



November 28, 2025

Access to Justice Committee of the Law Society of Ontario (policyconsultation@lso.ca)

Dear Access to Justice Committee:

RE: Consultation Report: Piloting Pro Bono Services as an Eligible Activity for Continuing Professional Development (CPD)

Thank you for the opportunity to provide feedback on the proposed pilot project to allow structured pro bono legal services to count toward Continuing Professional Development (CPD) requirements. This initiative is commendable and has the potential to meaningfully advance access to justice in Ontario by creating an incentive for pro bono work.

FOLA represents Ontario's 46 county and district law associations, and through them, their members. We are the voice of the practicing lawyer in Ontario, including thousands of our members who practice civil litigation.

In general, we recommend broadening the scope of the project. First, pro bono work should also count as substantive CPD hours where appropriate. Second, the proposal allows for pro bono services to count as CPD hours in a very small number of cases, which narrowly helps organizations that provide legal services to the public. We recommend expanding the scope and applying it to work performed for charities and non-profits, regardless of whether they provide legal services to the public. Charities and non-profits are in need of pro bono legal services for themselves, and the LSO should encourage helping these organizations.

We provide answers to the consultation questions below.

1. Eligibility of Pro Bono Work for CPD Credit

We support the inclusion of pro bono work as an eligible CPD activity. This approach aligns with the objectives of CPD by fostering competence, ethics, and professionalism while incentivizing participation in pro bono initiatives.

2. Concerns Regarding Proposed Criteria and Factors

A. We propose that both substantive and professionalism hours be available for CPD credit through pro bono work.

The need for oversight, which inevitably creates red tape and makes it more onerous to participate, should be balanced with the need to encourage participants. The proposed approval criteria and factors appear overly restrictive and may undermine the project's goals. Requiring organizations to meet all listed criteria, undergo an

*"The Voice of the
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in Ontario"*

731 9th Street West,
Owen Sound, ON
N4K 3P5

(519) 270-4001

www.fola.ca

approval process, and maintain detailed statistics could discourage participation, particularly among smaller organizations and those in rural or underserved areas where access to justice challenges are most acute.

Currently, lawyers are responsible for ensuring substantive CPD content meets the program's objectives without an accreditation process. The same should apply to pro bono work claimed as substantive CPD. This would be consistent with how substantive CPD content is already treated and create barrier-free access.

Similarly, professionalism hours currently require organizations to walk through an accreditation process with the LSO. This is a more appropriate place for the criteria and factors.

B. Feedback regarding criteria and factors for professionalism hours

(1) We recommend removal of criteria to “have a mandate that includes the provision of pro bono legal services to the public in Ontario”.

The vast majority of charities and non-profits do not provide legal services to the public in Ontario. Instead, they are the very charities and non-profits that are in need of pro bono legal services. One of the goals should be to provide access to justice to all charities and non-profits, not just the small minority that provide legal services to the public.

(2) We recommend removal of criteria “increase access to justice by addressing unmet legal needs”.

Again, the vast majority of charities and non-profits address all kinds of needs across Ontario. One of the goals should be to provide access to justice to charities and non-profits that help society in general, not just the small minority that provide legal services to the public. It is also unclear what it means to address “unmet” legal needs; if anything, “underserved” would be more appropriate.

(3) We recommend removal of criteria to maintain and provide statistics.

The vast majority of charities and non-profits do not have staff resources or support to maintain statistics. As such, this criterion is overly burdensome.

(4) Factors should be positive contributors for approval

This objective is unclear. It is explicitly stated that failure to satisfy all factors will not disqualify applications. This raises questions regarding the extent to which the factors must be met (or unmet) to be disqualified. Instead, consider the applicability of a factor or cluster of factors to be a positive contributor that will increase the likelihood of qualification.

3. Recommendations

- Treat substantive pro bono work similarly to substantive CPD content, with licensees responsible for ensuring alignment with CPD goals.
- Require accreditation only for organizations seeking to grant professionalism hours, consistent with current CPD rules.
- Limit eligibility to organizations meeting core criteria (e.g., not-for-profit, no client payment, services provided in Ontario), but remove restrictive requirements of maintaining statistics, addressing unmet legal needs, and providing legal services to the public in Ontario.
- Use the proposed “Factors for Approval” as positive guidance for activity eligibility, clarifying that activities need not meet all factors to qualify.
- Address content concerns through licensee record-keeping requirements rather than imposing administrative burdens on organizations.
- Impose a reasonable cap on the number of pro bono hours claimable per year, similar to limits for teaching activities.

4. Potential Benefits and Risks

This initiative could significantly increase pro bono participation and enhance professional development. However, if the criteria remain overly restrictive, the pilot may fail to achieve its intended impact.

Thank you for considering these comments. We would be pleased to discuss these suggestions further if helpful. Should you have any questions please contact Ian Hu, Director of Policy & Advocacy, at ian.hu@fola.ca.

Yours very truly,

Danielle Vincent

Danielle Vincent, Northeast Regional Representative
Federation of Ontario Law Associations