



BEARS, BEETS, AND BORDER HOPPING:

THE BACK AND FORTH OF PRACTICING LAW ACROSS THE US/CANADIAN BORDER

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Agenda

- **Introduction**
 - Land Acknowledgment
 - Who We Are
 - Candidate Profiles: Who Are You Seeing?
- **Licensing Process Overview**
 - How to Get Licensed in Canada
 - Where are Candidates Going?
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 - How to Get Licensed in the US
 - Where are Candidates Going?
 - Why Make the Move to the US?
- **Other Considerations - Visas and "Pre-Cruiting"**
- **Whose Line Is It Anyways?**



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Introduction

- **Land Acknowledgement**

- **Who We Are**

- Ashley Concini - Senior Manager, Americas Legal Recruiting, White & Case LLP (New York)
- Neil Dennis - Director of Legal Talent, Blaney McMurtry LLP (Toronto)
- Stephanie Mui, Assistant Dean, Career Services, Peter A. Allard School of Law (Vancouver)

- **Candidate Profiles: Who Are You Seeing?**

- Canadian Members? U.S. Members?
- Canadian Schools: Who has students who are interested or have gone to the U.S.?
- U.S. Schools: Who has students who are interested or have gone to Canada?
- Canadian firms: Who has recruited American students or lawyers?
- U.S. firms: Who has recruited Canadian students or lawyers?

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Licensing Process: An Overview

- **How to Get Licensed in Canada:**

- Fairly standard across the country
- Each province and territory is regulated by a law society, which acts the licensing body in that particular province (among other things)
- 18 law schools across Canada with an English-language, common law JD program
- **Articling:** Requirement for practicing law in Canada
 - Post-graduation 9-12 month long paid apprenticeship with a legal employer
- **Bar Exam/Course:** licensing exam or course set by provincial law society. Every province and territory's law society requires candidates to pass the exam, course, or combination in order to pass "the Bar"
- Once called, a lawyer can transfer their credentials to another province or territory without needing to be re-licensed
- *Undergraduate degree + Canadian JD or LLB + Articling + Bar Exam/Course = Lawyer*

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Licensing Process: An Overview

• How to Get Licensed in Canada (cont'd)

- Foreign law graduates who have received their JD or LLB outside of Canada must apply for the **National Committee of Accreditation (NCA)** process
 - The NCA assesses a candidate's legal education and experience, and then advises candidates what assignments they must then do to qualify for bar admission in a Canadian jurisdiction (i.e. write NCA exams or take courses at a Canadian law school)
 - Some Canadian law schools offer online learning courses or professional degree programs that satisfy these requirements
 - Once all requirements are satisfied, the NCA grants candidates a **Certificate of Qualification**
 - NCA candidates are still required to then article and pass the Bar exam/course
- *For NCA Candidates: JD/LLB in other jurisdiction + Completion of NCA assignments + Receipt of Certificate of Qualification + Articling + Bar Exam/Course = Lawyer*

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Where Are Candidates Going?



• Primary Jurisdictions of Interest for Americans Coming to Canada

- Tend to be concentrated in the major city centres that participate in a structured recruit process (e.g. OClS):
 - **Toronto:** Most populous city in Canada, largest concentration of legal employers, primary business centre = large number of head offices
 - **Calgary:** Large concentration of legal employers, strong oil and gas industry = large number of head offices for energy companies
 - **Vancouver:** Most populous city on West Coast of Canada, proximity to large legal markets on West Coast of US (California, Washington State), strong start-up culture, large concentration of tech employers (tech hub)
 - **Ottawa:** Government centre, many government and government-adjacent opportunities
- *If you have met candidates that have gone to other markets, please let us know!*

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Why Make the Move to Canada

#1

#2

#3

#4

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Licensing Process: An Overview

- **How to Get Licensed in the United States:**
 - Bar admission requirements vary from state to state, including dates, exams, fees, and application process
 - Each jurisdiction's licensing process is governed by its state board of bar examiners, which is often an agency of the highest state court in that jurisdiction, or connected with that state's bar association
 - Eligibility to take a jurisdiction's bar exam depends on whether the candidate's law school has been approved by the American Bar Association (ABA), and other requirements such as whether the candidate has been admitted to the Bar in another state and how many years the candidate may have already practiced law
 - For foreign law graduates, these requirements can also include whether the candidate's legal education was in English common law, if they had any additional education at an ABA-approved law school, if they have practiced law in a foreign jurisdiction, admission to the Bar in another state, and determination of educational equivalency.
 - Some states may also not permit graduates of foreign law schools to apply for admission to the Bar by examination

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Licensing Process: An Overview

• How to Get Licensed in the United States (cont'd):

- Assuming a candidate is eligible, they will need to take the **Bar Exam**:
 - 2 day **uniform bar examination (UBE)**, with 1 day being a standardized test (Multistate Bar Examination, or MBE), and the 2nd day being locally crafted essays covering a broad range of subjects, or 2 nationally developed tests (the Multistate Essay Examination, or MEE, and the Multistate Performance Test, or MPT) **OR**
 - a **non-uniform bar examination**, which is 2-3 days (depending on the state) and is comprised of a combination of the MBE, the MEE, the MPT, and a jurisdiction-drafted exam
 - The UBE can be transferred to other UBE jurisdictions, meaning they don't need to be re-licensed in that other UBE jurisdiction
- In addition to passing that state's bar exam, most US jurisdictions also require students to pass the **Multistate Professional Responsibility Examination (MPRE)**, which is administered 3 times/year

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Licensing Process: An Overview

• How to Get Licensed in the United States (cont'd):

- In addition to the Bar exam, candidates must also pass the **Good Character and Fitness** component: applicants are required to submit background information that is relevant to the appropriateness of granting a professional credential (e.g. past felony convictions, history of substance abuse, debt, etc)
- *Generally: JD or LLB degree + UBE or non UBE (+ MPRE) + passing Good Character and Fitness assessment = Lawyer*
- **HOWEVER...**
 - given the variability between each jurisdiction's licensing process, candidates wanting to be licensed in any jurisdiction should always contact that state's board of bar examiners, regardless of whether they are domestic or foreign law graduates

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Where Are Candidates Going?

- **Primary Jurisdictions of Interest for Canadians going to the United States**
 - Tend to be concentrated in major markets that offer wide variety and volume of business opportunities, as well as the ease of licensing for Canadian candidates
 - **New York:** No requirement to be called in another jurisdiction beforehand, international business centre, large concentration legal employers
 - **California:** Requirement to be called in another jurisdiction beforehand; international business centre, prolific tech/start-up culture
 - **Texas:** Requirement to be called in another jurisdiction beforehand; large oil/gas industry
 - **Massachusetts:** No requirement to be called in another jurisdiction beforehand
 - *If you have met candidates that have gone to other markets, please let us know!*

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Why Make the Move to the US?

<p>#1</p> <p>Legal market (deal profile and sophistication) 100%</p>	<p>#2</p> <p>Firm prestige 90%</p>
<p>#3</p> <p>Compensation 60%</p>	<p>#4</p> <p>Practice area(s) 40%</p>

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Other Considerations: Work Visas

- **US Visa Considerations: Canadian Candidates**

- Summer Associates generally require a J-1 training contract
- Associates have a few possible scenarios:
 - TN Visa: generally possible for Canadian candidates
 - H1B Visa: lottery process for most nationalities - not a guarantee
 - Other (e.g. E-3 Visa)

- **Canadian Visa Considerations: American Candidates - TBD?**

***Immigration matters are fluid and case-by-base. This is not meant to be immigration advice nor should it be perceived as such.*

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Other Considerations: "Pre-Cruiting"

- **For Canadian law students interested in securing a summer position at an American law firm:**

If no OCI, students should apply **early** (i.e. June or July)

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Whose Line Is It Anyways?

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Scenario 1: Canadian Student

I'm a 1L student with a business degree and an interest in working in the States I'm not 100% certain that I want to be in the States long-term, but everyone tells me it's worth trying out. What do I do and where do I start?

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Scenario 2: Canadian Lateral (Junior)

I'm a top 10% graduate of a law school in Alberta who is a couple months away from completing my articling year with a large, full-service law firm in Toronto. I liked my experience here and have a return offer in hand, but my plan always was to start my legal career in New York. I really enjoyed my corporate rotation and hope to do more sophisticated M&A and venture capital work. What can I do to get to NY?

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Scenario 3: American Lateral Hire

I am a 3rd year litigator in a boutique law firm in Seattle, Washington, whose partner decided to move back to Vancouver to be closer to family. I've been there a few times with my partner so I know the basic lay of the land. I'd like to continue working in a firm setting if possible - maybe I can continue here if you'd be willing to let me work remotely. What can I do?

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"Your Canadian roots define you for all of your life, no matter where you go, no matter what you do." - Alanis Morissette

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