

SACK GOLDBLATT MITCHELL

EDUCATION PLAN: ARTICLING **(CRIMINAL DIVISION)**

1. THE STUDENT

This is the Education Plan for [name of student] (the “Student”) who resides at [student’s address].

2. THE PRINCIPAL

Frank Addario (the “Principal”) will be the Student’s Principal. The Principal FA was called to the Bar in 1985.

3. THE FIRM

The Student will serve under Articles of Clerkship at the law firm of Sack Goldblatt Mitchell located at 20 Dundas Street West, Suite 1130, in the City of Toronto (the “Firm”). It is anticipated that only those lawyers (currently five) in the criminal law practice of the Firm will participate in the education and supervision of the Student. There are 5 lawyers in the Firm’s criminal practice.

4. COMMENCEMENT OF ARTICLES

The Student will commence Articles of Clerkship at the Firm on [date].

5. AREAS OF PRACTICE AND ROTATIONS

Throughout the year, the Student will be involved in the practice area of Criminal Law.

There is no organized system of rotation. Rather, the Student will receive work assignments from Frank Addario and, on occasion, assist the associate lawyers in the same practice. The Student’s assignments will inevitably include preparation for motions, bail hearings and trials, appeals (at all levels) and professional discipline proceedings. The criminal law practice at the firm is involved in public interest and *pro bono* law and legal education, and the Student will be exposed to each of these areas of endeavour.

6. **EDUCATIONAL SEMINARS**

The Student will have the opportunity to attend educational seminars organized throughout the year at which members of the Firm will discuss various legal issues of interest in their areas of expertise. The Student will also be given an opportunity to attend selected education seminars offered by the Law Society of Upper Canada, the Criminal Lawyers Association of Ontario and other organizations, and the fees for most (if not all) of these seminars will be paid by the Firm.

7. **GUIDANCE AND ADVICE**

Frank Addario will be designated as a mentor for the Student. The Student will be encouraged to approach the mentor to discuss, in confidence, any problems or areas of concern relating to the Student's articling experience.

8. **ROUTINE TASKS**

The Student will occasionally be required to perform tasks which do not have a significant educational component. The Student will attend court on routine set-dates, obtain materials from libraries and may be required to make deliveries, assist with photocopying and other clerical tasks and serve and file documents at courts when urgency requires. Clerical tasks are not routinely assigned to students.

9 **SECRETARIAL SUPPORT**

There is secretarial support available at the Firm.

10. **PROFESSIONAL RESPONSIBILITY**

The basic duties and responsibilities of a lawyer will be taught throughout the articling term through routine discussions with lawyers on individual files. These discussions will include a lawyer's responsibilities relating to client confidentiality, the importance of recognizing potential conflicts of interest, and other ethical issues which may arise in a criminal practice.

11. **INTERVIEWING**

Interviewing will be a significant component of the Student's articling experience. The Student will interview clients and potential witnesses for both the Crown and defence.

The Student will initially observe lawyers and/or experienced students conducting interviews with clients and witnesses. Once the supervising lawyer is satisfied

that she/he has the ability to do so, the Student will conduct many interviews without direct supervision.

12. ADVISING

The Student will not directly advise clients, except for routine or administrative matters and pursuant to a lawyer's directions. However, the Student will attend meetings with lawyers in which clients are advised and counselled concerning remedies and options, and instructions are received. Students may prepare memoranda giving a supervising lawyer the basis for advising a client and/or recording the advice that was given to a client. In appropriate circumstances, the Student may convey information or advice pursuant to the instructions of the supervising lawyer. The Student will also assist in the preparation of opinion letters to clients. Such letters will in all cases be reviewed by the supervising lawyer.

13. FACT INVESTIGATION

Fact investigation is a critical component of criminal law. Other than through interviewing, the Student will develop skills in gathering facts by attending preliminary inquiries and trials, observing related proceedings and hearings, the review of transcripts, internal files, documentary and financial materials, locating potential witnesses (including expert witnesses), attending at and, on occasion, photographing significant locales, and locating and collecting materials bearing on areas of expert evidence.

14. LEGAL RESEARCH

The Student will perform legal research and report to the lawyers in the criminal law practice of the Firm both verbally and in memorandum form. Near the beginning of the articling term, a Student will be educated as to the research resources available at the Firm.

It is anticipated that the Student will spend approximately 30-40% of her/his time throughout the articling term conducting and reporting on the results of legal research.

15. PROBLEM ANALYSIS

Throughout the articling term, the Student will develop problem-solving skills by discussing and analyzing cases with lawyers in the criminal law practice of the Firm. These discussions will attempt to teach the Student how to identify the various options available for resolving problems and how to identify the strategic implications of each option.

16. **PLANNING AND CONDUCT OF A MATTER**

The Student will be involved in formulating plans and strategies for the conduct of various matters on behalf of clients. These discussions with the Student will focus on the best methods of identifying and advancing defences or grounds of appeal and, in general, of achieving an optimal result for the client.

Special emphasis will be placed on the importance of effective communication with both clients and other lawyers. It will be impressed upon the Student that clients must be kept advised of the progress of their cases and be consulted for instructions when important decisions are to be made.

17. **FILE AND PRACTICE MANAGEMENT**

At the beginning of the articling term, the Student will be taught docketing, note-taking and record keeping procedures; methods for recording expenses and disbursements incurred on behalf of clients; and the appropriate method for organizing client files. The Student will also become familiar with the Firm's records management system, including opening and closing files, and billing procedures.

18. **OFFICE SYSTEMS**

At the commencement of articles, the Student will receive instructions regarding the Firm's office system and procedures, including: procedures for tracking photocopying, telephone and taxi expenses, obtaining reimbursement for disbursements on behalf of clients; using the Firm's word processing and document management systems; and organization of the Firm's internal precedent systems.

19. **DRAFTING**

The Student will spend considerable time assisting in the drafting of various legal documents which will include court pleadings, affidavits and written submissions. The drafting of "The Facts" and, as the articling term progresses, "The Law" portions of appellate facta is a major responsibility, conducted as a dialogue between the Student and the supervising lawyer. The Student will also draft letters of increasing complexity to and on behalf of clients, which may include requests to potential expert witnesses for information and expert reports and opinion letters.

The Student will be encouraged to make use of the criminal law practice's precedent files. All of the Student's work will be reviewed by his/her supervising lawyer.

20. **WRITING**

The Student may assist lawyers with the writing of papers, presentations or speeches on various topics.

21. **NEGOTIATION**

Throughout the articling term, the Student will have opportunities to observe lawyers negotiate with others including Crown Attorneys, other counsel and the police. The Student will also have an opportunity to assist in preparing for and attending Crown and judicial pre-trial conferences.

22. **ADVOCACY**

Litigation is the major part of the Firm's criminal law practice. The Student will have the opportunity to accompany lawyers to all manner of court-related proceedings, including preliminary inquiries, trials, summary conviction and indictable appeals, occasional examinations for discovery, and various motions at all levels of court. If the articling term's criminal law litigation schedule includes an appeal in the Supreme Court of Canada, every effort will be made to enable the Student to attend the hearing.

23. **PROCEDURES FOR EVALUATION AND ASSESSMENT**

The Student's mentor will consult with the other lawyers in the criminal law practice to obtain evaluations of the Student's work. The mentor will meet with the Student to discuss the evaluations and consider how the feedback can assist the Student in developing his/her skills during the remainder of the articling term.