

The Law Society *of British Columbia*



2015 – 2017 Strategic Plan

Our Mandate

Our mandate is to uphold and protect the public interest in the administration of justice by:

- (a) preserving and protecting the rights and freedoms of all persons,
- (b) ensuring the independence, integrity, honour and competence of lawyers,
- (c) establishing standards and programs for the education, professional responsibility and competence of lawyers and of applicants for call and admission,
- (d) regulating the practice of law, and
- (e) supporting and assisting lawyers, articulated students and lawyers of other jurisdictions who are permitted to practise law in British Columbia in fulfilling their duties in the practice of law.

Our Goals

To fulfil our mandate in the next three years, we have identified three specific goals:

1. The public will have better access to legal services.

We know that one of the most significant challenges in Canadian civil society today is ensuring that the public has adequate access to legal advice and services.

2. The public will be well served by an innovative and effective Law Society.

We recognize that the public expects and deserves effective regulation of the legal profession. To meet that expectation, we will seek out and encourage innovation in all of our practices and processes in order to continue to be an effective professional regulatory body.

3. The public will have greater confidence in the rule of law and the administration of justice.

We believe that the rule of law, supported by an effective justice system, is essential to Canadian civil society. The legal profession plays an important role in maintaining public confidence in both the rule of law and the administration of justice. We recognize the importance of working with others to educate the public about the rule of law, the role of the Law Society and the legal profession in the justice system and the fundamental importance of the administration of justice.

1. The public will have better access to justice.

Strategy 1–1

Increase the availability of legal service providers

Initiative 1–1(a)

Follow-up on recommendations from the December 2014 report of the Legal Services Regulatory Framework Task Force toward developing a framework for regulating non-lawyer legal service providers to enhance the availability of legal service providers while ensuring the public continues to receive legal services and advice from qualified providers.

Status – January 2016

The Legal Services Regulatory Framework Task Force made recommendations in December 2014 that outlined seven areas of law in which new classes of legal service providers could be permitted to practice.

The Task Force recommended that the Benchers seek a legislative amendment to permit the Law Society to establish new classes of legal service providers and there have been discussions with the Ministry of Justice and Attorney General to that end. Further information on this initiative is contained in the memorandum attached to this Update.

Initiative 1–1(b)

Continue work on initiatives for advancement of women and minorities, including through the Justica Program and the Aboriginal Mentoring Program.

Status - January 2016

Initiatives on both Aboriginal and Gender continue through the Aboriginal Mentoring Program and the Justica Program. Efforts have been made to improve diversity on the bench and work is underway to consider ways to encourage more involvement of equity seeking groups in Law Society governance.

Strategy 1–2

Increase assistance to the public seeking legal services

Initiative 1–2(a)

Evaluate the Manitoba Family Justice Program and determine if it is a viable model for improving access to family law legal services in British Columbia.

Status - January 2016

The Access to Legal Services Advisory Committee determined that the Manitoba project was not viable to duplicate in BC. It preferred a proposal by Mediate BC to set up a roster to match family law mediators with lawyers prepared to provide unbundled independent legal advice to participants in mediation. Mediate BC has sought funding from the Law Foundation to support the creation of the project and the Committee, as part of its annual meeting with the Law Foundation to discuss the \$60,000 access to justice fund, supported the proposal. The Committee's December 2015 report to the Benchers provides greater detail, and it is anticipated we will know whether the proposed project has been granted funding at that time.

Initiative 1–2(b)

Examine the Law Society's role in connection with the advancement and support of Justice Access Centres.

Status - January 2016

Staff wrote to the Deputy Attorney General following up on issues and a substantive reply has not yet been received. Further work will depend on the nature of the reply. In the meantime, staff continues to monitor activities concerning development of JACs.

Initiative 1–2(c)

Examine the Law Society's position on legal aid, including what constitutes appropriate funding and whether other sources of funding, aside from government, can be identified.

Status - January 2016

The Legal Aid Task Force has been created by the Benchers. A mandate has been approved, and the task force members have been appointed. The first meeting is expected shortly.

2. The Law Society will continue to be an innovative and effective professional regulatory body.

Strategy 2–1

Improve the admission, education and continuing competence of students and lawyers

Initiative 2–1(a)

Evaluate the current admission program (PLTC and articles), including the role of lawyers and law firms, and develop principles for what an admission program is meant to achieve.

Status - January 2016

A report with recommendations has been prepared by the Lawyer Education Advisory Committee and was presented for information at the December 4 meeting of the Benchers, with discussion to follow at a later meeting.

Initiative 2–1(b)

Monitor the Federation’s development of national standards and the need for a consistent approach to admission requirements in light of interprovincial mobility.

Status - January 2016

The Federation’s National Admission Standards Project Steering Committee recently circulated a proposal concerning proposed national assessments. The Lawyer Education Advisory Committee’s Report to the Benchers under Initiative 2-1(a) includes an analysis and recommended response.

Initiative 2–1(c)

Conduct a review of the Continuing Professional Development program.

Status - January 2016

This topic will be considered by the Lawyer Education Advisory Committee in 2016.

Initiative 2–1(d)

Examine Practice Standards initiatives to improve the competence of lawyers by maximizing the use of existing and new data sources to identify at-risk lawyers and by creating Practice Standards protocols for remediating high risk lawyers.

Status - January 2016

Work on this project is underway. To date we have gathered evidence on the impact of remediation and its duration, and the effectiveness of remediation in reducing lawyer complaints and increasing competence. The data analysis will be completed in late January 2016. In 2016, work will be undertaken on gathering / analyzing a series of recommendations.

Initiative 2–1(e)

Examine alternatives to articling, including Ontario’s new legal practice program and Lakehead University’s integrated co-op law degree program, and assess their potential effects in British Columbia.

Status - January 2016

The Lawyer Education Advisory Committee’s discussions about these programs are underway as part of its examination of the current admission program. The Committee’s conclusions form part of its Report under Initiative 2-1(a).

Strategy 2–2

Expand the options for the regulation of legal services

Initiative 2–2(a)

Consider whether to permit Alternate Business Structures and, if so, to propose a framework for their regulation.

Status - January 2016

The Law Society has done a preliminary report, and information has been gathered from Ontario, which is undertaking its own analysis of ABSs, and the UK and Australia, which have permitted ABSs. The Law Society is

monitoring consideration of ABSs currently taking place in the Prairie provinces.

No task force has yet been created to examine the subject independently in BC.

Initiative 2–2(b)

Continue the Law Firm Regulation Task Force and the work currently underway to develop a framework for the regulation of law firms.

Status - January 2016

The Law Firm Regulation Task Force has been created. A consultation paper and survey have recently been completed and targeted consultations in various centres around the province will take place starting in February 2016.

Initiative 2–2(c)

Continue discussions regarding the possibility of merging regulatory operations with the Society of Notaries Public of British Columbia.

Status - January 2016

Discussion on this topic continues. Working Groups have been created to (1) examine educational requirements for increased scope of practice for notaries (as proposed by the notaries) and (2) examined governance issues that would arise in a merged organization. Further updates on this initiative are expected in the spring.

Strategy 2-3

Respond to the Calls to Action in the Report of the Truth and Reconciliation Committee, 2015

Initiative 2-3(a)

The Benchers will:

1. Seek opportunities to collaborate with Aboriginal groups and other organizations to further examine the Recommendations and identify strategic priorities;

2. Embark upon the development of an action plan to facilitate the implementation of relevant Recommendations;
3. Encourage all lawyers in British Columbia to take education and training in areas relating to Aboriginal law (the Law Society's mandatory continuing professional development program recognizes and gives credit for education and training in areas relating to Aboriginal issues); and
4. Urge all lawyers in British Columbia to read the TRC Report and to consider how they can better serve the Indigenous people of British Columbia.

Status - January 2016

Discussions have begun on how to implement this strategy and in particular how to best engage in appropriate consultation with Aboriginal communities and representatives.

3. The public will have greater confidence in the administration of justice and the rule of law.

Strategy 3–1

Increase public awareness of the importance of the rule of law and the proper administration of justice

Initiative 3–1(a)

Develop communications strategies for engaging the profession, legal service users, and the public in general justice issues.

Status - January 2016

The Communications department has developed a communications plan, and it is being engaged to, for example, obtain interviews on local radio stations on relevant issues.

Initiative 3–1(b)

Examine the Law Society's role in public education initiatives.

Status - January 2016

Work on this initiative has not yet formally commenced, although the Rule of Law and Lawyer Independence Advisory Committee, in connection with the 800th anniversary of Magna Carta, completed a successful essay contest for high school students in 2015 and is actively considering how this initiative might be continued on an annual basis.

Initiative 3–1(c)

Identify ways to engage the Ministry of Education on high school core curriculum to include substantive education on the justice system.

Status - January 2016

Some work has begun by, for example, creating the high school essay competition on Magna Carta referred to above. Work on engaging directly with the Ministry of Education has not yet begun.

Strategy 3–2

Enhance the Law Society voice on issues affecting the justice system

Initiative 3–2(a)

Examine and settle on the scope and meaning of s. 3(a) of the *Legal Profession Act*.

Status - January 2016

This topic was introduced for discussion at the Benchers Retreat in May, 2015. The information gathered at that retreat is being considered by the Rule of Law and Lawyer Independence Advisory Committee with a view as to how it can be incorporated into Law Society policy.

Initiative 3–2(b)

Identify strategies to express a public voice on the justice system, including public forums.

Status - January 2016

A proposal from the Rule of Law and Lawyer Independence Advisory Committee was approved by the Benchers in July 2015. The Committee prepared its first comment – a commentary for *The Advocate* on the issues that pervasive surveillance raised for lawyers.

A staff working group has been struck by the Chief Executive Officer in order to engage staff on how the Law Society may express a public voice on issues, which reported to the Management Group in January 2016.