



Minutes

Benchers

Date: Friday, April 10, 2015

Present: Ken Walker, QC, President
David Crossin, QC, 1st Vice-President
Herman Van Ommen, QC, 2nd Vice-President
Haydn Acheson
Joseph Arvay, QC
Edmund Caissie
Pinder Cheema, QC
Jeevyn Dhaliwal
Lynal Doerksen
Thomas Fellhauer
Craig Ferris, QC
Martin Finch, QC
Dean Lawton

Peter Lloyd, FCA
Jamie Maclaren
Sharon Matthews, QC
Nancy Merrill
Maria Morellato, QC
David Mossop, QC
Lee Ongman
Greg Petrisor
Claude Richmond
Phil Riddell
Elizabeth Rowbotham
Cameron Ward
Sarah Westwood

Excused: Satwinder Bains
David Corey
Miriam Kresivo, QC
Tony Wilson

Staff Present: Tim McGee, QC
Deborah Armour
Taylore Ashlie
Renee Collins Goult
Andrea Hilland
Jeffrey Hoskins, QC

Ryan Lee
Michael Lucas
Jeanette McPhee
Doug Munro
Alan Treleaven
Adam Whitcombe

Guests: Dom Bautista	Executive Director, Law Courts Center
Mark Benton, QC	Executive Director, Legal Services Society
Johanne Blenkin	Chief Executive Officer, Courthouse Libraries BC
Kari Boyle	Director of Strategic Initiatives, Mediate BC Society
Maureen Cameron	Director of Membership and Communications, Canadian Bar Association, BC Branch
Anne Chopra	Equity Ombudsperson, Law Society of BC
Jennifer Chow	Vice President, Canadian Bar Association, BC Branch
Ron Friesen	CEO, Continuing Legal Education Society of BC
Richard Fyfe, QC	Deputy Attorney General of BC, Ministry of Justice, representing the Attorney General
Derek LaCroix, QC	Executive Director, Lawyers Assistance Program
Bradford Morse	Interim Dean of Law, Thompson Rivers University
Wayne Robertson, QC	Executive Director, Law Foundation of BC
Monique Steensma	CEO, Mediate BC Society
Prof. Jeremy Webber	Dean of Law, University of Victoria

President's Opening Remarks

Mr. Walker expressed his sadness at the passing of Ben Meisner, who had been an appointed Bencher and a highly respected voice at the Bencher Table since 2010. He noted Mr. Meisner's many accomplishments and the respect for him shared by colleagues both within and beyond the Law Society of BC. He also noted that he and Mr. McGee would be attending Mr. Meisner's memorial service on behalf of the Law Society, and that all who were interested in attending were welcome.

In accordance with the wishes of Benchers expressing their condolences earlier, a Thompson Rivers University ("TRU") bursary will be established in Mr. Meisner's name and memory, to which individual Benchers may contribute if they wish. The bursary will be a one-time award given in 2016 to a student in need, with strong connections to Northern BC who has not previously received a scholarship or bursary. Interested Benchers may donate until April 30, 2015.

The day before he passed away, Mr. Meisner asked to be made a Life Bencher. Mr. Walker conferred that honour upon Mr. Meisner before he died. This designation was approved by the Benchers.

Mr. Walker then noted the absences of Benchers Mr. Corey, Ms. Kresivo, Mr. Wilson and Ms. Bains, as well as guests Mr. Hume and Professor Benedet. He welcomed Mr. Derek Lacroix, QC, at the meeting to speak on the Lawyers Assistance Program, and the new CEO of Mediate BC, Monique Steensma. Finally, he offered special welcome to Law Society Ombudsperson Anne Chopra, having inadvertently omitted her from his welcome at the January meeting.

CONSENT AGENDA

1. Minutes

a. Minutes

The minutes of the meeting held on March 6, 2015 were approved as circulated.

The *in camera* minutes of the meeting held on March 6, 2015 were approved as circulated

b. Resolutions

The following resolutions were passed unanimously and by consent.

- *BE IT RESOLVED to amend Appendix B of the Code of Professional Conduct for British Columbia as follows:*

i. *In paragraph 4 (c) by inserting the following words at the beginning of the paragraph:*

“with respect to family law mediation”

ii. *In paragraphs 4 (c) and 4 (c) (ii) by rescinding the following words from lines 2 and 5 and item (ii):*

“or parenting coordination,”

So that paragraph 4 (c) now provides:

“(c) with respect to family law mediation, an agreement that, subject to rule 3.3-3, the family law mediation is part of an attempt to settle the differences between the participants and that all communications between participants or between any participant and the family law mediator will be “without prejudice” so that no participant will attempt:

- (i) to introduce evidence of the communications in any legal proceedings,
or
- (ii) to call the family law mediator as a witness in any legal proceedings;”

- *BE IT RESOLVED to amend Appendix B of the Code of Professional Conduct for British Columbia as follows:*

By adding paragraph 4 (c.1) as follows:

“(c.1) with respect to parenting coordination, an agreement that no communications between the parenting coordinator and a participant, the child of a participant or a third party are confidential, except that the parenting coordinator may withhold any such information if, in the opinion of the parenting coordinator, the disclosure of the information may be harmful to a child’s relationship with a participant, or compromise the child’s relationship with a third party.”

- *BE IT RESOLVED, effective July 1, 2015, to enact the Law Society Rules 2015 as circulated with the April 2015 Benchers meeting materials and to rescind the Law Society Rules in effect since December 31, 1998.*

GUEST PRESENTATION

2. Lawyers' Assistance Program (LAP)

Mr. Walker introduced Derek LaCroix, Executive Director of the LAP, who provided a brief history of the organization which was created to be a safety net for lawyers in distress. Since 1996, LAP has grown to include comprehensive programs providing ongoing support to those with “invisible disabilities” such as anxiety, depression, chronic pain, stress and substance abuse issues.

This support is provided in part by over 300 volunteers, amongst whom is a counsel roster of approximately 50 lawyers providing their pro bono services as locums, mentors, and practice advisors. Services of LAP include one on one counselling, with help and treatment followed by education and support, alcohol and drug outreach, and outreach and intervention through calls from concerned lawyers. LAP's protocol for the latter requires at least two independent calls; every call is confidential, so if LAP decides to do an outreach, it will only discuss matters that will not identify a caller. This “soft intervention” approach allows LAP to establish a connection, and encourages kindness and compassion. LAP also takes the opportunity to provide support to callers themselves, who may be in some distress associated with their concern, providing coaching around difficult conversations. In some cases, LAP may decide they are unable to reach out at all if the only information available is confidential.

Additionally, LAP may provide face to face intervention with the concerned caller, or more “formal” interventions. With the latter, much of the work is done beforehand, to provide the support people with coaching and training. LAP also conducts workshops and talks, participates in CBA section meetings and local Bar functions and visits universities. It maintains ongoing programs like Boundaries, 4-5 week programs, Support Groups, 12 step groups, and training for Volunteers once a year at annual retreats.

LAP, and the volunteerism and collegiality demonstrated by our local Bar, is recognized throughout North America as a shining example of legal community leadership. Mr. LaCroix encouraged Benchers as leaders to continue to foster this spirit of giving back, which makes our legal community strong, and is at the forefront of protecting the public.

DISCUSSION/ DECISION

3. Lawyers' Assistance Program (LAP) Referral

Deb Armour, Chief Legal Officer, briefed the Benchers on a proposed Rule change allowing staff lawyers to contact LAP if, in the course of their work, they encounter a member in distress and staff considers that the lawyer would benefit from assistance from LAP. Current Rules

prevent staff lawyers from being able to contact LAP for reasons of confidentiality. However, the intention would be to avoid the communication of confidential information and focus instead on the potential risk to the member or the public. Ms. Armour stressed that the protection of the public and the concern for a member at risk should be paramount. The proposal provides staff lawyers with the same tools available to, and requires of them the same responsibility as, every other lawyer in the province.

Mr. LaCroix commented that, while LAP had concerns with being linked in any way with the Law Society as regulator, it felt that the potential benefits to members and to the public outweighed the concerns. He confirmed that LAP is not interested in receiving information confidential to the complaint investigation, as its use would clearly identify the Law Society as the source of the information and thereby compromise the confidentiality of the process. Indeed, if confidential information is the only information available, LAP would likely decline to act on it.

Support for the proposal included the observation that there exists a moral obligation and clear public interest; if staff encounter a lawyer at a level of distress likely to cause harm to themselves or others, something needs to be done. However, it was also observed that any potential Rule change should narrowly construe the circumstances allowing a staff lawyer to contact LAP. Such definitions should be provided by the Benchers, rather than by the drafting committee.

Concerns for the proposal included the opinion that any perceived link between the Law Society and LAP could serve to undermine the important work of LAP; moving forward with any such proposal must not involve a linkage between the two organizations.

Further, Benchers expressed concern at the potential breach of confidential information, and the implications of using compelled information as the basis for a subsequent call to LAP. For some, the relatively small number of lawyers at issue is insufficient to warrant the risk to confidentiality.

A suggestion was made that staff contact the lawyer in question, identify their concern(s) and urge the member to call LAP within one week, after which the staff lawyer would be making the call; Mr. LaCroix expressed concern with this suggestion, as it could result in increased anxiety for the member anticipating a phone call that indeed, LAP might not be able to make in the particular circumstances.

It was agreed that staff should continue to work on the proposal, to include with it a draft of the proposed rule, and a defined approach for how it would be implemented. That proposal should come back before the Benchers for review.

REPORTS

4. Presentation of Objectives: Law Firm Regulation Task Force

Herman Van Ommen, Second Vice-President and Chair of the Law Firm Regulation Task Force (the “Task Force”), recalled that the Task Force was struck to facilitate the previous Bencher decision two years ago to regulate law firms in addition to lawyers. The Task Force, comprised of 8 members from large, medium and small firms, has met several times to discuss broadly the Statement of Objectives exploring what the Task Force is to be doing, and why. Going forward, staff will create a framework for future discussion, the profession will be engaged for its input and commentary, and the Benchers will continue their review of the process and its outcomes.

Discussions to date have recognized that many lawyers’ decisions are affected by the policies and practices of the firms within which they work; some mistakes, for which an individual member is now disciplined, may be more a function of the firm’s policies and procedures and less the negligence of the individual member. The area of conflicts provides a good example. The work of the Task Force is meant to be proactive; regulation of best firm practices should better enable individual lawyers to meet their practice obligations, and thus reduce potential complaints.

Mr. Van Ommen was questioned whether the Task Force will include bookkeepers and legal accountants in their consideration. He confirmed that the framework anticipated will make the firm responsible to provide proper accounting. In turn, the Law Society may need to dedicate resources to helping firms develop model policies enabling them to meet such responsibilities.

Also questioned was whether the Task Force anticipates regulation of other corporate structures such as non-profit societies; it was suggested that such regulation would require a different framework, as many such organizations have Boards comprised of people other than lawyers.

Following the discussion, Mr. Walker thanked Mr. Van Ommen for briefing the Benchers, recognizing the importance of ongoing update and review as work progresses.

5. Report on Outstanding Hearing & Review Decisions

Written reports on outstanding hearing decisions and conduct review reports were received and reviewed by the Benchers.

6. President’s Report

Mr. Walker briefed the Benchers on various Law Society matters to which he has attended since the last meeting, including the Federation of Law Societies Conference in Ottawa. Mr. Crossin, Mr. Van Ommen, Ms. Kresivo and Mr. Doerkson also attended the conference and he thanked

them for their participation, which ultimately helps foster a greater understanding of Federation work amongst all Benchers. He made mention of the work of the National Review Requirement Committee, on which Mr. Van Ommen sits as the Law Society of BC's representative. Mr. Walker urged the Benchers to remain engaged in the Committee's work, by continuing to communicate their views to Mr. Van Ommen, and to remain engaged in the work of the Federation generally.

Mr. Walker also attended the CBA Provincial Council Meeting with our representative to the Council, Sarah Westwood. He thanked Mr. Crossin for attending the New Westminster Bar Association meeting on his behalf, recognized those Benchers who attended the recent Call Ceremony, and expressed his gratitude to Pinder Cheema who attended the Simons Foundation dinner honouring Madam Justice Arbour. He also acknowledged Phil Riddell and Doug Munro who attended at Robson Square for the Attorney General's announcement of a new Legal Aid Funding initiative, and noted his attendance with Taylore Ashlie at the most recent Vancouver Bar Association meeting.

Finally, Mr. Walker and Mr. Van Ommen attended and spoke at the recent Law Society Staff Forum on the work being done on the Admissions Program and on Law Firm Regulation.

7. CEO's Report

Mr. McGee provided highlights of his monthly written report to the Benchers (attached as Appendix 1).

He noted that the Magna Carta high school essay contest was underway, and that the Law Society was in the midst of establishing a process for reviewing and judging the essays submitted. A Magna Carta event is being organized for July 28 and 29 at Government House and the Great Hall. The suggestion was made that such essay contests should continue in other contexts, with the accompanying award bearing Ben Meisner's name.

Mr. McGee also briefed the Benchers on the recent Federation Conference which was devoted to governance. Conference work-shops focused on issues such as whether the Federation should be a regulator or a coordinator and collaborator with member law societies, and how the Federation should operate. Also discussed was the appropriate level of law society engagement and resources provided.

Mr. McGee also highlighted the establishment and work of the National Requirement Review Committee whose current priority is the Non-discrimination consultation, but whose mandate going forward will include review of educational issues.

Finally, Mr. McGee noted that, in keeping with the Law Society's ongoing commitment to providing staff with opportunities for growth and development, Kensi Gounden, the current

Manager, Standards and Professional Development, is taking on new responsibilities in the area of Practice Advice. The change is designed to provide increased focus for the group, and to foster increased collaboration between departments.

8. 2015-2017 Strategic Plan Implementation Update

Mr. Riddell, Chair of the Access to Legal Services Advisory Committee reported to the Benchers (presentation attached as Appendix 2) on the Committee's work to date evaluating the Manitoba Family Justice Program as a possible model for implementation in BC.

Staff visited Manitoba and were provided material detailing the Program: it was originally a one year pilot that is now in its fifth year; \$250,000 was allocated towards the creation of a roster of lawyers to provide family law services at a reduced rate; coverage is provided to those who do not qualify for legal aid; the Law Society of Manitoba ("LSM") pays the lawyers' fees, then collects repayment from the clients.

However, the LSM does not charge interest and four matters have proceeded to collection. Furthermore, there are over 300 people on the waitlist and as a result they have not opened a new file in two years. At an average of 8 new cases per year, a total of only 40 people have had their issues resolved or are in the process. It is likely that administration costs and bad debts will exceed the original seed money if the LSM is unable to find someone to take over the project. The total costs are unknown, as the bills on each file are not capped.

It is difficult to compare how effectively such a program could be implemented in BC given the more restrictive legal aid regime in this province. However, consideration is being given to factors such as need, eligibility requirements and choice of cases. Next steps will include consideration of the financial costs, including opportunity costs and future risks, with a view to reporting back to the Benchers in December. If it is determined this particular program is unworkable, the Committee will provide alternate suggestions.

The Committee will also report back in December on its work in the area of Pro Bono/mentoring by retired lawyers and judges, and report in July on the Aboriginal Justice project.

Concern was expressed by Benchers that relatively few people were being helped in relation to the cost and future risk; it was observed that the program may experience more success if lawyers assumed some of the risk as well. However, it was also generally observed that family law is an area of need; to find a workable option is clearly in the public interest.

In response to questions, Mr. Riddell clarified that legal aid applications in BC in the area of family law must be framed in relation to the risk of family violence, which can result in a narrow scope, and make it difficult to get any coverage for issues of parenting, support or division of

property. Some also questioned the current income requirements, noting that many of those who do not qualify for legal aid still cannot afford legal representation.

Mr. Riddell also noted that the New Family law Act mandates mediation and arbitration, and queried whether we may shift focus to areas of alternative dispute resolution rather than litigation as a more cost-effective solution for all. Mention was made of Mediate BC's current Family Mediation project, developed in partnership with Legal Aid, in which 6 hours of mediation services are provided for free for those who qualify financially for legal aid but are not otherwise eligible for representation; those wishing to proceed beyond the 6 hours, or those who do not qualify for legal aid, are charged on a sliding scale based on income and assets. The program does not provide legal representation, however, and studies show mediation is more successful when parties have access to representation or independent legal advice.

Generally, concern was expressed for the potential cost and financial risk of a program like Manitoba's, but there was general recognition of the great need for alternative options in the area of family law.

9. Regulatory Merger with Notaries: Creation of Working Groups

The Benchers were asked to approve the creation of two working groups in connection with a possible regulatory merger with the Society of Notaries Public of British Columbia; the Benchers approved the creation of the two groups in furtherance of a Memorandum of Understanding ("MOU") between the Notaries and the Law Society of BC. It was also decided that the MOU should be made public.

RCG
2015-04-10



CEO's Report to the Benchers

April 2015

Prepared for: Benchers

Prepared by: Timothy E. McGee

Magna Carta Essay Contest

Consistent with our strategic goal of raising public awareness of the importance of the rule of law and the proper administration of justice, the Law Society is hosting an essay writing contest in honour of the 800th anniversary of the Magna Carta.

The essay topic is “Magna Carta and its relevance to Canada in the 21st Century.” The competition is open to students in a BC public high school in the 2014/15 academic year who are currently enrolled in, or have taken, Law 12 and/or Civics Studies 11 courses. Students are asked to submit an essay that demonstrates an understanding of the significance of the Magna Carta to the rule of law, human rights and democratic principles.

Composition of the judging panel is being finalized, with the proposed participation of President Walker, a representative from our Rule of Law and Lawyer Independence Advisory Committee, an interested Bencher and lay Bencher, and a representative from the education community.

A first review of the submissions will be done by LSBC policy and communications staff who will identify qualifying entries for the judging panel. The judging panel will determine the short list, from which it will then choose the winning entries.

The first prize winner will receive an award of \$1,000 and will be invited to a special presentation ceremony at the Attorney General’s Magna Carta event scheduled for late July; the runner up will receive \$500.

Report on Federation Meeting, Ottawa, March 25 to 28, 2015

The Law Society of BC was represented by Gavin Hume, QC (Council member), Ken Walker, QC, David Crossin, QC, Herman Van Ommen, QC, Miriam Kresivo, QC, and Lynal Doerksen, together with Tim McGee, QC, Alan Treleaven and Adam Whitcombe.

Federation Governance Review

The major theme of the meeting was Federation Governance Review. The meeting included focused consultation sessions with Bencher attendees, Council members, and CEOs, followed by a Friday and Saturday workshop that explored options for change.

The Friday and Saturday workshops focused on the following questions:

(i) *Workshop A: What is the Federation and What Should It Be?*

Workshop A was designed to elicit discussion about the role and mission of a national body in the context of the public interest issues and challenges being faced today. The discussion included the characterization of the Federation's role on a continuum from being a coordinator to supporting law societies in fulfilling their regulatory functions, what each role entails, and where the Federation is or might be on the scale from independence to responsiveness.

Question A-1: What is the optimum role for the Federation in the law societies' public interest regulation of lawyers and legal services delivery in 2015?

Question A-2: How should the Federation proceed when there is no consensus?

(ii) *Workshop B: Decision Making and Leadership*

In workshop B, the structure of the Federation was explored and, in particular, the roles of individuals and groups who are presently or could be involved in decision making in the future, including law societies and their leadership, Council including its leadership and committees, and Federation management and staff. Issues discussed included the Federation presidential term, rotation policy, and criteria for selecting key individuals involved in governance.

Question B-3: Within the Federation, where should decision making reside?

Question B-4: How do we ensure the most effective leadership of the Federation?

(iii) *Workshop C: Law Society Engagement and Resources*

Two themes were dealt with in workshop C: the need to effectively engage and have two-way communication with law societies, and issues of funding and resourcing the Federation. Discussions included consideration of funding generally, funding when activities are asymmetrical, and what other kinds of resources and support are possible.

Question C-5: How do we effectively engage with and ensure effective dialogue with law societies?

Question C-6: How do we ensure financial and material support for the Federation?

Next Steps

The information gathered at the meeting will now be considered by the Federation Governance Review Committee, which will formulate recommendations to serve as a basis for the next round of law societies' consultations. Further information is available by referring to the *Governance Review Committee Report on Phase I: Field Visits to Canada's Law Societies, March 13, 2015*. [Appendix A]

Council Meeting and Decisions

National Requirement Review Committee

The National Requirement specifying the competencies that graduates of Canadian common law programs must have and the learning resources that law schools must provide was adopted by Canada's law societies in 2010, and came into force in 2015. The National Requirement applies to graduates of all Canadian common law programs, and to assessment by the National Committee on Accreditation of the qualifications of internationally trained applicants and graduates of Canadian civil law degree programs who wish to be admitted to a law society in a common law jurisdiction. It also applies to applications for the approval of new Canadian common law degree programs.

Subsequent to adoption of the National Requirement, law societies approved recommendations for its implementation, including a recommendation to establish the Canadian Common Law Program Approval Committee (the "Approval Committee") to assess compliance with the National Requirement. Law societies also approved a recommendation that the National Requirement be reviewed at least every five years, with the first review to be completed by 2018.

A number of factors influenced Federation Council's decision to proceed with a review of the National Requirement sooner rather than later. The Federation's Special Advisory Committee on Trinity Western University's Proposed School of Law recommended in its fall 2014 report that the Federation consider the possibility of adding a non-discrimination provision to the National Requirement, and Council agreed that this recommendation should be explored.

Federation Council, at its June 2014 meeting, approved a recommendation to establish the National Requirement Review Committee to conduct a full review of the National Requirement. Council also voted to establish a Working Group with a mandate to make recommendations on detailed terms of reference for the Review Committee.

The Working Group, which was appointed by the Federation Executive following the June 2014 meeting, provided a report with recommended terms of reference for the Review Committee. The recommended terms of reference for the Review Committee were approved by Council in October 2014.

The terms of reference provide that the Review Committee members and Chair be appointed by the Federation Executive. The Federation Executive undertook extensive consultations with respect to the composition of the Review Committee.

Overall, the Federation Executive heard that because of the significance of the work of the Review Committee and its far-reaching implications for law societies in the

common law jurisdictions, as well as for the law schools, it would be important that the Review Committee membership include individuals with experience in law society regulation, and be seen to be reflective of all of the regions in the jurisdictions served by law schools that offer common law programs. For this purpose, the Executive considers there to be four such regions: British Columbia, the Prairies, Ontario and Atlantic Canada.

On March 26 Federation Council unanimously approved the following resolution:

- (a) The Review Committee will report to Council no later than May 2015 with a proposed strategy and work plan for accomplishing its mandate on the non-discrimination provision;
- (b) The Review Committee will report to Council no later than May 2015 with a proposed outline for the initial evaluation of the National Requirement, including the timeline, process and resource requirements for the review;
- (c) The Review Committee will have eight members as follows:
- (i) One member with experience in law society regulation who shall be the Chair and who shall not act in a representative capacity for any law society,
 - (ii) Four members with experience in law society regulation, four of whom shall be appointed to represent law societies in common law jurisdictions served by at least one law school that offers a common law program. One such member shall be named in respect of each of the following regions: British Columbia, the Prairie region, Ontario and the Atlantic region,
 - (iii) Two members with experience in the legal academy in Canada,
 - (iv) One member who is a law society senior staff member with specific expertise in admissions-related issues;
- (d) The Chairs of the Approval Committee and the National Committee on Accreditation or his or her respective designates will be appointed to the Committee ex officio without voting rights, to ensure that there is ongoing communication and advice between the Approval Committee, the National Committee on Accreditation and the Review Committee.

The Federation Executive has appointed the following individuals to the Review Committee:

- Thomas G. Conway, Federation President, Chair,
- Herman Van Ommen, Q.C. (Law Society of British Columbia),
- Kevin Feth, Q.C. (Law Society of Alberta),
- Peter Wardle (Law Society of Upper Canada),
- Tilly Pillay, Q.C. (Nova Scotia Barristers' Society),
- Shauna Van Praagh (Faculty of Law, McGill University),

- Trevor Farrow (Osgoode Hall Law School),
- Diana Miles (Executive Director, Professional Development and Competence, Law Society of Upper Canada).

Litigation Intervention: AG Canada v. Chambre des notaires du Québec

Federation Council approved the recommendation of the Litigation Committee that the Federation seek leave to intervene in the Supreme Court of Canada in the matter of *Attorney General of Canada et al v. Chambre des notaires du Québec et al*. The case raises important issues about the scope of solicitor-client privilege in the context of demands from the Minister of National Revenue (Canada Revenue Agency) for the production of documents by members of the legal profession.

Anti- Terrorism Act 2015 (Bill C-51)

At its meeting on March 19, the Executive Committee considered the provisions contained in Bill C-51 (the Anti-Terrorism Act 2015). We had learned that the Federation of Law Societies would not be making a submission to the Parliamentary Standing Committee that was studying the Bill.

After consideration, the Committee determined that provisions in Bill C-51 that would amend the *Canadian Security Intelligence Services Act* to permit CSIS officials to apply for judicial authorization to violate the law or freedoms guaranteed by the *Charter* in the course of taking measures to prevent threats to the security of Canada risked violating the “rights and freedoms of all persons” and therefore engaged the Law Society’s mandate in s. 3 of the *Legal Profession Act*.

The Committee determined that the concerns it identified merited making a submission from the Law Society to the Parliamentary Standing Committee. The Committee, together with the assistance of Mr. Lucas, therefore prepared a submission, which was circulated to the Benchers by email during the week of March 23.

The submission was received by the Parliamentary Standing Committee on March 23 and, we trust, was considered by the Committee members together with all other submissions. The Parliamentary Standing Committee is currently undertaking a section-by-section review of the Bill and, we understand, some amendments are being considered, although it is unclear whether amendments to the *Canadian Security Intelligence Services Act* that we addressed are among those under consideration.

Operational Updates

First Quarter Financial Results

The financial results for the three month period ending March 31, 2015 are currently being finalized and will be reviewed at the Finance and Audit Committee meeting next Thursday.

We will be sending the draft results to the Finance and Audit Committee and to the Benchers next week. We will provide for discussion at next week's meeting and / or at the meeting in May.

Staff Forum – March 23

During the year we hold a series of Staff Forums which bring together all employees to hear about and discuss important matters affecting the Law Society and our work. Our first Staff Forum for 2015 was held on March 23 and we broke into 2 groups for panel discussions. The first panel comprised the chairs of our 3 new staff working groups for 2015; Thomas Kampioni and Donna Embree for the Computer Literacy Working Group, Bernice Chong for the Values and Code of Conduct Working Group, and Michael Lucas for the Public Issues Voice Working Group. The panel also included Taylore Ashleigh, Chair of our Knowledge Management Working Group which was formed last year. The working group chairs briefed everyone on the mandates and work plans for their respective groups indicating that reports and recommendations will be delivered during the year. The idea of staff working groups proved highly successful when it was introduced last year. Because participation in the working groups is open to all staff regardless of department or background we are seeing a remarkable cross-pollination of ideas through the diversity of the volunteers. I look forward to reporting to you on progress of the groups throughout the year.

The second panel was focused on 3 of our key strategic initiatives for 2015. Leading off the discussion was our President Ken Walker QC who introduced our strategic initiative to develop a unified regulatory regime for non-lawyer legal service providers (Initiative 1-1(a)), Herman Van Ommen QC followed with a discussion about our strategic initiative to examine the regulation of law firms (Initiative 2-2 (b)), and this was followed by Alan Treleaven outlining the strategic initiative being led by the Lawyer Education Advisory Committee to examine how to improve the admission, education and continuing competency of students and lawyers (Initiative 2-1). There was lively interaction and feedback on all topics and even a few laughs.

I would particularly like to thank Ken and Herman for taking the time to participate in the Staff Forum. Your presence and insights were well received and much appreciated by all.

Under New Management

I am pleased to advise the Benchers that Kensi Gounden, Manager of the Practice Standards Department, has assumed additional responsibility as Manager of the Practice Advice Department. Kensi's new title is Manager, Standards, Professional Development and Practice Advice. The Practice Advice Department formerly reported directly to Alan Treleaven. Alan will continue to have overall responsibility for the two groups in his role as Director, Education and Practice.

Kensi has been a very effective manager of the Practice Standards group and he has also played a key role in several innovative and important projects at the Law Society over the years including the design, development and implementation of our on-line learning tools, and the Core Process Review, which led to many operational efficiency improvements both large and small. Most importantly, this new role will allow a greater managerial focus and support for these two very important departments and their outstanding staff.

Please join me in wishing Kensi the best as he takes on his new responsibilities.

Timothy E. McGee
Chief Executive Officer

*Federation of Law Societies
of Canada*



*Fédération des ordres professionnels
de juristes du Canada*

FEDERATION GOVERNANCE REVIEW 2015

Governance Review Committee

Report on Phase I: Field Visits to Canada's Law Societies

March 13, 2015

INTRODUCTION: WHY A GOVERNANCE REVIEW?

In June 2014, the Council of the Federation established a Governance Review Committee.¹ A governance review was considered necessary for a number of reasons:

- Increasing frequency of issues requiring a pan-Canadian response
- Uncertainty regarding the Federation's role
- Lack of understanding among many members of the legal profession regarding the purpose of the Federation
- Expectations among members of the public that lawyers in different parts of Canada should be governed according to similar principles and standards
- Uncertainty regarding the role and the fiduciary responsibilities of Council members, and questions as to the ability of Council to provide effective leadership to the Federation
- Questions related to the presidential rotation policy
- Questions concerning the role of the Presidents and elected officials of member law societies in Federation governance
- Ambiguity regarding the relationship of CEOs to the Federation and their role in its governance
- Questions as to whether the national office was adequately resourced to carry out its mandate.

WHAT WE DID

Once appointed, our Committee developed a work program with three objectives: first, to *listen* to law societies across Canada, ensuring that there was full opportunity for them to express their views; second, to provide a setting for the exchange of views *among* law societies; and third, to develop recommendations for consideration by law societies. We also wanted to move the entire review process forward at a pace that was neither too quick (thereby stifling opportunities for input) nor too slow (thereby losing momentum and spending more time than necessary on this enterprise).

¹ The committee members are:

- (a) Marie-Claude Bélanger-Richard, Federation Past-President (Chair);
- (b) Jeff Hirsch, Federation Vice President;
- (c) Sheila Greene, Council member for the Law Society of Newfoundland and Labrador;
- (d) Sheila MacPherson, Council member for the Law Society of the Northwest Territories;
- (e) Steve Raby, Council member for the Law Society of Alberta;
- (f) Johanne Brodeur, former Bâtonnière of the Barreau du Québec;
- (g) Robert Lapper, CEO, Law Society of Upper Canada; and
- (h) Tim McGee, CEO, Law Society of British Columbia.

The Committee is supported by Jonathan Herman, Federation CEO and by Tim Plumtre and Associates, a consulting firm specializing in governance work with particular expertise in the governance of federations.



To realize these objectives, we divided our work into three phases. Phase I involved the planning and implementation of cross Canada consultations with all law societies from September through February 2015. This document reports on the results of that work. Phase II involves a workshop in Ottawa, which is being organized in lieu of the Federation conference. This is scheduled for March 25-28. Details about this event are being finalized. Subject to the results of Phase II, we anticipate further consultations in Phase III (April to June). Once those are completed, we expect to draw together the strands of all previous work with a view to holding a meeting in June when it may be possible to reach consensus on some or all of the issues deemed most salient.

Since August 2014, the Governance Review Committee has met on four occasions in person and seven times by teleconference. Our Committee will be supplementing its consultations thus far with interviews with former Presidents and Council members, as well as with other Federation committee members and the Federation's senior management team.

Our law society meetings and consultations took us to Iqaluit, Vancouver, Whitehorse, Fredericton, Yellowknife, Calgary, Montreal and Toronto. On two of these visits (Fredericton and Calgary) we met with regional groups of law societies.

In every instance, we were greeted with courtesy, consideration, and generosity and we wish to thank all law societies for their cordial reception and the care that they took to make sure that our visits were productive and insightful. We were typically able to spend from 3 to 4 hours with local leaders. In most instances, the participants in our conversations included local law society Presidents, current Council members, and CEOs, complemented in many cases by other interested benchers.

In our view, the exchanges were thorough, cordial, candid and constructive. We invited participants to set the agenda so that we could be sure that we were hearing what they wanted to say, and that we were not imposing our own framework on the conversations. In every case, before the session closed, we asked if there was anything else participants wished to discuss, to ensure that we had covered all the necessary subjects.

IN A NUTSHELL

In every jurisdiction, we heard frequent comments to the effect that the Federation is a valuable vehicle. Law societies seem to appreciate that, in principle, there are times when it makes sense for them to work collectively on certain issues of common interest. Many participants commented favourably on various initiatives the Federation has undertaken in recent years and several jurisdictions spoke of the value it has provided to them.

However, despite these considerations, some law societies have developed significant concerns with respect to the Federation. Some concerns relate to what the Federation does — its mission or purpose — while others relate to how it goes about its work. We learned about serious problems of communication as well as concerns regarding a lack of transparency in Federation decision-making. The consequence is that trust in the Federation has been shaken, particularly in the view of some of the larger law societies.

We believe it is in the interests of all law societies to address these concerns, and we also believe they need to be dealt with on a priority basis. How should this be done? We were frequently reminded in our consultations that the "Federation is us", in the sense that it is a shared enterprise of all law societies. In light of this, it would seem to be incumbent upon all of us to take whatever steps may be needed so that mutual trust may be restored, and the Federation can carry out its important work with renewed confidence.

PURPOSE AND STRUCTURE OF THIS REPORT

The main purpose of this document is to share what we heard during the process in a manner that is true to our participants and balanced. We heard a great variety of views.

A second purpose is to provide a framework that leaders of Canada's law societies, coming together at the March workshop, will be able to use to discuss the future of the Federation and the governance structures and processes best suited to its mission. We have not sought here to suggest how the future should unfold. The only signposts we have provided take the form of a few very high level questions at the conclusion of this document, which, in our judgment, will help to focus debate on the most important issues. Participants in the workshop will not have to confine their discussions to these matters – they may think of others more urgent or more salient – but having listened to law society leaders from coast to coast, we felt it was incumbent upon us to provide some suggestions to prompt our discussions in March.

The main themes of the report are as follows:

- The Role of the Federation
- Decision-making
- Communication
- Roles and relationships
- Smaller jurisdictions
- Finances

A few basic facts about the Federation may be found in the Appendix. We include this because so many of our participants made comments such as, "I know very little about the Federation." We have not included any other background material because most relevant documentation may readily be found in the extensive briefing note sent to all participants in preparation for our field visits. This material is available on the Federation's intranet.

ROLE OF THE FEDERATION

In the briefing note provided to law societies, we included a draft agenda for our conversation with them. The first item in that agenda was entitled "The Big Picture". This was an invitation to start the conversation by talking about the basic question of the role of the Federation. While we always emphasized that the sequence of the conversation was up to the law society that we were visiting, most chose to address the question of role or purpose first.

Discussions on this topic gave rise to a wide variety of views. Some participants did not know what the Federation does, particularly those who had not had much exposure to it. They had no strong views about its role but were interested to learn more about it. Others, however, had definite views about what it does or what it should do. The fundamental question was, should the Federation simply be a coordinator whose role is to respond to requests from members to facilitate collaborative initiatives among them, or should it have a more proactive role such as identifying emerging issues that members might wish to consider, facilitating discussion of those issues, and, with appropriate authority from members, taking on certain regulatory functions?



A related issue was the source of the Federation's authority. Most participants understood that any authority it exercised had to derive from its members, and that its power in any domain related specifically to what had been delegated by those members.

Discussions of delegation were complicated by the fact that the legislative framework under which each law society functions differs from one jurisdiction to another. In some jurisdictions, the legislation is seen to permit a law society to delegate certain powers to another entity, whereas in others, the framework provided by the legislation is more restrictive.

At the root of discussions about the Federation's role were competing visions of what kind of organization was needed, and whose interests it should be serving. At one end of the spectrum was the view put forward in one of our visits that the Federation exists solely to serve the interests of law societies. An alternative view was that the Federation's role is to serve the public interest.² One law society President expressed that view like this, "This is where the Federation needs to go, we need leaders to guide the Federation ... reminding ourselves to ask, what best serves the public interest?"

Some participants said that to determine what the Federation's role should be, we need to take account of the evolving context within which both it and law societies are carrying out their work. This was expressed as follows in one of our field visits: "The role of the Federation, like that of local law societies, is changing rapidly; issues like ABS, access to justice, and the delivery of legal services are on the horizon or in play already. The Federation needs to reflect on these changes." In another meeting, it was argued that the environment is becoming increasingly complex and that interactions with government agencies and other organizations are constantly growing. Likewise there are more and more lawyers in the country, and more types of practice. All this was making it very hard for law societies to keep up with the issues. The Federation was seen as a vehicle to help deal with this complexity and to cope with the widening range of national or global issues affecting the regulation of the profession.

Individuals who subscribed to these views seemed sympathetic to the idea that it would be in the interests of the public, bit by bit, to accord the Federation more responsibilities, thereby gradually creating a greater degree of harmonization across the country. Also, proponents of this view pointed out that having the Federation take on certain responsibilities was efficient, in that it diminished the duplication of work that would otherwise take place when different jurisdictions worked on similar issues.

What gave rise to serious concerns for some participants was the notion that the Federation might start taking on issues on its own, or pursuing issues in a manner not envisaged when the delegation of authority was granted. The divisive Trinity Western University experience clearly amplified sensitivities on this matter. There seemed to be a shared view in many of our sessions that it was acceptable for the Federation to move forward on behalf of members on an issue of national concern *as long as it had been clearly mandated by law societies to do so*. Where problems would tend to emerge would be if the Federation took action without such a mandate, if the mandate was less than clearly conferred, or if a mandate, once conferred, was subsequently rescinded — particularly if that were to take place without there being a clear understanding at the Federation level or among other law societies that this had occurred.

² The Federation has adopted a Vision Statement and a Mission Statement. Both start with the phrase, "Acting in the public interest." It also has a Values Statement which reads in part, "The Federation ... fulfills its mission in a manner which is focused on the public interest..."

Some law society leaders thought the Federation should not be proactive; it should never lead on an issue. One suggested a slightly modified approach, namely, that the Federation should be a ‘puller not a pusher’, i.e., once an issue gains momentum, then the Federation should be pulling everyone along to get to the decision point on the issue, but it shouldn't be pushing provincial and territorial law societies into dealing with the issue if there was no appetite on their part to do so.

In some sessions it was pointed out that there was much to be gained by providing both governors and members of the profession with the opportunity to be exposed to the work of the Federation. If this could occur, there would be a better understanding of its value and role. As one participant put it, “Magic happens when benchers go to Federation meetings” as this widens their perspective. In another meeting, the following view was expressed: “[Most benchers] lack understanding of the breadth of national issues. More needs to be done to educate them.”

In the same session, it was suggested that perhaps the Federation should develop a regional education and training program that could provide information on the Federation and its governance, and explain the value of integrating the work of separate jurisdictions on issues of shared interest. As one CEO put it, “We have been below par on collaboration. Often we establish a local committee to address an issue, but we don't do enough to see how to address the issue collaboratively. It's not always easy. Can the Federation be a place where we come together to work?” In this regard, the Standing Committee on National Discipline Standards was cited as an example of excellent collaboration across jurisdictions at the staff level.

A worrisome theme that surfaced in several meetings was the perceived gulf between some law society leaders and the Federation. The notion that “the Federation is us” does not always seem to be well understood — or it is not seen to be credible by some. Concerns were expressed about a ‘we and they’ culture that was thought to prevail in some law societies, including at the staff level. This is seen as an impediment to collaboration. One participant said, “We have to come to understand the value of working together and the fact that the Federation is in effect all law societies agreeing to work together.” Another observed, “We need to get to a place where the Federation influences how national problems are addressed together.” Participants wondered what could be done to break down barriers of this kind; it was suggested that face-to-face interaction was one important way to help address this issue both at the political and the staff levels.

Discussions related to the role of the Federation sometimes seemed to get entangled due to lack of clarity or agreement regarding the meaning of the word “regulator.” Some participants thought the Federation was moving in the direction of becoming a national regulator, and that it needed to be staffed by individuals who had specific regulatory expertise. They pointed out that the Federation had been assigned the authority to carry out regulatory functions in the specific areas of international credential evaluation and the assessment of law school programs. They thought that as new issues arose it would be in the interests of both the profession and the public for the Federation to be accorded similar responsibilities in other areas - this was the direction in which, by force of circumstance perhaps, the Federation needed to move.

Others were strongly opposed to the idea of the Federation acting as regulator, maintaining that it should simply be a coordinator or a facilitator. Despite the fact that the Federation had, in effect, been allocated a controlling role in respect of certain aspects of admission to the profession in the common law jurisdictions - a regulatory or quasi-regulatory role - they took exception when they heard the Federation described as a regulator. They considered this misleading or even offensive in light of the fact that regulatory powers in relation

to the legal profession are allocated by legislation to law societies. In the minds of these individuals, the Federation seemed to be appropriating powers that were at the core of the mandate of local law societies.

It was not always clear whether debates over this matter were rooted in a fundamentally different view of the Federation's role, or whether it arose simply because the term "regulator" had not been not clearly defined, and may have been understood differently by different individuals.

In summary, there are a number of issues related to the role of the Federation that would benefit from consideration by law societies within the context of the governance review.

DECISION-MAKING

In principle, the Federation serves as the vehicle through which law societies act collectively, and where members can decide upon which matters they wish to collaborate. The concept is that all law societies have an equal voice; nothing gets done unless everyone agrees, and consensus rules. However, representatives of both small and large jurisdictions expressed doubts as to whether this was an accurate description of how the decision-making process really works. They pointed out that their Council members often felt that the issues under discussion had been decided in advance; decisions seemed to be made behind closed doors. Several jurisdictions spoke about their sense of disengagement from the Federation. In the case of some smaller jurisdictions, many of the issues discussed at Council were said to be of little or no interest to them.

Concerning the modalities of decision-making, one participant stated, "The voting structure is incomprehensible to me." It was pointed out that a lot of the substantive work of the Federation is done in committees, and that by the time issues reach the level of Council, they have usually been thoroughly worked over. This then raised questions about the role of Council: was it a real decision-making body, or just a rubber stamp for work completed in committees? (We return to this issue in the section of this report on Roles and Relationships.)

There was a fairly general view that the way in which decisions are taken in the Federation is opaque. Participants wondered how priorities are set. "Where do they come from?" said one. "Who sets them?" Smaller jurisdictions thought that they had little or no ability to affect the Federation's agendas and were not invited to help shape them. Even in larger jurisdictions, many participants did not always seem to know where decisions regarding Federation priorities or agendas were taken or who was involved. Was this done by Council, by the Presidents of law societies or by CEOs? They had little or no idea. In general, participants seemed to agree that the Federation needed a better, more explicit process or mechanism to engage leaders substantively in discussions relating to the setting of the Federation's agendas and decision-making.

The following comment was made in one of our sessions with respect to who has influence over decisions: "Some people play big time, always, and some don't. Some law societies don't play much for various reasons: too busy, too small, cannot keep up, they have weak participants on Council, or Council members who are imperfectly plugged into their law society activities." The decision-making process was characterized as "organic", and somewhat different depending upon the issue in play.

Asymmetry

The question of consensus decision-making came up in relation to the situation where some law societies might want to move forward on an emerging issue, such as ABS, while others might not see that as a priority, or might not be ready to participate. If consensus on moving forward could not be achieved, would that stall work indefinitely?

A solution to this dilemma discussed during our meetings was the idea of asymmetry. That is: if a group of law societies wishes to move ahead on a particular matter they could do so under the auspices of the Federation even though other law societies might not wish to come on board at that time. In our discussions, we found that most participants seemed receptive to the idea of pursuing asymmetrical strategies on certain issues.

One of the smaller jurisdictions suggested that it would be desirable to have “opt in” (or “opt out”) provisions, anticipating that they might want to join into an asymmetrical initiative later. “Remember to set things up so it would be easy for us to buy in at some future point,” they said. An issue that could arise in the event that a law society wanted to “buy in” later was the matter of cost allocation, but this question was not discussed in any depth in our visits.

In summary, there was quite widespread concern about where key decisions related to the Federation’s agenda and priorities were taken, when they occurred, or who was involved. In theory, Council was supposed to play a guiding role, but as some participants said, “Council is really a rubber stamp. Decision-making is done elsewhere.” Most people seemed to agree that more transparency was needed, and that it would be helpful to have a documented process or system defining how priorities should be set and who should do this.

COMMUNICATION

An issue frequently cited during our regional visits was the lack of knowledge of the Federation. Although it seeks to serve the collective interests of the profession, the great majority of benchers and other members of the profession across the country appear to have little understanding of what it does or why it does it. As we visited the different members of the Federation, we heard about this again and again. As one provincial Chair commented, “The value proposition of the Federation is not well understood,” while a bencher from another law society stated, “I know very little about it – how it operates and what it does is a mystery.” This kind observation was voiced, in some instances, by benchers who were also Council members. As one said, “It is very opaque. It is a bit of a mystery.”

The consequence is that the Federation often seems to be viewed with indifference, perhaps tinged with a bit of suspicion since it may be seen more as a financial drain than an asset to the law societies. It is not widely perceived as a vehicle that supports the profession, despite, for example, its efforts to advance an issue such as mobility, which is of direct benefit to practising lawyers.

In some of our meetings, it was suggested that more needed to be done to dispel misinformation and to establish a stronger “brand” for the Federation. In this connection, one initiative proposed was that the Federation might mount a touring education program to visit different law societies, explain what the Federation does and how it works. Such sessions might also be used to encourage participation by local benchers in Federation committee work and other activities. An initiative of this kind, however, has financial consequences.



The combined problems of inadequate knowledge and poor communication are very serious and their negative impacts are manifest in a variety of areas such as:

- Decisions by law societies regarding whom to appoint as representatives to Council;
- Council members' understanding – or lack thereof – regarding their role and responsibilities;
- The flow of information with respect to the issues facing the Federation through CEOs and/ or Council members back to law society leaders and benchers;
- Concerns related to the budget of the Federation, and questions about its accountability to law societies;
- The attitude of some law societies toward the work of the Federation and their willingness – or not -- to support its activities; and
- Pervasive concerns about a lack of transparency and a sense that 'insiders' are running things.

ROLES AND RELATIONSHIPS

Council

There are a number of uncertainties with respect to the roles and relationships of key players in the Federation. At centre stage is the Council. According to the Federation's bylaw, its role is to "manage or supervise the management of the activities and affairs of the Federation" (Section 5.01).

The bylaw of the Federation is silent on the matter of the role of the Presidents of law societies in governance. A previous review of Federation governance conducted in 2002 stated, "Many board members are not sufficiently engaged in the day-to-day affairs of the Societies they represent." This report established a Council in lieu of the then Board of Directors, and suggested that "Council shall consist of delegations from each member Society, consisting of the head of the Society (President or equivalent - or his/her designate), the Vice-President and the CEO." It was expected that Council would meet "two or at most three times per year"³ and in between, a "Planning and Priorities Committee" would oversee Federation affairs.⁴

Today, the idea of "delegations" from law societies to Council has been abandoned, and law society Presidents do not attend Council meetings in any formal capacity. The current Council consists of 17 members of whom 14 are Directors appointed by their law society. Most Directors are past Presidents. There are no consistent approaches among law societies with

³ Final Report of the Committee on Governance & Administration – February 26, 2002, p. 4. This report dealt with many issues discussed in the present document, including insufficient engagement of some board members in the affairs of their local societies, the need for more involvement of CEOs in the Federation, the impact of globalization, the need for different skills sets to face changes affecting the Federation, the composition of Council, frequency of Council meetings, the role, term and mode of appointment of the president, and asymmetrical initiatives.

⁴ This committee was to be composed of the President, one representative each from Ontario, Quebec, the Western provinces and the Atlantic provinces as well as the Federation Vice President, two law society CEOs elected by a "CEO Caucus", and the Federation CEO.



respect to (1) qualifications or competencies to be a Director, (2) the process of selection of a prospective Director or (3) the term of appointment of a Director to the Council.

Council currently meets four times per year. There is no formal Planning and Priorities Committee; between Council meetings an Executive Committee meets from time to time but it has no formal executive authority. Its role is to provide advice to Council and monitor Federation activities.⁵

Many participants in our discussions thought Council was ineffectual. Some members of Council told us there is often not much debate around the Council table. The quality of discussion was said to be limited, and we were told Council members did not seem to be motivated to express views very openly or candidly.

A factor that may contribute to the sense that Council does not serve much purpose is the prevalent culture at the Federation with respect to consensus decision-making. The accepted tradition is not to bring any significant matter forward to Council unless it is known that there is a broad base of support, if not full consensus, regarding the question. Areas of potential disagreement are sorted out prior to Council, and if agreement cannot be reached, the issue is simply kept off the agenda. This practice would seem to contribute to the sense of opacity surrounding decision-making; in addition, it may help to explain why several participants told us that there is often an absence of meaningful debate around the Council table. If consensus has to be achieved pre-Council rather than at Council, what is left for Council to do?

Overall, it would appear that there are significant questions to be asked about Council with regard to its role, its position in the Federation's decision-making process and its composition. As the President of one law society we visited asked, "Is Council really useful?"

A board of directors, such as the Council of the Federation, is only as strong as the people who sit around the table. Participants suggested a number of conditions that would have to be met if Council were to work well. Some had to do with the qualities and attributes of Council members, while others related to the connection of those members to their law society:

- Council members would have to be clear regarding their responsibilities and their fiduciary role, perhaps in part thanks to briefing provided by either the Federation itself or their law society⁶
- They would need to understand the role of the Federation
- Law societies would need to select high quality Council members who would have the intelligence, skills and personal characteristics to be able to play their role effectively, and to enjoy the confidence of their colleagues.
- Council members would want to be in regular and close contact with the leadership of their law society, and would take steps to ensure that in respect of any important issues before Council, local leaders and in some cases benchers would be informed, and if necessary, engaged.

⁵ This committee comprises the President, the Vice President and President-elect, the Vice President, the Past President and the CEO. It was informal until 2014 when it was formally established. Only the Vice President is a voting member of Council as he or she continues to wear a representative hat as a "Director" during the Vice President's first year on the Executive ladder.

⁶ It was noted in our discussions that there is a possible tension between the role that Council members play as representatives of their law society and their fiduciary responsibilities as members of Council.

- They would enjoy the trust of their colleagues on the law society executive
- They would come to Council meetings well prepared and briefed to take part in discussions; they would inform their leadership and if necessary the other benchers at their home law society on the results of significant discussions at Council.

Participants told us these conditions are not always met. Apparently some law societies may not pay much attention to the quality of their representation on Council, nor do they ensure that there are effective linkages from the Council member to the local leadership. This situation seems similar to the one that prevailed 13 years ago, which led to the previous review of Federation governance cited above.

There was some discussion about the possibility of having some outside group vet the individual(s) that law societies might propose as members of Council. While most participants thought it would be a good idea for the Federation to articulate a list of capabilities or qualities that it would be desirable to see in Council members, there was not much support for the idea of some external vetting process.

It is interesting, in this connection, to note that the following procedure is apparently followed in Manitoba with regard to the appointment of its President. “We have a nominating committee with a mandate to identify candidates who demonstrate the skills we need to lead our law society. At least two candidates are presented to our benchers who then select the President through secret ballot.” One participant wondered if a process something like this might be a model for the selection of Council representatives in future.

Participants in our discussions raised questions about Council’s agenda. If many of its agenda items involve approving committee reports that have previously benefited from exhaustive study, what value-added could Council provide? Some other questions raised were: Is Council focusing its attention primarily on strategic or operational issues? Some participants stated that the Federation spends more time than it should on operational issues. Could more of this operational work be carried out by staff, or under contract? Is it necessary for Council to meet four times a year, as it currently does, in order to fulfil its responsibilities? Should the primary role of Council members be to ensure that their law society is fully informed of Federation activities and that all such activities have the political support of their home law society?

Committees

Concerns about a lack of transparency were expressed with respect to how committees are populated. Just as Council’s agenda was perceived to evolve in mysterious ways, so too was the way in which individuals were appointed to Federation committees. As one participant put it, “I would like to be able to volunteer and put my name forward – but I have no idea how to do that, or where there may be opportunities. The Federation does not know enough about the skills and backgrounds of its Council members.”

There were also questions that arose in instances where a bencher or a staff member of a local law society was working on an issue in committee on behalf of the Federation. What, some individuals asked, is the responsibility of that individual to report back to the parent law society on progress? Do such individuals sit on a committee in a personal or professional capacity, or are they expected to secure, and represent, the views of their law society in relation to that issue as work progresses?



The President of the Federation

Among the factors that gave rise to this governance review were questions with respect to the qualifications and mode of appointment of the President. For many years, the Federation has appointed its President through a policy of rotation from one region to the next. Participants in our consultations told us that while sometimes excellent individuals have been appointed, in other cases the post has been filled, and the Federation has thus been guided, by persons of indifferent capabilities, ill-suited to the demands of the job. In light of the growing pressures that some believe the Federation is likely to be facing in future, some leaders have suggested it may be time to consider changes to the tradition of appointment through rotation.

Several participants expressed bafflement with respect to how the process of appointing the President worked. It seems that there is no formal mechanism to deal with this. What typically happens, we were told, is that there is “a lot of politicking” after which a decision emerges. Participants we spoke with complained that they found the process opaque and lacking in transparency.

In the course of our consultations, we discussed this issue with every law society. In a few law societies, presidential rotation was the most important issue on their agenda. This is what they wanted to be heard on first, and they wanted the current system retained. However in other jurisdictions, this matter was seen as a side issue of relatively low importance in relation to other matters the Federation needed to address. The latter jurisdictions had some interest in the issue of rotation, but not to the same extent as the former ones.

Several law societies definitely did not want to break with tradition, and they attached great importance to their ability to “take their turn” to place someone at the helm of the Federation. In Northern jurisdictions, law society leaders saw presidential appointment as a way of helping to ensure that other law societies understand the special circumstances of the North. However in our discussion with them it emerged that policies with regard to presidential rotation are unclear and susceptible to different interpretations.

Some law societies recognized that the rotation system might lead periodically to the appointment of a person who was not entirely up to the job. Overall, however, we found there were mixed opinions regarding the idea of presidential rotation. Some jurisdictions did not share in the enthusiasm for rotation. As one person put it, “The job of Federation President is simply too important to be given to the next one in line or to the jurisdiction that has its turn.” Some jurisdictions thought that rotation might be combined in some way with a process whereby considerations of competency were also taken into account. (We did not hear any specific proposals as to how this might be done.)

Another issue was the length of the President’s term. The President currently serves a one-year term, and then becomes Past President. The Past President remains a member of the Federation executive for one year. Some participants thought a one-year term for the President was too short. Changing every year was disruptive to the leadership of the Federation and undermined the ability of the incumbent to provide strategic guidance or to build and sustain important relationships on behalf of the Federation.

Some individuals we spoke with pointed out that the job of the President is becoming more and more onerous, and wondered whether the position should become appointed (on the basis of merit) and full-time rather than part-time and largely voluntary. The *Chambre des notaires du Québec* has had a full-time President for many years. The *Barreau du Québec* has

recently decided their Bâtonnier(e) should occupy a full-time position, and the pay associated with that position is now equivalent to that of a Superior Court judge (\$285,000). This contrasts with the remuneration provided to the President of the Federation, who receives an honorarium of \$50,000 even though some think the responsibilities associated with the position could – or should – engage the incumbent on a full-time basis.

One of our participants outlined his understanding of the elements of the president’s job. “We are in a period of accelerated evolution in the Federation,” he said. “The President must now deal with:

- Change management;
- Setting strategic direction for the Federation;
- Implementing the strategic plan;
- Assessing and reassessing the regulatory environment;
- Meeting many communication demands (strong communication skills are needed);
- Serving as a consensus builder; and
- Being an ambassador for the Federation in conversations with different law societies.”

To this list might be added the need to foster and maintain relationships with key players in the justice system in Canada, leading the deliberations of the Executive Committee of the Federation, overseeing the preparation of agendas and chairing Council meetings, participating in the planning and implementation of Federation conferences and similar events, overseeing the work of the CEO of the Federation, and taking part in assorted representational activities on behalf of the Federation, including a significant amount of international travel.

In summary, there has been considerable debate in recent months on the question of the extent to which competence should be a consideration in appointments in light of the wide range of Presidential responsibilities.

The Presidents of Canada’s Law Societies

As noted previously, the current bylaw makes no provision for the formal involvement of Presidents in the governance of the Federation. There was a sense in many of our conversations that the lack of connection to Presidents was somehow wrong. Participants felt that Presidents certainly needed to know what was going on, and there also seemed to be a common view that, if there were important decisions to be taken related to the work of the Federation, Presidents would need to be well informed if not directly engaged.

There seems little doubt that law societies need to be engaged in, or connected to, Federation governance. However it was not clear in our discussions that current Presidents thought the solution was for them to assume positions on the Federation’s governing body, thereby establishing a “Council of Presidents” or something similar. The governance arrangements recommended 13 years ago provided for the establishment of a Council attended by “delegations” each of which had one vote. The delegation consisted of three individuals from each law society; the President was one of those delegates (the Vice President and the CEO were the two other members).

It is not clear whether this recommendation was fully implemented, or how it worked out in practice. However the idea of sending a “delegation” to a Council that sat only two times per year has clearly been abandoned. Was there a problem with the recommendation itself, or was the implementation flawed? We do not know.

What we do know is that today, law societies appoint a single representative to the Federation Council. As discussed previously, there are difficulties associated the way this approach works at present. It would seem that some kind of change to governance arrangements, as they relate to law society Presidents, seems desirable so that they feel adequately informed, and sufficiently engaged in those decisions that have a significant impact on their jurisdiction.

CEOs’ Role in the Federation

The CEOs of law societies are generally thought to play a highly important role in the affairs of the Federation. In most if not all law societies, the local executive places great reliance on their CEO to manage key relationships and all the major files, and generally support the local President. In contrast to CEOs, Presidents turn over annually in most cases. CEOs are required to become highly knowledgeable and engaged in the functions of their law society. In addition, they take part in an informal network of CEOs in which information is shared on a wide range of issues.

The scope and scale of CEO responsibilities varies by jurisdiction. In some of the smaller jurisdictions, there may be only one or two local staff members in addition to the CEO. As a result, benchers carry out a great deal of the work that needs to be done on behalf of the law society, work that might otherwise be done by staff, at least in the larger jurisdictions. (Several CEOs from smaller jurisdictions told us they feel swamped and have great difficulty keeping up with all the demands placed upon them.) In contrast, some CEOs have significant staff contingents.

From a practical point of view, the CEO community falls into two camps. On the one hand there are the law societies with larger staffs — this group would include Ontario, Quebec, British Columbia, Alberta, and perhaps Manitoba and Nova Scotia — then there are all the others. The CEO from one of the larger law societies contrasted his job with that of the smaller jurisdictions saying, “Our job in a bigger law society is to deliver the goods.” In other words, his job was essentially managerial, and he could rely on his staff to get the necessary work done. By contrast, the job of the CEO in smaller jurisdictions is very hands-on and operational; the principal challenge seems to be for the CEO to keep his or her nose above water. In the larger law societies, CEOs have more resources to engage, and thus more time to consider broader national issues than do their colleagues elsewhere. Hence, they tend informally if not formally to exercise a greater degree of influence over the affairs of the Federation.

There were some significantly different views with respect to the role of CEOs in governance. Currently, like law society Presidents, they have no formal status. There were participants in our discussions who thought that CEOs were most knowledgeable about the Federation. If governance arrangements were to be changed in some way, then CEOs should take on a more defined role in the governance process. Some of our participants thought this would represent, more or less, a formalization of how things tend to work informally now.

Certainly, there is a fairly widespread impression that much of what goes on in the Federation currently results from collaboration among the most influential law society CEOs, working in cooperation with the CEO of the Federation. The President of one law society made



the following observation: “CEOs are the most logical group of people to have a voice in governance – they bring the voice of the law society forward in a consistent way and their job is to know the will of their benchers, and what their priorities are.”

Another President made the following observations. “The right way to design an organization is from the mission and strategic objectives up. In the case of the Federation, there is now much more stress on harmonization, on economies of scale, there is more awareness of cost of duplication on operational matters, there are rising standards of quality for regulators and practitioners. All of this is operational – so why are operational people not on the board of directors of the Federation? Might it be possible to have an asymmetrical board with some CEOs as members? Some CEOs could be selected from among their colleagues to play this role.”

On the other hand, some other participants did not like the idea that CEOs should have any formal role in Federation governance. To the extent that some CEOs were perhaps doing so informally at present, this in their view was a problem. They did not like the lack of transparency that characterized this type of decision-making, the informal control that was apparently being exercised, the somewhat “clubby” nature of these arrangements, and the exclusion of political leaders who, in their view, ought to be in charge of things. Yet at the same time, many of them recognized that the CEO community, collectively, is the most knowledgeable about issues facing the legal profession in Canada.

SMALLER JURISDICTIONS

During our consultations, we visited all Northern jurisdictions and met with representatives of other small law societies at group meetings in Fredericton and Calgary. We learned that all seemed to hold the Federation in high regard and value their relationship to it. At the same time, some said they were having difficulty expressing their voice and playing an effective role in the Federation.

Representatives of smaller jurisdictions made the following comments about their relationship to the Federation:

- They tended to characterize their law society as small and struggling, with little awareness of the Federation and a fairly prevalent “why should we care?” attitude among local benchers.
- Those benchers of smaller law societies that did become involved with the Federation saw real value in it, indicating that they learned a lot at Federation meetings and made useful contacts.
- Smaller law societies typically don’t have time to keep up with the range of issues confronting the profession, including new ones like the impact of cloud computing. They find it helpful to be able to rely on larger law societies to lead the way on such issues, and to keep in touch with developments through their membership in the Federation.
- They often feel somewhat distant or disengaged from the “Federation process;” much of what is discussed at the Federation is remote from their interests or inaccessible. As a result, much of the conversation relevant to their interests tends to take place in the corridors at Council meetings or other Federation events. “We need to have our conversations at the national forum, not in the corridors,” said one representative. “The

most valuable part of Council meetings are the Northern Caucus meetings.”

- In one of our meetings, one participant wondered whether smaller law societies might be able to act as a group and send someone to Council. “There is huge merit for Presidents to get together, but not necessarily at the Federation Council.”
- Not all Northern jurisdictions are the same. Participants counselled against assuming that the Yukon, the Northwest Territories and Nunavut are all cut from the same cloth or share a common culture.
- Representatives of larger law societies need to understand that initiatives that may make sense for them may not always work well in smaller ones. For example, one participant from a small jurisdiction said that their big concern with respect to national admissions standards was not so much the implementation of the standards through bar admission. Rather, given the small number of admissions of new lawyers, ongoing competence was viewed as a higher priority.
- The “flood” of information from the Federation is very hard to cope with; people do not have time to read it all. Could the Federation scale down the volume or focus mainly on things that are really relevant for small jurisdictions?

A suggestion that came up on two or three occasions in our conversations with representatives of small jurisdictions was that a new staff position might be established at the national office of the Federation with responsibilities for liaison with such jurisdictions. This individual might be able to facilitate communication with the Federation on issues of specific interest to smaller jurisdictions, to be a voice for them at the national level, and to winnow down the flood of information that goes to them currently, providing a kind of digest tailored to small jurisdictions’ interests.

FINANCES

In several meetings, we explored the issue of financing the activities of the Federation. Not surprisingly, responses varied depending on several factors, including the size of the law society, the state of relations between the Federation and that law society, and the general views of law society leaders with regard to the role of the Federation now and in future.

Smaller law societies did not have much concern about the possibility of increases in local levies to support the Federation. Such a change would not have much effect on their budgets. As one Northern participant said, “Small dollar increases represent huge value to us. For example, the cost to us to try to update the Model Code would be prohibitive. There are economies of scale within the Federation that are very valuable.”

Representatives of law societies who had a strong belief in the value of a national Federation and who saw value in having an effective vehicle to address national issues harmoniously tended to be supportive of providing adequate finances for the Federation. This was particularly true where participants thought that there would be increasing demands upon the Federation because of the growing prevalence of national issues. A participant in one of the regional meetings made the following comment: “It falls to each of us to advocate for a stronger Federation with local benchers. We are now starting to realize savings arising from the national capacity. The levy for the Federation is not seen as very high at present.”



Other jurisdictions emphasized the importance of good communication between the Federation and local law societies on financial matters. Discussion on this issue in one jurisdiction underlined the need for effective internal communication on financial matters *within* the law society as well, for example among the CEO, the President and the Council member, and in some instances with all benchers. Where there is a breakdown in internal communications, serious problems can ensue. For example, this may make it difficult to have a factually based discussion of the budget of the Federation within the law society, and it could also have a damaging impact on relations between the Federation and the law society in question.

Perhaps reflecting the problems of lack of information or inadequate communications alluded to above, there were concerns expressed in some law societies about the accountability of the Federation on financial matters, and the need to ensure that there is ‘bang for the buck’ when allocations are made to it by its members. It was noted in discussions on finances that if the Federation was looking for an increase in its budget, it needed to make its case clearly, and well in advance of debate within law societies, many of which have different fiscal years and electoral cycles.

Another matter that may warrant further consideration as the future unfolds is the question of ‘who pays’ when projects of the Federation are seen to be beneficial to some law societies but not others. The most salient example of this is Quebec. There, it is widely thought that a fair amount of the Federation’s activities are uniquely focused on the interests of common law jurisdictions. Participants in Quebec told us that their benchers are dubious about the value of the Federation to their jurisdiction. Although some members of the bar see real value in there being a “national voice for the whole profession”, a question that is often heard is, “What’s in it for us?”

The relationship of the Federation to Quebec may be seen as an early example of asymmetry, in that the levy for CanLII in that province is lower than elsewhere in Canada. As in the case of other provinces, Quebec leaders seemed open to the concept of more asymmetrical initiatives to be undertaken by the Federation. However, the policy with respect to “who pays” when an initiative benefits some jurisdictions but not others is one that may have to be explored in connection with the concept of asymmetry.

CONCLUSION

Our Committee wants this report to serve the central purpose of sharing the results of our consultations with the law societies and to provide law society leaders with a starting point from which to share their views as to what the path ahead should look like.

We believe the Federation must improve its governance both internally and with law societies. We also believe that the way to address this is by starting with ‘big picture’ questions. Below, we outline some questions, which we hope may provide a focus for our discussions at the upcoming Federation workshop. These questions are:

1. What role do law societies want the Federation to play in future?
2. If the answer to the first question depends on the subject matter, can law societies agree on the Federation’s role in some specific areas?
3. In those areas where law societies cannot agree on the role of the Federation, how, if at



all, should the Federation proceed in an asymmetric fashion with the support of willing law societies?

4. Who should play a role in governing the Federation?
5. Whether or not there is asymmetry, how should the funding and resourcing be done?
6. Who should set the Federation's priorities?
7. What steps, taken by whom, can strengthen confidence in the Federation and restore trust where it may have been damaged as a result of unclear roles, opaque decision-making processes, or inadequate communications?



APPENDIX

FEDERATION QUICK FACTS

1. HISTORY AND HEAD OFFICE

- (a) 1926 – founded as an annual conference of law society leaders
- (b) 1972 – incorporated as a non-profit corporation
- (c) 1984 – head office located in the offices of the Barreau du Québec
- (d) 2003 - major governance reform
- (e) 2006 – hired first Chief Executive Officer, moved head office to Ottawa

2. GOVERNANCE STRUCTURE

- (a) Canada Not-for-Profit Corporation (continued in 2014)
- (b) Voluntary association of 14 member law societies with equal voting weight
- (c) Governing Body – Council of 17 individuals, of whom 14 are voting Directors, nominated by their law society. Four meetings per year.
- (d) Decision making – formally by majority, in practice by consensus
- (d) Executive – President, Vice President and President-elect, Vice President, CEO
- (f) President (one year term, part-time) selected on the basis of a regional rotation with entry on the Executive ladder as Vice President

3. KEY INITIATIVES

- (a) ***Decision-Making, of a Regulatory Nature***
 - (i) National Committee on Accreditation – international credentials assessment
 - (ii) Approval Committee – common law program approvals
- (b) ***Policy-Making, of a Coordinating or Advisory Nature***
 - (i) National and Territorial Mobility Agreements
 - (ii) Model Code of Professional Conduct
 - (iii) National Discipline Standards



- (iv) National Admission Standards
- (v) National Requirement Review Committee (beginning 2015)
- (c) ***Other Initiatives***
 - (i) Standing Committee on Access to Legal Services
 - (ii) CanLII (separate non-profit corporation)
 - (iii) National Criminal Law Program
 - (iv) National Family Law Program
 - (v) Court interventions
 - (vi) Two national conferences per year for top law society leaders

4. **FINANCIAL AND HUMAN RESOURCES**

- (a) ***General Operations***
 - (i) Budget: \$2.4 million, financed by levies paid proportionately by law societies (\$28.50 per FTE beginning July 2015)
 - (ii) Personnel: 8 full-time employees, supplemented by law society staff for certain initiatives (eg: Approval Committee assisted by staff seconded from LSUC).
- (b) ***National Committee on Accreditation***
 - (i) Budget: \$2.3 million, financed on a cost-recovery basis from applicants
 - (ii) Personnel: 7 full-time employees
- (c) ***CanLII***
 - (i) Budget: \$2.8 million, financed by levies paid by law societies (\$36 per FTE for common law jurisdictions, \$24 per FTE for the Barreau du Québec, \$16.77 for the Chambre des notaires du Québec)
 - (ii) Personnel: 2, including full time President and CEO located in Ottawa. Primary operations carried out by contract with LexUM in Montreal
- (d) ***National Criminal Law and National Family Law Programs***
 - (i) Budget: \$400-500K per program, financed on a cost-recovery basis from registrants
 - (ii) Personnel: 1 contract employee for each program



Strategic Plan, Initiative 1-2(a): Progress Report

April 10, 2015

Access to Legal Services Advisory
Committee

Strategic Plan Initiative 1-2(a)

- *Evaluate the Manitoba Family Justice Program and determine if it is a viable model for improving access to family law services in British Columbia;*
- The Committee was tasked with completing Initiative 1-2(a) by December 2015.



The Committee has
determined the
program is not viable.



QUESTIONS?



The Committee's Process

- We have divided the work into two phases:
- **Phase 1:** Evaluating the Manitoba Family Law Access Centre Pilot Project (FLAC);
- **Phase 2:** Analyzing whether the FLAC (or a similar concept) is viable for improving family law services in BC.

Phase 1: Evaluating the FLAC

- Jeanette McPhee, CFO and Doug Munro did a site visit at the Law Society of Manitoba to discuss the FLAC;
- Manitoba provided a detailed binder of quantitative and qualitative observations;
- The Committee sought, and received, answers to 41 questions about the scope, particulars, and results of the FLAC.

Brief Refresher on the FLAC

- Started in 2010 as a one year pilot project;
- \$250,000 seed money;
- Lawyers agree to reduced fees based on years of call, in exchange for the Law Society paying the bills as rendered;
- Clients agree to pay Law Society minimum monthly payments, until the amount charged was paid;
- Law Society is responsible for collecting from client;
- Client can be terminated from program by lawyer ending retainer, client ending retainer, client not paying (goes to collection) or client no longer meeting financial eligibility.

Other relevant factors

- Coverage for FLAC starts where Legal Aid coverage stops;
- Coverage extends upwards based on family size and income: from one person with income up to \$35,000 to six or more people with family income up to \$60,000;
- Law Society does not charge interest or recover costs – only collect amounts paid to lawyers;
- 50 lawyers are currently involved in the FLAC, 45 in Winnipeg.

Lawyers Fee Rate in FLAC

- 10+ years call = \$160/hour
- 5-10 years call = \$130/hour
- <5 years call = \$100/hour
- Articling time = \$50/hour

- Rates are substantially more than Legal Aid, but less than free market rate.

Preliminary Observations:

The Good

- 63 people have been given the *opportunity* to access lawyers' services at reduced cost;
- 16 people have had their legal matter resolved;
- 24 people have ongoing legal services;
- The Law Society received good press for the FLAC;
- Clients have been grateful for the opportunity to access lawyers at lower cost.

Preliminary Observations:

The Bad

- The FLAC is in year five of a one year pilot project;
- The Law Society has been unable to convince anyone to take over the project;
- Four matters have had to go to collections.

Preliminary Observations:

The Ambiguous

- Intake for the FLAC has been frozen for almost two years, as demand exceeds capacity;
- Approximately 300 people are on the waiting list;
- While FLAC was premised on \$250,000 seed money, eventually administrative costs and bad debt will exceed that sum unless the Law Society finds a third party to operate the FLAC;
- FLAC is averaging 8 people a year receiving ongoing or completed legal assistance;
- We don't know what the total cost will be, because we don't know when the FLAC will cease to be the Law Society's responsibility.

Phase 2: Analyzing FLAC for BC

- The Committee is just commencing this work;
- **KEY:** Legal Aid in Manitoba covers many family law services that are not covered by Legal Aid in BC;
- Therefore, there is not an equivalent sample group to compare between provinces, because FLAC coverage starts where Legal Aid coverage in Manitoba ends.

Proposed Analytic Methodology

- The Committee plans to compare Manitoba and BC with respect to:
 - Family law coverage;
 - Demographics of the legal profession
 - Urban vs rural;
 - # of lawyers practising at least some family law.
 - Demographics of the public
 - Population;
 - Number and type of family units;
 - Income distribution by family units;
 - Annual household expenses;
 - Statistics on divorce and family law filings with court.

Methodology continued...

- Review BC family law legal needs analysis materials;
- Based on review of demographics and need, the Committee will consider what type of *similar* concept might work in BC;
- Then the Committee will perform a policy analysis of the merit of the concept;
- It will also ask Ms. McPhee to consider the financial and operational implications of the Law Society of BC operating such a project.

Examples of *some* financial considerations not accounted for in the FLAC

- The \$250,000 seed money did not account for opportunity cost or interest costs;
- The FLAC, at intake, does not analyze the potential total risk of each file – and there is no cap per file, or for the program;
- Large, costly files will have a long payment schedule, far past when the legal services end;
- Only current cash flow of potential clients is considered, not additional credit risks.
- The Committee will report to the Benchers by December 2015.

Other Topics

- In 2015 the Committee is also considering:
 - What can the Law Society do to improve Access to Justice for Aboriginals in BC?
 - Held an information gathering meeting April 9th with LSS;
 - Intend to report to the Benchers by July 2015 with ideas.
 - What can the Law Society do to foster pro bono and mentoring by retired lawyers and judges?
 - Intend to work on this topic, fall 2015 and report in December.



Questions?

