyers to fall behind unless they make time for periodic return to the classroom.

But a 'one size fits all' model will falter, if traditional CLE is all that is available. It is hard to package the lecture hall experience and deliver it to a remote audience or to pipe it down a dial-up Internet connection.

We believe that the answer is not to produce more of what we already

have. Rather, providers of legal education have to reconsider what lawyers need to maintain competence. An essential element of this, for both individual lawyers and for law associations, is a recognition of the distinction between 'continuing legal education' and 'professional development.' We are witnessing a comprehensive shift in lawyer education, from just knowledge of the law, to the sharing of and improvement in common standards in all aspects of membership in the profession, including professionalism and practice management.

Lawyers, like people from all walks of life, avail themselves of learning opportunities outside formal settings. One way legal associations will be able to assist their members is to track these activities in easy, verifiable ways. The 'PD Tracking Tool,' which has recently debuted on the CBA website, can already help CBA/OBA members do this. However, tracking is only a start. Today, the OBA is at work devising ways in which members from across Ontario can meet their requirements without feeling daunted by new professional burdens. The OBA will continue its delivery of the highest quality CLE, only now, it will also help its members obtain credit for many existing methods of acquiring and imparting professional 'life lessons'. Here are just three ways the OBA will serve its members:

- ✓ OBA will 'think provincially' and 'work locally' by teaming up with the Law Society and local law associations to provide under-served regions with more *live* programming. Education and networking often go hand in hand.
- ✓ OBA will continue to expand opportunities for remote learning via Webinars, free MP3s for OBA section members, and reasonably priced CD-ROMs and paper materials from past programs.
- ✓ OBA will identify and obtain accreditation for the professional responsibility, ethics and practice management quotient of the mandatory learning requirement, both in dedicated programs and as part of substantive legal programs. 

CBA PD Tracking Tool

<http://www.cba.org/pd/trackingTool.aspx>