

The Law Society of British Columbia



2012 – 2014 Strategic Plan

Status Update as at December 2013

For: The Benchers
Date: December 6, 2013

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 2013

The Legal Profession Act has been amended to permit the regulation of law firms. A review has been prepared for the Executive Committee that outlines the rationale and anticipated benefits of law firm regulation. The Committee is being asked to confirm next steps after which work on the initiative will begin in earnest.

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 2013

The Rule of Law and Lawyer Independence Advisory Committee has completed its review of this issue and has prepared a report with recommendations, which was considered by the Benchers in September. A Working Group will be created to examine the two options presented in the Report.

Initiative 1–1(c)

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

Status – December 2013

The Legal Service Provider Task Force was created to examine this topic. The Task Force prepared an interim report, which was presented to the Benchers in July. The Task Force's Final Report and recommendations are being considered by the Benchers at the December 2013 meeting.

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 2013

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. Its most recent report will be considered by the Benchers in December;*
- *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. Governance Committee recommendations regarding diversity are to be considered by the Benchers in December;*
- *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 in December 2012 pending the report of the Governance Review Task Force.*

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 2013

The Law Society and the Continuing Legal Education Society of BC have jointly planned and delivered webinars on the new BC Code of Conduct, which were available to all BC lawyers free of charge. The recorded version of the webinars continues to be accessible free of charge through the Law Society website. The Law Society website also features an Annotated BC Code of Conduct as well as a guide to the BC Code of Conduct that compares key features of the current Handbook to the new Code.

Initiative 1–3(b)

Improve uptake of Lawyer Wellness Programs.

Status – December 2013

Development of this initiative has been undertaken in the Practice Standards Department. A special Working Group of the Practice Standards Committee has been addressing the topic, and a survey was undertaken. The Working Group's final report was presented to the Committee on December 5, 2013.

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 2013

The Lawyer Education Advisory Committee's 2013 – 14 focus is Admission Program reform linked to National Admission Standards.

The Committee has linked its work to the Federation of Law Societies of Canada's National Admission Standards Project.

The first phase of the project was to draft a profile of the competencies required for entry to the profession and the standard for ensuring that applicants meet the requirement to be fit and of good character. The Benchers approved the National Entry-Level Competency Profile for Lawyers and Quebec Notaries on January 24, 2013

Implementation of the standards is the focus of the second phase of the Federation project. At the Federation level, work is now underway on developing options for implementation of the admission competency standards, with the goal of achieving a high level of consistency and quality in national admission standards. The Committee should be in a position to move ahead with its work beginning in January 2014, including an active review of the Law Society admission program.

The Credentials Committee has recently recommended a response to the consultation from the Federation on the good character initiative.

Ultimately, law societies will be asked to approve how the admission standards will be implemented.

Initiative 1–4(b)

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

Status – December 2013

On December 2, 2011, the Benchers approved the joint recommendation of the Lawyer Education Advisory Committee and the Access to Legal Services Advisory Committee that a Task Force be created to address the qualification standards or requirements necessary for the effective and competent provision of differing types of legal services. The Task Force was, amongst other things, to identify priorities for types of legal services that might be offered without the provider qualifying as a lawyer, and that would most benefit the public, identify priorities for types of legal services that might be offered by a lawyer with a restricted license, and that would most benefit the public, examine and analyse potential delivery models, and make recommendations to the Benchers. However, the creation of the Legal Services Provider Task Force overlapped some of the planned work for this Task Force. That Task Force will be presenting its report in December and will recommend establishing a framework for recognition of alternate legal service providers.

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 2013

Implementation of the recommendations of the Delivery of Legal Services Task Force continues. As of January 1, 2013, the family law pilot projects in the Supreme and Provincial Courts have begun to operate, and will run until January 2015 after which they will be evaluated. Changes to the Law Society Rules and to the BC Code of Conduct that permit expanded opportunities for articulated students and paralegals to provide legal services are all in effect. To date, the President and policy staff have engaged in four presentations to paralegals and lawyers to educate about the initiative and to encourage participation.

At the July Benchers meeting the Benchers increased the level of funding provided to the Law Foundation to support pro bono organizations and introduced a new fund with the Law Foundation designed to fund discrete access to justice initiatives. The result effectively doubled the Law Society's financial support for pro bono and access to justice initiatives (not including funding for the REAL program).

Initiative 2–1(b)

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

Status – December 2013

Work on Phase 1 on implementation of the Justicia project has begun. Managing Partners have met, and Diversity Officers have been appointed by participating firms. Working Groups have been created to examine Maternity Leave Policies, Flexible Work Plans, Demographic Information, and Business Development Programs for women. Work continued on these topics through the Working Groups through the summer. Meetings are being scheduled for the fall to consider proposals and examine policies, with an expectation that model policies will be presented.

Initiative 2–1(c)

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

Status – December 2013

An Aboriginal Mentoring Program has been developed and was presented to the Benchers for information in May 2013. It was formally launched on National Aboriginal Day, June 21 with a call for mentors. Matching of mentors with mentees took place in the fall, so the program is now well underway and will be assessed from time to time by the Equity and Diversity Committee.

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 2013

This initiative could benefit from information gathered through the REAL program. Work will begin after there has been some opportunity to review and analyse some of that programs results.

Initiative 2–2(b)

Develop ways to improve articling opportunities in rural communities.

Status – December 2013

Work on this initiative is planned to commence in 2014 and will also review and 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 2013

In the implementation plan for this initiative, the initial work was assigned to staff to determine what work 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.

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 2013

Work has been undertaken at the Bench and staff level and has resulted in meetings with the Minister of Justice and Attorney General and ministry 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 took place in 2012. Future meetings are being arranged to keep the lines of communication relevant and open and to continue productive work with the new minister.

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 2013

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 in 2012, the Law Society's "Day-in-the-Life" Twitter campaign was run and promoted. The following year, public

education was the Law Society's focus during Law Week and the first vice-president and senior staff were made available to the media over a week-long period to speak about the Law Society's role in promoting access to justice and protecting the public. Other proactive media relations efforts 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. Content related to the Law Society have been added to Clicklaw, the primary online source of public information regarding the law in BC. The infrastructure to support the new Speakers' Bureau is complete and the bureau is being promoted on the Law Society website. The Law Society is also currently developing a series of educational videos and expects to have two completed in January with more to come over the course of 2014. The videos will provide basic information about the Law Society, including information about the rule of law, and will be available on the Law Society website and YouTube channel.