

## 2012 REPORTING YEAR

### CONTINUING PROFESSIONAL DEVELOPMENT (CPD) REQUIREMENT ACCREDITATION CRITERIA FOR PROFESSIONALISM HOURS

#### A. General Criteria

##### Professionalism Hours

In order to qualify for accreditation for **Professionalism Hours**, programs and content must address topics of professional responsibility, ethics and/or practice management. **Substantive law, procedural and/or skills related programs and content that do not address specific professionalism issues do not need to be accredited and may be applied toward Substantive Hours for experienced members.**

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##### New Members

**New members may now apply any programs or activities that contain a minimum of 0.5 Professionalism Hours toward their CPD requirement. The overall content of the program or activity must have at least 0.5 hours of subject matter related to professional responsibility, ethics and/or practice management and that professionalism content must be reasonably connected to the substantive or procedural law content of the program.**

New Member Information Updated April 26, 2012

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Education providers and members are encouraged to refer to the following **primary sources** of professionalism principles for topics that may be relevant to their particular instructional or learning context:

- [Rules of Professional Conduct](#)
- [Paralegal Rules of Conduct](#)
- [By-Laws 7, 7.1, 8, 9, and 14](#)
- [Practice Management Guidelines](#)

The following factors will be considered in the assessment of programs or activities for accreditation:

- Relevance of topics in the session or activity to core professionalism principles
- Time allocated to professionalism content (minimum 30 minutes required)

- Learning level of subject matter and target audience
- Overall learning context

## **B. Criteria Specific to CPD Programs**

In order to be eligible for CPD Hours, programs may be delivered in a variety of flexible formats that provide an opportunity for real time interaction with colleagues and/or instructors. Eligible learning formats include live lecture, discussion, demonstration or small group workshop, audio, and interactive videoconference or webcast. Archived audio, video or webcast must be viewed simultaneously by two or more colleagues in order to be eligible for CPD Hours.

Program speakers may include lawyers, paralegals, members of the judiciary, and non-legal professionals, provided that the content they present addresses topics related to professionalism in a legal context and enhances lawyer and paralegal competence.

## **C. Professionalism Topics**

In addition to the primary sources of professionalism principles provided above, programs or activities that include one or more of the concepts listed below may qualify for accreditation. As this is not a closed list, topics not included below that address a lawyer's or paralegal's professional responsibilities to clients and/or practice management obligations may qualify for accreditation.

### **1. Relationship to Clients**

- Determining who the client is (institutional clients, lawful representatives of clients under disabilities)
- Complying with client identification and verification requirements
- Recognizing and being sensitive to clients' circumstances, special needs, and intellectual capacity (e.g., multi-cultural, language, gender, socioeconomic status, demeanour)
- Drafting effective retainer agreements, engagement letters and non-engagement letters
- Understanding and managing obligations related to joint retainers
- Avoiding and managing conflicts of interest
- Managing client expectations related to fees and disbursements
- Dealing effectively with unrepresented persons
- Avoiding barriers to effective communication
- Drafting reporting letters, legal opinions and legal memos in plain language
- Conducting effective client interviews and client meetings
- Understanding the difference between the evidentiary principle of solicitor and client privilege and the professional duty of confidentiality
- Responding appropriately to client dishonesty or fraud (e.g., mortgage fraud, money laundering, perjury)
- Recognizing and fulfilling fiduciary obligations
- Confirming changes to the terms of engagement

- Withdrawing from representation (e.g., optional and mandatory withdrawals)

## **2. Practice Management**

- Making legal services available
- Complying with Legal Aid Ontario provisions and procedures
- Marketing legal services in accordance with professional obligations (e.g., advertising nature of practice, advertising fees)
- Understanding practice arrangements, including partnerships, multi-discipline practices or partnerships, limited liability partnerships, affiliations, inter-provincial law firms, professional corporations
- Opening and operating a legal practice
- Using conflicts checking systems
- Maintaining reminder or tickler systems
- Using effective time management systems
- Maintaining proper books and records
- Implementing systems for file organization, retention, and disposal
- Using law office technology in a competent manner (e.g., adopting adequate security measures, employing back-up and disaster recovery plans, considering obsolescence)
- Meeting financial obligations to third parties
- Managing undertakings
- Training and delegating to staff
- Respecting multi-cultural issues
- Reporting to the Law Society professional misconduct, conduct unbecoming, unauthorized practice, and other offences
- Notifying the client or insurer of errors and omissions
- Making public appearances and public statements
- Managing outside interests and the practice of law
- Closing down a legal practice
- Succession planning
- Managing risk and planning for contingencies

## **3. Ethical Advocacy**

- Practising with civility
- Treating the court or tribunal with courtesy and respect
- Understanding the parameters for acting as a witness
- Communicating with witnesses giving evidence
- Communicating with jurors
- Encouraging respect for legal institutions or authorities

## **4. Other Opportunities Related to Practice Management**

**Sessions on the following topics must address issues and opportunities that arise within a legal context in order to be eligible for accreditation.**

- Project management and leadership skills for legal professionals
- Ethical business and client relationship development
- Career and profile management in the legal profession
- Mentoring best practices for lawyers and paralegals
- Work/life balance and wellness strategies for lawyers and paralegals