

In-Person Articling Requirement Policy

Purpose

The Law Society of Newfoundland and Labrador regulates the legal profession in the public interest by establishing standards for the education, training and competence of persons seeking admission to the profession.

The articling experience is an important component in the development of new lawyers. The purpose of the in-person articling requirement is to help ensure that Students acquire the knowledge, skills, professional judgment and attributes required to competently and ethically serve the public upon admission to the practice of law.

Definitions

Capitalized terms used but not defined in this Policy have the meanings assigned to them in Rule 6 of the Rules.

For the purposes of this Policy:

“Articling Work Period” means the period during which the Student is actively serving articles. It excludes attendance at the Bar Admission Course, vacation and other periods of approved absence.

“Remote Work” means work performed by a Student from a location other than the physical office or professional workplace of the principal, firm, or organization in which the Student is serving articles.

“Remote Supervision” means supervision of a Student by their principal where the principal and Student are working from different physical locations.

In-Person Articling Requirement

Students are required to complete their Articling Work Period primarily in person at the physical office or professional workplace of their principal, firm or organization.

Where an employer permits remote work, a Student may work remotely for up to 20% of the Articling Work Period without prior approval from the Education Committee, provided that the arrangement does not interfere with the Student's supervision, training, mentorship, or competency development.

In addition, a Student must not be regularly or predominantly supervised remotely by their principal. A Student's physical attendance at the workplace does not satisfy the in-person articling requirement where the principal is regularly or predominantly supervising the Student from a different physical location.

Rationale

The purpose of articles is to provide a high-quality experiential learning opportunity through which Students develop into competent and ethical professionals.

In-person articles provide opportunities for Students to:

- develop competencies through observation, practice and regular feedback;
- receive timely and informal supervision and guidance;
- identify and address ethical and professional issues in a practical context;
- observe experienced lawyers and standards of professionalism;
- develop professional judgment;
- build relationships with colleagues, clients and members of the legal community;
- develop meaningful mentorship relationships; and
- experience the collegial and professional environment of legal practice.

It is recognized that remote work, virtual proceedings and technology are ordinary features of contemporary legal practice and that exposure to these forms of practice can be beneficial to a Student's training.

Exceptions to the In-Person Articling Requirement

The Student and principal must obtain approval from the Education Committee where:

- Remote Work is expected to exceed 20% of the Articling Work Period; or
- Remote Supervision by the principal is expected to occur regularly or predominantly.

Where exceptional circumstances support or justify an exception to the in-person articling requirement, the Education Committee may consider a proposal for a remote articling arrangement.

The principal and Student must provide sufficient information to demonstrate that the proposed arrangement will provide appropriate supervision, experiential learning, mentorship, and competency development.

In considering a request, the Education Committee may consider any relevant factors, including, but not limited to:

- the extent and frequency of the proposed Remote Work or Remote Supervision, including the portion of the Articling Work Period during which the Student and principal are expected to work from different physical locations;
- the frequency and nature of communication between the Student and principal, including arrangements for regular contact, access to the principal for questions or urgent matters, review of the Student's work, and timely feedback;
- the opportunities for meaningful in-person interaction between the Student and principal;
- the availability and involvement of other Members who are suitable to provide supervision and training to a Student, including the extent to which they will provide day-to-day supervision, instruction, feedback, and mentorship;
- the opportunities for the Student to observe and interact with experienced lawyers and to participate, where appropriate, in court and tribunal proceedings, client meetings, discoveries, negotiations, and other professional activities;
- the opportunities for mentorship, professional development, collegial interaction, and integration into the workplace and broader legal community;
- the nature of the principal's practice and the work to be performed by the Student, including whether the proposed arrangement will provide sufficient breadth and quality of experience to support the Student's competency development;
- any geographic, rural, remote, or other circumstances relevant to the proposed arrangement, including whether the arrangement supports access to articling opportunities or legal services in a rural or underserved community; and
- the manner in which the proposed arrangement, considered as a whole, will provide the supervision, experience, instruction, mentorship, and competency development expected during the Articling Term.

The factors listed above are intended as a guide only and are not exhaustive.

The Education may approve a remote articling arrangement and may impose such conditions as are considered appropriate.

Changes and Ongoing Obligations

The Student and principal must immediately advise the Education Committee of any proposed material change to an approved remote articling arrangement. Any material change must be approved by the Education Committee before it is implemented.

Approval of a remote articling arrangement does not relieve the Student or principal from complying with Rule 6, the Articles of Clerkship, the Education Plan, or any other requirements established by the Education Committee or the Law Society.