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ARTICLING

## 2011-2012 Articling Recruitment Procedures

DECEMBER 2009

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### Preamble

This document contains the procedures governing the recruitment of students entering the 2011 Licensing Process and Articling Term. The Procedures Governing the Recruitment of Articling Students are binding on all students and lawyers who participate in the articling recruitment program in Ontario.

Participants are reminded that compliance with the Procedures is required under Rule 5.02(1) of the Law Society's *Rules of Professional Conduct*. Deliberate circumvention of the Procedures may result in a charge of Professional Misconduct against the lawyer who participates in or authorizes the circumvention. Pressuring students to commit themselves, in the period during which offers shall remain open, violates the Procedures and may result in a complaint that would be investigated by the Law Society.

Deliberate circumvention of the Procedures or breach of the Agreement by students may result in an Admissions Hearing to determine if the student meets the Good Character requirement for call to the bar and admission as a licensee of the Law Society. Participating in interviews after a position has been accepted violates the Procedures and may result in a complaint that would be investigated by the Law Society.

The Procedures are to be followed in spirit as well as in letter. Circumvention of the Procedures is to be reported to the Associate Registrar for the Law Society, in writing. It is the responsibility of all participants in the articling recruitment program to ensure its integrity through compliance with the Procedures.

**The Law Society of Upper Canada  
Procedures Governing the Recruitment of  
Articling Students for the 2011-2012 Articling Term**

- All lawyers and students involved in the articling recruitment process are required to comply with these procedures.
- The Law Society expects its lawyer licensees and student participants in the articling recruitment process to follow these procedures in spirit as well as in letter.
- Deliberate circumvention of the restrictions set out in these procedures may constitute Professional Misconduct on the part of those who participate in or authorize the circumvention.
- Those with knowledge of any circumvention of these procedures shall report it to the Associate Registrar, Office of the Registrar for the Law Society.
- Firms must not participate in the recruitment of students unless they are confident that they will be able to offer a position to a qualified student.
- Definitions appear in Section D of these Procedures.

**These articling recruitment procedures are organized as follows:**

**Section A**

Firms located in Toronto

**Section B**

Firms located outside of Toronto:

- Additional procedures for firms located in the City of Ottawa
- Additional procedures for firms located in the County of Middlesex
- Additional procedures for firms located in the City of Hamilton.

**Section C**

General Procedures applicable to firms located both within and outside of Toronto.

**Section D**

Definitions

**Section A**  
**Governs Articling Recruitment by Firms Located in Toronto**

**Commentary:** The general recruitment procedures outlined at Section C are also applicable to firms in Toronto.

1. Employers shall not set application deadlines earlier than Friday, July 9, 2010.

**Commentary:** In considering whether or not an interview will be granted and the time and date of such interview, the date of receipt of an application shall not be a factor if the application is received by July 9, 2010.

2. The time and date of interviews shall not be communicated in any way until 8:00 a.m. on Friday, July 23, 2010.

**Commentary:** The fact that a firm will or will not be interviewing a student and the fact that interviewing will take place in accordance with these procedures may be communicated to a student at any time but the firm shall not suggest the specific date or time of the expected interview prior to 8:00 a.m. on Friday, July 23, 2010, nor may students participate in the making of such appointments before that hour on that day. Further, firms shall not communicate their intention to interview a student and subsequently not do so.

3. Interviews shall not be conducted prior to 8:00 a.m. on Monday, August 9, 2010.

**Exception:** In exceptional circumstances, the Law Society will grant to students who are unable to attend for interviews during the week of August 9, 2010, permission to attend interviews prior to the established time for interviewing. However, in no case may offers be made to any such students prior to the time set out in these procedures. Applications for exemption shall be made in writing to the Associate Registrar, Office of the Registrar, for the Law Society. Students seeking such exemptions must be eligible to article in the 2011-2012 Articling Term.

4. In scheduling their interviews, students are to allow at least one hour and a half on the premises of the interviewing firm.

5. No communication of offers of employment shall be made prior to 5:00 p.m. on Wednesday, August 11, 2010. All offers made on or after 5:00 p.m. on Wednesday, August 11, 2010 shall remain open until noon on Thursday, August 12, 2010, subject to the exception in A6 regarding summer students and subject to A7.

**Commentary:** This procedure applies to all participating firms covered by Section A of these procedures whether they employ summer students or not.

6. **Exception:** Firms may communicate their intentions to make an offer, in accordance with these procedures, to summer students employed with their firm in the summer months of 2010 prior to 5:00 p.m. on Wednesday, August 11, 2010. Students receiving communications of intent may voluntarily communicate their own intentions.

7. Any offers made on or after 12:00 noon on Thursday, August 12, 2010 shall be left open for a reasonable period of time.

**Commentary:** Offers may only be made to students who do not have a prior commitment. Firms shall not put undue pressure on students to communicate their intentions prior to the deadline for acceptance of offers.

## **Section B**

### **Governs Articling Recruitment by Firms Located Outside of Toronto**

**Commentary:** The general recruitment procedures outlined at Section C are also applicable to those firms covered by Section B.

1. Employers shall not set application deadlines earlier than Friday, May 7, 2010.

**Commentary:** Where no other application deadline is stipulated in Section B of these Procedures, the date of receipt of an application shall not be a factor if the application is received by May 7, 2010.

2. Interviews shall not take place prior to the application deadline. In addition, interviews may not take place until after the student has completed all requirements of second year law school.

**Commentary:** Where no other interview period is stipulated in Section B of these Procedures, no interviews shall take place prior to the application deadline of Friday, May 7, 2010.

3. Where no other offer date is stipulated in Section B of these procedures, communication of offers of employment shall not be made prior to Thursday, May 20, 2010 at 5:00pm. Offers made at this time must remain open until 9:00am on Friday, May 21, 2010.

**Commentary:** This offer date applies to all regions where no other offer date is specified in Section B of these Procedures. Firms may communicate their intentions to make offers in accordance with these procedures to summer students employed with their firm in the summer months of 2010 at any time prior to this date. Students receiving communications of intent may voluntarily communicate their own intentions.

4. In scheduling their interviews, students are to allow at least an hour and a half on the premises of the interviewing firm.

#### **5. Additional Procedures Governing All Articling Recruitment by Firms Located in the City of Ottawa**

**Commentary:** The following procedures, for firms located in the City of Ottawa, are in addition to B.1, B.2, B.3, and B.4 and the general procedures in Section C.

- (1) Employers shall not set application deadlines earlier than Monday, May 17, 2010.

- (2) No communication of offers of employment shall be made before 8:00 a.m. on Tuesday, June 15, 2010.

**Commentary:** Firms may communicate their intentions to make offers in accordance with these procedures to summer students employed with their firm in the summer months of 2010 at any time prior to this date. Students receiving communications of intent may voluntarily communicate their own intentions.

- (3) All offers made Tuesday, June 15, 2010 shall be left open until 9:00am on Wednesday, June 16, 2010.

- (4) All offers made between 12:00 midnight Tuesday, June 15, 2010 and 5:00 p.m. Thursday, June 17, 2010 shall be left open for 24 hours.

- (5) Any offer made after Thursday, June 17, 2010 shall be left open for a reasonable period of time.

#### **6. Additional Procedures Governing All Articling Recruitment by Firms Located in the County of Middlesex**

**Commentary:** The following procedures, for firms located in the County of Middlesex, are in addition to B.1, B.2, B.3, and B.4. and the general procedures in Section C.

- (1) Employers shall not set application deadlines earlier than Friday, May 7, 2010.

**Commentary:** In considering whether or not an interview will be granted and the time and date of such interview, the date of receipt of an application shall not be a factor if the application is received by May 7, 2010.

- (2) Interviews for 2011-2012 articling positions shall be held the week of May 31, 2010.
- (3) No communication of offers of employment shall be made prior to 8:00 a.m. Monday, June 7, 2010.  
**Commentary:** Firms may communicate their intentions to make offers in accordance with these procedures to summer students employed with their firm in the summer months of 2010 at any time prior to this date. Students receiving communications of intent may voluntarily communicate their own intentions.
- (4) Out of province candidates may be interviewed prior to the week of May 31, 2010; however, no offer may be extended to them prior to 8:00 am. Monday, June 7, 2010.
- (5) All offers made on Monday, June 7, 2010, shall remain open until 9:00 a.m. on Tuesday, June 8, 2010.
- (6) All offers made on Tuesday, June 8, 2010, shall remain open for a period of 24 hours.
- (7) All offers made after Tuesday, June 8, 2010, shall be left open for a reasonable period of time.
- (8) Students shall deal with offers received as expeditiously as possible regardless of the stipulated time that an offer shall remain open.
- (9) Students who accept an offer shall immediately notify firms from whom they have an outstanding offer or with whom they have scheduled interviews.
- (10) Firms extending offers and students who are in receipt of offers may agree to extend any of the times upon mutual consent.

## 7. **Additional Procedures Governing All Articling Recruitment by Firms Located in the City of Hamilton**

**Commentary:** The following procedures, for firms located in the City of Hamilton, are in addition to B.1, B.2, B.3, and B.4 and the general procedures in Section C.

- (1) Employers shall not set application deadlines earlier than Friday, May 7, 2010.  
**Commentary:** In considering whether or not an interview will be granted and the time and date of such interview, the date of receipt of an application shall not be a factor if the application is received by May 7, 2010.
- (2) Interviews for 2011-2012 positions shall be held the week of May 31, 2010.
- (3) No communication of offers of employment shall be made prior to 8:00 a.m. Monday, June 7, 2010.  
**Commentary:** Firms may communicate their intentions to make offers in accordance with these procedures to summer students employed with their firm in the summer months of 2010 at any time prior to this date. Students receiving such communications may voluntarily communicate their own intentions.
- (4) Out of province candidates may be interviewed prior to the week of May 31, 2010; however, no offer may be extended to them prior to 8:00 a.m. Monday, June 7, 2010.
- (5) All offers made on Monday, June 7, 2010 shall remain open until 9:00 a.m. on Tuesday, June 8, 2010.
- (6) All offers made on Tuesday, June 8, 2010 shall remain open for a period of 24 hours.
- (7) All offers made after Tuesday, June 8, 2010 shall be left open for a reasonable period of time.

- (8)** Students shall deal with offers received as expeditiously as possible regardless of the stipulated time that an offer shall remain open.
- (9)** Students who accept an offer shall immediately notify firms from whom they have an outstanding offer or with whom they have scheduled interviews.
- (10)** Firms extending offers and students who are in receipt of offers may agree to extend any of the times upon mutual consent.

**Section C**  
**Governs General Articling Recruitment Procedures Conducted by Firms**  
**Located both Within and Outside of Toronto**

**Commentary:** The following procedures are in addition to those in Sections A and B.

1. Offers of employment shall not be made at any time on terms or in circumstances that do not give students a proper opportunity to consider the offer before deciding.

**Commentary:** Offers shall not be made which are conditional upon the position still being open when the acceptance is received.

- (1) Firms may communicate their intentions to make offers, in accordance with these procedures, to summer students employed with the firm in the summer months of 2010, at any time prior to the stated offer deadline. Students may voluntarily communicate their own intentions. Firms shall not put undue pressure on students to communicate their own intentions prior to the stipulated deadline.

**Commentary:** Firms may also advise students in advance of events to which all interviewees will be invited.

2. Students shall deal with offers received as expeditiously as possible regardless of the stipulated time that offer shall remain open.

**Commentary:** Failure to communicate a rejection of an offer as soon as a decision to refuse is made prejudices not only the offering firm but also fellow students to whom the offer may next be made.

3. Students who accept an offer shall immediately notify firms from whom they have an outstanding offer or with whom they have scheduled interviews.
4. Students who accept an offer shall honour the undertaking thus given, regardless of what offers are subsequently received and shall not thereafter take interviews with other firms.
5. Employers shall not knowingly make offers to students who have already accepted a position.

**Commentary to C.4 and C.5:** The offer and acceptance of an articling position constitutes a binding contract between the principal and the student that carries professional obligations over and above the normal contractual obligations. Principals and students shall refer to the Articling web page for further information.

## **Section D Definitions**

The following definitions are provided for clarity:

“**City of Ottawa**” is composed of the following eleven former municipalities: Cumberland, Gloucester, Goulbourn, Kanata, Nepean, Osgoode, Ottawa, Rideau, Rockcliffe Park, Vanier and West Carleton.

“**firm(s)**” means an employer of articling students such as a law firm, company legal department, government body or clinic and does not include the Supreme Court of Canada, the Tax Court of Canada, the Federal Court, the Court of Appeal for Ontario, and the Superior Court of Justice of Ontario. Students appointed to serve the Judges of these courts are not required to be recruited for such clerkships in accordance with these Procedures.

“**Middlesex County**” is composed of the following: the City of London, the Municipalities of North Middlesex, Southwest Middlesex and Thames Centre, the Townships of Adelaide Metcalfe, Lucan Bidulph, Middlesex Centre and Strathroy Caradoc, and the Village of Newbury.

“**out of province candidates**” means those students attending Law School outside the province of Ontario.

“**recruitment activity**” includes but is not limited to the arranging of interviews, the conducting of interviews, and the making of offers of employment.

“**student**” means a student enrolled in a law school or registered with the National Committee on Accreditation who reasonably expects and is scheduled to commence articling in 2011.

“**summer months**” means the months of May, June, July and August.

“**summer student**” means any student employed by a firm for the summer months of 2010, following enrolment in any year of an approved LL.B. or J.D. program, who will be eligible to article in 2011.

“**Toronto**” means the City of Toronto.

These procedures will be reviewed at the end of this recruitment cycle. Submissions for consideration shall be sent to the Associate Registrar for the Law Society of Upper Canada.