



Ontario Licensure

Expanding Your Practice to Michigan's Largest Trading Partner

BY DAVID L. CAMPBELL

As a Michigan lawyer, you've likely faced a legal challenge that, in some way or another, involved Ontario, Canada. While Michigan's largest trading partner sits just across the Detroit River, it represents a unique challenge for lawyers facing cross-border issues. Whether it's a custody battle, an automobile accident, or even a real estate purchase, your ability to assist clients largely stops at the border. Contrary to popular belief, there is no pro hac vice reciprocity between Ontario and Michigan (or any other state) when it comes to the practice of law.

When legal issues arise that involve Ontario, chances are good that your client will retain an Ontario-based firm to handle the file and any resulting litigation. Depending on your relationship with the client, you may be able to continue your work in an advisory fashion, but jurisdictional differences and issues with the unauthorized practice of law will prevent you from taking any substantive action. If you are grinding your teeth at the thought

of sitting quietly beside (or in the gallery behind) local counsel during your client's next Ontario trial, why not simply join the club and obtain Canadian licensure? It's easier than you might think. While licensing requirements differ slightly between the various Canadian provinces, this article will provide an overview of the steps necessary to practice law in Ontario—our closest neighbor and Canada's most populous province.

Ontario Licensure Requirements: No Citizenship Required

Just five years ago, Ontario licensure was available only to Canadian citizens or permanent residents. This prerequisite was abolished in May 2007, paving the way for expanded cross-border practice opportunities. Ontario licensure involves a three-step process that includes accreditation, two bar exams, and an internship known as articling.

To demonstrate that you have attained the educational equivalent of Canada's bachelor of laws, an American lawyer must first

Fast Facts:

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Cross-border licensure can greatly enhance your practice—and no wigs are required!

As a Michigan lawyer, you may be exempt from “articling,” Canada’s mandatory legal internship.

apply to the National Committee on Accreditation (NCA) for a certificate of qualification. As its name suggests, the NCA provides national certification, and success here will allow you to seek licensure in any of Canada’s common law jurisdictions. While each application is assessed on its own merits, most foreign-trained lawyers must demonstrate their competence through a series of NCA exams.¹ An additional resource to assist with this first step is an optional program at the University of Toronto that is partially funded by the Ontario government and designed to assist foreign lawyers with the NCA process.²

With your NCA certificate in hand, you are now ready to face the Law Society of Upper Canada (LSUC), Ontario’s provincial bar. Step two of the licensing process requires you to successfully pass the same bar exams as domestic law graduates.³

The testing consists of two seven-hour, self-study, open-book exams. The Barrister Examination assesses legal knowledge in the areas of public law, criminal law, family law, and civil litigation, while the Solicitor’s Examination focuses on real estate, business law, wills, and estates. Both exams include questions on professional responsibility and the solicitor-client relationship. As part of the LSUC licensing process, you will receive all the required study materials (approximately 1,400 total pages) and must complete another detailed application similar to those required by most state bars.

Exemption from the “Articling” Requirement

The final step in Ontario’s licensing process is “articling”—10 months of work under an approved Ontario lawyer (similar to apprenticeship in a skilled trade). This requirement ensures that new law school graduates have sufficient practical experience before admission to the bar. However, as an American attorney with several years of practice under your belt, you are likely eligible for a full exemption from the articling requirement once you submit an application.⁴ If your exemption is approved, you will be “called to the bar” in a formal ceremony and may add the title “Barrister and Solicitor” to your business cards and letterhead.

Budgeting for the Canadian Bar

So how long does this process take and what will it cost? Although individual experiences vary, it can take almost two years from your initial NCA application to your Ontario call. While costs are variable and based on factors that include the number of required NCA exams, you should budget at least \$5,000 to complete the process and secure your Ontario license.

Licensure in the United Kingdom

Have you ever dreamed of practicing law in the United Kingdom? While it may come as a surprise, the process required for qualification as a solicitor in England and Wales is far less complicated than the one you endured during your state licensing on this side of the Atlantic (and even the Ontario process). Admission starts with a 24-question application focused on your educational and professional qualifications. You may then take an online prep course; you are also required to write three licensing exams covering property, litigation, professional conduct, and common law. Because of high interest levels and for added convenience, these exams are regularly given in New York. Unlike in Canada, there is no articling requirement.⁵

Conclusion

Becoming a true international lawyer requires both time and money, but it will greatly enhance your practice and marketability. Less demanding than an LLM or judicial clerkship, cross-border licensure will help you stand out, allow you to make a unique contribution to your firm, and open doors to practice possibilities you’ve never dreamed of. ■



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FOOTNOTES

1. Federation of Law Societies of Canada, *Getting a Certification of Qualification* <<http://www.flsc.ca/en/nca/getting-a-certificate-of-qualification/>>. All websites cited in this article were accessed April 9, 2012.
2. See Internationally Trained Lawyers Program <<http://www.itlp.utoronto.ca/>>.
3. See The Law Society of Upper Canada, *Licensing Examinations* <<http://www.lsuc.on.ca/with.aspx?id=11182&langtype=1033>>.
4. See The Law Society of Upper Canada, *Articling Exemption: Process and Criteria* <<http://rc.lsuc.on.ca/pdf/licensingprocesslawyer/articling/ar33frmExemption.pdf>>.
5. See generally Solicitors Regulation Authority, *Qualified Lawyers Transfer Test* <http://www.sra.org.uk/solicitors/qltt.page#heading_toc_j_7>. Details and forms can be found at <http://www.sra.org.uk/solicitors/qlts.page>.