

The Law Society of British Columbia



Report on Advocacy Education

From: The Lawyer Education Advisory Committee

To: The Benchers

Date: December 10, 2010

Note: The Benchers, on December 10, 2010, approved recommendations 2 to 7. The Chair of the Lawyer Education Advisory Committee withdrew recommendation #1 for further Committee consideration.

Purpose of Report:

Discussion and Decision

Prepared on behalf of:

**The Lawyer Education Advisory Committee,
based on the recommendations of the Advocacy
Education Working Group**

INTRODUCTION

The Advocacy Education Working Group was established in April 2009 by the Lawyer Education Advisory Committee (the “Committee”) to assist in meeting Strategy 3-3 of the Law Society’s Strategic Plan for 2009-2011.

The objective of Strategy 3-3 is to

Develop and implement initiatives to improve advocacy skills for lawyers.

Initiative 3-3 directs the Committee to examine initiatives related to teaching advocacy skills to lawyers.

Advocacy is a particular lawyering skill. While it is a skill most commonly associated with barristers, effective advocacy skills are equally relevant to solicitors. Advocacy is however a subject on which there are few dedicated courses available. To achieve the goal of effective lawyer education, the Lawyer Education Advisory Committee will examine initiatives relating to the teaching of advocacy skills and present options to the Benchers for consideration.

The Advocacy Education Working Group’s initial mandate was to

- identify courses and programs available to BC lawyers;
- identify barriers faced by BC lawyers, including price, time and geography;
- identify courses and programs available in other provinces and in American states that could be useful to BC lawyers if they were more readily available;
- identify potential approaches to improving lawyer advocacy skills such as developing an advocacy-related framework for course design and delivery, both in person and online; mentoring; and study groups.

BACKGROUND

In 2009, the members of the Working Group were Chair James Vilvang QC, John Hunter QC, Bruce LeRose QC, and Patricia Schmit QC.

The Working Group met five times in 2009 and presented its first report to the Lawyer Education Advisory Committee at the end of the year. The Report presented the following preliminary conclusions.

- The Working Group disagreed with the assumption expressed in Initiative 3-3 that there were few dedicated courses on advocacy available to BC lawyers. The Working Group concluded that high quality advocacy skills training courses were plentiful in BC, subject to cost.
- For reasons of manageability, the Working Group determined that its mandate should be limited to considering how to improve lawyers’ oral advocacy skills

and equip lawyers to fulfil their duty to the court, but should not include written advocacy skills, the law of evidence, civil procedure, or client management.

- Advocacy skills are best learned in the courtroom, but because many cases settle, there are decreasing opportunities for litigators to complete trials. Also, cost considerations create fewer opportunities to junior or watch trials.
- The Working Group focus should be on enhancing opportunities for junior and inexperienced lawyers to attend, participate in or conduct trials, preferably with feedback from senior counsel or the judiciary.

The Working Group focus in 2010 was guided by the conclusions contained in its 2009 year-end Report. The Working Group met six times in 2010, and welcomed several new members, including judges from the Supreme Court and the Provincial Court. The members of the Working Group in 2010 are

- James Vilvang QC, Chair
- Madam Justice Susan Griffin (Supreme Court of BC)
- Mister Justice Jon Sigurdson (Supreme Court of BC)
- Judge Paul Meyers (Provincial Court of BC)
- Myron Claridge
- David Crossin QC
- Bruce LeRose QC
- Patricia Schmit QC.

PURPOSE OF THIS REPORT

The Working Group has completed its work. This report reflects the research, consultation, analysis and conclusions of the Working Group on initiatives to support and enhance lawyers' advocacy skills. The Committee endorses the Working Group recommendations and presents them to the Benchers for adoption.

ENVIRONMENTAL SCAN

The Working Group began in 2009 by conducting an environmental scan of courses, workshops and organizations in BC, as well as nationally and internationally, that promote or offer advocacy skills training for lawyers. While not a complete list, the Working Group identified and reviewed the offerings of the following organizations:

- Professional Legal Training Course (BC)
- Inns of Court program in BC
- Continuing Legal Education Society of BC
- Trial Lawyers' Association of BC¹

¹ The Trial Lawyers Association of BC has a mentoring program that matches 6 to 8 mentors and mentees each year. The feedback has been positive. The TLABC intends to advertise the program more in the coming months, particularly now that CPD credit is available for mentoring, to encourage participation. The TLABC also has a "trial alert" program whereby a lawyer with an upcoming trial can invite junior lawyers to participate, without remuneration, to improve their skills. The TLABC sends out broadcast emails to advertise these opportunities.

- Canadian Bar Association
- 360 Advocacy
- CLE International
- West LegalEd Center
- Campus the Hague
- CPMS Arbitration
- National Institute of Trial Advocacy
- Osgoode Hall Professional Development Centre
- American Association for Justice Trial Advocacy
- American Trial Lawyers Association
- Supreme Court Advocacy Institute
- Academy of European Law
- University of Toronto Faculty of Law Summer Institute
- Advocates' Society (in Ontario).

DISCUSSION

Preliminary Considerations

While the Working Group determined that the legal profession in BC is generally well served by the availability of courses on advocacy, the Working Group concluded that many lawyers lack courtroom experience, and that the level of advocacy before the courts can be uneven. It is not only junior lawyers who lack basic advocacy skills and experience. There are also more senior lawyers with little or no trial experience who find themselves conducting their first trials without important advocacy skills.

The Working Group has concluded that any initiative to improve advocacy skills should, wherever possible, be available throughout the province. The Working Group has stressed the importance of reaching lawyers throughout the province because lawyers practising in areas outside the Lower Mainland are less able to access the same range of resources.

The Working Group has encouraged introducing its proposed initiatives, where suitable, as a pilot project with a built-in review process so that a program's effectiveness in meeting its objectives could be assessed, and any changes could be made before the program becomes permanent.

Consultation With the Courts

The Working Group recognized the importance of consulting with judges early on to solicit their views about the state of advocacy before the courts, ideas for improving the advocacy skills of inexperienced lawyers, and about what role, if any, the judiciary might have in enhancing these skills. The Working Group began its consultations with the courts in 2009 when BC Supreme Court Chief Justice Bauman attended the December meeting. The Chief Justice described some concerns judges have about unskilled lawyers, and the inappropriate conduct judges sometimes see in the courtroom. Most of

these shortcomings involve inappropriate behaviour such as rudeness toward a witness or opposing lawyer, improper interruptions, and a general lack of professional demeanour or decorum. Chief Justice Bauman said the judiciary would be willing to join the Working Group and consider participating in an advocacy skills training project (if one were to be developed through the recommendations of the Working Group), if the concerns of judges about providing direct feedback to counsel appearing before them could be constructively addressed. The judges from the Supreme Court and the Provincial Court therefore joined the Working Group in 2010.

Consultation With Junior Lawyers

To obtain junior lawyers' views about their advocacy training needs and experiences, the Working Group contacted the TLABC's New Lawyers Litigation Group; the chairs of the three sections of the CBA (BC Branch) Young Lawyers group; and the CBA national office's Director of Professional Development.

(a) Trial Lawyers Association of BC's New Lawyers Litigation Group

The TLABC New Lawyers Litigation Group is both a social and a professional networking group for lawyers in their first five years of call, and for articling and law students. The group holds 6 to 8 meetings yearly, and attendance is free of charge. Speakers are invited to present on particular advocacy topics. The New Lawyers Litigation Group also offers an email-based listserv for members. A lawyer need not be a member of the TLABC to participate in the listserv.

(b) Canadian Bar Association (BC Branch) Young Lawyers Sections

The Working Group has contacted the Chairs of the CBABC Young Lawyers sections in Victoria, the Lower Mainland and the Okanagan to obtain feedback and ideas for enhancing advocacy learning opportunities for younger lawyers. The Committee intends to follow up with those groups.

(c) Canadian Bar Association (National)

The Canadian Bar Association recently launched its Young Lawyers Series, a new online initiative, which can be found at www.cba.org/pd/sls. This initiative is the result of a series of consultations the CBA held with lawyers and law firms across Canada to determine the most effective ways of "bridging the gap between theory and practice." The series features two separate streams (corporate/transactional and litigation) of skills-based programs on a range of topics.²

² There are 8 programs in each stream, and each program covers a specific topic. For example, in the litigation stream topics include preparing clients for discovery and trial; writing for litigators; conducting and defending a discovery; evidence and objections at trial; excelling at motion arguments; examination-in-chief of fact witnesses; cross-examination of fact witnesses, and finding, retaining, and preparing witnesses for trial. The programs are interactive, and include video demonstrations of the skills being taught. They are available to anyone, including non-lawyers, with CBA members receiving preferential pricing. The complete package of 8 programs (in either stream) is designed to

POLICY OBJECTIVES SERVED BY ADOPTING THE RECOMMENDATIONS

The primary objective of the Working Group throughout its deliberations was to improve lawyers' oral advocacy skills. The Working Group explored a range of strategies for expanding the opportunities available to lawyers to acquire these skills, and gain experience by attending or participating in trials or administrative tribunal hearings.

It is in the public interest to develop and improve the oral advocacy skills of inexperienced lawyers, because these skills support the effective and efficient administration of justice, and assist in obtaining just outcomes. Improving lawyers' oral advocacy skills is integral to the Law Society mandate to ensure that lawyers are competent, and to its responsibility to regulate the practice of law in the public interest. Although lawyers may not necessarily lose a court application or trial because of poor advocacy work, improving these skills would enhance a lawyer's effectiveness and strengthen client confidence in the lawyer. The better served the client feels, the less likely it is that a client will file a complaint or make a claim against the lawyer.

Set out below is a summary of the ideas, initiatives, and options examined by the Working Group, organized into two categories:

- 1) Options Considered but Not Recommended,
- 2) Options Considered and Recommended.

OPTIONS CONSIDERED BUT NOT RECOMMENDED

Although the Working Group did not recommend any of the 6 options described in this section of the Report, the Working Group decided to provide a brief summary of these ideas so that any of these options could be considered further if the Committee or Benchers decide that any of them merit re-examination.

(a) Specialist or Other Designation or Certification

Specialist certification permits lawyers to hold themselves out as specialists, but does not reserve any area of practice to these lawyers. In Canada, specialist certification for lawyers exists only in Ontario, across a number of practice areas. Some American states also have specialist certification for lawyers in a number of practice areas. In Ontario (and some of the American states) specialist certification is based on professional experience and peer review. In some states, there is also an examination system.

There is no advocacy-related limited licensing in Canada or the United States. An example of advocacy limited licensing is found in the United Kingdom through the licensing of barristers. There is some limited licensing in Canada in other practice areas. BC has limited licensing for sole and small firm practitioners (through the Small Firm Practice Course), and for family law mediators (which requires an educational component

overseen by the Practice Standards Committee). Nova Scotia has limited licensing for conveyancing, which requires completion of a mandatory course.

The Committee determined previously that the Law Society Strategic Plan does not contemplate recommendations for either specialist certification or limited licensing. Any consideration of this option, therefore, is beyond the Committee's mandate. Moreover, the former Lawyer Education Committee previously reported to the Benchers that it had identified but did not recommend specialist certification or limited licensing.

(b) Mandatory Requirement That Articling Students be Required to Attend Trials With Their Principal and Discuss Them Afterward

The Working Group considered but decided not to recommend a mandatory requirement to attend and observe trials during articles. The Working Group recognized that the Credentials Committee requires articling students to be exposed to advocacy in a general sense, but without specific requirements for trial work. The Working Group was concerned that introducing a specific mandatory requirement in an otherwise generalized articling program might place an undue hardship on law firms and impair a student's ability to find articles.

(c) Mandatory Skills Training Program for Barristers

The Working Group decided not to recommend a mandatory skills training program for barristers because a mandatory skills training program would essentially be a variation on a limited license regime. [See point (a), above.]

(d) Mock Trial Program for Teaching Advocacy Skills

The Working Group decided not to recommend a mock trial program for teaching advocacy skills, because it concluded that the Committee mandate does not extend to developing a curriculum or specific course programs. The Working Group decided that teaching advocacy skills would best be left to existing service providers, who have the expertise to offer quality programming. The Working Group also observed that the Professional Legal Training Course includes a mandatory mock trial component.

(e) Offer CPD Credits for Pro Bono and Encourage Inexperienced Lawyers to Take Pro Bono Cases as a Way to Build Trial Experience and Improve Their Advocacy Skills

The Working Group considered the merits of offering CPD credit for pro bono, and discussed the idea with Jamie McLaren, Executive Director of the Access Pro Bono Society of BC, and Doug Munro, staff lawyer to the Access to Legal Services Advisory Committee. The Working Group decided not to recommend this option, primarily because the Committee is conducting a comprehensive review of the Law Society's CPD program and is considering the issue as a part of the overall CPD review.

(f) Develop a Formal Program for Holding Meetings Between the Judge and Lawyer at the Conclusion of a Case (After the Expiration of the Appeal Period) to Provide Feedback on the Lawyer’s Advocacy Skills

After exploring this idea at some length, the Working Group concluded there could be significant educational value in having judges meet with junior lawyers to give them feedback about their advocacy skills. The Working Group discussed whether such meetings could be held once the appeal period had expired, and whether arrangements for the meetings would be made in advance of the trial. Judges could explain that the new program is intended to help lawyers enhance their advocacy skills, and would not include discussion about the substance of the case. Parties would have to consent to the meeting. The Working Group was concerned, however, that introducing the idea before trial could unintentionally signal something to lawyers that could negatively affect their performance, confidence or comfort level in court.

The Working Group also discussed whether there might be opportunities in case management and pre-trial conferences for judges to address advocacy issues with inexperienced lawyers.

While the Working Group found merit in further considering these ideas, it foresaw that there would be difficulties to overcome. The Working Group identified several risks associated with lawyers meeting with judges at the conclusion of a trial. These included:

- Not all judges would be comfortable with providing feedback to lawyers appearing before them;
- The consent of all parties would be needed, which would be problematic if one party did not consent;
- Feedback would be limited to discussing advocacy skills and could not include any issues at trial. It might prove difficult, however, especially for counsel on the losing side of a case, to limit the discussion in this manner.
- It is difficult to discuss advocacy skills without relying on specific examples that could touch on substantive matters. This could also present a risk that a judge’s comments might become grounds in an appeal.
- Some counsel might be embarrassed by what they do not know, and might not be comfortable having the judge before whom they appear assess their skills, particularly with opposing counsel present.

The Working Group has acknowledged the important work and involvement of judges in many existing advocacy programs, and would like to encourage the judiciary’s participation in any new advocacy programs that are pursued.

OPTIONS CONSIDERED AND RECOMMENDED

The Working Group has proposed the following options as effective and practical initiatives for meeting the objective set out in Strategy 3-3 of the Law Society Strategic Plan. The Working Group has recognized that some of the options would be more easily

implemented than others, but has encouraged the Committee not to be deterred from recommending the more complex or longer term options that could be effective strategies for meeting the objective of Strategy 3-3.

OPTION 1: Introduce a Model in BC Similar to the Advocates' Society in Ontario

In 2009, John Hunter QC encouraged the Working Group to examine an organization in Ontario, the Advocates' Society. Mr. Hunter noted that the Advocates' Society differs from the TLABC because it is not primarily plaintiff-focused, is open equally to both defence and plaintiff's counsel, and covers a range of litigation practices.

The Advocates' Society was established in Ontario in 1963. It first met in 1965 with the express goal of helping "...*younger members of the bar become good counsel...*". By 2009, it had 3,900 members. The Advocates' Society is recognized by the legal profession in Ontario for its success in providing advocacy education and legal reform.³

The Society's mission statement sets out five principal objectives:

- be the voice of advocates in Ontario;
- promote ethical and professional practice standards for advocates;
- expand its leadership role in teaching the skills of advocacy;
- protect the independence of the bar and the judiciary;
- foster collegiality among members.

In 1999, the Advocates' Society established a Standing Committee on Collegiality, Mentoring and Membership, mandated to "*facilitate access to mentoring for Society members and especially for young advocates.*" It created a handbook, *An Advocate's Guide to Good Mentoring*, and continues to support an active mentoring program. The concept of mentorship, which the Working Group has strongly endorsed as an excellent way to foster good advocacy work, is at the heart of the Advocates' Society mission.

The Advocates' Society also offers a comprehensive continuing legal education curriculum of substantive and skills certificate programs in civil litigation, criminal law, advocacy before administrative tribunals, advanced advocacy and alternate dispute resolution. Other Advocates' Society educational programs and activities include:

- workshops on specific advocacy topics such as examining a child witness, tax litigation and civility;
- annual conferences on advocacy;
- luncheon seminars (held principally in Toronto);
- an annual Court House series, held throughout the province, where lawyers meet for a series of advocacy demonstrations and discussions with senior members of the bar and the judiciary;
- two annual trial advocacy competitions for law students.

³ <http://www.advocates.ca/about/history.html>

The Working Group concluded that there would be significant merit in exploring the establishment of a similar organization in BC. While the Working Group has endorsed the idea in principle, the Working Group has advised that there are important implications requiring further analysis. The Working Group discussed a range of questions and concerns, including:

- how or whether an Advocates' Society in BC could serve lawyers practising outside the Lower Mainland, and how this would fit with the role of the TLABC in these geographic areas;
- whether the litigation bar in BC would support the idea;
- operational considerations such as determining which organization or organizations would be best placed to direct or assume responsibility for implementation;
- the implications for, and potential buy-in from, existing organizations and service providers, such as the TLABC, the Continuing Legal Education Society and the Canadian Bar Association;
- sources of start up and longer term funding.

The Working Group has recommended the model as one that would be consistent with and support Strategy 3-3 of the Law Society's Strategic Plan, as well as the Working Group objective of finding ways to encourage mentoring and advocacy education opportunities for junior lawyers. A BC organization similar to Ontario's Advocates' Society could serve as an umbrella organization to support the development of advocacy skills in younger or inexperienced lawyers by offering mentoring, training, workshops, demonstrations, discussions with senior lawyers, conferences, and a range of resource materials, including online resources such as an "advocacy tool-kit" (see Recommendation #2).

The Working Group has observed that because various areas of litigation practice in BC are not particularly cohesive and because the TLABC focuses primarily on ICBC litigation, a new advocacy organization could be better placed to take a holistic approach to facilitating mentorships between junior and senior counsel, and build on these relationships to foster a culture of excellence in advocacy. The Working Group has recognized that there may be political sensitivities associated with this model, and has therefore recommended working with the litigation bar to develop the proposal over time. Membership would be voluntary, and a goal of the new organization would be to become self-sustaining through a combination of membership dues, course fees, and other funding sources, including possible endowments.

The Working Group did not recommend and the Committee agrees, however, that an Advocates Society type of initiative in BC would not be sponsored, undertaken or in any way managed by the Law Society. Rather, the Working Group and Committee hope that, with the endorsement of the Law Society, members of the litigation bar would themselves initiate discussions and follow-up exploration.

OPTION 2: Develop an Online “Advocacy Toolkit” Resource

The Working Group has strongly endorsed the idea of compiling existing advocacy training resources into an online “advocacy toolkit,” which would be available to lawyers throughout the province. The Working Group has concluded that this would be a useful tool for both young lawyers and senior litigators. Although the Working Group concluded that the profession is generally well served by the availability of advocacy courses, advocacy materials and training resources are not accessible from one central source. Consolidating resources and links to resources into an online “toolkit” would enable lawyers, regardless of location, to access them from their computers. The Working Group has also endorsed the idea of making available materials such as video courses that would simulate or demonstrate specific advocacy skills and techniques. Basic exercises could include such things as cross examination, evidence in chief, refreshing memory, and marking exhibits. Resources could be designed to address all levels of experience.

The Working Group has concluded that this would not be a particularly difficult project to implement if there were effective collaboration between key providers such as Courthouse Libraries BC and the Continuing Legal Education Society of BC. The Working Group has been sensitive to the challenges that encouraging collaboration might pose, given discrete organizational identities and mandates, but has concluded that these factors could be overcome. Important work would also be needed to map existing advocacy resources and to identify gaps, an appropriate host and funding sources.

The Working Group has recommended approaching Courthouse Libraries BC and the Continuing Legal Education Society to discuss how their organizations might be interested in developing the initiative. The Working Group has also recommended considering this initiative together with option 1, because the Working Group has concluded that an advocates’ society model in BC would provide an ideal means to centralize and focus on advocacy education resources.

OPTION 3: Promote the CPD Mentoring Program to Improve Advocacy Skills

The Working Group has concluded that new ways should be found to integrate different approaches to improving advocacy skills with the Law Society’s CPD program. The Working Group has endorsed CPD credit for both mentors and mentees as a way to encourage uptake, but has noted that more work is needed to promote the CPD mentoring initiative because, to date, there has been limited uptake. The Working Group has also noted that mentoring by telephone would be useful to lawyers located more remotely, where there is a smaller pool of local lawyers.

Because mentoring can also increase opportunities for junior lawyers to be in court with senior counsel to observe trials and advocacy techniques, the Working Group has recommended that the Law Society identify ways to actively promote its CPD mentoring program, and continue to encourage mentorship relationships between lawyers.

OPTION 4: Develop a Pro Bono Civil Duty Counsel Program in Small Claims Court

The Working Group has recommended developing a pro bono civil duty counsel initiative in Small Claims Court. Given the large number of unrepresented litigants appearing in Small Claims Court, a pro bono civil duty counsel program could deliver multiple benefits by offering the public assistance and providing inexperienced lawyers an opportunity to acquire trial experience and improve their advocacy skills. One complication of a pro bono civil duty counsel initiative might be a perception by parties paying for legal representation that the other side has obtained legal services without payment. The Working Group has also recognized that law firms would need active encouragement to support their junior lawyers' participating in a pro bono program, and has concluded there would be significant training value to law firms.

The Working Group has also recommended approaching the Access Pro Bono Society of BC to discuss the feasibility of introducing a pro bono civil duty counsel program in Small Claims Court.

OPTION 5: Develop a Roster of Experienced Lawyers to be Available by Telephone to Assist Inexperienced Lawyers During a Trial

The Working Group has recommended development of a roster of senior counsel willing to be available by telephone to assist inexperienced lawyers with advocacy basics during a trial. The Working Group has noted that, although this can already occur on an informal basis, there would be merit in developing a more structured program. Inexperienced lawyers who find themselves in difficulty during a trial sometimes contact a Benchler or senior lawyer, but there are others who may not necessarily know they have a problem or whom they might call for advice. A province-wide roster program could be particularly useful to lawyers in smaller communities who might otherwise be deterred from contacting another lawyer in their own community. The roster could be posted in barristers' lounges and on-line. The Working Group noted that the CBA, as a member benefit, publishes a list of lawyers by practice area, and discussed whether this approach could be expanded with input from the TLABC and others. The Law Society role in such an initiative might simply be to encourage lawyers to call someone on the roster when they encounter a difficult situation.

The Working Group considered but has recommended against offering CPD credit for this type of "mentoring," because the advice or assistance given by a senior lawyer in this context would likely be case specific and would, therefore, fall outside the CPD mentoring program requirements.

OPTION 6: Re-Introduce a Crown Counsel Project Originally Implemented in the 1980's and 1990's

The Crown Counsel Project was introduced in the early 1990's by the Crown Counsel Charge Approval Office at its Vancouver Main Street office, to enable articling students to spend a month with Crown Counsel in provincial court, initially assisting in the

remand courts and learning the system, and later in observing and assisting Crown Counsel in court and conducting basic advocacy work such as examining a witness or conducting a shop-lifting trial. Provincial Court judges approved of the program. Students also spent a week toward the end of their rotation observing and sometimes participating in Supreme Court trials by, for example, taking notes at counsel table.

The law firms involved in the program, usually the larger firms, paid for their students' participation in the month long rotation, thereby providing their students an opportunity to have hands-on experience in the criminal courts. From the Crown perspective, the program was successful because it provided needed assistance to remand courts and attracted junior lawyers to Crown Counsel practice. The program, which involved up to 15 students monthly, was discontinued in the late 1990's because of management re-focusing.

The Working Group has concluded that this would be an effective model for developing stronger advocacy skills in younger lawyers, and would offer value to the courts and to law firms who support their junior lawyers' participation. The Working Group has therefore concluded that it would be a positive development if the program were re-introduced, and that the Crown would likely support a proposal to revive the project if it has the support of the judiciary. The Working Group has also recommended beginning with a pilot project in provincial court, at one location only, to permit effective evaluation. The eventual goal would be to make it a province-wide initiative, possibly expanded to other levels of court.

As a next step, the Working Group has therefore recommended contacting the Crown and Provincial Court judiciary to discuss re-introducing the program.

OPTION 7: Implement a Law Society Communication Strategy to Encourage Law Firms and Lawyers to "Take a Junior to Court"

The Working Group has recommended that the Law Society implement a communication strategy to encourage law firms and senior lawyers to "take a junior lawyer to court." This could be done in tandem with expanding the promotion of the CPD mentoring program, including a focus on advocacy skills. The Working Group has observed that opportunities for trial experience have been decreasing, and therefore has recommended encouraging senior litigators to include their junior colleagues whenever possible, by explaining how direct exposure to court practice is essential to learning how to be a more effective counsel.

LAWYER EDUCATION ADVISORY COMMITTEE RECOMMENDATIONS

The Committee recommends that the Benchers approve the following Advocacy Education Working Group proposals. These proposals anticipate follow-up action by Committee members and staff, but do not call for Law Society expenditure of funds or additional staffing resources.

Recommendation 1

That the Law Society endorse and encourage exploration of the establishment of an advocacy organization for BC lawyers with a mandate similar to Ontario's Advocates' Society,

Recommendation 2

That the Law Society endorse the development of an online advocacy skills training "toolkit" as a consolidated resource and guide for supporting and enhancing the oral advocacy skills and performance of BC lawyers, and that Courthouse Libraries BC and the Continuing Legal Education Society of BC be approached to explore developing this initiative,

Recommendation 3

That the Law Society expand the promotion of its CPD mentoring program, including the focus on advocacy skills,

Recommendation 4

That the Law Society approach the Access Pro Bono Society of BC to discuss the feasibility of Access Pro Bono introducing a pro bono civil duty counsel program in Small Claims Court,

Recommendation 5

That the Law Society encourage the development of a province-wide roster of senior counsel to be available by telephone to assist inexperienced lawyers with advocacy basics during a trial,

Recommendation 6

That the Law Society contact the Crown and the Provincial Court judiciary to discuss their re-introducing the Crown Counsel advocacy training program,

Recommendation 7

That the Law Society implement a communication strategy to encourage law firms and senior lawyers to "take a junior to court."