

LAWYER CERTIFIED SPECIALIST PROGRAM



Edward C. Corrigan



A colleague approached me early in 2004 enquiring if I would be interested in sitting on the Law Society of Upper Canada (LSUC) Immigration and Refugee Law Specialist Committee. The Committee wanted better geographical representation. He also suggested that I apply for certification as a specialist in Citizenship and Immigration law. I have been practising in the Citizenship and

Immigration area almost exclusively since 1992 and had published in the area.

What exactly does this mean to be certified as a specialist? To quote the LSUC website; "Becoming a Certified Specialist gives you recognition as a leader in your field. The right combination of experience and education provides you with an opportunity to distinguish yourself." The Law Society describes the objective of the Certified Specialist Program as follows:

The Program has been running since 1988 and is intended to help lawyers acquire the requisite skills and knowledge to qualify for certification as a specialist in a given practice area. To that end each specialty now has:

1. learning criteria
2. a wide range of programs accredited on the basis of the learning criteria
3. detailed experience requirements for certification

Qualifications for Certification

You may submit an application for certification when you have: practised for a minimum of seven years prior to the date of the application; had substantial involvement in the specialty area during five of the seven years, i.e., mastery of substantive law, practices and procedures, and concentration of practice in the specialty area; complied with the professional development requirements; and complied with the professional standards requirement.

The Law Society's Certified Specialist Program is self-funding, paid for entirely from fees collected from both applicants to the Program, and those certified as specialists. Failure to pay the certification annual fee may result in the revocation of the specialist designation.

Areas of Specialization

Currently, there are 15 areas of specialization each with their own set of criteria for meeting the certification as a specialist in that area of law. Municipal Law and Health Law are two new areas added in 2006.

Continuing Legal Education Programs (CLE)

The accreditation of continuing legal education (CLE) programs was introduced to support the developmental component of the Certified Specialist Program. Accreditation is on the basis of learning criteria in a given specialty area which detail the progression of skills and knowledge required to achieve the Certified Specialist designation in that area of law.

Continuing legal education or CLE is an important part of the Law Society mandate and there is strong encouragement for lawyers

to keep up to date on new developments in the law. The Certified Specialist Program is an important part of this continuing education program. In order to qualify as a specialist you must meet a minimum standard for professional development.

In citizenship and immigration specialty the criteria are not less than 50 hours of self-study and not less than 18 hours of relevant professional development per year. This must include at least 6 hours of participation in CLE programs that have either been accredited or were capable of being accredited by the Specialty Committee. Other ways to make up the 18 hours of professional development include teaching, taking graduate or post graduate studies in the specialty area, giving lectures or publishing books or articles in the specialty area.

This program gives an incentive for ongoing professional development and if you meet the standard in your area of specialization, you can apply for certification as a specialist.

Some may consider it presumptuous that the Law Society of Upper Canada would set up such a program. However, other organizations, such as L'EXPERT, have similar lists of "experts in their field" and legal consumers want to know who is qualified and who has the specialized expertise for their legal concern. It is, in my view, much better for the lawyers, and their clients, to have a rigorous certification process that is lawyer controlled as opposed to outside agencies, commercial concerns, self interested parties or the rumour mill which help guide client selection of lawyers.

The practice of law is becoming more and more specialized and the day of the general practitioner is virtually a thing of the past. The Certified Specialist Program sets a high standard for lawyers who want to specialize in one or two areas of law and encourages professional development and continuing legal education. For those lawyers who are prepared to invest the time, develop the required expertise and win the respect of their peers in their area of specialty, the program is recognition of professional excellence. A specialist designation should be considered a mark of achievement in our profession and that is something that also interests our clients.

Information on the Law Society of Upper Canada Certified Specialist Program, including the application form and detailed standards and qualifications, are available online or by contacting the Member Resource Centre at (416) 947-3315, toll-free at 1-800-668-7380, ext. 3315, or by e-mail at: certspec@lsuc.on.ca. 

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The Law Society is currently reviewing the future of the Certified Specialist Program. To review a copy of the Report that is awaiting debate at convocation please visit http://www.lsuc.on.ca/media/convfeb07_pdc.pdf. (Note: while this document was on the February 22, 2007 agenda the report was not discussed). Should individual members of the OBA have concerns about this report, they should direct their comments to the Treasurer and Benchers of LSUC.