



November 25, 2022

National Requirement Review Committee  
Federation of Law Societies of Canada  
World Exchange Plaza  
1810 - 45 O'Connor Street  
Ottawa, ON K1P 1A4

Via Email ([smackenzie@flsc.ca](mailto:smackenzie@flsc.ca))

To Whom It May Concern:

**Re: Review of National Requirement**

Please accept this submission to your committee's review of the standards specifying the competencies and skills graduates of Canadian law school programs (and internationally trained graduates and lawyers) must have acquired to be admitted to law society admission programs in Canada's common law jurisdictions.

The Federation of Ontario Law Associations (FOLA) represents the associations and members of the 46 county and district law associations across Ontario and, through them, approximately 10,000 lawyers. Most of these lawyers are in private practice in small firms and sole practice law offices across the province. They are on the front lines of the justice system and see its triumphs and shortcomings every day.

The most recent iteration of the National Requirement, dated January 1, 2018, does not specifically require a candidate for admission to the bar to possess substantive legal knowledge in family law. We suggest that the current review is an opportunity to revisit this issue and institute a requirement for family law as part of an accredited Canadian law degree program.

Family law is broadly applicable in all common law jurisdictions. It requires lawyers to have an in-depth understanding of both federal and provincial law. In fact, every lawyer who represents a client in a divorce proceeding operates under the same statute (the *Divorce Act*) for issues relating to spousal support, child support, parenting decisions, and parenting time. The only laws unique to the provinces are those relating to marital property.

The practice of family law is complex and impacts clients' lives in a very real way. Family law practitioners must employ problem solving skills, undertake legal research, and communicate both orally and in writing. Even for those who do not maintain nominal family law practices, substantive family law intersects with other areas of law, including contracts, torts, property, contract, pensions, tax law, and criminal law. Family law is also a significant area of practice among the current bar, and an area of ongoing need for lawyers in many parts of the country. In Ontario, just over 10% of

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in Ontario"*

Corporate Mailing Address:  
731 9 th Street West,  
Owen Sound, ON  
N4K 3P5

Phone:  
(519) 270-4001

Website:  
[www.foia.ca](http://www.foia.ca)

Social Media:  
[@ont\\_law\\_assoc](https://twitter.com/ont_law_assoc)

lawyers devote some or all of their practice to family law. According to 2021 Annual Reports of the 32,020 Ontario lawyers in private practice:

- 628 lawyers report devoting 25-49% of their time to family law,
- 576 lawyers report devoting 50-74% of their time to family law,
- 1,017 lawyers report devoting 75-99% of their time to family law, and
- 1,147 lawyers report devoting 100% of their time to family law.

Access to justice issues are also acutely prevalent in family law matters. The family law bar has taken significant steps and advanced novel practice models to help address these issues. Practitioners who are represented by FOLA recognize that access to justice is something that all organizations should champion for the benefit of the public. If all lawyers were required to possess a minimum substantive understanding of family law, it could further help redress some of the access to justice issues that remain an ongoing concern.

At a minimum level, requiring fluency in family law will equip more lawyers to provide service in this area of ongoing need – an area that is under-served in many jurisdictions.

As a result, we urge you to consider adding substantive knowledge in family law to the National Requirement. We remain available to discuss this with you further and can be reached by contacting FOLA's Executive Director, Katie Robinette, at [katie.robinette@fola.ca](mailto:katie.robinette@fola.ca).

Sincerely,



Laura Oliver  
Co-Chair, Family Law



Logan Rathbone  
Co-Chair, Family Law

- C. FOLA Board Members, *Via Email (various)*;  
County and District Law Association Presidents, *Via Email (various)*;  
Family Lawyers' Association, *Via Email (familylawassociation@gmail.com)*