

Key changes to LAO minimum experience requirements



Published: November 2022

Simplified case requirements

Instead of a rolling annual requirement, LAO now requires a set amount of prior experience, and once that experience is met, roster members do not need to re-qualify annually.

For example, a roster member must have completed at least 20 criminal law files within the last three years to be authorized to provide certificate services in general criminal law. This is different compared to the previous requirements of completing 10 criminal law files on an annual basis

LAO's prior panel standards required a set number of files on an annual basis. This meant that some lawyers were unable to continue to meet the prior standards for reasons outside their control (for example, parental or illness leaves).

By requiring that roster members have a measurable level of experience, we hope to simplify the conditions of gaining authorization, improve the quality of our service delivery, and recognize historical and ongoing experience of roster members.

Reading lists and case law

LAO has created resources to help support lawyers in providing high quality legal aid services. Our new requirements will ask lawyers to review materials associated with their area of law as a condition of their membership.

The materials support your delivery of legal aid services. In order to foster an environment of continuous learning, as under the prior standards, all roster members must complete a certain number of hours of Continuing Professional Development (CPD) in relation to their area of law each calendar year. Exact numbers of required CPD are set out in the Roster Management Rules for each area of law.

Reduced administration

Once a roster member meets the minimum experience requirements, they do not have to repeatedly re-establish their ability to meet the minimum experience requirements. To support this, LAO is re-designing its annual self-report for roster members to make it more user-friendly and to better capture responses from roster members.

Conditional authorization

A conditional authorization to become a roster member is available for certificate lawyers and duty counsel who do not meet the minimum experience requirements at the time they apply to join the roster (limited exceptions apply to certain high-risk areas of law). Establishing a more cohesive conditional authorization process was a key recommendation made by the Auditor General of Ontario.

Conditional authorization offers the advantage of a clear and concise approach to meeting our minimum experience requirements, and it better enables new lawyers to join the roster and gain experience. It also aids us in evaluating the quality of lawyer and duty counsel services.

Conditional authorization enables lawyers and duty counsel who do not meet the minimum experience requirements to provide legal aid services as conditional members as they gain the experience needed to complete the requirements. Once a certificate lawyer or duty counsel meets the requirements, they are granted a “Meets standards” status.

Certificate lawyers and duty counsel have a two-year period to complete the standard requirements and attain full membership. Certificate lawyers who do not meet the requirements within their window of time can apply for renewed conditional status for up to an additional 12 months as they continue to work towards meeting the standards.

You can find more details on conditional authorization in the [minimum experience requirements amendment document](#).

Duty counsel renewal process

All duty counsel authorizations have a time limit of 24 months from the day the authorization is approved.

Upon expiry of the authorization, the roster member can request to renew it for another 24-month period. There is no maximum number of renewals; a duty counsel authorization can be renewed indefinitely. If the roster member does not request a renewal before it

expires, the authorization is revoked.

In order to reduce administrative strain, LAO may refuse to grant or renew an authorization to provide duty counsel services if there are already enough authorized roster members in a particular district.

Duty counsel can find additional details on their conditional authorization process on our [website](#).

We will soon provide more tools to help you understand how to navigate conditional authorization and meet the minimum experience standards. We will be launching a conditional tracking tool in April of 2023 which will assist roster members and LAO in tracking and managing conditional authorizations online.