

MANDATORY CONTINUING PROFESSIONAL DEVELOPMENT POLICY

1. PURPOSE

The purpose of mandatory continuing professional development (“CPD”) is to ensure that members of the Law Society of Prince Edward Island meet and maintain high standards of competency by undertaking professional development throughout their careers.

2. SCOPE & EXEMPTIONS

Practising Members

Members with current practising certificates are required to achieve the minimum CPD requirements as set out in section 3 of this Policy in order to maintain practising status.

Non-Practising Members

Non-practising members are not required to achieve the minimum CPD requirements in order to maintain non-practising status. However, non-practising members who apply for and receive approval to change their status to that of “practising” are required to achieve one credit hour for each full or partial calendar month for the remainder of the term, including the proportionate number of hours required for professional responsibility.

Members of Other Law Societies

Members of other Law Societies who also hold practising certificates with the Law Society of Prince Edward Island are required to comply with the minimum CPD requirements. It may be possible to combine some or all credits required in other jurisdictions with the Law Society of Prince Edward Island’s requirements.

New Members and Transfers

New members, including Transfers from other jurisdictions, are required to achieve one credit hour for each full or partial calendar month for the remainder of the term, including the proportionate number of hours required for professional responsibility.

3. MINIMUM CPD REQUIREMENTS

The minimum CPD Requirements is the completion of **twenty-four (24) hours** of CPD Activities in the **two year term** referenced in section 4 of this policy.

No fewer than four (4) hours of the required twenty-four (24) hours must pertain primarily to any one or any combination of the following topics:

- Professional Responsibility;
- Ethics;
- Practice Standards;
- The Code of Professional Conduct;
- Conflicts of Interest;
- Rules of the Law Society;
- Client Relations;
- Practice Management.

4. TERM

The first term will commence on **July 1, 2011** and end on **June 30, 2013**. Immediately thereafter, all terms will run for consecutive two year periods.

5. OVERALL SUBJECT MATTER REQUIREMENTS

The content must have significant intellectual or practical content with the primary objective of increasing members' professional competence. However, the Law Society recognizes and encourages the diversity of legal education opportunities. Credit hours will also be available for content if the member can demonstrate that it is directly related to improving professional competence in the lawyer's practice.

6. CPD ACTIVITIES & CALCULATION OF CREDITS

Subject to all other terms and conditions of this policy, CPD activities include:

Courses & Professional Development Sessions

- Attendance at traditional courses and professional development programs offered by: Law Societies; CBA; a law firm; legal department; government agency or department; a practice group of any body previously referenced; or other recognized educational providers as approved by the Secretary-Treasurer in advance of attendance by the member;

- Participation in online courses, streaming video, web and/or teleconference courses offered by: Law Societies; CBA; a law firm; legal department; government agency or department; a practice group of any body previously referenced; or other recognized educational providers as approved by the Secretary-Treasurer in advance of attendance by the member.

Generally, credit will be given for the actual time of the course and/or professional development session, exclusive of social breaks. Partial hours shall be rounded up or down to the closest half hour.

Teaching

Credit is available for teaching a course related to law or to the practice of law. The teaching must be in compliance with the overall subject matter requirements and must

be designed for an audience that is primarily composed of lawyers, articling students and/or law school students. Consideration will also be given by the Secretary-Treasurer for teaching targeted primarily at the public, other professions, or students other than law students.

Three (3) hours of credit will be available for each hour taught. Credit will be available for volunteer or part-time teaching only, not as a part of full-time or regular employment.

Study Groups

Credit is available for participation in a law-related study group of two or more.

The hours available for credit will be the actual time spent at a structured study group session to a maximum of eight (8) hours per term. Credit will not be available for an activity that is file specific.

Writing

Credit is available for writing law books or articles that are intended for publication or to be included in course materials, including the Law Society's Bar Admission Course. Credit is available for volunteer or part-time writing only, not as a part of full-time or regular employment.

The hours available for credit will be based on actual time to produce the final product to a maximum of six (6) hours per writing project.

Self-study

Credit is available for self-study up to a maximum of four (4) hours per term.

Other

Credit is available for such other activities as may be approved by the Secretary-Treasurer in advance.

It is each member's responsibility to ascertain whether an activity meets the criteria and qualify as a CPD activity.

7. REPORTING

Members will be responsible for ensuring that they comply with this policy and for reporting CPD activities and credit hours to the Law Society in a manner and form as directed by Council.

8. CARRY-FORWARD

Credits may not be carried forward past the end of the term.

9. AUDIT

Members are responsible for retaining records of CPD activities and to make the records available to the Law Society upon request.

10. NON-COMPLIANCE

A member who does not complete the minimum CPD requirements by the end of the term is subject to the sanctions as contained in the Regulations to the *Legal Profession Act*.

A member who does not complete the minimum CPD requirements prior to the end of the term may submit a remedial CPD plan along with the prescribed fees which must be completed within 90 days of the end of the term.

Under special circumstances, the Secretary-Treasurer may recommend that the sanctions for non-compliance be delayed for a specific period of time.

11. RE-INSTATEMENT

A member that has been suspended pursuant to the sanctions as contained in the Regulations to the *Legal Profession Act* may apply for reinstatement.

June, 2011