



# Minutes

## Benchers

Date: Friday, January 25, 2013

Present:	Art Vertlieb, QC, President	Vincent Orchard, QC
	Jan Lindsay, QC 1 <sup>st</sup> Vice-President	Greg Petrisor
	Ken Walker, QC 2 <sup>nd</sup> Vice-President	David Renwick, QC
	Rita Andreone, QC	Phil Riddell
	Kathryn Berge, QC	Catherine Sas, QC
	Lynal Doerksen	Richard Stewart, QC
	Thomas Fellhauer	Herman Van Ommen, QC
	Leon Getz, QC	Tony Wilson
	Miriam Kresivo, QC	Barry Zacharias
	Bill Maclagan	Haydn Acheson
	Nancy Merrill	Satwinder Bains
	Maria Morellato, QC	Peter Lloyd, FCA
	David Mossop, QC	Ben Meisner
	Thelma O'Grady	Claude Richmond

Richard Fyfe, QC, Deputy Attorney  
General of BC, Ministry of Justice,  
representing the Attorney General

Excused: David Crossin, QC  
Stacy Kuiack  
Lee Ongman

Staff Present:	Tim McGee	Bill McIntosh
	Deborah Armour	Jeanette McPhee
	Robyn Crisanti	Doug Munro
	Jeffrey Hoskins, QC	Alan Treleaven
	Su Forbes, QC	Adam Whitcombe
	Michael Lucas	

Guests:

Chris Axworthy, QC, Dean, Faculty of Law, Thompson Rivers University  
Dom Bautista, Executive Director, Law Courts Center  
Mark Benton, QC, Executive Director, Legal Services Society  
Johanne Blenkin, Chief Executive Officer, Courthouse Libraries BC  
Mary Anne Bobinski, Dean, Faculty of Law, University of BC  
Kari Boyle, Executive Director, Mediate BC Society  
Anne Chopra, Equity Ombudsperson  
Jonathan Vogt, Continuing Legal Education Society of BC  
Dean Crawford, Vice-President, CBABC  
The Honourable Lance Finch, Chief Justice of BC  
Donna Greschner, Dean, Faculty of Law, University of Victoria  
Jeremy Hainsworth, Reporter, Lawyers Weekly  
Gavin Hume, QC, the Law Society's Representative on the Council of the  
Federation of Law Societies of Canada  
Marc Kazimirski, President, Trial Lawyers Association of BC  
Derek LeCroix, QC Executive Director, Lawyers Assistance Program  
Caroline Nevin, Executive Director, Canadian Bar Association, BC Branch  
Wayne Robertson, QC, Executive Director, Law Foundation of BC  
Rose Singh, BC Paralegal Association  
Ryan Williams, President of TWI Surveys Inc.  
Bill Younie, President, Lawyers Assistance Program

**1. Call to Order**

**a. Oaths of Office of 2013 Ladder and Lynal Doerksen, Benchers for County of Kootenay**

The Honourable Lance Finch, Chief Justice of British Columbia, administered the swearing / affirming of:

- the President's Oath of Office by the Law Society's President for 2013, Art Vertlieb, QC
- the Vice-President's Oath of Office by the Law Society's First and Second Vice-Presidents for 2013, Jan Lindsay, QC and Ken Walker, QC, respectively
- the Benchers' Oath of Office by the Law Society's Kootenay County Benchers for 2013, Lynal Doerksen

## 2. Consent Agenda

2.1 The minutes of the meeting held on December 7, 2012 were approved as circulated.

### 2.2 Amendments to the Law Society Rules and the *Code of Professional Conduct*, Implementing Family Law Task Force Recommendations Previously Adopted by the Benchers:

***BE IT RESOLVED to amend the Law Society Rules effective March 18, 2013 as follows:***

#### ***1. By adding the following Rule:***

##### **Definitions**

**3-18.6** In this division

“**course of study**” means an educational program consisting of activities approved by the Executive Director for the purpose of qualifying as a family law mediator, arbitrator or parenting coordinator;

“**professional development**” means activities approved by the Executive Director for credit as professional development for family law mediators, arbitrators or parenting coordinators.

#### ***2. By rescinding Rule 3-20 and substituting the following:***

##### **Family law mediators**

**3-20** (1) A lawyer may act as a family law mediator only if the lawyer

(a.1) possesses sufficient knowledge, skills and experience relevant to family law to carry out the function of a mediator in a fair and competent manner,

(b) has completed a course of study in family law mediation approved by the Credentials Committee, and

(c) is in compliance with Rule 3-20.3(3).

(3) A lawyer who has been accredited by the Society as a family law mediator may so state in any marketing activity.

(4) The Credentials Committee may allow a lawyer previously accredited by the Society as a family law mediator time in which to comply with any changes to the requirements under subrule (1)(b). Family law arbitrators

**3-20.1** (1) A lawyer may act as a family law arbitrator only if the lawyer

- (a) possesses sufficient knowledge, skills and experience relevant to family law to carry out the function of an arbitrator in a fair and competent manner,
  - (b) has, for a total of at least 10 years, engaged in the full-time practice of law or the equivalent in part-time practice or sat as a judge or master,
  - (c) has completed a course of study in family law arbitration approved by the Credentials Committee, and
  - (d) is in compliance with Rule 3-20.3(3).
- (2) A lawyer who has been accredited by the Society as a family law arbitrator may so state in any marketing activity.
- (3) The Credentials Committee may allow a lawyer who has previously acted as a family law arbitrator time in which to comply with any changes to the requirements under subrule (1)(c).

### **Parenting coordinators**

#### **3-20.2** (1) A lawyer may act as a parenting coordinator only if the lawyer

- (a) possesses sufficient knowledge, skills and experience relevant to family law to carry out the function of a parenting coordinator in a fair and competent manner,
  - (b) has, for a total of at least 10 years, engaged in the full-time practice of law or the equivalent in part-time practice or sat as a judge or master, including considerable family law experience dealing with high conflict families with children,
  - (c) has completed a course of study in parenting coordination approved by the Credentials Committee, and
  - (d) is in compliance with Rule 3-20.3 (3).
- (2) A lawyer who has been accredited by the Society as a parenting coordinator may so state in any marketing activity.
- (3) The Credentials Committee may allow a lawyer who has previously acted as a parenting coordinator time in which to comply with any changes to the requirements under subrule (1)(c).

### **Professional development for family law mediators, arbitrators and parenting coordinators**

- #### **3-20.3** (1) The Credentials Committee may determine the minimum number of hours of professional development that is required of a family law mediator, arbitrator or parenting coordinator in each calendar year.

- (2) The requirements under subrule (1) may be different for each of family law mediators, arbitrators or parenting coordinators.
- (3) In each calendar year, a family law mediator, arbitrator or parenting coordinator must
  - (a) complete the required professional development, and
  - (b) certify to the Executive Director in a form approved by the Executive Director that the lawyer has completed the required professional development.
- (4) Professional development completed under this rule may also be reported under Rule 3-18.3 if it meets the requirements of that rule.
- (5) Despite subrule (3), a family law mediator, arbitrator or parenting coordinator need not complete the required professional development in a calendar year in which the lawyer has successfully completed the course of study required under Rules 3-20 to 3-20.2.

***BE IT RESOLVED to amend the Code of Professional Conduct effective March 18, 2013 by rescinding “Appendix B” and replacing it with a new “Appendix B” as follows:***

**Family Law Mediation, Arbitration and Parenting Coordination**

**Definitions**

1. In this Appendix:

**“dispute resolution process”** means the process of family law mediation, family law arbitration or parenting coordination;

**“family law arbitration”** means a process by which participants submit issues relating to their marriage, cohabitation, separation or divorce to an impartial person (the family law arbitrator) for decision;

**“family law mediation”**

- (a) means a process by which participants attempt, with the assistance of an impartial person (the family law mediator), to reach a consensual settlement of issues relating to their marriage, cohabitation, separation, divorce, children or finances, including division of assets , and
- (b) includes, without limiting the generality of the foregoing, one or more of the following acts when performed by a lawyer acting as a family law mediator:

- (i) informing the participants of and otherwise advising them on the legal issues involved,
- (ii) advising the participants of a court's probable disposition of the issue,
- (iii) preparing any agreement between the participants other than a memorandum recording the results of the family law mediation;

**“parenting coordination”** means a process by which an impartial person (the parenting coordinator), by agreement of participants or by court order, mediates a dispute with respect to the implementation of an agreement or a court order respecting the allocation of parenting time or parenting responsibilities, or contact with a child or makes a determination respecting that dispute that is binding on the participants;

**“participant”** means a person with issues relating to marriage, cohabitation, separation or divorce who has agreed to the intervention of an impartial person as family law mediator or arbitrator or parenting coordinator or is subject to a court order appointing such a person to assist in the resolution of such issues.

## **Disqualifications**

- 2. (a) If a lawyer, or a partner, associate or employee of that lawyer has previously acted or is currently acting for any of the participants to a dispute resolution process in a solicitor-client relationship with respect to any matter that may reasonably be expected to become an issue during the dispute resolution process, that lawyer may not act as a family law mediator or arbitrator or parenting coordinator for any of the participants;
- (b) If a lawyer has acted in a dispute resolution process for the participants, neither that lawyer nor any partner, associate or employee of that lawyer may act in a solicitor-client relationship for either participant against the other participant;
- (c) If a lawyer, or a partner, associate or employee of that lawyer has acted in a dispute resolution process for the participants, neither that lawyer nor a partner, associate or employee of that lawyer may act for or against any person if to do so might require the lawyer to disclose or make use of confidential information given in the course of the dispute resolution process.

**Obligations of family law mediator or arbitrator or parenting coordinator when participants unrepresented**

3. A lawyer who acts as a family law mediator or arbitrator or parenting coordinator for participants who are unrepresented must:
  - (a) urge each unrepresented adult participant to obtain independent legal advice or representation, both before the commencement of the dispute resolution process and at any stage before an agreement between the participants is executed;
  - (b) take care to see that the unrepresented participant is not proceeding under the impression that the lawyer will protect his or her interests;
  - (c) make it clear to the unrepresented participant that the lawyer is acting exclusively in a neutral capacity, and not as counsel for either participant; and
  - (d) explain the lawyer's role in the dispute resolution process, including the scope and duration of the lawyer's powers.

**Obligations of family law mediator or parenting coordinator**

4. Unless otherwise ordered by the court, a lawyer who acts as a family law mediator or parenting coordinator and the participants must, before family law mediation or parenting coordination begins, enter into a written agreement that includes at least the following provisions:
  - (a) an agreement that the lawyer, throughout the family law mediation or parenting coordination, is not acting as legal counsel for any participant;
  - (b) an agreement that the lawyer may disclose fully to each participant all information provided by the other participant that is relevant to the issues;
  - (c) an agreement that, subject to rule 3.3-3, the family law mediation or parenting coordination is part of an attempt to settle the differences between the participants and that all communications between participants or between any participant and the family law mediator or parenting coordinator will be "without prejudice" so that no participant will attempt:
    - (i) to introduce evidence of the communications in any legal proceedings, or
    - (ii) to call the family law mediator or parenting coordinator as a witness in any legal proceedings;

- (d) an acknowledgment that the lawyer must report to the Director of Family and Child Services any instance arising from the family law mediation or parenting coordination in which the lawyer has reasonable grounds to believe that a child is in need of protection;
- (e) an agreement as to the lawyer's rate of remuneration and terms of payment;
- (f) an agreement as to the circumstances in which family law mediation or parenting coordination will terminate.

### **Obligations of family law arbitrator**

- 5. A lawyer who acts as a family law arbitrator and the participants must, before the lawyer begins his or her duties as family law arbitrator, enter into a written agreement that includes at least the following provisions:
  - (a) an agreement that the lawyer, throughout the family law arbitration, is not acting as legal counsel for any participant;
  - (b) an acknowledgment that the lawyer must report to the Director of Family and Child Services any instance arising from the family law arbitration in which the lawyer has reasonable grounds to believe that a child is in need of protection;
  - (c) an agreement as to the lawyer's rate of remuneration and terms of payment,

### **Lawyer with dual role**

- 6. A lawyer who is empowered to act as both family law mediator and family law arbitrator in a dispute resolution process must explain the dual role to the participants in writing and must advise the participants in writing when the lawyer's role changes from one to the other.
- 7. A parenting coordinator who may act as a family law mediator as well as determine issues in a dispute resolution process must explain the dual role to the participants in writing and must advise the participants in writing when the lawyer's role changes from one to the other.

## **2.3 Non-practising and retired members as designated paralegals**

***BE IT RESOLVED to amend the Law Society Rules by rescinding Rule 2-4.2 and substituting the following:***

**Legal services by non-practising and retired members**

- 2-4.2** Despite an undertaking given under Rule 2-3(1)(a) [*Non-practising members*] or 2-4(2)(a) [*Retired members*], a non-practising or retired member may
- (a) provide pro bono legal services, or
  - (b) act as a designated paralegal under Rule 2-9.2.

**2.4 Tariff costs for credentials hearings**

***BE IT RESOLVED to amend the Law Society Rules as follows:***

**1. In Rule 5-9**

***(a) by rescinding subrules (1.1) and (1.2) and substituting the following:***

**5-9 (1.1)** Subject to subrule (1.2), the panel or review board must have regard to the tariff of costs in Schedule 4 to these Rules in calculating the costs payable by an applicant, a respondent or the Society in respect of a hearing on an application or a citation or a review of a decision in a hearing on an application or a citation.

**(1.2)** If, in the judgment of the panel or review board, it is reasonable and appropriate for the Society, an applicant or a respondent to recover no costs or costs in an amount other than that permitted by the tariff in Schedule 4, the panel or review board may so order.; ***and***

***(b) in subrule (1.4)(b), by striking “one-half the number of units applies.” and substituting “one-half the number of units or amount payable applies.”.***

**2. In Schedule 4,**

***(a) by striking the title of the Schedule and substituting the following:***

**SCHEDULE 4 – TARIFF FOR HEARING AND REVIEW COSTS;**

***(b) by striking the heading of column 3 of the table and substituting “Number of units or amount payable”; and***

(c) *by adding the following rows to the table:*

	<b>Credentials hearings</b>	
24.	Each day of hearing	\$2,000

### **3. Lawyers Assistance Program – Update**

Mr. Vertlieb introduced Derek LaCroix, QC Executive Director of the Lawyers Assistance Program (LAP) since 1996. Mr. LaCroix reviewed LAP's history, pointing out that the peer-based support program relies on a province-wide network of about 400 volunteers, on the support of the Law Society and its membership. Mr. LaCroix noted that individual Benchers can facilitate LAP's work in two ways:

- Confidential outreach
  - advising LAP confidentially when becoming aware that a Law Society member is experiencing personal difficulty
- Changing the culture of the profession (replacing shame with pride)
  - encouraging lawyers to speak out openly about their difficult experiences
  - leading by example

Mr. LaCroix introduced Mr. Bill Younie, President of the Lawyers Assistance Program for 2013. Mr. Younie commented on the importance of the commitment and support to LAP shown by the Law Society and the legal profession over the years. Mr. Younie described LAP as Canada's "gold standard" for lawyers assistance programs, noting that Mr. LaCroix is frequently looked to for advice and guidance by other programs throughout Canada and the United States.

Mr. Younie introduced two LAP volunteers, who spoke movingly about their own challenging experiences and the importance of LAP's support to them.

### **4. Approval of the Federation National Competency Profile – Report of the Credentials Committee and the Lawyer Education Advisory Committee**

Mr. Petrisor briefed the Benchers as Chair of the Credentials Committee on the background of the proposed National Entry-Level Practice Competency Profile (the Competency Profile, pages 4008-4013 of the meeting materials and Appendix 1 to these minutes). Mr. Petrisor noted the alignment of the proposed profile and resolution with the current Strategic Plan.

Mr. Petrisor advised that the proposed Competency Profile was reviewed and approved by the Credentials Committee and the Lawyer Education Advisory Committee on December 6, 2012, with both Committees recommending that the Benchers approve the following resolution:

***RESOLVED:*** *to approve the Competency Profile on the understanding that implementation will be based on a nationally accepted implementation plan, and to support the development of that plan.*

Mr. Petrisor moved (seconded by Mr. Walker) that Benchers resolve to approve the Competency Profile on the understanding that implementation will be based on a nationally accepted implementation plan, and to support the development of that plan.

Mr. Petrisor confirmed that the recommendation that the Benchers approve the resolution is on the express understanding that adoption is subject to the development and law societies approval of a consistent national plan for implementation.

The motion was carried unanimously.

## **5. CBA Access to Justice Project: *Envisioning Equal Justice***

Mr. MacLagan reported as Chair of the Access to Legal Services Advisory Committee, briefing the Benchers on the CBA Access to Justice Project: *Envisioning Equal Justice*. He referenced the consultation paper published by the CBA's Standing Committee on Access to Justice (page 5003 of the meeting materials), particularly the list of discussion questions at page 5023. Mr. MacLagan noted that the Law Society has been requested to provide written responses to the questions. He referred the Benchers to draft responses prepared by Mr. Lucas and Mr. Munro (pages 5029-5032).

Mr. MacLagan advised that the Access to Legal Services Advisory Committee would like to respond in a positive spirit on the themes set out in the questions: reviewing what the Advisory Committee and the Law Society have already done in the areas of enhancing access to legal services (including pro bono); noting the Law Society's enthusiasm to participate in the *Envisioning Equal Justice Summit: Building Justice for Everyone* (April 25-27, 2013, in

Vancouver); but not providing a detailed policy response at this stage. He asked for the Benchers' direction to the Advisory Committee.

The Benchers reached consensus as follows:

- affirming the approach proposed by Mr. MacLagan on behalf of the Access to Legal Services Advisory Committee
- confirming that the Law Society's participation in the *Envisioning Equal Justice Summit* should be coordinated by the Access to Legal Services Advisory Committee
  - returning to the Benchers for further direction should the Law Society's involvement become major

## 6. Nominations to 2013 Finance Committee

Mr. Vertlieb reported that the Rules require two elected Benchers and one appointed Bencher to be nominated to the current year's Finance Committee. If more than two elected Benchers and one appointed Bencher are nominated, the Benchers are to make the selections by secret ballot at their first meeting of the year. Mr. Vertlieb confirmed that Mr. MacLagan and Mr. Renwick have been nominated as elected Benchers, and Mr. Acheson has been nominated as an appointed Bencher.

Upon asking the Benchers whether there were any further nominations and hearing none, Mr. Vertlieb confirmed the nomination of Bill MacLagan, David Renwick, QC and Haydn Acheson to the 2013 Finance Committee, effective immediately.

## 7. 2012 – 2014 Strategic Plan Implementation Update

Mr. McGee briefed the Benchers, noting that an update on progress toward implementation of the 2012 – 2014 Strategic Plan will be a standing item on the Bencher meeting agendas for the balance of the year. He described the three over-arching goals that provide the foundation for the plan's various strategies and initiatives:

- *The Law Society will be a more innovative and effective professional regulatory body*
- *The public will have better access to legal services*

- *The public will have greater confidence in the administration of justice and the rule of law*

Mr. McGee outlined the initiatives currently underway (see Appendix 2 to these minutes for an annotated version of the Strategic Plan, summarizing the status of those initiatives as at December 2012).

Deputy Attorney General Richard Fyfe, QC commented on the alignment of the Ministry of Attorney General's current objectives and the Law Society's three strategic goals.

## **8. President's Report ("The Road Ahead")**

Mr. Vertlieb provided the Benchers with an outline of the priorities and topics upon which he intends to focus as the Law Society's President for 2013:

### **a. President's Three Priorities for 2013**

- supporting the Family Law Paralegal Pilot Projects
- supporting the Legal Services Provider Task Force in its efforts to report to the Benchers with recommendations by the end of 2013
- supporting the Law Society's development of a program to regulate law firms

### **b. Law Society Committees**

- Chairs of the 2012 Committees were thanked for their dedication and leadership over the past years
- Chairs of the 2013 Committees were thanked for their readiness to share the heavy responsibilities they have undertaken
- Importance of providing opportunities to newer Benchers to better engage their diverse skills and experience
- Briefing sessions for the Chairs and Vice-Chairs of the 2013 Committees were conducted in January

**c. Benchers and Committee Meeting Governance**

- Value of consensus was noted
- Value of publication of target end times for meetings in agendas was noted
- Chairs were encouraged
  - to approve meeting agendas
  - to assume that all attendees have read the meeting materials in advance
  - to elicit full participation by attendees in committee meetings

Mr. Vertlieb recognized First Vice-President Jan Lindsay, QC, for being honoured with the 2013 Women's Law Forum Award of Excellence.

**9. CEO's Report**

Mr. McGee provided highlights of his monthly written report to the Benchers (Appendix 3 to these minutes), including the following matters:

- Operational Priorities for 2013
  1. Review and Renewal of Management Structure
  2. Lawyer Advice and Support Project
  3. Support for Legal Service Provider Task Force
  4. Regulation of Law Firms – Policy and Operational Assessment
  5. Implementation of Governance Review Task Force Report
- New Recognition and Rewards Program (RRex)
- Justice Summit Steering Committee Update
- Continuing Professional Development (CPD) Program Update
- 2012 Employee Survey
- CLE – TV Code of Conduct Course

**9(a) 2012 Employee Survey Report**

Mr. McGee invited Ryan Williams, President of TWI Surveys Inc., to review the results of the 2012 Law Society Employee Survey with the Benchers. Mr. Williams outlined the survey's seven-year history and methodology, noting that the 2012 response rate of almost 85 per cent is an all-time for the Law Society, and that any response rate over 80 per cent is excellent participation in an employee survey. Mr. Williams analyzed the 2012 results, identified areas of strength and opportunity for improvement, and answered questions from the Benchers.

**10. 2011 Regulatory Plan: Implementation Update**

Ms. Armour reported as Chief Legal Officer, providing an update on progress made in implementing the Law Society Regulatory Plan approved by the Executive and Finance Committees in March 2011. Ms. Armour briefed the Benchers on the successes and challenges to date including offering solutions for those challenges.

Ms. Armour highlighted the significance of the increased effectiveness of the Intake and Early Resolution Department in ensuring appropriate outcomes on cases that are not going to discipline; the valuable contributions of the Discipline Guidelines Task Force; and the relationship between increased focus on face-to-face interviewing and improved evidentiary quality of investigations.

Ms. Armour also noted that while much progress has been made, there is still room for improvement.

**11. Council of the Federation of Law Societies of Canada: Report by the Law Society's Council Representative**

This matter was deferred to the *in camera* session.

**12. Reports on Outstanding Hearing & Review Reports**

The Benchers received and reviewed a report on outstanding hearing decisions.

The Benchers discussed other matters *in camera*.

# National Admission Standards Project



## National Entry to Practice Competency Profile for Lawyers and Quebec Notaries

September, 2012



## NATIONAL ENTRY TO PRACTICE COMPETENCY PROFILE FOR LAWYERS AND QUEBEC NOTARIES

### 1. SUBSTANTIVE LEGAL KNOWLEDGE

All applicants are required to demonstrate a general understanding of the core legal concepts applicable to the practice of law in Canada in the following areas:

#### 1.1. Canadian Legal System

- (a) The constitutional law of Canada, including federalism and the distribution of legislative powers
- (b) The Charter of Rights and Freedoms
- (c) Human rights principles and the rights of Aboriginal peoples of Canada and in addition for candidates in Quebec, the Quebec Charter of Human Rights and Freedoms
- (d) For candidates in Canadian common law jurisdictions, key principles of common law and equity. For candidates in Quebec, key principles of civil law
- (e) Administration of the law in Canada, including the organization of the courts, tribunals, appeal processes and non-court dispute resolution systems
- (f) Legislative and regulatory system
- (g) Statutory construction and interpretation

#### 1.2 Canadian Substantive Law

- (a) Contracts and in addition for candidates in Quebec: obligations and sureties
- (b) Property
- (c) Torts
- (d) Family, and in addition for lawyers and notaries in Quebec, the law of persons
- (e) Corporate and commercial
- (f) Wills and estates
- (g) Criminal, except for Quebec notary candidates
- (h) Administrative
- (i) Evidence (for Quebec notaries, only as applicable to uncontested proceedings)
- (j) Rules of procedure
  - i. Civil
  - ii. Criminal, except for Quebec notary candidates
  - iii. Administrative
  - iv. Alternative dispute resolution processes

- (k) Procedures applicable to the following types of transactions:
  - i. Commercial
  - ii. Real Estate
  - iii. Wills and estates

### **1.3 Ethics and Professionalism**

- (a) Principles of ethics and professionalism applying to the practice of law in Canada

### **1.4 Practice Management**

- (a) Client development
- (b) Time management
- (c) Task management

## **2. SKILLS**

All applicants are required to demonstrate that they possess the following skills:

### **2.1 Ethics and Professionalism Skills**

- (a) Identifying ethical issues and problems
- (b) Engaging in critical thinking about ethical issues
- (c) Making informed and reasoned decisions about ethical issues

### **2.2 Oral and Written Communication Skills**

- (a) Communicating clearly in the English or French language, and in addition for candidates in Quebec, the ability to communicate in French as prescribed by law
- (b) Identifying the purpose of the proposed communication
- (c) Using correct grammar and spelling
- (d) Using language suitable to the purpose of the communication and the intended audience
- (e) Eliciting information from clients and others
- (f) Explaining the law in language appropriate to audience
- (g) Obtaining instructions
- (h) Effectively formulating and presenting well-reasoned and accurate legal argument, analysis, advice or submissions
- (i) Advocating in a manner appropriate to the legal and factual context. This item does not apply to applicants to the Chambre des notaires du Québec
- (j) Negotiating in a manner appropriate to the legal and factual context

### 2.3 Analytical Skills

- (a) Identifying client's goals and objectives
- (b) Identifying relevant facts, and legal, ethical, and practical issues
- (c) Analyzing the results of research
- (d) Identifying due diligence required
- (e) Applying the law to the legal and factual context
- (f) Assessing possible courses of action and range of likely outcomes
- (g) Identifying and evaluating the appropriateness of alternatives for resolution of the issue or dispute

### 2.4 Research Skills

- (a) Conducting factual research
- (b) Conducting legal research including:
  - i. Identifying legal issues
  - ii. Selecting relevant sources and methods
  - iii. Using techniques of legal reasoning and argument, such as case analysis and statutory interpretation, to analyze legal issues
  - iv. Identifying, interpreting and applying results of research
  - v. Effectively communicating the results of research
- (c) Conducting research on procedural issues

### 2.5 Client Relationship Management Skills

- (a) Managing client relationships (including establishing and maintaining client confidence and managing client expectations throughout the retainer)
- (b) Developing legal strategy and advising client in light of client's circumstances (for example, diversity, age, language, disability, socioeconomic, and cultural context)
- (c) Advising client in light of client's circumstances (for example, diversity, age, language, disability, socioeconomic, and cultural context)
- (d) Maintaining client communications
- (e) Documenting advice given to and instructions received from client

## **2.6 Practice Management Skills**

- (a) Managing time (including prioritizing and managing tasks, tracking deadlines)
- (b) Delegating tasks and providing appropriate supervision
- (c) Managing files (including opening/closing files, checklist development, file storage/destruction)
- (d) Managing finances (including trust accounting)
- (e) Managing professional responsibilities (including ethical, licensing, and other professional responsibilities)

## **3. TASKS**

All applicants are required to demonstrate that they can perform the following tasks:

### **3.1 GENERAL TASKS**

#### **3.1.1 Ethics, professionalism and practice management**

- (a) Identify and resolve ethical issues
- (b) Use client conflict management systems
- (c) Identify need for independent legal advice
- (d) Use time tracking, limitation reminder, and bring forward systems
- (e) Use systems for trust accounting
- (f) Use systems for general accounting
- (g) Use systems for client records and files
- (h) Use practice checklists
- (i) Use billing and collection systems

#### **3.1.2 Establishing client relationship**

- (a) Interview potential client
- (b) Confirm who is being represented
- (c) Confirm client's identity pursuant to applicable standards/rules
- (d) Assess client's capacity and fitness
- (e) Confirm who will be providing instructions
- (f) Draft retainer/engagement letter
- (g) Document client consent/instructions
- (h) Discuss and set fees and retainer

### 3.1.3 Conducting matter

- (a) Gather facts through interviews, searches and other methods
- (b) Identify applicable areas of law
- (c) Seek additional expertise when necessary
- (d) Conduct legal research and analysis
- (e) Develop case strategy
- (f) Identify mode of dispute resolution
- (g) Conduct due diligence (including ensuring all relevant information has been obtained and reviewed)
- (h) Draft opinion letter
- (i) Draft demand letter
- (j) Draft affidavit/statutory declaration
- (k) Draft written submission
- (l) Draft simple contract/agreement
- (m) Draft legal accounting (for example, statement of adjustment, marital financial statement, estate division, bill of costs)
- (n) Impose, accept, or refuse trust condition or undertaking
- (o) Negotiate resolution of dispute or legal problem
- (p) Draft release
- (q) Review financial statements and income tax returns

### 3.1.4 Concluding Retainer

- (a) Address outstanding client concerns
- (b) Draft exit/reporting letter

## 3.2 ADJUDICATION/ALTERNATIVE DISPUTE RESOLUTION

**3.2.1.** All applicants, except for applicants for admission to the Chambre des notaires du Québec, are required to demonstrate that they can perform the following tasks:

- (a) Draft pleading
- (b) Draft court order
- (c) Prepare or respond to motion or application (civil or criminal)
- (d) Interview and brief witness
- (e) Conduct simple hearing or trial before an adjudicative body

**3.2.2** All applicants are required to demonstrate that they can perform the following tasks:

- (a) Prepare list of documents or an affidavit of documents
- (b) Request and produce/disclose documents
- (c) Draft brief

# **The Law Society** *of British Columbia*



## **2012 – 2014 Strategic Plan**

**Status Update as at December 2012**

**For:           The Benchers**  
**Date:         December 7, 2012**

**Purpose of Report:   Discussion**  
**Prepared on behalf of the Executive Committee**

## INTRODUCTION

Section 3 of the *Legal Profession Act* states that the mandate of the Law Society is to uphold and protect the public interest in the administration of justice by:

- (i) preserving and protecting the rights and freedoms of all persons;
- (ii) ensuring the independence, integrity and honour of its members; and
- (iii) establishing standards for the education, professional responsibility and competence of its members and applicants for membership.

To carry out its mandate effectively, the Law Society must keep in mind the interests and concerns of all parties that engage the justice system. This includes the public generally, users of the legal systems (both individual and corporate), courts, governments, and lawyers.

The Benchers have created a process to plan for and prioritize strategic policy development to properly meet the mandate of the Society and to optimize staff resources.

Through this process, the Benchers identified three principal goals and related strategies that the Law Society should pursue over the next three years. In identifying these goals, strategies and initiatives, the Benchers have been mindful not only of what the role of the Law Society is in relation to its mandate, but also of what may be achievable within that mandate.

The goals, strategies and initiatives set out in this strategic plan are in addition to the overall operations of the Law Society's core regulatory programs, such as discipline, credentials, and practice standards. These programs are fundamental to fulfilling the Law Society's mandate and will always be priorities for the Law Society.

The plan will be reviewed on an annual basis during its three year term to ensure that the strategies and initiatives remain appropriate and to address any additional strategies or initiatives that may be necessary in light of changing circumstances.

## **Law Society Goals**

1. The Law Society will be a more innovative and effective professional regulatory body.
2. The public will have better access to legal services.
3. The public will have greater confidence in the administration of justice and the rule of law.

## **GOAL 1: The Law Society will be a more innovative and effective professional regulatory body.**

The Law Society recognizes that it is important to encourage innovation in all of its practices and processes in order to continue to be an effective professional regulatory body. The following strategies and initiatives will ensure that the Law Society continues to improve in delivering on its regulatory responsibilities.

### **Strategy 1 – 1**

Regulate the provision of legal services effectively and in the public interest.

#### ***Initiative 1-1(a)***

Consider ways to improve regulatory tools and examine whether the Law Society should regulate law firms.

#### ***Status – December 2012***

*It was anticipated that work on this Initiative would begin in 2013. In the meantime, the Legal Profession Act has been amended to permit the regulation of law firms. It is now anticipated that staff will begin some initial examination of this topic in the Fall of 2012 in anticipation of more detailed policy consideration by the Benchers in 2013.*

#### ***Initiative 1-1(b)***

Examine the relationship between the Law Society as the regulator of lawyers and the Law Society as the insurer of lawyers.

#### ***Status – December 2012***

*The Rule of Law and Lawyer Independence Advisory Committee has been meeting regularly and this topic has been the focus its agenda. The committee is nearing the end of its examination of this topic, and it is anticipated that it will present its report, with a description of options, in early 2013.*

### ***Initiative 1–1(c)***

Examine whether the Law Society should regulate just lawyers or whether it should regulate all legal service providers.

#### ***Status – December 2012***

*Each of the Rule of Law and Lawyer Independence and the Access to Legal Services Advisory Committees began deliberations on different aspects of this initiative in early 2012. However, in order to better co-ordinate the policy development and analysis, the benchers resolved at their July meeting to create a separate Task Force to address this initiative. Appointments have been made to the Task Force and it held its first meeting on December 4, 2012.*

### **Strategy 1 - 2**

Identify and develop processes to ensure continued good governance.

### ***Initiative 1–2(a)***

Examine issues of governance of the Law Society generally including:

- identifying ways to enhance Bencher diversity;
- developing a model for independent evaluation of Law Society processes;
- creating a mechanism for effective evaluation of Bencher performance and feedback.

#### ***Status – December 2012***

*This initiative has been divided into separate tasks:*

- *the Governance Task Force has taken the lead on a review of governance processes generally within the Law Society, and its report is being represented at the December Benchers meeting;*
- *the issue of Bencher diversity was actively considered at the Bencher governance retreat and will be considered further by the Governance Committee as it works through the recommendations and implementation of the governance review;*
- *work on the development of a model for the independent evaluation of Law Society processes has been undertaken by the Chief Executive Officer in consultation with the President and last year's President, following debate and recommendations on this topic by the Executive Committee in connection with the 2009 – 2011 Strategic Plan. Further*

*work was put in abeyance pending the report of the Governance Review Task Force in December 2012.*

### **Strategy 1–3**

Ensure that programs are available to assist lawyers with regulatory and workplace changes.

#### ***Initiative 1-3(a)***

Work with continuing professional development providers to develop programs about the new Code of Conduct.

#### ***Status – December 2012***

*The Law Society and the Continuing Legal Education Society of BC have agreed to a joint endeavour to plan and deliver education on the new BC Code of Conduct, which will be available to all BC lawyers free of charge using a variety of delivery methods. The Law Society will reimburse the CLE Society for its direct out of pocket expenses. The Law Society website will also feature an Annotated BC Code of Conduct as well as a guide to the BC Code of Conduct that will compare key features of the current Handbook to the new Code.*

#### ***Initiative 1-3(b)***

Improve uptake of Lawyer Wellness Programs.

#### ***Status – December 2012***

*Development of this initiative has been undertaken in the Practice Standards Department . The Committee has created a Working Group under Catherine Sas' leadership, and recommendations will be presented to the Committee at a later date. A report from the Committee to the Benchers will follow.*

### **Strategy 1– 4**

Ensure that admission processes are appropriate and relevant.

#### ***Initiative 1–4(a)***

Work on national admission standards while considering the rationale and purpose of the overall admission program.

***Status – December 2012***

*The Lawyer Education Advisory Committee is keeping abreast of national developments on examining admission national standards and related procedures, which is underway under the auspices of the Federation of Law Societies of Canada. That work has result in a national competencies profile which is now being reviewed by a working group made up of members of the Credentials and the Lawyer Education Advisory Committees. The Federation is also developing national standards for character and fitness, and proposals for implementation, which will be presented to and considered by the law societies at a later date.*

*The Advisory Committee will begin an active review of the Law Society admission program following the consideration by the Benchers of the national competencies profile.*

***Initiative 1–4(b)***

Consider qualification standards or requirements necessary for the effective and competent provision of differing types of legal services.

***Status – December 2012***

*Work on this initiative is not expected to commence until 2013.*

## **GOAL 2: The public will have better access to legal services.**

The Law Society recognizes that one of the most significant challenges in any civil society is ensuring that the public has adequate access to legal advice and services. The Law Society has identified a number of strategies to respond to this challenge over the next three years and will continue to gather demographic data about lawyers to inform these strategies.

### **Strategy 2–1**

Increase the availability of legal service providers.

#### ***Initiative 2–1(a)***

Consider ways to improve the affordability of legal services:

- continue work on initiatives raised by recommendations by the Delivery of Legal Services Task Force;
- identify and consider new initiatives for improved access to legal services.

#### ***Status – December 2012***

*Implementation of the recommendations of the Delivery of Legal Services Task Force continues. The Supreme and Provincial Courts of British Columbia have agreed to the pilot project in Family Law proposed to them (to commence January 1, 2013), and an evaluation process has been developed. The Benchers approved the necessary changes to the Professional Conduct Handbook.*

*The Access to Legal Services Advisory Committee continues to examine the issues concerning access to justice and legal services that require action by the Law Society, with a particular focus on Justice Access Centres and Pro Bono Delivery Clinics.*

#### ***Initiative 2–1(b)***

Support the retention of women lawyers by implementing the *Justicia* Project.

#### ***Status – December 2012***

*Work on Phase 1 on implementation of the Justicia project has begun, with a Managing Partners Summit national firms with offices in British Columbia and larger regional firms having been held at the Vancouver offices of Gowlings on November 20.*

**Initiative 2–1(c)**

Support the retention of Aboriginal lawyers by developing and implementing the Indigenous Lawyer Mentoring Program.

**Status – December 2012**

*Phase 1 of the Indigenous Lawyer Mentoring Program was completed, and a report was presented to the Benchers on July 13 detailing best practice guidelines for mentoring Aboriginal lawyers. The report proposed a model on which a Mentoring Program can be developed that outlines a vision, goals and guiding principles. Phase 2 has been delayed due to staffing issues, but is to begin as soon as staffing is in place.*

**Strategy 2–2**

Improve access to justice in rural communities.

**Initiative 2–2(a)**

Develop ways to address changing demographics of the legal profession and its effects, particularly in rural communities.

**Status – December 2012**

*Work on this initiative is planned to commence in 2013.*

**Initiative 2–2(b)**

Develop ways to improve articling opportunities in rural communities.

**Status – December 2012**

*Work on this initiative is planned to commence in 2014 and will analyse the results from the REAL program.*

**Strategy 2–3**

Understand the economics of the market for legal services in British Columbia.

**Initiative 2–3(a)**

Work collaboratively with other stakeholders in the legal community to identify questions that need to be answered and engage, with others, in focused research.

***Status – December 2012***

*In the implementation plan for this initiative, the initial work was assigned to staff to determine what work on this subject other stakeholders in the legal community were developing. After discussions with the Law Foundation, which is undertaking an examination relating to economic analysis of certain aspects of the justice system in conjunction with the Legal Services Society, it has been determined that the focus of their research is not focused on the market for legal services.*

*A staff group has therefore met to discuss what sort of research and issues could be examined in order to gather information to create a better understanding of the economics of operating a law practice and the market for legal services. A report will be presented at a later date to determine the feasibility of continuing with this initiative as drafted. It is also anticipated that market analysis will be part of the research that the Legal Services Provider Task Force will be looking for when addressing the mandate it has been given by the Benchers.*

### **GOAL 3: The public has greater confidence in the administration of justice and the rule of law.**

The rule of law, supported by an effective justice system, is essential to a civil society. This requires public confidence in both the rule of law and the administration of justice. The Law Society recognizes the importance of working with others to educate the public about the rule of law, the role of the Law Society in the justice system and the fundamental importance of the administration of justice.

#### **Strategy 3–1**

Develop broader and more meaningful relationships with stakeholders.

##### ***Initiative 3–1(a)***

Identify, establish and build on relationships with the Ministry of Attorney General and other government ministries, the Courts, and non-governmental stakeholders.

##### ***Status – December 2012***

*Work has been undertaken at the Bench and staff level and has resulted in meetings with the Minister of Justice and Attorney General and her senior staff on a number of occasions. A meeting in Victoria with policy staff in various government ministries together with the Chief Executive Officer and Law Society policy and communication staff has also taken place. Future meetings are being arranged to keep the lines of communication relevant and open.*

#### **Strategy 3–2**

Educate the public about the importance of the rule of law, the role of the Law Society and the role of lawyers.

##### ***Initiative 3–2(a)***

Identify methods to communicate through media about the role of the Law Society, including its role in protecting the rule of law.

##### ***Status – December 2012***

*To increase awareness of the Law Society and the Rule of Law, a number of initiatives have been completed. A dedicated webpage has been created and is updated regularly. During Law Week, the Law Society's "Day-in-the-Life" Twitter campaign was run and promoted. Other proactive media relations efforts, such as a news conference in Prince George and appearances on the*

*CBC's Early Edition to discuss events or Law Society initiatives have also resulted in coverage of the Law Society and the opportunity to profile the work of the organization to hundreds of thousands of British Columbians. Staff are currently working with Courthouse Libraries to add content and links from the Law Society to Clicklaw and additional exposure is expected with the January rollout of the paralegals initiative. The infrastructure to support the new Speakers' Bureau is almost complete with the next step being to incorporate willing Benchers into the roster of available speakers.*

## **CEO's Report to the Benchers**

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January 25, 2013

Prepared for: Benchers  
Prepared by: Timothy E. McGee

# Introduction

This is my first CEO's report to the Benchers for 2013 and I would like to wish you all the very best for the New Year. I would also like to extend a warm welcome on behalf of all the staff to our new President Art Vertlieb, QC and to both our new and returning Benchers. We look forward to working with all of you in the coming year.

In my first report each year I present management's top five operational priorities for the ensuing year. These priorities, which for 2013 are set out below, have been developed in consultation with the Management Board and have been reviewed and discussed with President Vertlieb. I have also met with Art to review his Presidential priorities for 2013, which he will speak to at the Bencher meeting.

## Operational Priorities for 2013

At the start of each year I outline management's top five operational priorities for the next twelve months. I always emphasize that these do not derogate from our day-to-day responsibility to perform all of our core regulatory functions to the highest standards. However, in each year there are items that require extra attention and focus to ensure success. The top five operational priorities (in no particular order) for management in 2013 are as follows:

### 1. Review and Renewal of Management Structure

The recent report of the Governance Review Task Force set out a comprehensive set of recommendations for improved governance of the Law Society. Some of those recommendations deal with the important relationship between Benchers and staff but the report did not focus on management structure, organization and decision making processes.

The way management is organized, operates and makes decisions today is based upon a structure that I introduced with the support of my senior managers in 2007. Over the past five years it has served us well, but management is undertaking a review to consider how it can be improved upon to better meets our need in the future. For example, we are looking to provide staff with greater opportunities to demonstrate leadership skills and to participate in decision making at more senior levels. This will not only help to bring new and useful perspectives to management deliberations but will also assist in our goal to have more extensive succession planning at all levels of the organization. Another area that we will focus on is our increasing use of and need for project management capabilities. The recent success of the Core Process Review, the Leo project, RREx Program, and the Privacy Review, indicate that we accomplish much when we organize into project teams based upon staff interest and skills and supported by clear mandates. Our review will consider and assess the benefits of institutionalizing this

approach rather than leaving it as the ad hoc process it is today. I look forward to updating you on progress on this priority in the weeks ahead.

## **2. Lawyer Advice and Support Project**

Excellent work was done at the staff level in 2012 in assessing the strengths and opportunities of our current model for delivering member advice and support services. This work followed a recommendation of the Core Process Review Report, which was based on the conclusion that as a regulator, it is very much in our interests to assist and support members to be aware of, understand, and comply with our regulatory standards. This is also very much in the interests of our members.

Today we provide a wide variety of assistance and support to members including online courses for the small firm practitioner, email alerts to the profession about frauds and scams, telephone practice advice about questions of professional responsibility, and in-house trust compliance seminars, to name a few. A priority for 2013 is to complete the staff task force recommendations addressing the following questions: what services are most useful, who can best deliver them and how are they best delivered. The recommendations will be presented to the Executive Committee by mid-year for review and determination of next steps.

## **3. Support for Legal Service Provider Task Force**

The Legal Service Provider Task Force chaired by Bruce LeRose, QC has set an ambitious schedule to complete its work and to make recommendations to the Benchers by the end of this year. Beyond the normal staff support for the work of this Task Force (which is ably led by Michael Lucas and Doug Munro), we will also be starting the important work of assessing the scope of the operational impacts and considerations that a new model of unified regulation for all legal service providers may present for the Law Society. Our goal is to ensure that the operational perspective and the policy options are developed as much as possible in tandem rather than sequentially. In this way, when the Task Force Report is presented to the Benchers for their consideration, there will also be a basic operational impact assessment to assist in deliberations and decision making. We will work with the Chair throughout the year to best coordinate these efforts.

## **4. Regulation of Law Firms – Policy and Operational Assessment**

With the passage into law of the recent amendments to the *Legal Profession Act* the Law Society now has the statutory authority to regulate law firms as well as lawyers. The Benchers will most likely be addressing this topic in 2013 as part of the Strategic Plan implementation. While the exact nature and scope of this work has yet to be determined it is certain that operational

considerations will play an important part in assessing options and formulating recommendations. As a management team, we are committed to ensuring that we provide the best possible support for this work in 2013 on a priority basis.

## **5. Implementation of Governance Review Task Force Report**

The list of recommendations that has been passed to the newly constituted Governance Committee for implementation is impressive but also daunting. The work of the Committee for 2013 is already underway and I have assured President Vertlieb as Chair of the Committee that all aspects of implementation touching on operations will be a priority for management in 2013.

While the foregoing are our top operational priorities for 2013 I would be remiss if I did not mention that we will also be very focused on ensuring that we have the capability to assist the Benchers in properly assessing the recommendations regarding new national admissions standards, which are expected within the year from the Federation Task Force.

## **New Recognition and Rewards Program (RRex)**

RRex is the acronym for our newly redesigned program for recognizing and rewarding employee excellence. It will be officially launched at the all staff Town Hall meeting next Tuesday, January 29, as the new basis for recognizing and rewarding excellence in job performance and employee contributions. RRex is a remarkable program for at least two reasons. First, it has been built from the ground up; that is, we have surveyed and consulted extensively with staff over the past year to ensure that the program is responsive to the types of incentives and recognition that will motivate performance, innovation and teamwork. Second, because of the extensive external research we have done on this topic, we have also been able to design the program based upon the best features of successful programs elsewhere, while also ensuring it is appropriate for our needs.

I am attaching as Appendix "A" a presentation which was reviewed with the Executive Committee at its last meeting for your information. I would be pleased to answer any questions you may have regarding the new RRex program at the meeting.

## **Justice Summit Steering Committee Update**

I have been appointed to a Steering Committee that has been established under the auspices of the Ministry of Justice and Attorney General to consider how best to pursue the recommendation in the recent *White Paper on Justice Reform - Part one: A Modern, Transparent Justice System* for an annual Justice Summit among justice

system stakeholders. There have been two meetings of the Steering Committee to date and discussions have been largely exploratory in nature. I expect that there will be several additional meetings before a consensus is reached on the best structure for this new initiative.

## **Continuing Professional Development (CPD) Program – Update**

Here is a brief update on the statistics for our CPD program.

Of the 10,687 lawyers who had CPD requirements to report in 2012, 371 did not report year end completion (a 36% decrease from 2011) and as at January 21, 2013, 192 had still not recorded completion and are overdue (down 37% from 2011). Overall, 2012 continues a very strong trend of increasing compliance by the members with the CPD requirements since inception.

## **2012 Employee Survey**

Our seventh consecutive employee survey was conducted in November of 2012.

We had a record high response rate for the survey and I think you will find the results both interesting and encouraging on several fronts. Ryan Williams, President of TWI Surveys Inc., the survey administrators, will be at the meeting to provide an overview of the results and to respond to any questions.

## **CLE -TV Code of Conduct Course**

Thank you to everyone who participated in the December 2012 *Code of Conduct* training session led by Gavin Hume, QC. Those of you who weren't able to attend that session may want to take part in the three part CLE-TV *Code of Conduct* webcast course, which is jointly offered (free of charge) by the Continuing Legal Education Society and the Law Society to all members of the legal profession. Part I of the webcast series is scheduled for January 29, 2013.

A special thanks goes to the Continuing Legal Education Society, Gavin Hume QC and Practice Advisors Lenore Rowntree and Barbara Buchanan for developing and leading these webcasts, which have received overwhelmingly positive feedback.

Timothy E. McGee  
Chief Executive Officer

# The Law Society *of British Columbia*



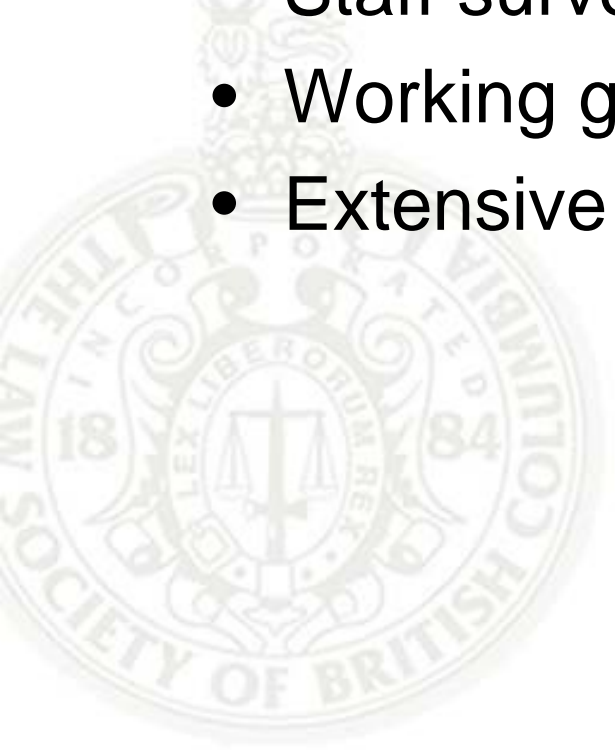
## **A Thriving Workplace** **A New Approach to Recognition and Rewards**

Presentation – Executive Committee  
January 10, 2013



# Development

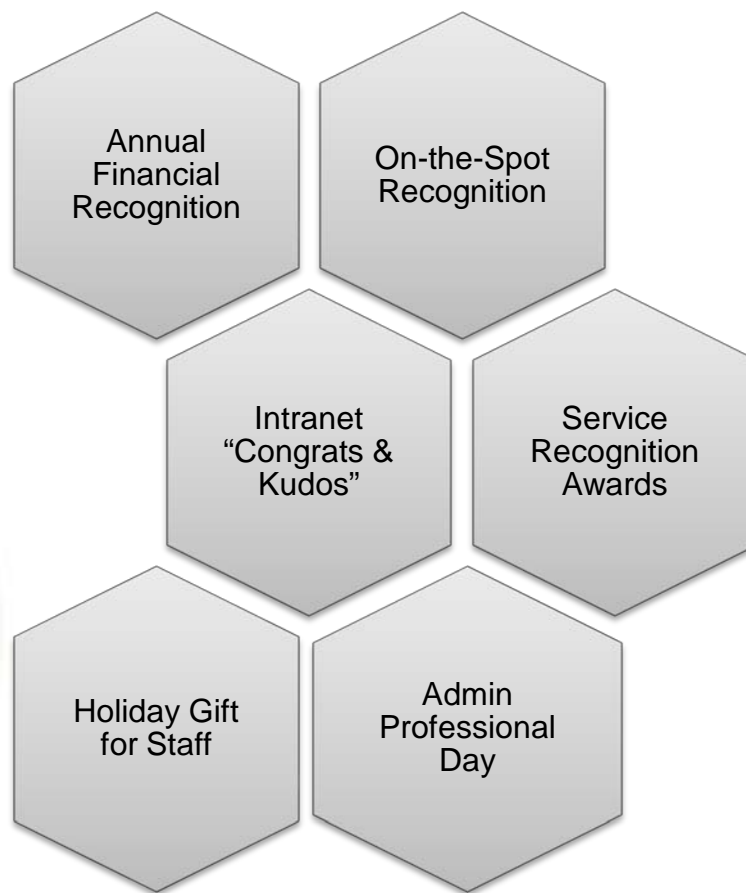
- Management group retreat in 2012
- Staff survey
- Working group
- Extensive consultation with managers



# Program Goals

- To provide appropriate recognition of achievement at all levels of the organization.
- To incorporate feedback from managers and staff.
- To build a culture of recognition and appreciation at the Law Society.

# Previous Program



# Suggested Changes

- Expand on-the-spot recognition opportunities
- Clarify annual cash awards
- Incorporate peer-to-peer opportunities
- Expand award options
- Improve clarity and transparency of program
- Incorporate “Thriving Professional” concept
- Ensure focus on Law Society mandate
- Consider best practices
- Introduce a high-profile award for “corporate citizenship”
- Reward innovation

# Program Name



**R<sup>2</sup>EX**

(Recognizing and Rewarding Excellence)

## Building a Culture of Recognition

### Annual Performance Awards

Top Performers

Above and Beyond

Strong Performers

Annual Thriving Awards

### Thriving Professional

Rex-on-the-Spot  
(Management)

Rex-on-the-Spot  
(Peer-to-Peer)

Golden Lion Award  
(Peer-to-Peer)

Innovation Lottery

### Society Awards

Service Recognition Awards

Admin Professionals Recognition

Holiday Gift

Rex Day

## Everyday Recognition Activities

(reinforced by management training, new hire on-boarding, intranet kudos, and employee handbook, etc.)

# Annual Performance Awards

Annual Performance Awards	Thriving Professional	Society Awards
Top Performers	Rex-on-the-Spot (Management)	Service Recognition Awards
Above and Beyond	Rex-on-the-Spot (Peer-to-Peer)	Admin Professionals Recognition
Strong Performers	Golden Lion Award (Peer-to-Peer)	Holiday Gift
Annual Thriving Awards	Innovation Lottery	Rex Day

## Purpose

Recognize and reward those who have performed at a consistently top level during the year, or made a significant contribution beyond the normal job expectations.

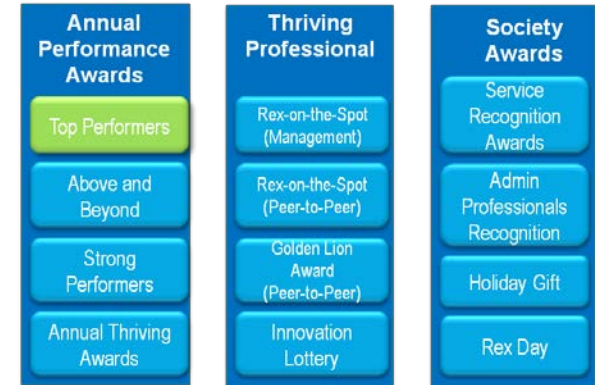
## Criteria

Management and staff will be eligible for reward as Top Performers, Above and Beyond, Strong Performers and Annual Thriving Awards.

# Annual Performance Awards

## Top Performers

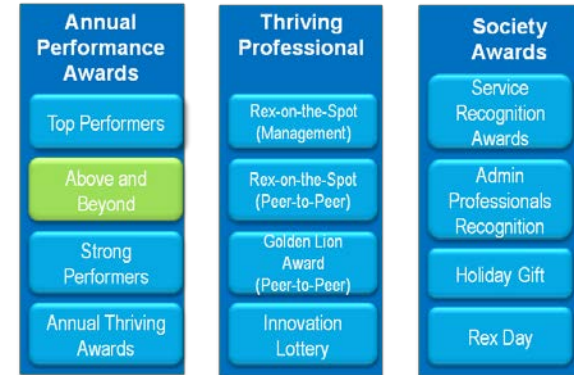
- Employee that significantly exceeds their expected performance standards for their position and meets all their individual goals.
- This very high level of performance occurs consistently throughout the year.
- Their top performance has a significant impact on the team, department or organization.
- Employee projects a positive attitude, shows initiative and demonstrates the qualities and attributes of a leader.



# Annual Performance Awards

## Above and Beyond

- Undertakes significant work outside of their normal duties and the expectations of the position.
- This significant work requires extraordinary effort.
- The results have a lasting impact on the team, department or organization and its long term mission.
- Employees must meet or exceed the expected performance standards for their position.



# Annual Performance Awards

## Strong Performers

- Employee that exceeds their expected performance standards for their position.
- Annual individual performance goals are consistently exceeded.
- Employee that has a strong work ethic, a positive attitude, and a strong focus on what needs to be done to advance the contribution of the role.
- The strong performance has a significant impact on their team and its function.

Annual Performance Awards	Thriving Professional	Society Awards
Top Performers	Rex-on-the-Spot (Management)	Service Recognition Awards
Above and Beyond	Rex-on-the-Spot (Peer-to-Peer)	Admin Professionals Recognition
Strong Performers	Golden Lion Award (Peer-to-Peer)	Holiday Gift
Annual Thriving Awards	Innovation Lottery	Rex Day

# Annual Performance Awards

## Annual Thriving Awards

- Employee fully meets requirements and expectations and occasionally may exceed them.
- Employee contributes to the success of the team, work unit, and office.
- Individuals must exemplify the Thriving Professional attributes.
- Given to employees whose work and behaviour has a significant positive impact.
- Award: cash award with a value of \$500.



# Thriving Professional

## Purpose

Recognize and reward those who show the attributes of a Thriving Professional.

## Attributes

- Positive attitude.
- Good teamwork and collaboration.
- Good “corporate” citizen.
- Always willing to get the job done.
- Constantly learning.
- Communicate their view diplomatically; open-minded.
- Demonstrate initiative, innovation and creativity.
- Promote interdepartmental cooperation.



# Thriving Professional Awards



- **Rex-on-the-Spot (by manager):** Spontaneous recognition of demonstrated attributes (Gifts/gift cards: \$25-\$100).
- **Rex-on-the-Spot (peer-to-peer):** Recognition and thanks by peers (thank you cards/\$10 gift cards).
- **Golden Lion Award (peer-to-peer):** Recognition of an individual or team for outstanding achievement.
- **Innovation Lottery:** Ideas generated earn entry to lottery for year-end award.

# Society Awards

## Society Award Components:

- Service Recognition Awards
- Administrative Professionals' Day
- Holiday Gift for Staff
- Rex Day - Inspired Lion Award (Innovation) and Rex Award (Exemplary Contribution)



# Service Recognition Awards

## Purpose

Acknowledge and reward staff upon reaching milestone service dates.

## Criteria

Awards are automatically granted at the following years of service: 1, 3, 5, 10, 15, 20, 25, and in 5-year increments afterwards.



# Service Recognition Awards

## Awards

- Additional day(s) off as per the schedule, only in the year when they hit each milestone.
- Employees with six+ years of service, who are not reaching a milestone service year in the first year of implementation, will receive a one-time award of the number of additional days off as per the schedule from the last milestone year that they have passed.

### Schedule:

5 years:	1 day
10 years:	2 days
15 years:	3 days
20 years:	4 days
25 years:	5 days
30 years:	5 days



# Administrative Professionals' Day

## Purpose

Recognize the contribution of all administrative staff.

## Awards

Card and \$25 gift certificate.

Annual Performance Awards	Thriving Professional	Society Awards
Top Performers	Rex-on-the-Spot (Management)	Service Recognition Awards
Above and Beyond	Rex-on-the-Spot (Peer-to-Peer)	Admin Professionals Recognition
Strong Performers	Golden Lion Award (Peer-to-Peer)	Holiday Gift
Annual Thriving Awards	Innovation Lottery	Rex Day

# Holiday Gift for Staff

## Purpose

Seasonal celebration to recognize the contributions of all staff.

## Awards

Card signed by manager and director, and a cash gift.

Annual Performance Awards	Thriving Professional	Society Awards
Top Performers	Rex-on-the-Spot (Management)	Service Recognition Awards
Above and Beyond	Rex-on-the-Spot (Peer-to-Peer)	Admin Professionals Recognition
Strong Performers	Golden Lion Award (Peer-to-Peer)	Holiday Gift
Annual Thriving Awards	Innovation Lottery	Rex Day

# Rex Day

## Purpose

Reinforce the Law Society's culture of recognition.  
Includes: breakfast for all staff, Town Hall, barbecue, and awards presentation.

## Awards

Inspired Lion Award (Innovation) and Rex Award (Exemplary Contribution) presented by CEO.

Customized non-monetary award (dinner, weekend away etc).



# Inspired Lion Award



This category recognizes individuals/teams who have improved the efficiency of our operations or services that resulted in savings (internally and externally).

The successful individual/team must meet the following criteria:

- Develop a new tool, process, or design that significantly improved the organization either operationally or financially.

# Rex Award (Non Management)



This category recognizes teams or individuals who have demonstrated a commitment to excellence in their work.

The following are examples of what the selection committee will be looking for:

- A high level of commitment to excellence in their work.
- Delivers consistent and concrete results.
- Supports the Law Society's ethics.
- Acts as an role model to other employees.
- Understands and fosters workplace wellbeing.

# Process

## **Complete the Nomination Form**

- Attach a one page description of how the nominee(s) meet the criteria for the category.
- Forward the Confidential Nomination forms to the attention of the HR Manager.

## **Completing the Nomination Form for a Team**

- A team must consists of 2 or more people who work together for a common purpose or goal. Teams may be from the same department or can come from different departments.

## **Nomination Form for a team:**

- Complete the Nomination Form.
- Complete the Team Member Information Sheet.
- Ensure you identify the team lead.

## **Selection Committee**

- Chief Executive Officer will establish a Selection Committee.
- Committee Size: three managers and three non management employees.
- Four committee members will rotate off the team every two years.
- Two Committee members (one manager and one non manager) will stay on for an additional year.