

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.