



MEMORANDUM

TO: Professional Development and Student
Directors, Law Firms

DATE: 30 November 2005

Career Development Officers, Law Schools

NCA Candidates

FROM: Diana Miles, Director
Professional Development & Competence

RE: CanBarPrep

As you may be aware, an admissions testing preparatory course was recently introduced into the market and many of your students have received communications about the offering.

I have been asked by some of your colleagues to provide supporting information for your use when addressing student queries in this regard.

As the individuals responsible for the development of new lawyers we are all aware that there will be a certain amount of law student angst with respect to any admissions process, particularly for a new process. Change is always difficult, and the change from law student to licensing candidate is a big step. In addition, the group of students joining us in May of 2006 will not have the benefit of input from previous graduates.

Information Exchange With Students

It is important to emphasize to the students the following facts which may assist them in understanding the purpose of testing in the new regime and the focus of that testing:

1. The Law Society directed, in its approval of the Task Force Report on the change to the licensing process, that the licensing examinations component of the process would be developed pursuant to a model of self-directed study which would not require the use of any resources or supports other than those specifically provided by the Society to the student. The examinations have been developed in accordance with this direction.

2. The Licensing Process will focus on and test only those competencies that relate to an effective and ethical practice for an entry-level lawyer. The reference materials are comprised of one, 4-inch binder of materials for the Barrister Examination and one, 4-inch binder of materials for the Solicitor Examination.
3. Students will receive their reference materials for use in preparing for the licensing examinations on or around May 1, 2006, approximately 8 full weeks in advance of the first sitting date of the examinations (the first sitting of the Solicitor Examination is June 26 and the first sitting of the Barrister Examination is July 6). Students who choose to do their first writing in November or March – will have 5 full months, or 10 full months of time with the materials and supports to prepare for the sitting respectively.
4. The Licensing Examinations are open book and the students may mark their books in any manner that assists them.
5. The examinations are multiple-choice only.
6. The questions on the examinations will be clearly set out by subject matter. For instance, the student will deal with all questions pertaining to the effective and ethical practice of Criminal Law and related matters before moving on to the next subject. This will allow students to move through their reference materials methodically and efficiently.
7. The answer for every examination question can be found in the reference materials provided to the students – no supplementary material is required. Questions will require the student to think critically and analytically about the most appropriate answer.
8. The students will be provided with 7 hours to write the examinations – 3.5 hours in the morning, and 3.5 hours in the afternoon of the same day. There will be a 1.5 hour break in between the morning and afternoon sessions. These examinations are NOT a test of speed – they are an assessment of knowledge application and analysis. The examinations have been designed to allow the students ample time to complete each examination.
9. Although it is not possible to predict the results of any future examination, it is important that students be reminded that in any testing situation, some candidates may fail to achieve a passing score. This does not present a situation of crisis but one of learning. The students have substantial time to consider their result, seek tutoring assistance from tutors supplied directly by the Society, and to attempt the examinations again.
10. In the event of a failed attempt, the licensing examinations can be written again in the same academic period in November and March. If the student still fails to achieve a passing score, he or she may attempt further re-writes to a maximum of 9 re-writes. Students have 3 years from their date of entry into the process within which to complete and pass both examinations and all other requirements of the Licensing Process. (For this upcoming session, the students are required to complete all components successfully by April 30, 2009). The system is flexible and provides students with ample time to

schedule their examinations, as they would prefer.

11. The Society provides substantial supports to aid students in their efforts in all components of the process including a sophisticated e-Learning environment, mentorship opportunities and other options. In particular, students will be provided with learning sessions, both live and online, and other resources on how to prepare for the Licensing Examinations, including
 - practice examination questions and model answers
 - information on how to prepare to answer multiple-choice questions
 - study and time management suggestions
 - guidance on managing the reference materials for the open book examinations
 - tips for managing examination anxiety issues
 - and other supportive information.
12. It is human nature that students will want to compare their upcoming experience with their colleagues' previous experiences in the BAC. To that end, students should be aware of other key distinctions between the BAC and the new process:
 - The previous admissions process produced 8, 4-inch binders of materials, one 4-inch binder for each subject. The binders were distributed on the first day of each course, allowing the student between 6 and 12 days, depending on the subject, to prepare for and write the examination related to that area. In essence, in the previous regime, a student was required to prepare for and write an open book examination every 10 days for 4 months and did not receive any materials in advance.
 - attendance rates at instruction during the 2005 admissions program were, on average, 27%. The majority of students did not attend the lectures nor participate in the seminars.
 - In the previous admissions process less than 2% of the students failed to successfully complete the examinations.

Examination Bank Security

An additional issue should be raised at this point and it is important that you and your students understand this clearly.

The examination bank of the Law Society, which supports the new Licensing Examinations, has

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been developed in an extremely secure environment with all questions vetted for adequacy and appropriateness through a stringent validation process. The system removes the subjectivity from the testing environment ensuring that all students are assessed equally.

The examination bank is completely secure – students will receive only a “pass” or “fail”. Those who fail an examination will receive a Candidate Feedback Form which will provide input on areas of weakness exhibited in the testing.

The students are cautioned when they attend for these examinations that any collusion or other discussion or exchange of any information related to the specific content of examination questions amongst themselves or with others external to the student process (including students in future years) following the writing of any examination *will constitute a breach of the Rules of Professional Conduct and subject them to discipline proceedings with the potential consequence of being removed from the process and or denied entry into the profession.*

In the past, because the process was very different, examination questions were not developed in a secure environment, students exchanged information both verbally and in written form related to the content and form of the questions. In the new system, any such activity will be subject to disciplinary proceedings.

Our Licensing Process team at the Law Society would be pleased to respond to any inquiries directly and you should feel free to direct the students to us so that we may provide them with the information that they require to engage in a successful licensing process.