

Be Prepared for the NIQP's Challenges

If you are planning to take the National Insolvency Qualification Program, you had better come prepared. Composed of five courses and three separate exams, NIQP was created in 1998 as a streamlining effort to certify bankruptcy trustee candidates. The program, as explained by Superintendent of Bankruptcy **Marc Mayrand** in a 1997 release from Industry Canada, was created to, "ensure a consistent national approach to training that will encourage and promote professionalism and increase the level of knowledge expertise of applicants for a trustee licence."

The first NIQP course is an introduction to insolvency. As NIQP Registrar **Madelyn Webb** explains, 101 is more independent work and is a relatively short process. "The 101 course is kind of just to get your toes wet," Webb says. "Most of the people can do it, if they have experience, in about a week, and other people take about

three months. You have assignments that your sponsor needs to mark, and then the exam is a self-test that you can do as many times as you want. The exam has a pass mark of 75 per cent." From there, however, NIQP becomes more demanding, as the *Bankruptcy and Insolvency Act* becomes more important.

Gregory Best of The Bowra Group Inc. believes that candidates have trouble transitioning from one course to another because they have not used the BIA to its fullest extent. "I think stepping from 201 to 301, they find most challenging, in that they need to understand and rely more on the *Bankruptcy and Insolvency Act*," Best says. "They fail to read it; the answers are all there."



Mark Kearl, formerly with RSM Richter, sees the other portion of the

program as being the tougher of the two sections. Kearl, who graduated from the NIQP as gold medalist but recently accepted a position outside the insolvency field, considers the final exams to be the hardest. "I think the NIE (National Insolvency Exam) is quite challenging. I think the pass rates were around 50 per cent, so that was difficult," he says, "and then the oral board exam was challenging because you are in front of real people, and they're asking you questions and you have to answer them on the spot, basically."

As candidates progress through the NIQP, their sponsors become increasingly important. Aside from being markers, sponsors should ideally be willing to act as mentors for their candidates, as candidates are more likely to succeed when they have more interaction with their sponsors.

"The candidates need to be walked through the different types of files; in

Soyez prêts à relever les défis du PNRPI

Le cours donné dans le cadre du Programme national de reconnaissance professionnelle en insolvabilité (PNRPI), conçu pour mettre en place une approche nationale cohérente de la formation, relève considérablement le niveau de connaissance et d'expertise de ses participants. Le premier cours est une introduction à l'insolvabilité. Le cours 101, relativement court, comprend des travaux et des devoirs effectués de manière indépendante et un test auto-administré qui peut être fait aussi souvent que l'on veut. Les cours 201 et 301, par contre, sont plus difficiles et exigent beaucoup plus de travail et de détermination. Un examen oral devant jury à la fin du cours est particulièrement éprouvant parce que l'on est alors devant des professionnels du domaine qui posent des questions auxquelles il faut répondre sur le champ.

Pour les étudiants qui veulent s'attaquer au PNRPI, il est considéré essentiel de pouvoir compter sur des parrains qui servent de mentors. Les éventuels parrains doivent être disposés à assumer divers rôles, notamment donner des exemples concrets tirés de l'expérience réelle, expliquer les subtilités de la LFI et montrer comment la loi s'applique concrètement dans des cas réels. Comme le temps nécessaire varie d'un candidat à l'autre, les parrains doivent être souples dans leur engagement et disponibles pour la durée totale du programme. Les cabinets qui s'occupent de dossiers d'insolvabilité mettant en cause autant des sociétés que des personnes peuvent renforcer grandement la capacité d'un candidat de réussir le cours.

Il est également important de savoir à quoi s'attendre. Ce n'est pas une bonne idée d'attendre à la dernière minute pour faire les travaux exigés, au lieu de les échelonner sur toute la période accordée. Comme le signale Mark Kearl, diplômé du PNRPI, « dès le départ, on sait que c'est essentiellement un programme de trois ou quatre ans. Je m'en suis rendu compte dès le début et la charge de travail exigée était exactement ce à quoi je m'attendais. »

Par ailleurs, c'est certainement un atout de pouvoir compter sur une certaine base d'expérience et de connaissances au moment de se lancer dans le PNRPI. Même si le programme accepte les candidats qui viennent tout juste de sortir du collège armés d'un diplôme, le fait de posséder une certaine expérience pratique est un avantage considérable. Cependant, une chose est claire : les candidats qui sont bien placés pour obtenir de bons résultats sont ceux qui sont en mesure d'y consacrer le temps voulu, qui peuvent compter sur un parrain bien informé et sachant les appuyer, qui travaillent dans une entreprise pouvant leur accorder un horaire flexible au moment des examens, et qui possèdent de bonnes aptitudes à passer des examens.

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the optimum situation, they sit right beside the sponsors while they're going through a file and dealing with issues. It is very much a one-on-one coaching type of situation that works best," Webb says. "We're pretty convinced the sponsorship is somewhat uneven in the program, and so some people get quite good sponsoring, while for others, it's more hands-off, and this makes it more difficult for the candidate."



Kathy Lenart of Taylor Leibow Inc. attests to how a proper sponsor can help a candidate. Lenart took the course offered by the Canadian Insolvency Practitioners Association (now CAIRP) prior to the formation of the NIQP.

She emphasizes that a sponsor can add a measure of practicality to material, especially with the biggest study guide of them all. "Due to the technical nature of the BIA, it is easy to read a section and

not understand exactly what it means or how it is applied," Lenart says. "The sponsor should be used to provide real life examples of how a section is applied. Reading the recent cases provides good examples that you can relate to and thus remember the application."

"Being in a firm exposed to both corporate and personal insolvency issues will greatly assist your ability to pass the course," she adds. "Due to the size of our firm, we handle summary and ordinary administrations. The sponsor has to be willing to expose the candidate to all areas of insolvency."

Because times can vary for candidates, sponsors have to be flexible in their commitment. Best, who is sponsoring two candidates from his company, says that potential sponsors, more than anything else, must be available for the program's entire run. "I think the biggest thing is the sponsor has to have the time commitment," he

says. "Make sure you go to a sponsor who is going to have the time available for you. I think that would be most important."



When entering the program, candidates should be aware of the time and effort required. **Geoff Orrell** of E. Sands and Associates Inc. emphasizes that candidates need to take the program seriously.

"I don't know whether the students at the first attempt of 201 understand it's not a course to be taken lightly," he says. "You can't go into 201 or any of the other levels and think you will do well by leaving all of the assignments to the very end, rather than spacing them out over the time provided. There has to be a certain level of comprehension combined with practical experience if you plan on succeeding. "

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Knowing what was ahead of him helped Kearn make it through the NIQP. “From the outset, you know that it’s basically a three- to four-year program. I realized that from the start, and I think the workload was what I expected,” he says. “I don’t remember thinking, ‘this is way more than I thought,’ or, ‘this is way easier than I thought.’”



Grant of Alger and Associates Inc.

One of the keys to succeeding in the NIQP is devoting the necessary time. **Vanessa**

says that not only has she committed time outside of work to her studies, but her office has supported her as well. “Throughout the NIQP, I have attempted to do the bulk of my course work and review on the weekends. As I get close to an exam, I generally start to take long weekends so that I have at least one solid day each week to study,” Grant said. “I then take approximately four days off prior to the exams for final preparation. I will likely take approximately 10 days off prior to writing the NIE. Alger & Associates Inc. has been extremely

supportive and flexible in allowing me time off to study.”

The right mindset

Part of being prepared is having the scholastic mindset. Webb notes that a candidate has to be ready to hit the books. “You have to like studying and be prepared to set the time aside,” she says. “It also helps to have good exam writing skills, both time management and being able to focus on the ‘required’, and being able to handle more complex questions. Our exam questions are tending toward scenarios and what we call ‘multi-subject questions’, and there are cases on some of the

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Going into the NIQP with experience and knowledge is a definite asset. While the program is open to “fresh out of college” candidates, having a practical background is a considerable advantage. “Applicants should have some practical experience prior to entering the program,” says Elyse Rosen, a Montreal insolvency lawyer who presented at the tutorial in 1998. “Being an effective insolvency practitioner requires an understanding of the various elements at play, and the ever changing dynamics, in a work-out or bankruptcy. This simply cannot be learned in the classroom, from a textbook, or from reading the law.”

There is no silver bullet for succeeding in the NIQP, but clearly those candidates who are well-positioned to do so are the ones who are able to devote the time, have a supportive and knowledgeable sponsor, work at a firm that is flexible around exam time and possess strong exam skills. It isn't easy—which is why the graduates of the program are professionals in high demand.

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