

# THE LAW SOCIETY OF BRITISH COLUMBIA

## MINUTES

- MEETING:** Benchers
- DATE:** Friday, January 28, 2011
- PRESENT:**
- |  |  |
|--|--|
| Gavin Hume, QC, President                        | Jan Lindsay, QC  |
| Bruce LeRose, QC, 1 <sup>st</sup> Vice-President | Peter Lloyd, FCA                                       |
| Art Vertlieb, QC, 2 <sup>nd</sup> Vice-President | David Loukidelis, QC, Deputy Attorney<br>General of BC |
| Haydn Acheson                                    | Benjimen Meisner                                       |
| Rita Andreone                                    | David Mossop, QC                                       |
| Satwinder Bains                                  | Suzette Narbonne                                       |
| Kathryn Berge, QC                                | Thelma O'Grady   |
| Joost Blom, QC                                   | Lee Ongman   |
| Patricia Bond                                    | Gregory Petrisor                                       |
| Robert Brun, QC                                  | Claude Richmond  |
| E. David Crossin, QC                             | Alan Ross  |
| Tom Fellhauer                                    | Catherine Sas, QC                                      |
| Leon Getz, QC                                    | Richard Stewart, QC                                    |
| Carol Hickman, QC                                | Herman Van Ommen                                       |
| Stacy Kuiack                                     | Kenneth Walker   |
- ABSENT:** Nancy Merrill  
David Renwick, QC
- STAFF PRESENT:**
- |                     |                  |
|---------------------|------------------|
| Tim McGee           | Michael Lucas    |
| Deborah Armour      | Bill McIntosh    |
| Stuart Cameron      | Jeanette McPhee  |
| Robyn Crisanti      | Doug Munro       |
| Lance Cooke         | Lesley Pritchard |
| Charlotte Ensminger | Susanna Tam      |
| Su Forbes, QC       | Alan Treleaven   |
| Jeffrey Hoskins, QC | Adam Whitcombe   |
- GUESTS:** The Honourable Lance Finch, Chief Justice of British Columbia  
The Honourable Barry Penner, QC, Attorney General of British Columbia  
Dom Bautista, Executive Director, Law Courts Center  
Erin Berger, 2nd Vice President, Trial Lawyers Association of BC  
Johanne Blenkin, Executive Director, BCCLS  
Mary Anne Bobinski, Faculty of Law Dean, UBC  
Marc Douglas, Ministerial Assistant to the AG of BC  
Ron Friesen, CEO, CLEBC  
Jeremy Hainsworth, Reporter, Lawyers Weekly  
Sharon Matthews, Vice-President, CBABC  
Caroline Nevin, Executive Director, CBABC  
Ryan Williams, President, TWI Surveys Inc.

## **LADDER OATH OF OFFICE:**

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 2011, Gavin Hume, QC
- the Vice-President's Oath of Office by the Law Society's First and Second Vice-Presidents for 2011, Bruce LeRose, QC, and Art Vertlieb, QC respectively

## **ATTORNEY GENERAL OF BRITISH COLUMBIA:**

Mr. Hume welcomed the Honourable Barry Penner, QC, Attorney General of British Columbia to the meeting. The Attorney delivered brief remarks to the Benchers, noting the importance of the working relationship of the Ministry of Attorney General and the Law Society, and commenting on the fiscal challenges facing the Ministry and the provincial government in the current economic climate.

## **CONSENT AGENDA**

### **1. Minutes**

The minutes of the meeting held on December 10, 2010 were approved as circulated.

### **Consent Resolutions**

The following resolution was passed unanimously and by consent.

### **2. External Appointments: Canadian Bar Association (CBA) National and Provincial Councils**

#### ***BE IT RESOLVED:***

- a. to appoint Kathryn Berge, QC to the CBA National Council, effective immediately through August 31, 2011, and then for a one-year term commencing September 1, 2011 and concluding August 31, 2012.
- b. to appoint Kathryn Berge, QC to the CBABC Provincial Council, effective April 1, 2011 through August 31, 2011, and then for a one-year term commencing September 1, 2011 and concluding August 31, 2012.
- c. to make future appointments to the CBA National Council and the CBABC Provincial Council for a term not exceeding one year and concluding on August 31.

## **REGULAR AGENDA – for Discussion and Decision**

### **3. President's Report**

Mr. Hume referred the Benchers to his written report — circulated by email prior to the meeting — for an outline of his activities as President during the month of January 2011.

Mr. Hume also briefed the Committee on the following matters:

- CLE Tenancy in the Law Society building
- 2011 Committee and Task Force assignments
- President's 2011 focus on supporting:
  - completion of objectives set out in the 2009 – 2011 Strategic Plan
  - development of 2012 – 2014 Strategic Plan
  - development of Ethics Committee's Model Code recommendations

#### **4. CEO's Report**

Mr. McGee provided highlights of his monthly written report to the Benchers (Appendix 1 to these minutes), including the following matters:

1. Operational Priorities for 2011
  - a. Support Completion of the 2009-2011 Strategic Plan and Development of the new 2012-2014 Strategic Plan
  - b. Implement Recommendations of the Core Process Review Report
    - i. Enterprise Content Management Working Group
    - ii. Practice Support Working Group
    - iii. Professional Conduct/Discipline Department Plan
  - c. Continue to Implement new LSBC Communications Plan
  - d. Develop and Implement an Enterprise Risk Management Plan
  - e. Updating of all Job Descriptions and Compensation Benchmarking
2. Update – Continuing Professional Development (CPD) Program
3. 2010 Employee Survey

Mr. McGee thanked Mr. Hume for his attendance at the recent Law Society Town Hall, and congratulated Mr. Cameron for his recent appointment as a BC Supreme Court District Registrar. Mr. McGee noted that Mr. Cameron had made valuable contributions to almost every aspect of the Law Society's regulatory work over the course of his more than 20 years with the Law Society.

#### **5. Report on Outstanding Hearing and Review Reports**

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

## GUEST PRESENTATION

### 6. Review of 2010 Employee Survey Results

Ryan Williams, President of TWI Surveys Inc., reviewed the results of the 2010 Law Society Employee Survey with the Benchers. Mr. Williams outlined the survey's five-year history and methodology, noting that the 2010 response rate of 82 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 2010 results, identified areas of strength and opportunity for improvement, and took questions from the Benchers.

See Appendix 2 to these minutes for graphs used by Mr. Williams to illustrate:

- interpretation of the survey's data and 5-point mean
- overall findings across various categories over the survey's five-year history

## STRATEGIC PLANNING AND PRIORITIES MATTERS – for Discussion and/or Decision

### 7. 2009-2011 Strategic Plan – Annual Review

Mr. Hume outlined the process to be followed in the Benchers' review of the final year of the Law Society's current strategic plan. Mr. Hume also outlined the process followed by the Executive Committee in reviewing the submissions of the four Advisory Committees, and in preparing the recommendations set out in the Executive Committee's memorandum to the Benchers at page 7000 of the meeting materials.

The Benchers reviewed the Executive Committee's memorandum and recommendations and reached a number of decisions. For sake of clarity, those decisions are presented below as **BENCHER DECISION annotations** to the relevant passages of the Executive Committee's memorandum, inserted following the Advisory and Executive Committee recommendations to which they relate.

#### 1. Access to Legal Services Advisory Committee Recommendations

- (a) The Law Society should approach the Attorney General to discuss potential supplemental funding for legal aid and the justice system through amendments to the *Class Proceedings Act*, the *Civil Forfeiture Act*, and the *Unclaimed Property Act*.

*This recommendation, consistent with Strategy 1-2, would be relatively easy to accomplish within existing resources because it simply requires a letter to or, perhaps, a meeting with government. If implemented, it could improve access to legal services through increased funding, thereby addressing an important public interest issue. The actual implementation of the proposal, however, is dependent on the government. Whether the changes could actually be accomplished is therefore open to debate. However, it would make considerable sense for the Law Society to raise this issue with the government as part of its Access to Legal Services strategies.*

**The Executive Committee recommends that this initiative be undertaken in 2011 as a strategy under the goal of Enhancing Access to Legal Services.**

**BENCHER DECISION: to approve the Executive Committee's recommendation.**

- (b) Initiative 1-2 should be removed from the Strategic Plan as a stand-alone initiative.

*Initiative 1-2 focuses on the issue of costs in the legal system, and was aimed at looking to determine ways to reduce the impact of financial barriers to accessing legal services by reducing those costs. However, that question is at the heart of most, if not all, of the deliberations of the Advisory Committee. Removing it from the Plan would simply remove it as a stand-alone initiative, and subsume it into every other initiative under the heading of “Enhancing Access to Legal Services.” It would probably be advisable to reflect the language of this strategy, however, in the other strategies.*

**The Executive Committee recommends that Initiative 1-2 be removed from the Strategic Plan as a stand-alone initiative on the understanding that the other strategies under the goal of Enhancing Access to Legal Services be amended to reflect the intent of the initiative.**

**BENCHER DECISION: to approve the Executive Committee’s recommendation.**

- (c) The Law Society should approach the law schools in British Columbia about establishing a program in which a presentation/event takes place early in the school year at which a Bencher and Law Society staff lawyer informs the students about access to justice issues and opportunities in order to promote engagement by future lawyers in criminal, family, and poverty law as well as working in smaller communities.

*With limited resources, other issues identified may have a higher priority than this one. It may be advisable to complete the strategies identified on the current Plan and consider this initiative for the next Plan. If time permits, some groundwork could be laid for it now.*

**The Executive Committee recommends that this initiative be deferred and considered for the next strategic plan.**

**BENCHER DECISION: to put the development of such a program into the 2011 Strategic Plan.**

## **2. Equity and Diversity Advisory Committee Recommendations**

- (a) The Law Society should focus on developing and delivering initiatives to support Aboriginal lawyers and students. These initiatives should be developed to address specific barriers to lawyer retention as identified by research, including the lack of access to mentors, networks and role models. The Law Society should also consider what additional resources are needed in order to advance the strategic objective of enhancing the retention of Aboriginal lawyers, particularly in light of the resolutions passed at the 2009 Annual General Meeting related to the participation of Aboriginal lawyers, and given the need to advance other objectives in the strategic plan.

*This initiative is key to the Law Society and requires attention. It is currently reflected in Strategy 1-3, but is not directly reflected in the initiatives under that Strategy. The Advisory Committee’s report identifies some methods by which this initiative might be realized, which will require some additional resources to those that have been budgeted for 2011. However, the importance of the recommendations needs to be addressed, and serious consideration needs to be given to including it specifically in the Strategic Plan, with resources devoted to its implementation in 2011.*

**The Executive Committee recommends that this initiative be specifically included in the current Strategic Plan and that additional resources, as required, be identified to allow this initiative to proceed.**

**BENCHER DECISION: to approve the Executive Committee's recommendation.**

- (b) The Law Society should conduct a feasibility assessment of a *Justicia BC* project to work with firms to develop resources to retain and advance women lawyers in private practice. This initiative should be added to the strategic plan to advance the existing strategy to improve the retention rate of lawyers in the profession.

*The Justicia project was identified as a recommendation by the Retention of Women in Law Task Force, and therefore forms a part of Initiative 1-3 in the current Plan. Whether a Justicia-like program can be developed and implemented depends on many parameters outside the Law Society's control, but determining and reporting on the feasibility of such a project in 2011 is feasible within the available resources and should be a priority.*

**The Executive Committee recommends that this initiative be specifically included in the current Strategic Plan.**

**BENCHER DECISION: to approve the Executive Committee's recommendation.**

- (c) A staff working group should be created to review all relevant data related to aging of the profession and to identify organizational concerns for review from policy and regulatory perspectives, including the impact on access to legal services. The Committee considers that this is the most effective way to act on Strategy 1-3b of the current Strategic Plan.

*Aging of the legal profession was identified as an issue to which attention should be given as a priority in 2008 when the Strategic Plan was being created. However, the gathering and analysis of the census data has taken more time than anticipated. After some consideration, the Equity and Diversity Advisory Committee concluded that a staff working group should be formed to advance the issue which would allow the initiative to develop in a realistic manner under the current Plan. A staff report on what is needed to deal with the issue, which could be done within the existing resources, could lay the groundwork for developing a plan to address the issue to be included on the next Strategic Plan.*

**While aging of the legal profession continues to be an issue of concern, it is not realistic to expect the issue to be analysed by the end of 2011. The Executive Committee recommends that it be taken off the current Plan and that it be considered as a priority in the planning process for the next strategic plan.**

**BENCHER DECISION: to approve the Executive Committee's recommendation.**

### **3. Independence and Self Governance Advisory Committee Recommendations**

- (a) The Law Society should create a Task Force to examine alternate business structures, and to develop a Law Society position with respect to such structures.

*The Independence and Self-Governance Advisory Committee has identified alternate business structures (“ABSs”) as an issue of priority because ABSs seem to have some popular appeal in other Commonwealth countries as a way of reducing the cost of legal services, thereby increasing access to legal services. However, some concerns have been raised about whether ABSs adversely affect core values of the legal profession. The Committee has recommended that the Law Society develop a position on ABSs to be prepared in the event they are proposed in Canada. The issue could be subsumed into the debate by the Access to Legal Services Advisory Committee expected over the next year.*

**The Executive Committee believes that it would be prudent to address this issue. The Committee recommends it be included on the current Strategic Plan and that the Independence and Self-Governance Advisory Committee be tasked with preparing a position for consideration by the Benchers later in 2011.**

**BENCHER DECISION: to approve the Executive Committee’s recommendation.**

- (b) The Law Society should create a task force to examine the dual functions of the Law Society as a regulator and insurer of lawyers, and to make recommendations as to whether some form of separation of the functions is advisable.

*This initiative has been identified by the Independence and Self-Governance Advisory Committee as a priority issue each year since 2008, but it has not yet made it to the Strategic Plan. The concern is that the function and mandate of the insurance program compromises the public interest mandate of the Law Society. Whether it needs to be addressed now or can wait for the next iteration of the Strategic Plan is open for debate. The Committee’s consistent recommendation that this be addressed indicates how the Committee views the importance of the issue.*

**This issue is an important one to the confidence that the public must have in the Law Society being able to act in the public interest. It is not on the current Plan, however, and it is unrealistic to expect a completed strategy addressing this issue will be done by the end of 2011. The Executive Committee recommends that serious consideration be given to including it as a strategy for the next strategic plan.**

**BENCHER DECISION: to approve the Executive Committee’s recommendation.**

- (c) The Law Society should identify and set aside resources that would allow it to commission an academic study analyzing the benefits of the public right to an independent lawyer.

*This recommendation is consistent with the current Strategy 3-4 of educating the public regarding the legal system on a variety of levels. However, it is not an initiative contemplated under our current plan. If approved, it would require allocation of some of the resources available to the advisory committees.*

**While consistent with a current strategy on the Strategic Plan, the recommendation is not actually part of the current Plan. The Executive Committee recommends that this initiative be considered during the planning process for the next strategic plan.**

**BENCHER DECISION: to approve the Executive Committee’s recommendation.**

#### 4. Lawyer Education Advisory Committee Recommendations

- (a) The Committee has presented a package of recommendations to the Benchers regarding the Law Society's continued development of professional education and advocacy education initiatives.

*These recommendations were approved by the Benchers on December 10, 2010, except for one that has been referred back to the Advocacy Working Group. Given the work that has been invested in the recommendations, it would make little sense not to have the Committee oversee their implementation, and would be consistent with the strategy already identified on the Strategic Plan.*

**As these recommendations have been substantially approved by the Benchers, the Executive Committee recommends that the initiative remain on the current Plan and that the Lawyer Education Advisory Committee be tasked to oversee their implementation.**

**BENCHER DECISION: to approve the Executive Committee's recommendation.**

- (b) A review of the continuing professional development program should continue with a view to assessing the many recommendations and feedback received from lawyers regarding the current delivery model, course content and qualifying criteria.

*The Benchers have already committed to undertake a review of the CPD program after a couple of years of operation. It can be debated whether it needs to remain part of the Strategic Plan. On the one hand, the implementation of the program itself was the strategic initiative, and it has been completed. On the other hand, leaving it as part of the Plan identifies the issue as a continuing priority for the Law Society, allowing the Law Society to ensure that both the public and lawyers recognize the organization's commitment to perfecting the operation of the program.*

**The Executive Committee believes that this review is essential to the success of the CPD program, and that the Advisory Committee should undertake the review as contemplated. The Executive Committee considers that the review is operational, not strategic, and therefore need not be included in the Strategic Plan.**

**BENCHER DECISION: to approve the Executive Committee's recommendation.**

#### OTHER MATTERS

The Executive Committee considered several other items that had been identified as possible priorities to be considered for the Strategic Plan. The Committee sets out the items and makes recommendations as follows:

- (a) A review of Disclosure and Privacy Policies within the Law Society

*This is an issue that has been raised by staff, and particularly by Mr. Hoskins and Ms. Crisanti. The Disclosure and Privacy Task Force recommendations as adopted by the Benchers in the early 2000s could usefully be reviewed and rationalized. While the rule changes and new practices adopted at that time moved things ahead considerably, the world is changing rapidly and there are still situations where current restrictions belie*



*the transparency and accountability of the Law Society, and cause problems for Law Society spokespersons and Communications staff.*

**The Executive Committee debated whether this item was a strategic or operational issue. The Committee ultimately concluded that it was primarily operational, and that therefore the Committee would monitor the item while staff undertakes an analysis of the current rules and makes determinations as to whether changes can be made at an operational level. If strategic issues arise, they can be considered at a later time.**

**BENCHER DECISION: to approve the Executive Committee's recommendation.**

- (b) Examination of the rationale/purpose of the Admission Program

*This issue was identified by Credentials Committee in the 2008 Priorities briefing materials. Part of the rationale for raising the issue arose from the Competition Bureau Report recommending that law societies justify the duration of the bar admission course, hinting strongly that the Bureau preferred shorter periods of training, and noting the provinces' uneven approach to admission standards. Some aspects of this issue are currently being addressed through the Federation of Law Societies. The subject has, however, also been raised by some benchers in various discussions during Bencher or Committee meetings.*

- (c) Reconciling the qualifications required in order to provide different types of legal services

*This is an issue that arises in part from the Futures Committee's work leading to its 2008 Report. Are there some legal services that require a general background legal education, but may not require a full Bachelor of Laws (or Juris Doctor) degree? The Committee concluded in 2008 that it is in the public interest to expand the range of service providers who are adequately regulated concerning training, accreditation and conduct. The work done to date concerning paralegals is one aspect of the Future Committee's recommendation, but there are other things that could be considered concerning reconciling the level of qualification required to provide differing types of legal services. This issue may intersect with item (d) above.*

- (d) Notaries

*The Notaries' request for an expansion of the legal services they are authorised by statute to provide, and the Law Society's response and interaction with the Notaries is not really addressed in the current Strategic Plan. This may be an aspect of item (c) above.*

**The Executive Committee debated items (b), (c) and (d) together. Combined, the issues raised important questions about whether the Law Society should consider the level of qualification needed to provide various levels of legal services. While the issue of qualification standards for lawyers is being addressed at a national level by the Federation of Law Societies of Canada, standards for other service providers aside from notaries is a new issue. The Executive Committee recommends that this item be included in the current Plan under the third goal of "effective education," and that the Lawyer Education Advisory Committee be tasked with preparing a preliminary report by the end of 2011 so that some direction can be provided for this issue in the next strategic plan.**

**BENCHER DECISION: to approve the Executive Committee's recommendation.**

(e) Public Outreach and Public Forums

*Reaching out to the public about the work of lawyers, about the Law Society as a regulator of lawyers, and about the importance of law in society is an issue that the Law Society has addressed in part on an ad hoc basis (public forums) and in part through the Strategic Plan (the instructional video for use in high schools that focused on lawyer independence), and should be given some consideration to it as stand-alone priority. Public forums have been undertaken in the past. As well, a suggestion has been made that the Law Society identify high school level education on law as a strategic priority. It is understood that the current focus in Law 12 is on criminal law. The Law Society should consider addressing and, if possible, working toward implementing a broadening of the focus of the curriculum.*

**The Executive Committee discussed this item and agreed that some debate needed to take place how to institutionalize public outreach and legal education.**

**BENCHER DECISION: to treat this as an operational issue rather than a strategic priority: to be advanced, managed and reported on periodically as an element of the Law Society's Strategic Plan for Communications.**

(f) Governance

*A suggestion was made that governance principles be included as a strategic priority. The current Bencher Governance principles have not been reviewed for some time*

**The Executive Committee recommends that this item be deferred for consideration in the next Strategic Plan as it is doubtful that there are sufficient resources to dedicate to this analysis within the framework of the current Plan.**

**BENCHER DECISION: to approve the Executive Committee's recommendation.**

## **OTHER MATTERS – For Discussion and/or Decision**

### **8. Dissolving the Delivery of Legal Services Task Force**

Chair Art Vertlieb, QC reported that the work of the task force has been completed. Mr. Vertlieb moved (seconded by Mr. Mossop) that the Delivery of Legal Services Task Force be dissolved.

The motion was carried.

### **9. Dissolving the Unbundling Legal Services Task Force**

Chair Carol Hickman, QC reported that the work of the task force has been completed. Ms. Hickman moved (seconded by Mr. Mossop) that the Unbundling Legal Services Task Force be dissolved.

The motion was carried.

**10. Nominations to 2011 Finance Committee**

Mr. Hume advised that Rules require two Bencher-at-large (one of whom not being a member of the Executive Committee) and one appointed Bencher to be nominated to the 2011 Finance Committee at the first Benchers meeting of the year.

Mr. LeRose nominated Executive Committee member David Renwick, QC and Kamloops Bencher Kenneth Walker nominated himself. Mr. Lloyd advised that the appointed Benchers have selected Stacy Kuiack to represent them on the 2011 Finance Committee.

Mr. Hume declared that Stacy Kuiack, David Renwick, QC and Kenneth Walker were nominated by acclamation to the 2011 Finance Committee.

***IN CAMERA SESSION***

The Benchers discussed other matters *in camera*.

WKM/2011-02-19

The Law Society  
of British Columbia



## ***Chief Executive Officer's Monthly Report***

A Report to the Benchers by

Timothy E. McGee

January 28, 2011

## **Introduction**

This is my first CEO's report to the Benchers for 2011 and I would like to wish you all the very best of the New Year. I would also like to extend a warm welcome on behalf of all the staff to our new President Gavin Hume, QC. We look forward to working with all of you in the coming year.

In this report I would like to share with you senior management's operational priorities for the year. I have discussed these with the management team, with President Hume, and with the Executive Committee. I have also met with Gavin to review his Presidential priorities for 2011 (which he will speak to at the Bencher meeting) and I have incorporated the operational aspects of those into the priorities set out below. I have also included updates on two other items.

### **1. Operational Priorities for 2011**

The top 5 operational priorities for management in 2011 are as follows:

#### **(a) Support Completion of the 2009 – 2011 Strategic Plan and Development of the new 2012 – 2014 Strategic Plan**

2011 is the third and final year of the Law Society's current Strategic Plan. While most organizations adopt a strategic plan, relatively few follow through and successfully implement its stated initiatives. The Law Society is an exception. By the end of 2010, 95% of the initiatives in the Law Society's Strategic Plan were completed or were work in progress.

While much has been accomplished to date, significant work remains to be done. In particular, the Access to Legal Services Advisory Committee needs to develop concrete recommendations regarding the practical aspects of the new expanded service delivery paradigm for paralegals and for articling students. For example, the Committee will be seeking judicial approval for expanded rights of audience, which enhance access to legal services for the public while maintaining appropriate standards for advocacy and courtroom procedure. The Equity and Diversity Advisory Committee will be focusing on implementing the Strategic Plan's initiatives relating to aboriginal lawyers, which were also the subject of a member resolution at a recent annual general meeting. The Discipline Guidelines Task Force will be completing its work in 2011. The recommendations from that task force will be crucial in addressing a number of aspects of our current policies in the areas of professional conduct and discipline, which have hindered rather than supported our goal of effective and efficient regulation.

The Policy group and numerous other staff will be heavily engaged in supporting all of this work. We will also need to draw on various other resources within the Law Society to help assess the operational impacts and the feasibility of options and recommendations as they are formulated.

By the end of 2011, the Benchers will also be approving a new three year Strategic Plan representing the priorities for the Law Society on the most important issues projecting out to the end of 2014. The work on the 2012 – 2014 Strategic Plan will begin in the spring of this year and will be a significant part of the Benchers agenda next fall.

**(b) Implement Recommendations of the Core Process Review Report**

The Core Process Review was a massive undertaking for the Law Society in 2010 involving virtually all of our staff in one way or another throughout the year. The report of findings and recommendations was delivered in scope and on time in December of last year thanks in large measure to the work of the project leader Kensi Gounden. While many recommendations in the report are already being implemented there are 3 major recommendations which will be further developed in 2011 by internal cross-organizational working groups and reviewed further by the Benchers. These are as follows:

*(i) Enterprise Content Management Working Group*

The major finding of the Core Process Review was that we are an organization that relies heavily on the creation and storage of data and on the exchange of relevant, accurate information across our various departments. However, the report also found that we do not have a modern system or integrated information management tool to support that need. Instead, we have a patchwork of programs and systems, which, while barely adequate for today, are inadequate for the future. This working group has been created with a mandate to define our user needs in detail, consult on what would constitute the best solution, and create the necessary business case for review by the Finance Committee and the Benchers.

*(ii) Practice Support Working Group*

The Core Process Review revealed that we provide member “support” in a broad range of areas using various different staff resources. One of the report’s major recommendations was that we should take a fresh look at the scope and mode of delivery of these services (which include practice advice, member services, lawyer education services, communications

services, publications, practice alerts and advisories), and consider whether our model could be improved in any way.

(iii) *Professional Conduct/Discipline Departmental Plan*

Our Chief Legal Officer, Deb Armour, and her team were important contributors to the Core Process Review. Because of the critical nature of these core regulatory functions, Deb has developed an operational plan, which she shared with the Benchers in late 2010. The plan focuses on the achievement of three overarching goals: ensure highly effective investigations and prosecutions; significantly reduce timelines; and improve the working environment and job satisfaction for staff. Deb will be overseeing the introduction of a number of new initiatives in her group, including the greater use of interviews to determine facts and resolve issues, and utilizing more paralegal support to complete administrative steps earlier and more efficiently in the complaint cycle. Deb will be reporting quarterly to the Benchers in 2011 regarding the implementation and progress of this plan. The ultimate objective is to continue to improve how we perform this work so that the regulatory performance of the Law Society will be beyond reproach.

(c) **Continue to Implement new LSBC Communications Plan**

2010 was an important year for the Law Society on the communications front because we developed and adopted a comprehensive new plan for all aspects of Law Society communications both internally and externally. This plan was presented to and reviewed by the Benchers at the Bencher retreat in Parksville last June. We are fortunate that Robyn Crisanti joined us as Manager of Communications in 2010. Robyn is the principal author of the new communications plan and she has provided strong leadership to date in implementing its initiatives. We will focus in 2011 in continuing to implement all aspects of the plan, which is designed to make the Law Society more proactive, responsive and transparent in fulfilling our public interest mandate.

(d) **Develop and Implement an Enterprise Risk Management Plan**

In 2010 management discussed with the Audit Committee the desirability of developing a comprehensive risk management profile for the Law Society and articulating risk management strategies to mitigate those risks. Part of those discussions involved a review with the Audit Committee of our existing risk management processes such as our financial controls and health and safety policies. However, it was clear that much more could be done to investigate all potential

areas of risk for the Law Society and to ensure we are responding appropriately. Management will be working closely with the Audit Committee on this project as a priority in 2011 with a view to making a systemic review of our risk management policies a feature of Bencher oversight going forward.

**(e) Updating of all Job Descriptions and Compensation Benchmarking**

Every two years management retains experts to produce an external compensation benchmarking report. This work is already underway for 2011. In conjunction with this, we are also doing a comprehensive review of every job description within the Law Society to ensure that these descriptions are up-to-date. All managers and staff are being asked to participate in this review. Management's goal is to ensure that we compensate our staff fairly, based upon appropriate market comparables, and that the data to support that can be shared in a meaningful way.

While the foregoing are our top operational priorities for 2011 they obviously do not reflect the full scope of the work that we do. For all the areas not mentioned here we will continue to strive to meet our Key Performance Measures as applicable and to focus on operational excellence. In addition, we will continue to see an increasing allocation of our resources to support the important national initiatives of the Federation of Law Societies of Canada.

**2. Update – Continuing Professional Development (CPD) Program**

I would like to provide a brief update on the statistics for our CPD program as at January 13, 2011. Out of approximately 10,300 practicing lawyers, 723 lawyers did not meet the 2010 requirement by the end-of-year deadline. Of those:

- 140 completed late and will be invoiced \$210;
- 10 have pending credits (to be resolved) so will not be invoiced unless disallowed; and
- 582 are currently outstanding and will be invoiced \$210 if they meet the requirement by April 1, 2011.

These results reflect an improvement over 2010, when 993 lawyers did not meet the 2009 requirement by the end-of-year deadline.



Alan Treleaven will be available at the meeting to discuss these results and to report on steps being taken to follow up on members with incomplete results.

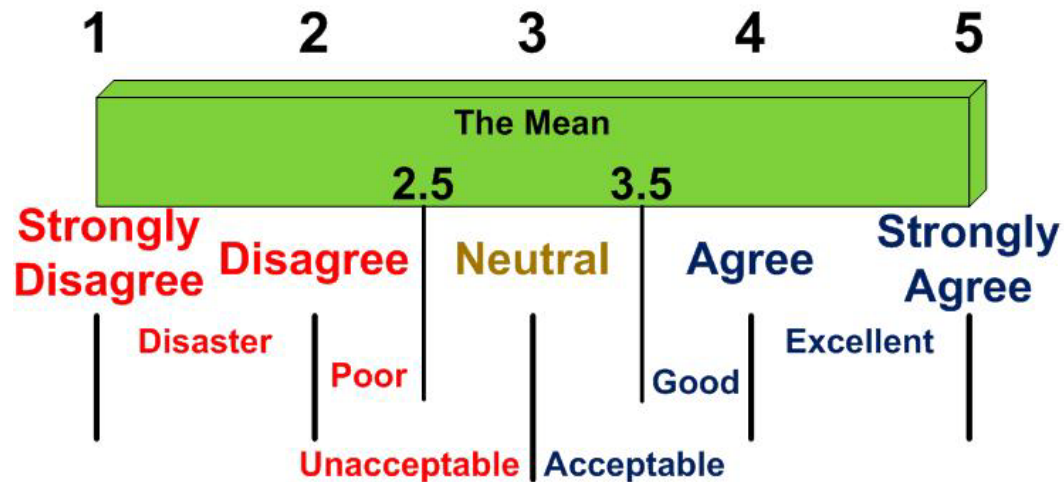
**3. 2010 Employee Survey**

Ryan Williams of TWI Surveys Inc. will present an overview of the results of the 2010 Employee Survey. This is the fifth year that we have conducted a survey of all employees. The results are used to help us measure how we are doing as an organization and to help management develop action plans to better engage employees in the work and life of the Law Society. The results for 2010 are encouraging and show continuous improvement in all areas.

Timothy E. McGee  
Chief Executive Officer

# INTERPRETING THE DATA

- ▶ Two primary measures used in this analysis are the mean and the percent (%) of agreement



Interpreting the 5-point mean

# OVERALL FINDINGS

