

Tips for Lawyers Re-qualifying in Canada

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As a dual qualified lawyer and legal recruitment consultant, I often advise foreign qualified lawyers wanting to practice law in Canada.

Their numbers are rising: the most recent statistics published by the National Committee on Accreditation (who vet foreign lawyer credentials) show a 34 per cent jump in the number of applications between 2008 and 2009.

An overview of the process

The re-qualification process has two stages: accreditation at the national level, and Bar admission at the provincial level.

The first step is to submit an application to the National Committee on Accreditation (NCA), a division of the Federation of Law Societies of Canada. The NCA evaluates each applicant's education and legal experience. At a minimum, applicants are required to write some accreditation exams in Canadian law via independent study. At the other end of the scale, they may have to attend law school.

After completion of the NCA certification, the next step is admission to the provincial Bar.

Each province has its own law society and a lawyer with the NCA certification is generally treated the same way as a Canadian law school graduate. They must complete articles (around 9 to 12 months in duration), the provincial Bar admission program and the Bar exam.

This stringent and lengthy process has not helped the perception that there are high barriers to entry to the Canadian legal market. In practice, it can take several years for even the most experienced foreign qualified lawyer to be admitted here, which often surprises those from legal markets more at ease with lawyers transferring between jurisdictions. Ultimately, the entry of foreign law firms into Canada (such as the recent merger between the U.K.'s Norton Rose Group and Ogilvy Renault LLP) may be a driver for a faster process. Until that time, however, foreign qualified lawyers can learn from others who have successfully navigated the process. The following tips are based both on my own experience and advice from others who have made the transition to practice in Canada.

Do it early

An international move is a huge undertaking, and often the task of submitting the initial application to the NCA is pushed to the bottom of an overwhelmingly long to-do list. However, starting the NCA process early, ideally before coming to Canada, will both shorten the process and provide a map of the path and likely timing for re-qualification. For example, a lawyer who must take many exams may want to spread them out over several exam sittings, especially if they are combining work with study.

Two (or more) heads are better than one

As preparation for the NCA exams is usually by independent study, it is difficult to gauge how much work is required. Connecting with others who are going through or have completed the process is a great way to ease the feeling of isolation associated with self-study and build up a network of contacts when looking for articles. For example, social networking sites such as Facebook have community pages for those preparing for their NCA exams. In my practice, I often connect lawyers who are new to Canada with those who have been through the process and are happy to provide support and advice.

Take advantage of shortcuts

Some provincial law societies will shorten the articling period for experienced lawyers and may allow them to sit the bar exam without having to attend the bar admission course. However, this type of

concession may not be offered automatically by the relevant law society, so it should be requested.

Be flexible

Foreign qualified lawyers may have to “discount” their experience and compensation (employers take note: this is a rare opportunity to get an experienced lawyer for a bargain) by working as an assistant, a paralegal or at a more junior associate level while completing the NCA certification process and articles. However, this can be advantageous as it relieves some of the performance pressure during the transition to Canadian law and practice.

Know, and reach out to, your audience

Most lawyers are relatively comfortable with the first step toward re-qualification, because it is procedural. The biggest hurdle is often that of securing an articling position, and the area that creates the most frustration — after all, the lawyer’s experience is respected and highly marketable in their home jurisdiction, so why not in Canada? There are two reasons: firms may be wary of hiring lawyers with experience and qualifications that are unfamiliar, and foreign qualified lawyers do not have the innate market knowledge and connections that their Canadian-qualified peers have built up during law school, articles and practice.

Successfully securing articles generally requires a two pronged approach: knowledge and networking.

Few people would buy a house in a foreign country without first consulting a local realtor for advice on housing stock, location and price. Similarly, recruitment consultants specialise in placing lawyers. They are able to provide a valuable overview of the local market and facilitate a targeted approach, for example to firms with a track record of foreign qualified hires.

Making the effort to connect with lawyers in the local market also pays dividends. I recently met an experienced foreign qualified lawyer who secured articles with a company that she had heard, through another lawyer, urgently required cover for a maternity leave. The position would have passed her by if she had not built the connections that gave her access to the legal market grapevine.

And finally

There is no way around the fact that re-qualifying in Canada is neither quick nor painless. However, my last tip is this: If you climb to the top of the boulder that blocks your way, you will enjoy the view from a different perspective.

Every foreign qualified lawyer that I have had the privilege to speak to or work with has had no regrets about coming to, and re-qualifying in, Canada. It is worth it.

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