

# Internationally Educated Legal Professionals

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*“The Federation of Law Societies of Canada is the national coordinating body of the 14 law societies which are mandated by provincial and territorial law to regulate Canada’s 120,000 lawyers, Quebec’s 3,800 notaries and Ontario’s 9,000 licensed paralegals in the public interest.”*



**The mandate of the NCA is to assess the qualifications of individuals with legal education and professional experience obtained outside of Canada, or in a Canadian civil law program, who wish to be admitted to a common law bar in Canada.**



## Questions:

- Have you heard of the NCA?
  - Yes
  - No
- Are you an internationally trained lawyer?
  - Yes
  - No





## Steps in the NCA Process:

1. Application
2. Assessment
3. Completion of Requirements
4. Issue Certificate of Qualification
5. Certificate accepted by law societies in common law Canada



## Step 1 - Application

- All instructions posted on website with link to application tool ([www.flsc.ca](http://www.flsc.ca))
- Transcripts and Certificates of Membership must be sent directly from issuing institution
- Applicants may apply from anywhere in the world, and do not need to be Canadian citizens or permanent residents
- Cost: \$450 plus tax
- Timeline: Assessment completed within three months of receipt of all material



# New Assessment Policy

- New policy in effect as of January 1, 2015, updated January 1, 2018
- Compliant with the Federation's National Requirement for Canadian Common Law Programs
- Directly aligns Canadian requirements and requirements for those educated outside of Canada





## Step 2 - Assessment

- Depending on qualifications, applicants are required to complete examinations and/or law school courses, or refused any recognition
- Criteria for assessment:
  - Legal tradition (common law, civil law, mixed jurisdiction)
  - Mode of study (in class, distance)
  - Law school recognition
  - Courses taken as compared to the NCA core competencies, academic performance
  - Licensure and professional experience



# Mandatory and Core Subjects

- [Canadian Administrative Law](#)
- [Canadian Constitutional Law](#)
- [Canadian Criminal Law](#)
- [Foundations of Canadian Law](#)
- [Canadian Professional Responsibility](#)
- Contracts
- Torts
- Property



# Sample Assessment - 1

- Common Law Applicant – England, India...
  - Qualifying Law Degree approved by the Solicitors Regulation Authority, Bar Council of India, etc.?
  - Pre-law education completed?
  - Five year degree, three year degree or two year degree (graduate entry or senior status)?
  - Classification of Degree (First class, etc.)?
  - Courses taken from the NCA core competency list?
  - Academic performance on core courses?
  - Attended Bar School? Licensed? Professional experience in a common law jurisdiction?
  - Typical assessment is 5-7 exams unless licensed then normally 5 exams



# Sample Assessment - 2

- Common Law Applicant – U.S./Australia
  - ABA/State approved degree?
  - Courses taken from the NCA core competency list?
  - Academic performance on core courses?
  - Completed Bar Exam? Licensed? Professional experience in a common law jurisdiction?
  - Typical assessment is 5 exams



# Sample Assessment - 3

- Common Law Applicant – Distance Education
  - Require two years in class including all core subjects
  - Degree approved by relevant legal authority? If not, no recognition.
  - Classification of Degree (First class, etc.)? If third class or pass class in England, no recognition.
  - Attended Bar School? Licensed? LL.M.? If Bar School or LL.M. was in class, then credit that time to in class requirement
  - Professional experience in a common law jurisdiction?



# Sample Assessment - 4

- Hybrid Applicant (mixed legal tradition with some common law content)
  - Degree approved by relevant authority?
  - Classification of Degree (First class, etc.)?
  - Contracts, Torts, Property assigned unless taught as common law
  - Academic Performance?
  - Attended Bar School? Licensed?
  - Education, licensure and/or professional work experience in a common law jurisdiction?
  - Typical assessment is 8 exams



# Sample Assessment - 5

- Canadian Civil Law Applicant
  - LL.L. or BCL degree
  - Licensed in Quebec or completed Professional Responsibility course?
  - Typical assessment is 7 exams
  - Practised and/or licensed in a common law jurisdiction? Assess on case by case basis.



# Sample Assessment - 6

- Applicant with no Common Law content
  - Graduates of Civil Law systems or systems with Civil Law and another legal tradition (religious, customary, etc.)
  - Use Juriglobe, University of Ottawa research group, to guide assessment of systems
  - No recognition unless substantive Common Law education or professional experience:
    - LL.M.
    - Licensed in New York or other common law jurisdiction by exam(s) or course(s)





# Other factors

- Stale degree
- Compensatory qualifications



## Question:

- In which country do the most NCA applicants earn their law degree?
  - Australia
  - England
  - India
  - Nigeria
  - United States



# Top Countries of Education

- England (547)
- USA (238)
- India (229)
- Australia (154)
- Nigeria (91)
- Pakistan (48)
- China (35), South Africa (32)
- Hong Kong (20), Philippines (24)
- Canadian Civil Law (18), Scotland (17)



## Step 3 – Completion of Requirements

- NCA examinations:
  - ✓ Four times a year
  - ✓ Four standard locations, others arranged on request
  - ✓ New standard location in New Delhi
  - ✓ Exams typically written in 25+ sites in each session
  - ✓ Cost: \$360/exam plus tax
- Law School:
  - ✓ Applicants responsible for admission
  - ✓ Over 85% of applicants given the option to do examinations only



# Canadian Law School Initiatives

- University of Toronto – LLM
- Osgoode Hall Law School – tutoring program
- University of British Columbia – Common Law LL.M.
- University of Alberta



## Steps 4 & 5

- Once all requirements are completed, the applicant receives a Certificate of Qualification
- Certificate accepted by common law, law societies as equivalent to graduation from a Canadian law school
- Certificants then complete the licensing process (bar admissions)
- Some qualify for article abridgement



## National Committee on Accreditation (NCA)

**July 1, 2016 - June 30, 2017**

- **1,718 applications**  
1% decrease from previous year  
Over 200% increase over ten years
- **911 Certificates issued**  
1% increase from previous year  
350% increase over ten years
- **Over 5,500 examinations**  
(between 20 and 35 sites per session, New Delhi now a permanent site)



## Question:

- Have you ever hired an NCA student?
  - No
  - Yes, as a clerk/assistant
  - Yes, as an articling student
  - Yes, as a lawyer





# Federation of Law Societies of Canada

[www.flsc.ca](http://www.flsc.ca)

## National Committee on Accreditation

<http://www.flsc.ca/en/nca/>

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