

March 14, 2022

Board of Directors (Convocation)  
Law Society of Ontario  
130 Queen Street West  
Toronto, Ontario  
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Dear Members of Convocation,

The Canadian Association for Legal Ethics/Association canadienne pour l'éthique juridique (CALE/ACEJ) is a federal not-for-profit corporation whose members are academics, lawyers, and regulators interested in topics related to ethics and professionalism in the Canadian legal profession. CALE/ACEJ seeks to encourage and facilitate debate on issues of ethics and professionalism in Canada and to increase awareness about those issues in the public, the profession and the judiciary.

In this letter, CALE/ACEJ responds to your invitation to interested parties to provide views on mandatory minimum compensation for experiential training for lawyer licensing candidates.

CALE/ACEJ supports a requirement that articling students receive a minimum compensation when working in their experiential training placements. As a matter of basic fairness and respect, articling students must be paid for the work that they do. Articling placements in Ontario last between 8 to 10 months. Over one third of licensing candidates responding to a survey sent out by the Law Society in summer 2021 reported working more than 50 hours a week.<sup>1</sup> Another 63% of survey respondents reported working between 35 and 50 hours a week.<sup>2</sup> The Law Society must not continue to allow such substantial work to be performed without minimum compensation.

Many lawyer licensing candidates cannot afford to work for free. This generates an additional unfairness, namely disparate access to the profession based on one's economic position. The refusal to insist on minimum compensation facilitates easier access for those with more resources. In our view, allowing for such conditions is not consistent with the Law Society's public interest mandate.

While we do not take a firm position on the appropriate level of compensation, it is critical that it be economically reasonable. As a starting point, we would point to Ontario's minimum wage of \$15/hour. Lawyer licensing candidates must not be expected to work for less than this amount.

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<sup>1</sup> Law Society of Ontario, Professional Development and Competence Committee, *Experiential Training Enhancements* (26 November 2021) at 18.

<sup>2</sup> *Ibid.*

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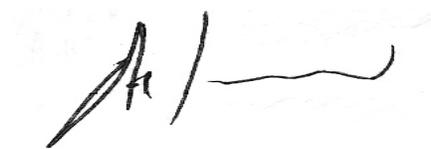
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Those in opposition to mandatory minimum compensation have expressed concern that requiring paid articling will reduce the number of positions available to licensing candidates. CALE/ACEJ is not in a position to opine on the likelihood of this occurring or, if it occurs, what its potential impact would be. However, if mandatory minimum compensation generates problems in the current licensing process, it is the licensing process that needs to change and not the fact that all articling students are to be paid. Any shortcomings in the regulatory model should not be resolved in ways which further entrench inequities in the articling system.

A handwritten signature in black ink, appearing to read 'A. Salyzyn', with a long horizontal flourish extending to the right.

Amy Salyzyn  
President, Canadian Association for Legal Ethics