



To: Law Society of Nunavut Members

From: Nalini Vaddapalli, CEO

Re: November 26, 2020 Special Meeting Memo - Mandatory Continuing Legal Education:
Overview and new proposed recognized activities

Date: November 20, 2020

Statutory Authority

Pursuant to ss. 8(1) (d.3) of the *Legal Profession Act*: [...] the [Law Society of Nunavut] Executive may make rules for respecting mandatory continuing legal education, including

- (i) setting the number of hours of continuing legal education members of the Society must complete annually, including by area of study, and
- (ii) exempting a category of members of the Society from completing, either completely or in part, the required annual number of hours of continuing legal education.

Note – Terminology : For the purpose of consistent terminology, the memo refers to Mandatory Continuing Legal Education (“MCLE”) as defined under the *Legal Profession Act* (“ACT”). Starting January 1, 2021, the statutory terminology will be reflected in all documents and policy.

Overview and reminders

The current applicable MCLE policy recognizes eligible continuing legal education activities, including those held outside of Nunavut, that contain significant substantive or practical content with the primary objective of increasing a lawyer's professional competence.

The MCLE policy requirements:

- 12 hours including 1 hour of ethics and professional responsibility.
 - The Law Society of Nunavut (“LSN”) is committed to providing opportunities to its Member to complete the requirements;
 - Members still benefit from CLE at no additional cost; and
 - LSN invites its members to deliver CLE activities. We will continue to provide support to facilitate the organization and delivery.

Accreditation v Recognition under the MCLE Policy:

- The LSN does not accredit CLE programs or activities; each Member and organization is responsible for identifying under which CLE recognized category the activity falls under. The LSN can assist to confirm the category.
- CLE programs or activities held in Nunavut, including in-house, require that a completed sign-in sheet be submitted to the LSN by the organizer. Members attending remotely can be signed-in by the organizer. A template sign-in sheet will be made available on LSN’s website January 1, 2021.

Restricted Self-Study v Unrestricted Self-Study

The LSN recognizes the challenges that some resident members may face in meeting the MCLE requirements. The policy was developed with options to facilitate individual and small group legal education learning opportunities that are available to all members:

- **2 hours maximum - Restricted self-study** means an educational gain through one’s independent means by using material or programs specifically designed for professional development or legal education, including participating in self-directed online programs, reviewing recorded seminars, and legal writing where the intended reader is not a specific client.
- **2 hours maximum - Unrestricted self-study** means an educational gain through one’s independent means, including the reading of journals and informative publications, and listening to podcasts relating to the practice of law.
- **Unlimited hours - Group study** of two or more means an educational activity where interaction and discussion are available to a group of participants. The activity includes participating in a program set in a classroom-like setting such as a conference, seminar or webinar or teleconferences where questions can be asked and answered on real time; participating in a group discussion focused on the development and sharing of information on specific practice areas.

Recent New Activities

When recognizing new CLE programs and activities, consideration is given to how other jurisdictions accredit or recognize these programs and activities to allow for consistency, as much as possible, across every jurisdiction.

Invited Speaker - Law-Related Event	2 credits per hour of presentation	Unlimited
Moot Court (Coaching or Judging)	3 credits per hour of coaching or judging	3 hours max.

New proposed activity

Pro Bono (LSN Access to Justice Program)	1 credit per hour of pro bono	3 hours max.
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- Nunavut would be the only jurisdiction to include this new activity that would require completion of a mandatory CLE training offered by the LSN.