

# 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 – December 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. This initiative was paused for discussions with the Society of Notaries Public concerning merger as described at Initiative 2-2(c) below, but given the status of that initiative (as described below) is ready to be pursued again.

#### ***Initiative 1–1(b)***

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

#### **Status - December 2016**

Gender initiatives continue through the Justicia Program. The Justicia model policies and best practice resources are now available on the Law Society's website, online modules to promote the materials are being developed, and outreach is now underway to encourage smaller and regional firms to adopt and implement them. The Law Society continues to administer the Aboriginal Lawyers Mentoring Program to support Aboriginal lawyers.

Work is underway to consider ways to encourage more involvement of equity seeking groups in Law Society governance. The Truth and Reconciliation Advisory Committee has facilitated an increase of Indigenous interest and participation 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 - December 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. The Mediate BC proposal received \$60,000 and the project is being developed. A working group of practitioners is developing practice resources to aid lawyers who wish to provide limited scope services through the roster. A Law Society practice advisor has been assigned to review materials generated by the working group. The project is funded through the end of 2016.

#### ***Initiative 1–2(b)***

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

#### **Status - December 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. The Access to Legal Services Advisory Committee has held two meetings with the CEO of Courthouse Libraries. Courthouse Libraries and the Ministry of the Attorney General are exploring the potential for libraries throughout BC to act as “hubs” that will connect to the JACs via technology. This approach is consistent with the concept

identified by the Committee in prior years of establishing community based “franchises” of the JAC model. The Committee remains available for input from Courthouse Libraries and the Ministry as to whether there is anything the Law Society can do to facilitate the expansion of JACs in this manner.

***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 - December 2016**

The Legal Aid Task Force has been created by the Benchers. A mandate has been approved, and the task force has met on a number of occasions to discuss the mandate items. A “draft vision” and discussion paper have been prepared by the Task Force, which formed the basis of discussion at a Colloquium on Legal Aid organized by the Task Force and held on November 26, 2016 that was attended by senior levels of government, the courts and invited members of the profession. The Task Force will be reviewing the feedback obtained at the Colloquium with a view to providing a final report early in 2017.

## **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 - December 2016**

The Lawyer Education Advisory Committee report and recommendations were presented and approved at the March 2016 Benchers' 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 - December 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, which was approved at the Benchers' March 2016 meeting.

##### ***Initiative 2–1(c)***

Conduct a review of the Continuing Professional Development program.

##### **Status - December 2016**

This topic is currently under consideration by the Lawyer Education Advisory Committee and a report is planned for 2017.

### ***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 - December 2016**

Evidence has been assembled that examines the impact of remediation and its duration, and the effectiveness of remediation in reducing lawyer complaints and increasing competence. A task force has been created to review the data gathered and to make recommendations concerning its use. It is expected to start its work in 2017.

### ***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 - December 2016**

The Lawyer Education Advisory Committee conclusions on this subject were presented and approved at the March 2016 Benchers’ meeting. Ontario’s Benchers decided in November 2016 to review the licensing processes, including articling and alternatives to articling, and plan to complete the review in 2017. The Lawyer Education Advisory Committee continues monitor developments in Ontario and assess the potential effects in BC.

## **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 - December 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 and through the Rule of Law and Lawyer Independence Advisory Committee and the Law Firm Regulation Task Force, reviews the discussion of the initiative from time to time in other jurisdictions, particularly in the USA. However, no specific consideration is underway at this time and 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 - December 2016**

A consultation paper and survey were prepared and undertaken by the Law Firm Regulation Task Force and consultations with the profession took place around the province in February. The Task Force presented its interim report to the Benchers in November, and will be following up on its work with further consultations early in 2017 with a view to presenting a final report by the Fall of 2017 at the latest

### ***Initiative 2–2(c)***

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

#### **Status - December 2016**

Working Groups were created to (1) examine educational requirements for increased scope of practice for notaries (as proposed by the notaries) and (2) examine governance issues that would arise in a merged organization. Governance issues were considered by the benchers in a preliminary manner in camera at their June 2015 meeting. The Qualifications Working Group reported on their efforts to examine educational requirements at the July 2016 bencher meeting. Subject to the determination of the issue by the, the Benchers elected to keep open the possibility of merging regulatory operations with the Society of Notaries Public. Discussions to that end will continue to be left open to that possibility.

## **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 - December 2016**

A Steering Committee was created early in 2016 to assist in determining how best to engage in appropriate consultation with Aboriginal communities and representatives and to assist in developing the agenda and substantive program for the Benchers' 2016 Retreat that took place in early June. Following the retreat, the "Truth and Reconciliation Advisory Committee" was created, and terms of reference for the Committee were established in the Fall of 2016. The Committee is now working to address its mandate.

### **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 - December 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. The Rule of Law and Lawyer Independence Advisory Committee proposed an annual evening lecture series on rule of law topics to begin in 2017, which was approved by the Benchers in July. Work on this initiative is underway.

##### ***Initiative 3–1(b)***

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

##### **Status - December 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. The Law Society has followed up on this successful initiative by establishing an annual contest for high schools.

##### ***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 - December 2016**

Some work has begun by, for example, creating the high school essay competition 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 - December 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 - December 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, and the Committee has written several articles that have been published on the Law Society website and in the Benchers Bulletin. The Committee has also developed a Twitter account through which it identifies rule of law issues on which it wishes to comment more publicly.

A staff working group was created 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.