

mobility of lawyers throughout Canada. The National Mobility Agreement, originally signed by most of Canada's law societies in 2002 and updated in 2013 to permit interprovincial mobility of Quebec lawyers, has brought to the fore the disparity of admissions standards across the country.

Mr. Walker notes that smaller law societies in Canada – some with membership in the hundreds – cannot afford to design and administer an admission program as rigorous as the one we have in BC. The disparity in admission standards, he says, will have an impact on the practice of law here: "With absolute mobility across our country, you have to ask, if there are some programs that are easier to get through than others, why wouldn't the student go through that program and then transfer to British Columbia?"

In response to disparities in provincial admission programs, the Federation of Law Societies of Canada has undertaken a major initiative to develop national standards

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*One of the pressures on current admissions practices is the increasing number of law-school graduates.*

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for admission to the legal profession. The first phase of that initiative defined the competencies expected upon entry to the profession. That phase was completed in 2012, with the Law Society of BC joining the other societies in adopting a profile of competencies, pending completion of the national initiative.

The second phase of the Federation's initiative is currently underway and promises to be considerably more complex. The Federation is currently seeking consensus from law societies on how to ensure that those standards are met, including identifying appropriate methods for assessing whether applicants meet them.

The Law Society of BC continues to contribute to the Federation's national initiative, together with law societies across the country. However, it has decided not to wait for the results before proceeding with an examination of its own admission

program. The Lawyer Education Advisory Committee, chaired by Vancouver Benchers Tony Wilson, is currently conducting a review of the admission program, taking its direction from three avenues of investigation specified in the 2015-2017 strategic plan:

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– Ken Walker, QC

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- evaluating the current admission program (PLTC and articles), including the role of lawyers and law firms, and developing principles for what an admission program is meant to achieve;
- monitoring the Federation's development of national standards and the need for a consistent approach to admission requirements in light of interprovincial mobility;
- examining alternatives to articling, including Ontario's new legal practice program and Lakehead University's integrated co-op law degree program, and assessing their potential effects in British Columbia.

The committee expects to issue its recommendations within the time frame of the 2015-2017 strategic plan, although any significant changes are not likely to be implemented before the Federation concludes its review. "It may be that our committee comes back to us and says, let's not do anything drastic until we see what happens at the Federation level," says Mr. Walker. "But at least we'll be on the road and we'll be in a better position to do something when the Federation comes in with its results."

Mr. Walker has made a review of the admission program a priority during his presidency, and while he realizes he won't see it through to completion during his tenure, he is confident the outcome will benefit students and the profession.



Ken Walker, QC,  
President



Tony Wilson,  
Bencher and Chair  
of the Lawyer  
Education Advisory  
Committee

"Maybe we have to look on this project as having a longer lifetime than Ken Walker's presidency," he says, "but I expect there will be some recognition that, whatever the program is, it will be a consistent program that creates good skills and advocacy for our students."

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*In response to disparities in provincial admission programs, the Federation of Law Societies of Canada has undertaken a major initiative to develop national standards for admission to the legal profession.*

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As the committee continues its investigation, it has narrowed the scope of its focus. Below is a snapshot of some of the main issues the committee is investigating, as outlined in its 2014 year-end report.

## NATIONAL MOBILITY

The committee is considering lawyers' ability to transfer under the National Mobility Agreement rules and whether it is the Federation's responsibility to address



national disparities in testing standards and standards for bar admission training and articling.

### ARTICLING

The committee is reviewing current alternatives to the 12-month combined articling and PLTC requirement, including experiential learning programs, like the Law Practice Program at Ryerson and the University of Ottawa, and Lakehead University's combined law degree and bar admission program. The committee will consider whether those compromise the quality of the training experiences.

The committee considered other aspects of articling, but concluded they fall under the mandate of the Credentials Committee: whether any changes to criteria for eligibility to serve as an articling principal are warranted; and whether the student and articling principal's mid-term report might be more structured.

Mr. Wilson reports that, while the committee continues to survey students and lawyers, what he has heard anecdotally does not suggest an appetite for substantive change.

"If I were to provide any anecdotal

observations at the moment, I think most of the profession is satisfied with articling, and we don't need to change for the sake of change," Mr. Wilson said. "I'm sure there are those in the profession who would say, let's get rid of it, but I don't think that that's a universally held view. There may be arguments to shorten it, but I don't see a huge appetite within the profession to get rid of what has worked well in the province, and in Canada, for generations. We don't have an articling crisis in British Columbia like they have in Ontario."

### PLTC

The committee is considering PLTC students' course evaluations and the Law Society key performance measure data gathered each year from newly called lawyers and their articling principals. It is currently polling lawyers who have been called for two years and asking them specific questions about their experience in PLTC.

Although the committee has yet to complete its survey of students and continues to gather input from lawyers and legal educators, Mr. Wilson says that he has not heard of any widespread call for

change to the PLTC component of BC's admission program.

"I've done straw polls of the students in my office and in other offices over the years, and all of them suggest PLTC was a good transition and a good program for the things they don't teach you in law school," Mr. Wilson noted. Given that the program is administered largely from Law Society's

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*"We don't have an articling crisis in British Columbia like they have in Ontario."*

*—Tony Wilson*

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offices in Vancouver, BC may not have the economic and other drivers that motivated other provinces to provide online training or, in the case of Ontario's traditional articling program, no training at all. However, given that the program hasn't been reviewed in detail in over a decade and in light of what other provinces are doing, a review is in order. "Is it something that can be improved? Everything can be improved."❖

PRACTICE TIPS, by Dave Bilinsky, Practice Management Advisor

# Nidus Personal Planning Resource Centre and Registry

♪ *We'll build a nest  
With twigs and branches  
Leaves and pebbles  
Flowers and mud  
We'll make it pretty  
We'll build it steady  
And we'll get it ready  
To hold our love ...* ♪

Lyrics and music by Ruth Moody

## WHAT IS NIDUS?

Nidus ([www.nidus.ca](http://www.nidus.ca)) is a new web service for lawyers, notaries and the public. Nidus enables BC residents 19 and over to create a personal information record and then register documents with the Nidus registry. This service ensures a person's wishes are known to their representatives and other third party professionals if they become incapable of communicating at some point in their life and ensures that important documents can be found.

The founding groups for the Nidus Registry (previously known as RARC – the Representation Agreement Resource Centre) were the Alzheimer Society of BC, BC Association for Community Living, BC Coalition of People with Disabilities, Council of Senior Citizen's Organizations, Family Link, and Network of Burnaby Seniors.

Nidus is currently the only community-based resource in BC devoted to personal planning. Resources of this nature will become increasingly important in addressing the critical needs of an aging population.

The mandate of the Nidus Personal Planning Resource Centre is to provide BC residents with education, support and assistance with personal planning, to enable them to:

1. use representation agreements as a legal alternative to adult guardianship, in the case of those needing help with decision-making today; and
2. use representation agreements and enduring powers of attorney, to prepare for the possibility of mental

incapacity due to illness, injury or disability in the future.

## WHO CAN USE NIDUS?

BC residents over 19 can create an account with Nidus, after which they can register their own information and documents. While some will require assistance to enter information onto the site, applicants will need to type in their own private password. A security fact sheet provides further details ([www.nidus.ca/PDFs/registry/Nidus\\_Registry\\_SecurityFactSheet.pdf](http://www.nidus.ca/PDFs/registry/Nidus_Registry_SecurityFactSheet.pdf)).

Alternatively, someone with legal authority can create an account for someone else if they are:

- a representative appointed in a representation agreement

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*Nidus is currently the only community-based resource in BC devoted to personal planning. Resources of this nature will become increasingly important in addressing the critical needs of an aging population.*

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- an attorney appointed in an enduring power of attorney
- a court-appointed committee.

A lawyer or notary who wishes to create accounts on behalf of their clients must become an authorized registration agent. A listing of authorized registration agents can be found at [www.nidus.ca/?page\\_id=11071](http://www.nidus.ca/?page_id=11071).

## WHAT CAN BE STORED?

Nidus was designed to allow individuals to create a personal information record and then to register documents.

The personal information record is an inventory of a person's contacts and relevant personal information. The contacts could be a spouse or significant other (who may be in a care home, hospital, institution

## Services for lawyers

### Law Society Practice Advisors

Dave Bilinsky  
Barbara Buchanan  
Lenore Rowntree  
Warren Wilson, QC

Practice Advisors assist BC lawyers seeking help with:

- Law Society Rules
- Code of Professional Conduct for BC
- practice management
- practice and ethics advice
- client identification and verification
- client relationships and lawyer/lawyer relationships
- enquiries to the Ethics Committee
- scams and fraud alerts

tel: 604.669.2533 or 1.800.903.5300.

*All communications with Law Society Practice Advisors are strictly confidential, except in cases of trust fund shortages.*

### Optum Health Services (Canada) Ltd.

– Confidential counselling and referral services by professional counsellors on a wide range of personal, family and work-related concerns. Services are funded by, but completely independent of, the Law Society and provided at no cost to individual BC lawyers and articulated students and their immediate families.

tel: 604.431.8200 or 1.800.663.9099.

### Lawyers Assistance Program (LAP) –

Confidential peer support, counselling, referrals and interventions for lawyers, their families, support staff and articulated students suffering from alcohol or chemical dependencies, stress, depression or other personal problems. Based on the concept of "lawyers helping lawyers," LAP's services are funded by, but completely independent of, the Law Society and provided at no additional cost to lawyers.

tel: 604.685.2171 or 1.888.685.2171.

**Equity Ombudsperson** – Confidential assistance with the resolution of harassment and discrimination concerns of lawyers, articulated students, articling applicants and staff in law firms or other legal workplaces. Contact Equity Ombudsperson, Anne Bhanu Chopra at tel: 604.687.2344 or email to [achopra1@novuscom.net](mailto:achopra1@novuscom.net).

or some other address), children, physician, lawyer, financial advisor and associated institution and other important people in a person's life.

The documents that can be registered and uploaded into the registry and made available to registered contacts, are:

- representation agreements;
- enduring powers of attorney;
- advanced directives;
- advance care plans or living wills;
- revocation notices;
- last will and testament.

In addition, individuals can use the service to register and upload:

- lists of prescription and non-prescription medications;
- memorial arrangements;
- no-CPR forms.

An individual may grant access to certain people to their whole account or only to specific documents in the Registry (for example, an individual may not wish to grant access to an uploaded copy of their last will to the party appointed as their Attorney).

### WHAT ARE THE BENEFITS?

This service provides secure Canadian cloud-based storage of important documents, conveniently saving personal planning information in a single location for easy access.

Hospitals, health care institutions, and financial institutions would be able to check who an individual has appointed to look after various matters, as well as determine an individual's wishes (such as an advanced directive).

### WHO CAN ACCESS THE INFORMATION?

An account holder determines who is allowed access and whether it is to the whole account or only to specific documents. For example, an account holder

can allow a financial advisor or physician to see the documents relevant to their area of expertise.

Those given access typically include health authorities (including hospitals), financial institutions, the Public Guardian and Trustee and other government services. Institutions must apply and be authorized by the Personal Planning Registry.

### WHAT DOES IT COST?

An individual registry account costs \$25 for the first registration. Each additional

to use Nidus.

The first is that Nidus is a value-added service for clients needing personal planning documents and information. It is also a way for clients to be comforted knowing that their Personal Information Record will be found along with copies of their important documents.

The second reason for lawyers to use Nidus arises when lawyers wish to retire and can no longer locate the clients for which they have been storing documents, such as last wills.

Nidus is one way for a lawyer to



document that is registered is \$10. There is no fee to update a document in the system, such as replacing a will with a newer version.

### HOW DO I START USING IT?

A lawyer must first apply to be an authorized registration agent. There are FAQs and access user guides on the Nidus website.

### WHY SHOULD LAWYERS USE NIDUS?

There are at least two reasons for lawyers

upload documents that are holding to accounts that they create for their clients so that they can be retrieved at some future date.

Nidus states that they are willing to discuss favourable financial accommodation to lawyers and firms that wish to register and/or upload stores of old wills and other documents.

### WHAT DOES "NIDUS" MEAN?

Nidus is a Latin word for "nest." It is a symbol of safety, support and self-development.❖