Law Clerk Program Standard

The approved program standard for Law Clerk program of instruction leading to an Ontario College Diploma delivered by Ontario Colleges of Applied Arts and Technology (MTCU funding code 52611)

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I.   Introduction

This document is the Program Standard for the Law Clerk program of instruction leading to an Ontario College Diploma delivered by Ontario colleges of applied arts and technology (MTCU funding code 52611).

Development of System-Wide Program Standards

In 1993, the Government of Ontario initiated program standards development with the objectives of bringing a greater degree of consistency to college programming offered across the province, broadening the focus of college programs to ensure graduates have the skills to be flexible and to continue to learn and adapt, and providing public accountability for the quality and relevance of college programs.

The Program Standards and Evaluation Unit of the Ministry of Training, Colleges and Universities have responsibility for the development, review and approval of system-wide standards for programs of instruction at Ontario colleges of applied arts and technology.

Program Standards

Program standards apply to all similar programs of instruction offered by colleges across the province. Each program standard for a postsecondary program includes the following elements:

- **Vocational standard** (the vocationally specific learning outcomes which apply to the program of instruction in question),

- **Essential employability skills** (the essential employability skills learning outcomes which apply to all programs of instruction); and

- **General education requirement** (the requirement for general education in postsecondary programs of instruction).

Collectively, these elements outline the essential skills and knowledge that a student must reliably demonstrate in order to graduate from the program.

Individual colleges of applied arts and technology offering the program of instruction determine the specific program structure, delivery methods and other curriculum matters to be used in assisting students to achieve the outcomes articulated in the standard. Individual colleges also determine whether additional local learning outcomes will be required to reflect specific local needs and/or interests.

The Expression of Program Standards as Vocational Learning Outcomes

Vocational learning outcomes represent culminating demonstrations of learning and achievement. They are not simply a listing of discrete skills, nor broad statements of knowledge and comprehension. In addition, vocational learning outcomes are interrelated and cannot be viewed in isolation of one another. As such, they should be viewed as a comprehensive whole. They describe performances that demonstrate that significant integrated learning by graduates of the program has been achieved and verified.

Expressing standards as vocational learning outcomes ensures consistency in the outcomes for program graduates, while leaving to the discretion of individual colleges curriculum matters such as the specific program structure and delivery methods.

The Presentation of the Vocational Learning Outcomes

The **vocational learning outcome** statements set out the culminating demonstration of learning and achievement that the student must reliably demonstrate before graduation.

The **elements of the performance** for each outcome define and clarify the level and quality of performance necessary to meet the requirements of the vocational learning outcome. However, it is the performance of the vocational learning outcome itself on which students are evaluated. The elements of performance are indicators of the means by which the student may proceed to satisfactory performance of the vocational learning outcome. The elements of performance do not stand alone but rather in reference to the vocational learning outcome of which they form a part.

The Development of a Program Standard

In establishing the standards development initiative, the Government determined that all postsecondary programs of instruction should include vocational skills coupled with a broader set of essential skills. This combination is considered critical to ensuring that college graduates have the skills required to be successful both upon graduation from the college program and throughout their working and personal lives.

A program standard is developed through a broad consultation process involving a range of stakeholders with a direct interest in the program area, including employers, professional associations, universities, secondary schools and program graduates working in the field, in addition to students, faculty and administrators at the colleges themselves. It represents a consensus of participating stakeholders on the essential learning that all program graduates should have achieved.

Updating the Program Standard

The Ministry of Training, Colleges and Universities will undertake regular reviews of the vocational learning outcomes for this program to ensure that the Law Clerk Program Standard remains appropriate and relevant to the needs of students and employers across the Province of Ontario. To confirm that this document is the most up-to-date release, please contact the Ministry of Training, Colleges and Universities at the address or telephone number noted on the inside cover page.

II. Vocational Standard

All graduates of the Law Clerk program of instruction must have achieved the ten vocational learning outcomes listed in the following pages, in addition to achieving the essential employability skills learning outcomes and meeting the general education requirement.

Preamble

This program is designed to prepare graduates for employment as Law Clerks who are able to do independent legal work under the supervision of a lawyer. Areas of law studied include the following practice areas: real estate, corporate/commercial, wills/estates, family, landlord/tenant and debtor/creditor.

Law Clerks perform routine legal and administrative duties and assist lawyers by performing a variety of functions. The responsibilities of the graduate may include activities such as routine conveyancing of titles, engaging in preliminary legal research, maintaining corporate documents and filings, drafting documents and correspondence, preparing briefs for various adjudicative bodies, interviewing clients and/or witnesses, and compiling evidence and documentation for various types of hearings.

Graduates possess the skills and flexibility to apply their knowledge in a variety of entry-level positions within law offices, corporations, government legal departments and agencies, financial institutions, and court, registry and land title offices. Further, graduates will have the ability to effectively organize and manage a variety of responsibilities that use their acquired proficiency in interpersonal and human relations skills, the ability to pay attention to detail, and to work under pressure.

The descriptions of legal skills, responsibilities, and settings, referred to in this document indicate the abilities and environment in which the graduate will generally work, and are not intended to imply that the Law Clerk is practicing law. The descriptions of the vocational skills as stated in the outcomes should also be understood to indicate a level of legal knowledge and skill appropriate to the Law Clerk, which could be expected to be achieved within the time frame of this program.

Graduates may, through articulation agreements between colleges and universities, be granted credits towards relevant degrees and certificates. Students should contact individual colleges for further details of a college's articulation agreements with other institutions or professional associations.

Synopsis of the Vocational Learning Outcomes
Law Clerk (Ontario College Diploma)

The graduate has reliably demonstrated the ability to

1. **support the needs of clients and legal professionals through the use of accurate terminology and professional communication strategies, both orally and in writing.**

2. **complete all work within routine and unexpected time lines and limitation periods within the legal environment.**

3. **use current and relevant electronic and print resources, within the legal environment, to conduct legal research, to assist with file and evidentiary management, to facilitate communication and generate legal documentation, complying with current regulations and procedures.**

4. **research and summarize the presenting legal issues, applying knowledge of substantive law, to support the legal team.**

5. **apply rules of procedure to support best legal practices.**

6. **conduct oneself professionally in adherence to the guidelines of the Law Society of Upper Canada.**

7. **carry out clerical and administrative duties for the operation of a variety of legal environments.**

8. **outline strategies for ongoing professional development to ensure continuing competence as a Law Clerk.**

9. **act equitably and justly with diverse populations*.**

10. **provide support for legal professionals in courts and administrative tribunals within the legal system.**

Note: The learning outcomes have been numbered as a point of reference; numbering does not imply prioritization, sequencing, nor weighting of significance.

The Vocational Learning Outcomes

1. *The graduate has reliably demonstrated the ability to*

support the needs of clients and legal professionals through the use of accurate terminology and professional communication strategies, both orally and in writing.

Elements of the Performance

- Use appropriate verbal and nonverbal communication skills within the context of the legal environment.
- Communicate within legal environment, using proper etiquette by email, telephone or letter.
- Use correct legal terminology at the level of a beginning practitioner.
- Display active listening skills in all interactions.
- Adapt communication strategies according to the needs of the client and/or the legal professional.
- Compose clear, concise and professionally written communication (e.g. briefs, affidavits, statements of claim etc.), using correct spelling, grammar, punctuation and syntax.
- Extract and analyze salient material from legal documentation.
- Proofread and edit effectively and efficiently.
- Draft legal documentation according to current protocols.
- Interact professionally with legal professionals and clients at all times.

* See Glossary

2. *The graduate has reliably demonstrated the ability to*

complete all work within routine and unexpected time lines and limitation periods within the legal environment.

Elements of the Performance

- Prioritize tasks and delegate when necessary and appropriate.
- Identify deadlines and limitation periods related to legal procedures.
- Develop and maintain a "bring forward" or "reminder" system (manual and electronic) to facilitate meeting timelines and deadlines.
- Complete work independently within strictly prescribed timelines.
- Participate effectively and cooperatively in team tasks and responsibilities.
- Develop personal and professional strategies to work effectively and productively when pressure situations arise.
- Present problem-solving solutions to co-workers for consideration when difficult situations arise.

3. *The graduate has reliably demonstrated the ability to*

use current and relevant electronic and print resources, within the legal environment, to conduct legal research, to assist with file and evidentiary management, to facilitate communication and generate legal documentation, complying with current regulations and procedures.

Elements of the Performance

- Access and use current word processing and legal application software efficiently.
- Select and apply the appropriate technology for the task.
- Display proficiency in keyboarding and computer skills.
- Convert information from print or electronic sources into final form correspondence and documentation.
- Manage records in a manner that complies with legal requirements governing retention of records and privacy of information. (e.g., *Freedom of Information and Protection of Privacy Act. R.S.O. 1990,* Chapter F 31)
- Comply with regulatory requirements for electronic preparation, dissemination and filing of specific legal documents.
- Research using current electronic and print based resources.
- Use information technologies in an appropriate, ethical and professional manner.
- Organize and manage teleconferences, videoconferences and on-line collaboration.

4. *The graduate has reliably demonstrated the ability to*

research and summarize the presenting legal issues, applying knowledge of substantive law, to support the legal team.

Elements of the Performance

- Determine essential information, relating to the principles of substantive law, that impacts the presenting legal matter.
- Identify the relevant parties to a legal matter.
- Identify relevant facts in a given situation.
- Research relevant concepts of substantive law required to support the presenting legal matters, using available systems (print/electronic).
- Use a problem solving approach based on understanding of substantive law.
- Contribute to summarizing evidence related to the facts, issues and law in relation to the matter.
- Organize, summarize and communicate research results, giving consideration to the currency and reliability of documents and information obtained during research process.
- Note up* cases using print and electronic sources.
- Communicate results using generally accepted citation rules.
- Identify levels of government, internal relationships within government and other departments and agencies as they impact the legal environment.

5.   *The graduate has reliably demonstrated the ability to*

apply rules of procedure to support best legal practices.

Elements of the Performance

- Conduct interviews to gather or disseminate information.
- Anticipate the needs of legal professionals during the course of legal proceedings.
- Conduct required searches, utilizing print and/or electronic databases to support best legal practices.
- Anticipate and apply relevant procedures and rules in support of the various practice areas:
    - real estate;
    - corporate/commercial;
    - wills/estates;
    - family;
    - landlord/tenant;
    - debtor/creditor.
- Locate and apply rules of procedures related to courtrooms and tribunals.
- Prepare relevant documentation for the various practice areas to the required standard of accuracy and completeness.

6.   *The graduate has reliably demonstrated the ability to*

conduct oneself professionally in adherence to the guidelines of the Law Society of Upper Canada.

Elements of the Performance

- Establish and maintain appropriate professional boundaries with legal professionals, co-workers and clients.
- Maintain confidentiality and security of all information acquired in the professional lawyer/client relationship.
- Present a professional appearance and demeanour.
- Act honestly and with integrity.
- Maintain punctuality.
- Evaluate presenting scenarios to identify conflict of interest.
- Comply with the Rules of Conduct as set out by the Law Society of Upper Canada as they relate to working under the supervision of a lawyer.
- Work through an ethical dilemma successfully, using an ethical decision making model.
- Accept feedback in a positive, respectful and professional manner.
- Modify behaviour showing evidence of internalizing supervisor feedback

7.   *The graduate has reliably demonstrated the ability to*

carry out clerical and administrative duties for the operation of a variety of legal environments.

Elements of the Performance

- Identify his or her role in the legal environment.
- Work independently and/or interdependently as required within the legal environment.
- Create and maintain time dockets/records/accurate accounting of time spent and disbursements incurred.
- Apply file management skills proficiently, including but not limited to managing client files, opening, closing and archiving files.
- Apply basic accounting principles to the management of legal financial records, including client ledgers, general and trust accounts according to the requirements of the Law Society of Upper Canada.
- Contribute to the effective organization of electronic and paper records in the legal environment.
- Use available management software for time entry, billing and accounting.
- Apply effective conflict-resolution strategies in interpersonal relationships within the legal environment.
- Function effectively as a member of a legal team.
- Organize meetings, conferences and travel effectively.

8. *The graduate has reliably demonstrated the ability to*

outline strategies for ongoing professional development to ensure continuing competence as a Law Clerk.

Elements of the Performance

- Outline the roles of the professional organizations/associations impacting the legal community. (e.g., Institute of Law Clerks of Ontario, Law Society of Upper Canada)
- Reflect on own practice, identifying strengths and weaknesses.
- Implement strategies to remedy self-identified knowledge, skills and weaknesses.
- Articulate the value of attending seminars and courses and engaging in online learning.
- Display ongoing learner-directed behaviour.
- Display currency in regard to changes in the legal environment.

9. *The graduate has reliably demonstrated the ability to*

act equitably and justly with diverse populations*.

Elements of the Performance

- Explain how sociocultural differences impact human behaviour.
- Recognize prevailing differences in verbal and non-verbal communications, when dealing with diverse populations* within the legal environment.
- Recognize the impact on the client of interaction with the legal system.
- Adopt communication techniques to interact effectively and sensitively with diverse populations*.
- Discuss the impact of relevant legislation (e.g., Ontario Human Rights Code, 1990; Canadian Charter of Rights and Freedoms, 1982) on interactions within the workplace environment.

10. *The graduate has reliably demonstrated the ability to*

provide support for legal professionals in courts and administrative tribunals within the legal system.

Elements of the Performance

- Describe and adhere to proper courtroom protocol and decorum.
- Analyze essence of legal professionals' requests quickly and accurately.
- Provide research support accurately and in a timely fashion.
- Work effectively with the team to meet strict deadlines imposed by court system.

Glossary

Diverse Populations – Populations, including and not limited to age, ethnicity, race, gender, ability, social or economic class or sexual orientation and health states, representative of the individuals, groups and colleagues with whom graduates will interact.

Note Up – To check the judicial treatment of a case.

III. Essential Employability Skills

All graduates of the Law Clerk program of instruction must have reliably demonstrated the essential employability skills learning outcomes listed on the following pages, in addition to achieving the vocational learning outcomes and meeting the general education requirement.

Context

Essential Employability Skills (EES) are skills that, regardless of a student's program or discipline, are critical for success in the workplace, in day-to-day living and for lifelong learning.

The teaching and attainment of these EES for students in, and graduates from, Ontario's colleges of applied arts and technology are anchored in a set of three fundamental assumptions:

- these skills are important for every adult to function successfully in society today;
- our colleges are well equipped and well positioned to prepare graduates with these skills;
- these skills are equally valuable for all graduates, regardless of the level of their credential, whether they pursue a career path, or they pursue further education.

Skill Categories

To capture these skills, the following six categories define the essential areas where graduates must demonstrate skills and knowledge.

- Communication
- Numeracy
- Critical Thinking & Problem Solving
- Information Management
- Interpersonal
- Personal

Application and Implementation

In each of the six skill categories, there are a number of defining skills, or sub skills, identified to further articulate the requisite skills identified in the main skill categories. The following chart illustrates the relationship between the skill categories, the defining skills within the categories and learning outcomes to be achieved by graduates from all postsecondary programs of instruction that lead to an Ontario College credential.

EES may be embedded in General Education or vocational courses, or developed through discrete courses. However these skills are developed, all graduates with Ontario College credentials must be able to reliably demonstrate the essential skills required in each of the six categories.

SKILL CATEGORY	DEFINING SKILLS: Skill areas to be demonstrated by graduates:	LEARNING OUTCOMES: The levels of achievement required by graduates. The graduate has reliably demonstrated the ability to:
COMMUNICATION	• Reading • Writing • Speaking • Listening • Presenting • Visual literacy	1. *communicate clearly, concisely and correctly in the written, spoken and visual form that fulfills the purpose and meets the needs of the audience.* 2. *respond to written, spoken or visual messages in a manner that ensures effective communication.*
NUMERACY	• Understanding and applying mathematical concepts and reasoning • Analyzing and using numerical data • Conceptualizing	3. *execute mathematical operations accurately.*
CRITICAL THINKING & PROBLEM SOLVING	• Analyzing • Synthesizing • Evaluating • Decision making • Creative and innovative thinking	4. *apply a systematic approach to solve problems.* 5. *use a variety of thinking skills to anticipate and solve problems.*

SKILL CATEGORY	DEFINING SKILLS: Skill areas to be demonstrated by graduates:	LEARNING OUTCOMES: The levels of achievement required by graduates. The graduate has reliably demonstrated the ability to:
INFORMATION MANAGEMENT	• Gathering and managing information • Selecting and using appropriate tools and technology for a task or a project • Computer literacy • Internet skills	6. *locate, select, organize and document information using appropriate technology and information systems.* 7. *analyze, evaluate and apply relevant information from a variety of sources.*
INTERPERSONAL	• Teamwork • Relationship management • Conflict resolution • Leadership • Networking	8. *show respect for the diverse opinions, values, belief systems and contributions of others.* 9. *interact with others in groups or teams in ways that contribute to effective working relationships and the achievement of goals.*
PERSONAL	• Managing self • Managing change and being flexible and adaptable • Engaging in reflective practices • Demonstrating personal responsibility	10. *manage the use of time and other resources to complete projects.* 11. *take responsibility for one's own actions, decisions and their consequences.*

IV. General Education Requirement

All graduates of the Law Clerk program must have met the general education requirement described on the following pages, in addition to achieving the vocational and essential employability skills learning outcomes.

Requirement

The General Education Requirement for programs of instruction is stipulated in the Credentials Framework (Appendix A in the Minister's Binding Policy Directive *Framework for Programs of Instruction*).

In programs of instruction leading to either an Ontario College Diploma or an Ontario College Advanced Diploma, it is required that graduates have been engaged in learning that exposes them to at least one discipline outside their main field of study and increases their awareness of the society and culture in which they live and work. This will typically be accomplished by students taking 3 to 5 courses (or the equivalent) designed discretely and separately from vocational learning opportunities.

This general education learning would normally be delivered using a combination of required and elective processes.

Purpose

The purpose of General Education in the Ontario college system is to contribute to the development of citizens who are conscious of the diversity, complexity and richness of the human experience; who are able to establish meaning through this consciousness; and who, as a result, are able to contribute thoughtfully, creatively and positively to the society in which they live and work.

General Education strengthens students' essential employability skills, such as critical analysis, problem solving and communication, in the context of an exploration of topics with broad-based personal and/or societal importance.

Themes

The themes listed below will be used to provide direction to colleges in the development and identification of courses that are designed to fulfill the General Education Requirement for programs of instructions.

Each theme provides a statement of Rationale and offers suggestions related to more specific topic areas that could be explored within each area. These suggestions are neither prescriptive nor exhaustive. They are included to provide guidance regarding the nature and scope of content that would be judged as meeting the intent and overall goals of General Education.

1.   Arts in Society:

Rationale:
The capacity of a person to recognize and evaluate artistic and creative achievements is useful in many aspects of his/her life. Since artistic expression is a fundamentally human activity, which both reflects and anticipates developments in the larger culture, its study will enhance the student's cultural and self-awareness.

Content:
Courses in this area should provide students with an understanding of the importance of visual and creative arts in human affairs, of the artist's and writer's perceptions of the world and the means by which those perceptions are translated into the language of literature and artistic expression. They will also provide an appreciation of the aesthetic values used in examining works of art and possibly, a direct experience in expressing perceptions in an artistic medium.

2.   Civic Life:

Rationale:
In order for individuals to live responsibly and to reach their potential as individuals and as citizens of society, they need to understand the patterns of human relationships that underlie the orderly interactions of a society's various structural units. Informed people will have knowledge of the meaning of civic life in relation to diverse communities at the local, national and global level and an awareness of international issues and the effects of these on Canada, as well as Canada's place in the international community.

Content:
Courses in this area should provide students with an understanding of the meaning of freedoms, rights and participation in community and public life, in addition to a working knowledge of the structure and function of various levels of government (municipal, provincial, national) in a Canadian and/or in an international context. They may also provide an historical understanding of major political issues affecting relations between the various levels of government in Canada and their constituents.

3. Social and Cultural Understanding:

Rationale:
Knowledge of the patterns and precedents of the past provide the means for a person to gain an awareness of his or her place in contemporary culture and society. In addition to this awareness, students will acquire a sense of the main currents of their culture and that of other cultures over an extended period of time in order to link personal history to the broader study of culture.

Content:
Courses in this area are those that deal broadly with major social and cultural themes. These courses may also stress the nature and validity of historical evidence and the variety of historical interpretation of events. Courses will provide the students with a view and understanding of the impact of cultural, social, ethnic or linguistic characteristics.

4. Personal Understanding:

Rationale:
Educated people are equipped for life-long understanding and development of themselves as integrated physiological and psychological entities. They are aware of the ideal need to be fully functioning persons: mentally, physically, emotionally, socially, spiritually and vocationally.

Content:
Courses in this area will focus on understanding the individual: his or her evolution; situation; relationship with others; place in the environment and universe; achievements and problems; and his or her meaning and purpose. They will also allow students the opportunity to study institutionalized human social behaviour in a systematic way. Courses fulfilling this requirement may be oriented to the study of the individual within a variety of contexts.

5. Science and Technology:

Rationale:
Matter and energy are universal concepts in science, forming a basis for understanding the interactions that occur in living and non-living systems in our universe. Study in this area provides an understanding of the behaviour of matter that provides a foundation for further scientific study and the creation of broader understanding about natural phenomena

Similarly, the various applications and developments in the area of technology have an increasing impact on all aspects of human endeavour and have numerous social, economic and philosophical implications. For example, the operation of computers to process data at high speed has invoked an interaction between machines and the human mind that is unique in human history. This and other technological developments have a powerful impact on how we deal with many of the complex questions in our society.

Content:
Courses in this area should stress scientific inquiry and deal with basic or fundamental questions of science rather than applied ones. They may be formulated from traditional basic courses in such areas of study as biology, chemistry, physics, astronomy, geology or agriculture. As well, courses related to understanding the role and functions of computers (e.g., data management and information processing) and assorted computer-related technologies should be offered in a non-applied manner to provide students with an opportunity to explore the impact of these concepts and practices on their lives.