

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 to maintain practising status.

Non-Practising Members

Non-practising members are not required to achieve the minimum CPD requirements 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.

Mandatory Course Requirements

- (a) 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.
- (b) **Cultural Competency Education**
- (i) Effective July 1, 2024, all lawyers on PEI with a practicing license status are required to take cultural competency training, as recommended in the Truth and Reconciliation Commission Call to Action #27. At present, the training that meets this requirement is the course called “The Path – Your Journey through Indigenous Canada” (“The Path”). The course has six modules and takes approximately five to six hours to complete. This educational requirement must be completed once and was approved at the May 13, 2024, meeting of Council as recommended by the Law Society’s Call 2 Action Committee.
 - (ii) All members who are licensed in PEI as a practicing member as of July 1, 2024, or become a practicing member after July 1, 2024, and before June 30, 2025, must complete The Path within the 2024-2026 CPD term referenced in section 4 below. Every member who becomes a practicing member after June 30, 2025, shall complete The Path by the end of the next two-year CPD term referenced in Section 4 below.
 - (iii) A member completing The Path will be given 6 hours of credit within the relevant CPD term towards the twenty-four (24) hour CPD requirement, with three of the six hours of credit being eligible to meet the requirement in section 3(a) above.
 - (iv) Non-practicing lawyers can choose to take The Path and those who complete the program while non-practicing will have fulfilled this requirement upon a change of status to practicing.
 - (v) Specifics about the program including how to register for The Path will be available through the Law Society’s office.
- (c) **Mental Health** – Actively protecting mental health is key to a successful legal practice. In recognition of the importance of our members’ mental health, Council approved at its June 10, 2024, meeting that members be given up to 4 hours of credit per CPD term for participation in programs that promote mental health wellness.

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 unless deemed otherwise by Council. [Amended January 2021 to report in 2022, 2024, 2026, etc.]

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 educational providers recognized by another Law Society and for which the member believes their participation will benefit the member's practice of law;

- 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 educational providers recognized by another Law Society and for which the member believes their participation will benefit the member's practice of law;

- 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.

Mental Health

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Teaching

Credit is available for teaching a course related to law or to the practice of law. The teaching must comply with the overall subject matter requirements of this policy 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 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 part of full-time or regular employment.

The hours available for credit will be the 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. Credit will not be available for an activity that is file specific.

Other

If a member is uncertain regarding credit for an activity, approval can be requested by the Secretary-Treasurer in advance.

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

7. REPORTING

Members will be responsible for ensuring 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 sanctions as contained in the Regulations of 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, which CPD requirements 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 of the *Legal Profession Act* may apply for reinstatement.

June 2011

Updated January 2021

Updated June 2024