

EDUCATION PLAN

1. Student

This is an educational plan for _____ (the "student") who resides at _____, in the City of Kitchener, in the Regional Municipality of Waterloo.

2. The Principal

James Howarth Bennett (the "principal") a partner in the law firm of Madorin, Snyder LLP shall be the student's principal. The principal was called to the Bar of Ontario in April of 1981.

3. The Firm

The student will serve under Articles of Clerkship at the law firm of Madorin, Snyder LLP located at 55 King Street West, P.O. Box 1234, Kitchener, Ontario N2G 4G9 (the "firm"). The firm consists of nine partners and five associates, all of whom will actively participate in the education and supervision of the student, however, all work and assignments for the student are directed by the members of the firm through the principal to ensure that the principal knows at all times the nature and extent of the student's workload.

4. Commencement of Articles

Student will commence Articles of Clerkship at the firm on _____, 200*.

5. General Format of Articles

(a) Throughout the year the student will be involved in the following practice areas, in the following approximate percentages of his or her time:

- (i) Civil litigation - 35%;
- (ii) Family law -15%;
- (iii) Commercial litigation -15%;
- (iv) Criminal - 5%;
- (v) Corporate commercial - 10%;
- (vi) Real estate - 10%;
- (vii) Estate and trusts - 10%.

- (b) There will be no organized system of rotation through the practice areas, however, the principal will review with the student on a periodic basis the articling experience check list in the articling hand book for principals and students published by the Law Society of Upper Canada to ensure the student is obtaining proper experience and skills in the required areas. Upon consultation with the student, and based on the student's own interests the principal will set certain goals for the student to perform specific tasks as set out in the check list and will follow up with other members of the firm to ensure that certain work in those areas are directed through the principal to the student.
- (c) There are some tasks which the student will perform which do not have a significant educational component. The firm has six paralegals, a title searcher and a process server, however, the student will be expected to do some filing of documents in court, make occasional deliveries and assist in some other clerical matters such as accounts receivable collections. It is anticipated that such non-educational tasks will be performed by the student only on an occasional basis and when urgency requires.

6. Educational Seminars

The student will be given the opportunity to attend selected educational seminars offered by Canadian Bar Association and the local Law Association and other organizations, fees for which will be paid by the firm.

7. Guidance and Advice

All members of the firm are expected to assist and give advice to the student and the student is encouraged to approach all members of the firm with any questions. The principal will act as the student's mentor and will discuss, in confidence with the student any problems or areas of concern relating to the student's articling experience as required by either the student or the principal and on formal periodic reviews.

8. Professional Responsibility

- (a) At the outset of the articling term the principal will spend time with the student, pointing out some of the confidentiality, conflict of interest and other ethical issues which may arise. The following matters will be dealt with:
 - (i) The basic duties and responsibilities of a lawyer;
 - (ii) Explanation and demonstration of system used to avoid conflicts of interest;
 - (iii) Explanation and demonstration of tickler system;

- (iv) Explanation of how fees are set and billed out and how this is explained to clients;
- (v) Use of trust and general accounts;
- (vi) When appropriate, discussing courses of actions that could potentially lead to breach of professional conduct rules and identification of proper means to avoid such breaches;
- (vii) Observation and discussion on appropriate delegation of work to non-lawyers.

9. Interviewing

Development of interviewing skills will be a significant component of the articling experience. The student will initially observe lawyers conducting interviews then will participate with a principal in conducting interviews and then once the principal is satisfied that the student has the ability to do so, will conduct interviews without the direct supervision of a lawyer. It is expected that the student will interview witnesses, experts, consultants, employees of various governmental agencies or ministries and will prepare clients or witnesses for trials or examinations that the student is involved in.

10. Advising

The student will actually advise clients during the articling year and the giving of advice to clients in areas in which the student is competent to do so will be a significant component of the articling experience. At the beginning of the articling term, the student will observe the principal advising a client and then will advise clients under the direct supervision of the principal and finally will advise clients without the direct supervision of a lawyer in areas of the law in which the student is competent and allowed to give such advice, i.e., Provincial Court (Civil Division), Highway Traffic Act offenses etc.

The student will also assist in the preparation of reporting letters advising clients of the status of various matters and assist in the preparation of opinion letters to clients. Opinion letters will in all cases be prepared under the supervision of a partner of the firm. Depending upon the nature of the matter, the student may report directly to the client by telephone or by letter after consultation with the instructing lawyer.

11. Fact Investigation

In addition to skills learned through interviewing as referred to above the student will develop skills in gathering facts by;

- (a) Reviewing real estate searches, various corporate searches, PPSA searches;

- (b) Reviewing clients' personal or interval files;
- (c) Reviewing trial, Examinations for Discovery and other transcripts;
- (d) Examining Judgment Debtors;
- (e) Observing and ultimately preparing and conducting Examinations for Discovery or cross-examinations on an interlocutory matter.

12. Legal Research

The student will perform the legal research as requested by members of the firm and will report both verbally and in written memorandum form. The principal will review with the student at the beginning of the articling term the research materials and facilities available at both the firm's library and the local law library, and to ensure that the student is competent in legal research techniques. If required the student will be given training on the use of various computer data bases which are available to the student. The student will not spend more than 20% of his or her time throughout the year conducting and reporting on the results of legal research in all areas of the practice.

13. Problem Analysis

Throughout the articling term the student will development problem solving skills by discussing and analyzing clients' problems with lawyers in the firm. These discussions will attempt to teach the student on how to identify the various options available for resolving problems and how to identify the strategic implications for each option. As part of the student's legal research experience the student will be preparing written reports of options and strategy based on the student's research and investigation into problems as requested by the lawyers.

14. Planning and Conduct of a Matter

The student will be involved in formulating plans for the conduct of various matters on behalf of clients. Special emphasis will be placed on the necessity for a student maintaining effective communication with both clients and other lawyers.

The student will be given instructions in the importance of devising a plan for the conduct of a matter that is consistent with the needs and expectations of the client, and the importance of achieving the desired result in a reasonable time and at an appropriate cost.

15. File and Practice Management

The student will become familiar with the firm's record management system including opening and closing files. The student will be taught the firm's methods of timing docketing,

the tickler system for both follow up and limitation dates, note taking, recording of expenses and disbursements incurred on behalf of the clients and organization of individual files. The firm's billing and accounts receivable process will be explained to the student.

The importance of keeping the client informed of the progress of a matter by sending copies of correspondence, incoming and outgoing, and advising the client of developments in the matter by reports and telephone calls will be stressed. The importance of keeping proper record of phone calls and returning phone calls in a timely fashion will also be stressed.

16. Office Systems

The student will be given an introductory seminar explaining various office systems and procedures used by the firm, including:

- (a) Photocopying, telephone and fax expenses;
- (b) Procedures for obtaining reimbursement for disbursements on behalf of clients, familiarizing the student with our banking system, including the use of trust and general accounts;
- (c) Organization of the firm's internal precedent system;
- (d) The capabilities and limitations of the firm's word processing computer system.

17. Drafting

The student will assist in the drafting of various legal documents including Affidavits, Pleadings, Notices, Agreements and Wills. The first drafts will be reviewed and amended with discussions between the student and the supervising lawyer. The student will be encouraged to make use of the firms' precedent files. The student will draft letters of increasing complexity including reporting letters to clients and opinion letters.

18. Writing

It is not anticipated that the student will write any papers or documents other than the legal memorandum pleadings and correspondence described above.

19. Negotiation

The student will have opportunities to observe and participate in negotiations conducted by lawyers within the firm. At the outset of the articling term the student will observe both telephone and personal negotiations conducted by the lawyers in the firm and will attend settlement meetings and pre-trial conferences. As the student takes on increased responsibility for the carriage of files, especially those dealing with Provincial Court (Civil

Division) matters, the student will eventually conduct negotiations alone. The student will be instructed at all times to discuss any proposed settlements with the supervising lawyer before seeking clients' instructions or implementing any settlement.

20. Advocacy

Litigation constitutes a large part of the firm's practice and the students' responsibilities. The student will accompany lawyers on motions and will assist on trials and appeals which take place during the year. The student will have the opportunity to accompany one or more lawyers to observe Examinations for Discovery, Cross-Examinations, contested motions and appearance before administrative tribunals.

The student will have the opportunity to participate personally in Provincial Court (Civil Division) trials, contested and uncontested motions; Provincial Court (Family Division), Provincial Offenses Court and Examinations in Aid of Execution.

21. Procedures for Evaluation and Assessment

The student and the principal will meet together to discuss the development of the student's skills during the articling term on a periodic basis and at least quarterly during the articling term. During these periodic reviews the education plan will be reviewed to make sure that it is being followed and in addition the articling experience check list as provided for in the articling handbook for principals and students by the Law Society of Upper Canada will be reviewed to ensure that the student is obtaining experience in all practice areas. The principal in discussions with other members of the firm will obtain reports on the student's progress and performance and will discuss with the student positive feedback and constructive criticism.

THE STUDENT AND THE PRINCIPAL CERTIFY THAT THEY HAVE DISCUSSED THE CONTENTS OF THIS EDUCATION PLAN AND AGREE THAT IT WILL SERVE AS A GUIDE TO THE STUDENT'S ARTICLING EXPERIENCE.

Signed at KITCHENER, this day of , 200 .

(Student)

(Principal)