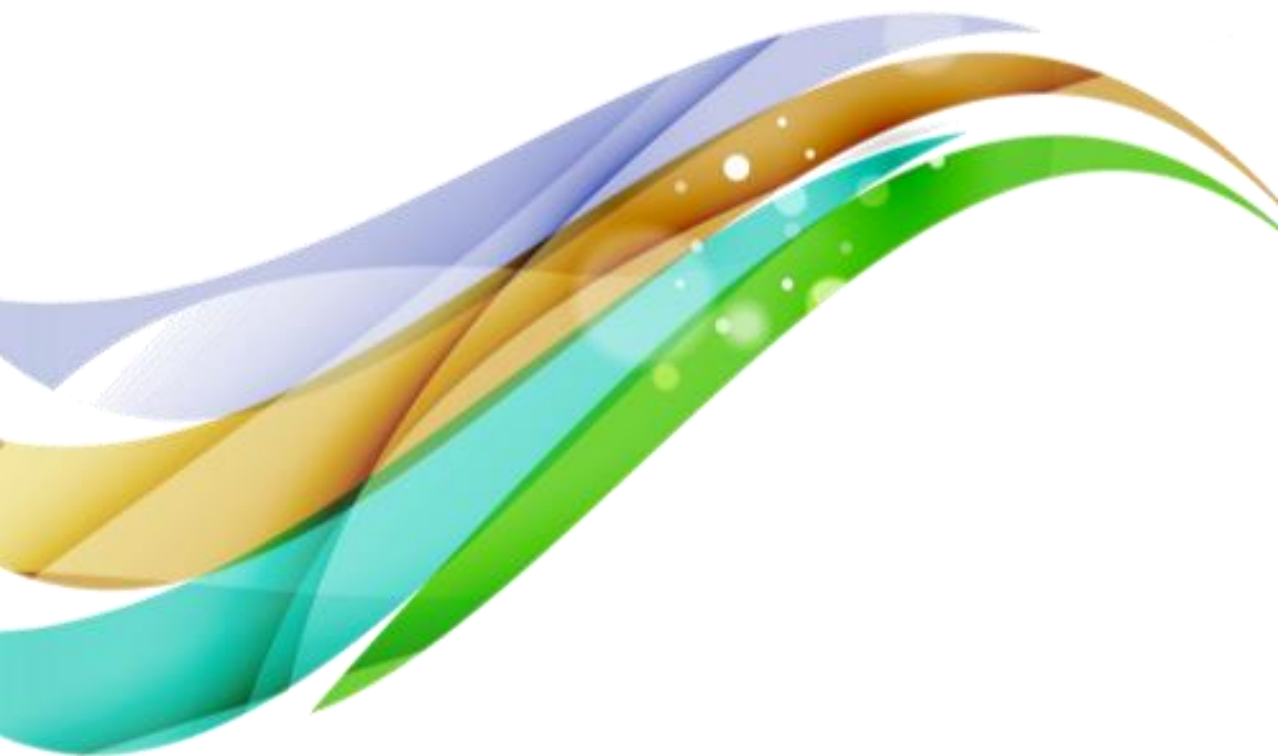


Continuing professional development in the legal profession: a summary of international approaches

A working paper

Prepared for the Independent Review of the Regulation of Lawyers and Legal Services in Aotearoa New Zealand

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Purpose

This paper sets out the continuing professional development (CPD) requirements for the legal profession in selected international jurisdictions.

Overall findings

Table 1 sets out the number of hours required and whether any specific courses are mandated in selected jurisdictions.¹ Across these jurisdictions, CPD requirements range between 10 and 20 hours per year, with most having required courses.

Of the selected jurisdictions, only England and Wales have no specified target of hours to complete and no required courses. While England and Wales used to have specified hour requirements for solicitors and barristers, a review undertaken between 2011 and 2013 saw a change in approach (discussed below).

Summary of key developments overseas

The Legal Education and Training Review in England and Wales

The Legal Education and Training Review (LETR) was the work of an independent research team that looked, in part, at training and education requirements for the legal profession in England and Wales in 2011.² The review was completed in 2013 and found that:

- there were difficulties in ensuring that training and standards for assessment were of consistent quality,
- the traditional idea of a minimum amount of training to complete could inhibit innovation in delivery,
- the traditional model does not always take into account considerations central to learning, such as requiring practitioners to assess their current knowledge and to reflect on their needs.

As a result of these findings, the Solicitors Regulation Authority and the Bar Standards Board amended their CPD requirements to have no target for number of hours or mandated courses. Instead, solicitors and established barristers need to perform an annual reflection on their competency development needs. This is known as a reflective approach to competency.

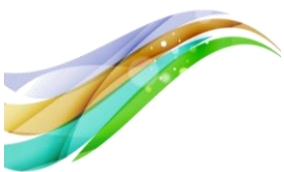
A solicitor is required to meet continuing competencies as set out in the Statement of Solicitor Competence – this is a Code of Conduct requirement. There are four areas in the Statement:³

- ethics, professionalism and judgement
- technical legal practice

¹ As this paper is intended to provide a general overview of different approaches, not all jurisdictions will be included (eg only three provinces in Canada are included in the table).

² <https://letr.org.uk/wp-content/uploads/LETR-Report.pdf>

³ <https://www.sra.org.uk/solicitors/resources/continuing-competence/cpd/competence-statement/>



- working with other people
- managing themselves and their own work.

Law Society of Alberta

In 2020, the Law Society of Alberta suspended its mandatory CPD filing requirement for three years (ie, until May 2023). This suspension was enacted to allow the Law Society to undergo a substantial review and to develop a new competency model and CPD planning tool. The Law Society states that the new model will go beyond setting a minimum standard for competence and will offer an enhanced experience for lawyers. The Law Society is looking to broaden the concept of competency into non-traditional areas such as technology, wellness, and general cultural competence.⁴

Emerging areas of competence

New areas of required competency are emerging in some jurisdictions. For example, in the US states of Florida and North Carolina, lawyers are required to complete relevant technology training (eg, IT tools, privacy, blockchain, social media) each year, and New York is currently considering whether to make cybersecurity training mandatory.⁵

In 2021, South Australia introduced a mandatory requirement for lawyers to undergo CPD in bullying, discrimination and harassment (BDH) each year. The Law Society provides examples of the types of training that might be relevant, although it notes this is not an exhaustive list:⁶

- How to respond to and deal with BDH either as a witness or personally.
- Reporting BDH – what to do when either experiencing or witnessing.
- Providing support to someone experiencing BDH.
- Setting up systems to combat BDH and create safe reporting environments.
- Education on appropriate workplace conduct.
- Writing or substantively editing articles for publishing in legal or non-legal publications.
- ‘R U Okay day’ activities (R U Okay day is a suicide prevention initiative).

⁴ <https://www.lawsociety.ab.ca/cpd-filing-requirement-suspended-for-additional-year/>

⁵ <https://www.lawnext.com/2020/07/another-state-moves-closer-to-mandating-tech-cle-but-limited-to-cybersecurity.html>

⁶ https://www.lawsocietysa.asn.au/Public/Lawyers/Professional_Development/Mandatory_CPD.aspx

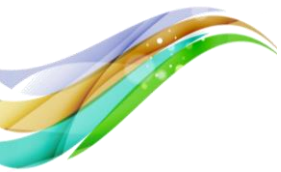


Table 1: Continuing professional development requirements in other jurisdictions

Location	Body	Hours mandated	Specific courses mandated	References
England and Wales	Solicitors Regulation Authority	No target for number of hours.	No mandated courses. All solicitors will need to: <ul style="list-style-type: none"> regularly think about the quality of their practice identify and address any identified learning and development needs make an annual declaration that they have done this. 	https://www.sra.org.uk/solicitors/resources/continuing-competence/cpd/continuing-competence/tool-kit/resources/questions-answers/
	Bar Standards Board	No target for number of hours for established barristers. For those with less than three years' experience, they must complete 45 hours over three years.	No mandated courses for established barristers. For those with less than three years' experience, of the 45 hours they need to complete over three years, at least nine hours must be in advocacy and three hours in ethics.	https://www.barstandardsboard.org.uk/for-barristers/cpd/guide-to-epp.html https://www.barstandardsboard.org.uk/for-barristers/cpd/guide-to-npp.html
Scotland	Law Society of Scotland	20 hours per year.	Of those minimum 20 hours, a minimum of 15 must be verifiable CPD. Up to five hours may be by private study. Commencing 1 November 2018, one hour of risk management CPD must be included. Risk management includes 'complaints avoidance'.	https://www.lawscot.org.uk/members/cpd-training/about-lawscot-cpd/cpd-requirements/ https://www.lawscot.org.uk/media/361237/guidance-on-risk-management-cpd.pdf
Ireland	Law Society of Ireland	20 hours per year.	Minimum requirements in the categories of 'Management and Professional Development Skills' (three hours) and 'Regulatory Matters' (two hours). Management and Professional Development Skills: <ul style="list-style-type: none"> financial and business management practice management self-management client care regulatory matters language enhancement. 	https://www.lawsociety.ie/globalassets/documents/cpd-scheme/cpd-scheme-booklet-20202022.pdf



Location	Body	Hours mandated	Specific courses mandated	References
			Regulatory matters: <ul style="list-style-type: none"> • Solicitors Acts 1954-2015 and regulations • accounting and anti-money laundering compliance • risk management • Guide to Professional Conduct of Solicitors • professional ethics and standards of best practice • processing of complaints against solicitors by the Society. 	
Canada	Law Society of British Columbia	12 hours per year.	At least two hours pertaining to any combination of professional responsibility and ethics and practice management. Mandatory Indigenous intercultural course. Lawyers may claim CPD credit for each hour spent working on the course, up to a maximum of six hours. The course is accredited for two hours of "professional responsibility, practice management and ethics" credit so can be taken to fulfil that requirement.	https://www.lawsociety.bc.ca/support-and-resources-for-lawyers/continuing-professional-development/ https://www.lawsociety.bc.ca/support-and-resources-for-lawyers/continuing-professional-development/indigenous-intercultural-course/
	Law Society of Ontario	12 hours per year.	CPD must consist of a minimum of three Professionalism Hours on topics related to professional responsibility, ethics and/or practice management and up to nine Substantive Hours per year. Lawyers must complete one Professionalism Hour each year that addresses issues of equality, diversity and inclusion.	https://lso.ca/lawyers/enhancing-competence/continuing-professional-development-requirement
	Law Society of Alberta	No minimum requirement, but all lawyers must submit a CPD plan (see main body of paper for current amendment to this requirement).	Mandatory completion of an Indigenous Cultural Competency course "the Path".	https://documents.lawsociety.ab.ca/wp-content/uploads/2017/01/04144612/Rules.pdf https://www.lawsociety.ab.ca/lawyers-and-students/continuing-professional-development/indigenous-cultural-competency-education/



Location	Body	Hours mandated	Specific courses mandated	References
Australia ⁷	Victoria and NSW Uniform Law – Solicitors	10 CPD units each year.	At least one CPD unit in each of the following fields: <ul style="list-style-type: none"> ethics and professional responsibility practice management and business skills professional skills substantive law. 	https://legislation.nsw.gov.au/view/html/inforce/current/sl-2015-0242
	Victoria and NSW Uniform Law – Barristers	10 CPD units each year.	At least one CPD unit in each of the following fields: <ul style="list-style-type: none"> ethics and professional responsibility practice management and business skills substantive law, practice and procedure, and evidence barristers’ skills. 	https://legislation.nsw.gov.au/view/html/inforce/current/sl-2015-0241
	Law Society of South Australia	10 CPD units each year.	At least one unit of each of the following required CPD activities must be completed each CPD year: <ul style="list-style-type: none"> practical legal ethics practice management or business skills professional skills bullying, discrimination and harassment. 	https://www.lawsocietysa.asn.au/Public/Lawyers/Professional_Development/Mandatory_CPD.aspx

⁷ Note that all Australian states and territories have similar requirements – 10 points with four required areas that must be covered. Different types of activity are worth different amounts of points, but generally one point is equivalent to one hour of activity.