

LAW FIRM REGULATION SELF-ASSESSMENT REPORT

Overview of the self-assessment exercise

The self-assessment exercise is a central feature of the Law Society of BC's proactive approach to regulating law firms. The primary goal of the self-assessment is to serve as an educational tool that encourages firms to examine their practice management systems and to evaluate the extent to which firm policies and processes address core areas of professional, ethical firm practice. The self-assessment will also provide the Law Society with information about where firms may require additional practice resources and support.

The self-assessment exercise has two main components:

1. Self-Assessment Report

This online Self-Assessment Report is the mandatory portion of the self-assessment exercise. Following a review of the material set out in this online tool, your firm must evaluate its performance in relation to a set of 8 Professional Infrastructure Elements, which address core areas of professional, ethical firm practice, and submit the Self-Assessment Report to the Law Society. Firms participating in the pilot project are not required to implement new or revised policies or processes in advance of completing the self-assessment exercise. Firms are only asked to report out on their *current* approach to addressing each of the Professional Infrastructure Elements.

The Self-Assessment Report also contains an extensive collection of guidance and suggestions for best practices, as well as a body of educational resources, which your firm may wish to consider as it works through the self-assessment exercise. Your firm will also be asked to identify areas where it would benefit from additional practice resources and to respond to several survey-type questions that will provide the Law Society with feedback on the self-assessment.

The information provided in your firm's Self-Assessment Report will not be used by the Law Society for disciplinary purposes (see Law Society Rule 2-12.3(4)), and will only be used for statistical analysis and to help the Law Society prioritize the development of additional practice resources and improve the self-assessment process.

Your firm is responsible for ensuring it submits a completed Self-Assessment Report to the Law Society by **October 19, 2018**.

2. Self-Assessment Workbook

The Workbook is an additional, optional tool designed to assist firms engage more deeply in the self-assessment exercise. The Workbook is for firm-use only; it is **not submitted** to the Law Society. Although reviewing the Workbook is not required, it can be downloaded, printed and saved, and can serve as a working-copy of your firm's self-assessment, a record and an ongoing resource.

The Workbook for sole practitioners is found here: [LEODOCS-#1984924-v1-sole_practitioner_WORKBOOK_fillable_PDF_FINAL_enabled_july_10_2018.PDF](#)

The Workbook for all other firms is found here: [LEODOCS-#1984927-v1-non-sole_practitioner_WORKBOOK_fillable_PDF_FINAL_enabled_july_10_2018.PDF](#)

There are many ways to use the Workbook. For example, some firms may find it useful to review the Workbook in advance of completing the online Self-Assessment Report to gain a sense of the scope of the exercise. Others may use it as a focus point for discussion as the firm works through the online Report. Some firms may find it more practicable to return to the Workbook once the Self-Assessment Report has been completed, and use it as a tool to address aspects of firm practice that the Report revealed need additional attention.

Whether used separately or together, the Report and Workbook will help identify gaps in policies and processes and offer guidance and resources that will assist firms in improving their practice management systems.

Your firm is encouraged to be honest and transparent when completing the assessment exercise. There are no right answers. Candid responses will improve both your firm's awareness of its strengths and weaknesses and the Law Society's understanding of where firms may require additional practice management support.

***Please provide the name of your firm**

***Would you like to review a more detailed description of the Self-Assessment Report or the Workbook before beginning the self-assessment exercise?**

☐ Yes

☐ No

Self-Assessment Report and Workbook

Self-Assessment Report (mandatory)

The Self-Assessment Report is the mandatory portion of the self-assessment exercise. The Report must be submitted to the Law Society by **October 19, 2018**. Completing the Report is intended to be an educational exercise for firms, and information provided in the Self-Assessment Report will not be used by the Law Society for disciplinary purposes.

There are two parts to the Self-Assessment Report:

- **Part 1** is a step-by-step self-assessment exercise that asks your firm to reflect on key areas of practice management. Your firm will have flexibility with respect to how deeply it engages with the assessment exercise. The Report enables users to skip over portions of the guidance material and resources, or to delve into each aspect of the assessment in considerable detail. Your firm is **not** required to review all the material in the Report. Your firm is, however, required to assess its current performance in relation to each of the 8 Professional Infrastructure Elements.
- **Part 2** is a short survey that asks your firm to provide feedback on the the content and educational value of the self-assessment exercise.

With respect to the functionality of the Self-Assessment Report, your firm will be able to:

- work through the Report in stages
- return to any section of the Report an unlimited number of times to add or modify content before submitting the Report to the Law Society
- enable multiple users to view and add content to the Report once your firm has begun the assessment

However, once your firm submits its Self-Assessment Report, the Report cannot be edited or submitted again. Please ensure your firm submits only one Report.

Workbook (optional)

The Self-Assessment Workbook is an additional, optional resource that is intended to supplement the Self-Assessment Report. The Workbook is found on the previous page of the Self-Assessment Report (press "previous page" to return to the Workbook to print or save it).

The Workbook is not submitted to the Law Society; it is for firm use only.

The Workbook contains all the information contained in the Report in a single document that can be downloaded, saved and printed. The Workbook also includes text boxes where firms can make detailed comments about their strengths and weaknesses in relation to each Professional Infrastructure Element.

Although its use is optional, your firm may wish to review the Workbook to get a sense of the nature and scope of the assessment exercise in advance of completing the mandatory Self-Assessment Report. The Workbook can also serve as a "working copy" of the firm's self-assessment, or act as a record that establishes a baseline from which to measure progress towards more robust practice management systems. Firms can also build on the Workbook's guidance and resources to create their own set of practice management materials.

The Law Society recognizes that approaches to, and the time spent on the assessment exercise will vary between firms. For example, some firms may task their designated representative with completing the assessment. Other firms may circulate the Report or the Workbook electronically, or bring together a group of lawyers and staff to discuss how the firm is performing in relation to the Elements. In contrast, sole practitioners will likely undertake the self-assessment on their own. Some firms will rely heavily on the Workbook or refer to the optional guidance and resources in the Report, others will not. Whatever process your firm adopts, you are encouraged to engage in thoughtful reflection on how your firm is addressing key areas of practice management.

Self-Assessment: Requirements

Professional Infrastructure Elements and Objectives

The cornerstones of the self-assessment are the 8 "**Professional Infrastructure Elements**" (the "**Elements**"), which represent core areas of professional, ethical firm practice. These Elements are designed to be sufficiently high-level to be adapted to different forms of practice, yet concrete enough to establish clear, basic standards for firm conduct.

Each Element is paired with an "**Objective**", which is a statement of the specific outcome that firms will strive to achieve in addressing the Element. The Law Society believes that prudent law firms should have appropriate policies and processes in place to ensure that legal services are provided in accordance with these Objectives.

<p>Element 1: DEVELOPING COMPETENT PRACTICES AND EFFECTIVE MANAGEMENT</p> <p>Objective: Ensure the delivery of quality and timely legal services by persons with appropriate skills and competence</p>
<p>Element 2: SUSTAINING EFFECTIVE AND RESPECTFUL CLIENT RELATIONS</p> <p>Objective: Provide clear, timely and courteous communications with clients in the delivery of legal services so that clients understand the status of their matter through the duration of the retainer and are in a position to make informed choices</p>
<p>Element 3: PROTECTING CONFIDENTIALITY</p> <p>Objective: Ensure client information, documents and communications are kept confidential and free from access, use, disclosure or disposal unless the client consents or it is required or permitted by law and that solicitor-client privilege is appropriately safeguarded</p>
<p>Element 4: AVOIDING AND ADDRESSING CONFLICTS OF INTEREST</p> <p>Objective: Ensure conflicts of interest are avoided from the outset, and where not avoided, they are resolved in a timely fashion</p>
<p>Element 5: MAINTAINING APPROPRIATE FILE AND RECORDS MANAGEMENT SYSTEMS</p> <p>Objective: Provide appropriate file and records management systems to ensure that issues and tasks on file are handled in an appropriate and timely manner and that client information and documents are safeguarded</p>
<p>Element 6: CHARGING APPROPRIATE FEES AND DISBURSEMENTS</p> <p>Objective: Ensure clients are charged fees and disbursements that are transparent and reasonable and are disclosed in a timely fashion</p>
<p>Element 7: ENSURING RESPONSIBLE FINANCIAL MANAGEMENT</p> <p>Objective: Establish mechanisms to minimize the risk of fraud and procedures that ensure compliance with Law Society accounting rules</p>
<p>Element 8: EQUITY, DIVERSITY AND INCLUSION</p> <p>Objective: Observe the laws protecting human rights, and the principles of equity, diversity and inclusion in the workplace and in all aspects of the provision of legal services.</p>

Rating Scale

The Self-Assessment Report requires your firm to rate its current performance in relation to each Element on a four-point scale. The Report also asks whether there are any areas in which your firm would benefit from additional practice resources. This information will provide the Law Society with a more informed view of how firms are addressing the Elements and where additional support may be necessary.

The extent to which firms already have policies and processes in place will vary. The Law Society recognizes that smaller firms have fewer resources at their disposal and the measures they employ will likely differ from those of larger firms.

Importantly, firms participating in the pilot project are **not required** to implement new or revised policies or processes in advance of completing the Report. Your firm is only asked to report on its *current* approach to addressing each of the Professional Infrastructure Elements. In the course of this review, your firm may also wish to reflect on those areas where the firm is doing well and those areas where more robust policies and processes could be developed or implemented.

Self-Assessment: Guidance material

Indicators and Considerations

To assist your firm in assessing the strength of your policies and processes in relation to the Elements, a list of "**Indicators**" and "**Considerations**" are provided for each Element. **Indicators** represent key aspects of firm practice which support the Objective of the particular Element. **Considerations** are a more detailed list of the types of policies, procedures, processes, methods, steps and systems that a prudent law firm might employ to satisfy the Objective of the Element.

Although your firm is encouraged to reflect on the set of Indicators and Considerations provided, these lists are not exhaustive. There may be other matters relevant to each Element that your firm chooses to focus on as you complete the self-assessment exercise. The size and nature of your firm is one important factor when considering the robustness of your firm's policies and processes in relation to each Element.

The Indicators and Considerations should be viewed as guidance only; it is not necessary for firms to adopt or implement all the suggested approaches. However, firms are encouraged to put some of these measures in place. At a minimum, firms should have policies and processes in place that ensure that lawyers are supported in complying with their professional obligations under the *Legal Profession Act*, the Law Society Rules and the *Code of Professional Conduct for British Columbia*.

Resources

Each Indicator is linked to a set of **Resources** which may help your firm reflect on, establish or improve your policies and processes. Most of these resources have been developed by the Law Society.

Your firm is asked to indicate where it would benefit from additional practice resources and support. The Law Society aims to build on the existing body of resources based on the feedback provided during the pilot project.

Information recorded in the Self-Assessment Report and the Workbook

Both the Self-Assessment Report and the Workbook are educational exercises. In accordance with Rule 2-12.3(4), the information provided in the Report will not be used by the Law Society for purposes other than statistical analysis, prioritizing the development of additional practice management resources and improving the self-assessment process.

The information recorded in the Workbook is for the firm's confidential use. The Workbook is not submitted to the Law Society.

As such, your firm is encouraged to be honest and transparent when completing the self-assessment exercise. Candid responses will improve both your firm's awareness of its strengths and weaknesses and the Law Society's understanding of how the self-assessment exercise and practice management resources can be improved.

Terminology

The following terms are used throughout the Self-Assessment Report and are defined as follows:

“**Lawyer**” means a member of the Law Society and articling students employed by the firm.

“**Staff**” includes any non-lawyer employee at the firm who assists in or provides legal services to clients.

“**Policies**” refers to documentation of the approach the firm employs to address a particular practice issue or area. Policies may include guidelines, protocols or procedures. Policies should be in writing, where possible.

“**Processes**” include a wide scope of unwritten practices, systems, methods, steps, principles and other measures formulated or adopted by the firm that are intended to influence and determine the decisions and actions of the firm.

Part 1: Self-Assessment

In the following pages you will be asked to evaluate the extent to which your firm currently has policies and processes in place in relation to 8 **Professional Infrastructure Elements**.

As you work through the Self-Assessment Report, you will be prompted to reflect on each **Element**, its **Objective** and an associated list of key **Indicators**. You will also have the option to view a series of **Considerations** and **Resources** that will provide further guidance as to the measures a prudent law firm might have in place to satisfy each Element.

Your firm is not expected to address all the Indicators and Considerations or to refer to all the Resources; these are suggestions, not mandatory requirements. Your firm is, however, required to evaluate its performance in relation to each Element on the 4-point scale. Providing optional feedback on the areas in which your firm would benefit from additional practice resources is encouraged. You will also be asked to complete a short survey that elicits feedback on your firm's experience with the self-assessment process.

The self-assessment exercise is for educational purposes only and information provided in the Self-Assessment Report will not be used in any disciplinary context. There are no right answers, and honest and accurate reporting will improve your firm's understanding of its current strengths and weakness and assist the Law Society in improving the availability of practice resources in the future.

Are you a sole practitioner?

Sole practitioners will be directed to a Self-Assessment Report that has been designed to take into account their practice structure and circumstances.

☒ Yes

☐ No



In the next section, you will be asked to evaluate the extent to which your firm has policies and processes in place in relation to
Element 1:

ELEMENT 1 - DEVELOPING COMPETENT PRACTICES AND EFFECTIVE MANAGEMENT

Objective: Ensure the delivery of quality and timely legal services by persons with appropriate skills and competence.

You may wish to reflect on the following Indicators when considering the extent to which your firm is satisfying Element 1.

Indicator 1: Do lawyers and staff have sufficient training, experience and knowledge to perform their duties?

Indicator 2: Are concerns about competence dealt with in an efficient, constructive and ethically appropriate fashion?

Indicator 3: Are the delivery, review and follow up of legal services provided in a manner that avoids delay?

Indicator 4: Are lawyers and staff adequately supervised and managed in their delivery of legal services?

Indicator 5: Has consideration been given to putting in place plans for the departure of lawyers from the firm?

Would you like to see a detailed list of Considerations and Resources that support this Element?

This is optional material designed to help you assess the extent to which your firm has satisfied this Element

☒ Yes

☐ No

ELEMENT 1 - DEVELOPING COMPETENT PRACTICES AND EFFECTIVE MANAGEMENT

Objective: Ensure the delivery of quality and timely legal services by persons with appropriate skills and competence.

Indicator 1: Do lawyers and staff have sufficient training, experience and knowledge to perform their duties?

Considerations

- ◊ Adequate due diligence is conducted on candidates before a final hiring decision is made (e.g. as permissible, review of disciplinary records and reference and credentials checks)
- ◊ Lawyers and staff participate in ongoing training, including in the following areas, as appropriate:
 - client identification and verification
 - identification of conflicts
 - use of trust accounts and receipt of cash
 - confidentiality and privacy
 - technology use and security
 - file management processes
 - ethics
 - billing practices
 - appropriate communications with clients and others
- ◊ Additional training is provided when major procedural and organizational changes occur
- ◊ Initial and ongoing mentorship is provided to new and junior lawyers and staff by more experienced lawyers and staff
- ◊ Firm policy and procedures manuals are comprehensive, accessible and reviewed by lawyers and staff
- ◊ Lawyers have professional development plans that are relevant to their area of practice
- ◊ Processes are in place for identifying performance objectives and to evaluate progress towards those objectives
- ◊ Appropriate resources are in place to ensure that lawyers develop knowledge of applicable substantive and procedural law (e.g. electronic updates, lunch and learns, regular meetings)
- ◊ Processes are in place to ensure that lawyers and staff stay current on the appropriate technology

RESOURCES:

Law Society of BC, [Practice Checklists Manual](#)

Law Society of BC, [Model conflicts of interest checklist](#)

Law Society of BC, [Practice Advisors - Frequently Asked Questions](#)

Law Society of BC, [The Trust Accounting Handbook](#)

Law Society of BC, [Sample general retainer agreement](#)

Law Society of BC, [Sample joint retainer agreement – acting for two or more clients](#)

Law Society of BC, *Benchers' Bulletin* Fall 2017, [Limited scope retainer FAQs](#)

Lawyers Insurance Fund, [Managing the risk of a limited scope retainer](#)

Lawyers Insurance Fund, [Employee fraud, cybercrimes and more](#)

Lawyers Insurance Fund, [Delegation: The buck stops here!](#)

Lawyers Insurance Fund, [Five key causes of claims: Legal issue failures](#)

Lawyers Insurance Fund, [Risk management resources](#)

BC Human Rights Tribunal, [Human Rights and Duties in Employment](#)

BC Code [\[section 2.1\]](#): Canons of legal ethics; [section 3.1](#): Competence; [section 3.2](#): Quality of service; [section 3.3](#): Confidentiality; [section 3.4](#): Conflicts; [section 3.5](#): Preservation of clients' property; [section 3.6](#): Fees and disbursements; [Chapter 4](#) – Marketing of Legal Services; [section 6.1](#): Supervision; [section 6.2](#): Students]

Law Society Rules [\[Part 3 - Division 7\]](#): Trust Accounts and Other Client Property; [Part 8](#): Lawyers' Fees; [Rule 10-3](#): Records; [Rule 10-4](#): Security of records]

Legal Profession Act [\[Part 8\]](#): Lawyers' Fees]

Indicator 2: Are concerns about competence dealt with in an efficient, constructive and ethically appropriate fashion?

Considerations

- ◊ Policies or processes are in place to review complaints made to the firm and to the Law Society (e.g. establishing a complaint line or email for the firm)
- ◊ Steps are taken to ensure all communications with the Law Society pertaining to lawyer or firm competence are professional and prompt
- ◊ Internal processes are available to clients for resolving disputes or complaints with their lawyer or the firm and clients are informed about these processes
- ◊ Opportunities are provided for lawyer and staff performance reviews
- ◊ Processes are in place to encourage and monitor lawyer and staff wellbeing, including promotion of the Lawyers Assistance Program and other mental health support relevant to the legal profession

RESOURCES:

Law Society of BC, *Benchers' Bulletin* Spring 2013, [How to Recognize and Cope with Stress](#)

Law Society [Practice Advisors](#) and [Equity Ombudsperson](#)

Canadian Bar Association, Mood Disorders Society of Canada and Bell Let's Talk, [Mental Health and Wellness in the Legal Profession](#)

[Lawyers Assistance Program](#)

[Lifeworks Canada](#)

BC Code [\[section 2.1\]](#): Canons of legal ethics; [section 3.1](#): Competence; [section 7.1](#): Responsibility to the Society and the profession generally]

Law Society Rules [\[Part 3 - Division 1\]](#): Complaints]

Indicator 3: Are the delivery, review and follow up of legal services provided in a manner that avoids delay?

Considerations

- Retainers are only taken if the firm feels, at the time the retainer is taken, that it has the necessary skills and resources to carry out the client's instructions in a reasonable period of time
- Processes are in place to ensure lawyers and staff are informed about priorities and deadlines
- Processes are in place to ensure lawyers and staff comply with applicable deadlines and limitation periods
- Reviews are conducted with lawyers and staff to evaluate the appropriateness of their workload and issues are addressed
- Processes are in place to ensure the effective use of bring forward systems and calendars to keep track of key dates (e.g. limitation periods, court appearances, filing deadlines, closing dates)
- Systems are in place to ensure there is adequate coverage for lawyers and staff during their absence for vacation or leave and that permanent vacancies are filled in a reasonable period of time
- Systems are in place to ensure that open files are reviewed on a scheduled basis and next steps are diarized
- Processes are in place to ensure that files of departing lawyers are promptly re-assigned if the client decides to stay with the firm
- Calendars are easily accessible, including the provision of remote calendar access
- Checklists are used, where appropriate
- Policies or processes are in place to track undertakings and to ensure undertakings are fulfilled in a timely fashion

RESOURCES:

Lawyers Insurance Fund, [Missed Limitations and Deadlines: Beat the clock \(see especially tips 1 to 22\)](#)

Lawyers Insurance Fund, [Limitations and deadlines](#)

Lawyers Insurance Fund, [Five key causes of claims - Oversights](#)

Law Society of BC, [Practice Checklists Manual](#)

BC Code [\[section 3.1: Competence; section 3.2: Quality of service; section 3.6: Fees and disbursements\]](#)

Law Society Rules [\[Part 8: Lawyers' Fees\]](#)

Legal Profession Act [\[Part 8: Lawyers' Fees\]](#)

Indicator 4: Are lawyers and staff adequately supervised and managed in their delivery of legal services?

Considerations

- Specific education and training opportunities are provided on the supervision and management of lawyers and staff
- Policies are in place that ensure lawyers understand what work may be delegated to staff and what may not
- Processes are in place to ensure the appropriate delegation of the authority for developing policies, practices and systems that address the Professional Infrastructure Elements
- Processes are in place to ensure lawyers and staff know the contact information of their supervisor
- Consideration is given to experience and qualifications when assigning work
- Supervisors ensure that lawyers and staff receive clear and complete instructions regarding work assigned and the end product required
- Employee meetings are regularly scheduled for lawyers and staff
- Processes are in place to ensure lawyers and staff receive timely and confidential feedback on work product (e.g. formal performance reviews and informal meetings)
- Processes are in place to encourage the use of mentors in training lawyers and staff for leadership positions
- Professional development plans are reviewed by senior colleagues and considered in the context of performance reviews

RESOURCES:

Lawyers Insurance Fund, [Delegation: The buck stops here!](#)

Lawyers Insurance Fund, [Aging Risk: Delegating work or transferring files](#)

BC Code [\[rule 3.4-23 \(lawyers due diligence for non-lawyer staff\); section 6.1: Supervision; section 6.2: Students\]](#)

Law Society Rules [\[Part 2 - Division 1: Practice of Law \(Supervision of limited number of paralegals\)\]](#)

Indicator 5: Has consideration been given to putting in place plans for the departure of lawyers from the firm?

Considerations

- A succession plan is in place for each member of the firm, such that there is a lawyer or lawyers at the firm that can take over the practice of another lawyer in the event of an inability to practice due to illness, death or other unforeseen occurrence, or alternatively, arrangements have been made and documentation is in place to enable a lawyer outside the firm to carry out these duties
- The lawyer or lawyers identified in the succession plan have access to sufficient documentation to enable them to carry out their duties
- The lawyer or lawyers identified in the succession plan are sufficiently familiar with the areas of law covered by the practice to carry out their duties
- The lawyer or lawyers named in the succession plan have been consulted in the past year and have confirmed that they are still willing and able to carry out their duties, if required to do so
- Lawyers and staff know who to contact and the steps to take in order to address the interests of clients in the event of an unforeseen accident, illness or death
- The firm carries adequate insurance for the practice, including excess professional liability coverage and key person insurance

RESOURCES:

Law Society of BC, [Succession planning: Tools, documents and resources](#)

Law Society of BC, [Precedent letters: Lawyer leaving law firm](#)

Law Society of BC, [Benchers' Bulletin Summer 2017, Ethical Considerations when a lawyer leaves a firm](#)

Law Society of BC, [Winding Up a Practice: A Checklist](#)

Law Society of BC, [Practice Advisors – Frequently Asked Questions](#)

Lawyers Insurance Fund, Cover Pages: [A guide to insurance for private practitioners](#)

Lawyers Insurance Fund, [Excess insurance: Protection for claims that exceed \\$1 million](#)

Lawyers Insurance Fund, [Insurance coverage for lawyers no longer in private practice](#)

BC Code [\[section 3.7: Withdrawal from representation\]](#)

Law Society Rules [\[Part 3 - Division 5: Insurance\]](#)



***Please rate the extent to which your firm has satisfied this Professional Infrastructure Element:**

ELEMENT 1 - DEVELOPING COMPETENT PRACTICES AND EFFECTIVE MANAGEMENT

Objective: Ensure the delivery of quality and timely legal services by persons with appropriate skills and competence.

- 1 - Policies and processes have not yet been developed
- 2 - Policies and processes are under development but not all are functional
- 3 - Policies and processes are in place and are functional
- 4 - Policies and processes are fully functional and regularly assessed and updated



Please indicate any areas or issues in which additional practice resources may assist your firm in satisfying this Element:

- ☐ Ensuring lawyers have sufficient training, experience and knowledge to perform their duties
- ☐ Addressing concerns about lawyer competence
- ☐ Providing legal services in a manner that avoids delay
- ☐ Supervision and management of lawyers and staff
- ☐ Succession planning
- ☐ Other - please specify



In the next section, you will be asked to evaluate the extent to which your firm has policies and processes in place in relation to
Element 2:

ELEMENT 2 - SUSTAINING EFFECTIVE AND RESPECTFUL CLIENT RELATIONS

Objective: Provide clear, timely and courteous communications with clients in the delivery of legal services so that clients understand the status of their matter through the duration of the retainer and are in a position to make informed choices.

You may wish to reflect on the following Indicators when considering the extent to which your firm is satisfying Element 2.

Indicator 1: Are policies and processes in place in relation to communications with clients?

Indicator 2: Does each client understand the retainer agreement?

Indicator 3: Are communications with clients conducted in a professional manner?

Indicator 4: Are clients regularly informed about the progress of their matter?

Would you like to see a detailed list of Considerations and Resources that support this Element?

This is optional material designed to help you assess the extent to which your firm has satisfied this Element

☒ Yes

☐ No

ELEMENT 2 - SUSTAINING EFFECTIVE AND RESPECTFUL CLIENT RELATIONS

Objective: Provide clear, timely and courteous communications with clients in the delivery of legal services so that clients understand the status of their matter through the duration of the retainer and are in a position to make informed choices.

Indicator 1: Are policies and processes in place in relation to communications with clients?

Considerations

- Communication policies or processes are established with respect to
 - informing and updating clients about their matter
 - appropriate forms and frequency of communication with clients (email/phone/text)
 - compliance with privacy and anti-spam legislation
 - confidentiality
 - any changes in payment instructions
 - timing of reports and final accounts
- Processes are in place to monitor and reinforce adherence to communication policies
- Communication policies are reviewed and updated and are accessible to all lawyers and staff
- Lawyers and staff receive specific and ongoing education and training relating to client communications and relations

RESOURCES:

Law Society of BC, [Online Learning Centre, Communication Toolkit](#)

Lawyers Insurance Fund, [Employee fraud, cybercrimes and more](#)

Lawyers Insurance Fund, [The 'bad cheque' scam](#)

Lawyers Insurance Fund, [Other social engineering scams, including the 'phony change in payment instructions'](#)

Lawyers Insurance Fund, Missed Limitations and Deadlines: [Beat the clock \(see especially tips 62 to 72\)](#)

Lawyers Insurance Fund, [Email: Preventing a mailstrom](#)

Lawyers Insurance Fund, Five key causes of claims - [Communication failures](#) and ['no trail'](#)

BC Code [\[section 3.1: Competence; section 3.2: Quality of service; section 3.3: Confidentiality; section 3.5: Preservation of clients' property; section 3.6: Fees and disbursements; section 6.1: Supervision; section 6.2: Students\]](#)

Indicator 2: Does each client understand the retainer agreement?

Considerations

- When appropriate, policies are in place for the use of written retainer agreements and non-engagement letters
- The ambit of the retainer is described to the client, including:
 - a list of services covered by the retainer
 - communication policies
 - billing policies, including anticipated fees and disbursements
 - anticipated time frames
 - the termination of legal services
- Processes are in place to ensure that if the scope of services change, the retainer is amended accordingly
- Processes are in place to ensure that appropriate clients are accepted based on factors such as the firm's areas of expertise, the ability to provide timely communication and the client's file and history, and engagements are terminated if necessary
- Processes are in place to ensure that when acting under a limited scope retainer, the retainer explicitly indicates what services will and won't be provided

RESOURCES:

Law Society of BC, [Retainer Agreement](#)

Law Society of BC, [Joint Retainer- acting for two or more clients](#)

Law Society of BC, [Model Non-Engagement Letters](#)

Law Society of BC, [Practice Advisors – Frequently Asked Questions](#)

Law Society of BC, *Bencher's Bulletin* Spring 2015, [Practice Watch: Acting for a client with dementia](#)

Law Society of BC, *Bencher's Bulletin* Fall 2017, [Limited scope retainer FAQ](#)

Lawyers Insurance Fund, [Managing the risks of a limited scope retainer](#)

Lawyers Insurance Fund, [Missed Limitations and Deadlines: Beat the clock \(see especially tips 48 to 55\)](#)

Lawyers Insurance Fund, Five key causes of claims - [Retainer and non-retainer failures](#)

BC Code [\[rule 1.1-1 \(definition of "limited scope retainer"\); section 3.2: Quality of service and rule 3.2-1.1 \(limited scope retainers\); section 3.6: Fees and disbursements\]](#)

Law Society Rules [\[Part 3 - Division 7: Trust Accounts and Other Client Property; Part 8: Lawyers' Fees\]](#)

Indicator 3: Are communications with clients conducted in a professional manner?

Considerations

- Communications with clients are conducted in a timely and efficient manner
- Communications with clients are conducted in a courteous and respectful manner

- Communications with clients are conducted in a manner that protects privacy and confidentiality
- Policies or processes are in place to ensure the recording of communications with clients, as appropriate (e.g. archiving emails, creating notes of client meetings and phone calls)
- Policies or processes are in place to ensure that client instructions are confirmed in writing, where appropriate
- Clients are advised of the methods by which they may communicate with lawyers and staff and the appropriate frequency of communications
- Policies are in place to ensure client information is verified and kept up-to-date
- Processes are in place to solicit and receive client feedback
- Key information about the firm is accurate and publically available

RESOURCES:

Law Society of BC, Discipline Advisory, ['Lack of civility can lead to discipline'](#)

Law Society of BC, [Practice Checklists Manual: Client Identification and Verification Procedure](#)

Law Society of BC, Online Learning Centre, [Communication Toolkit](#)

Lawyers Insurance Fund, Missed Limitations and Deadlines: [Beat the clock \(see tips 62 to 72 for avoiding communication failures\)](#)

Lawyers Insurance Fund, Five key causes of claims - [Communication failures](#)

BC Code [[section 3.1](#): Competence; [section 3.2](#): Quality of service; [section 3.3](#): Confidentiality; [Chapter 4](#): Marketing of Legal Services]

Law Society Rules [[Rule 1](#) (definition of "advertising"); [Rule 3-34](#): Advertising; [Rule 9-7](#): Public disclosure of corporate status]

Indicator 4: Are clients regularly informed about the progress of their matter?

Considerations

- Policies or processes are in place that ensure clients are regularly informed about
 - the status of their matter
 - material changes in the scope of the retainer
 - costs and timelines
 - deadlines, limitations, hearing dates and other important dates
 - potential and projected outcomes
- Processes are in place to ensure clients are copied on key correspondence and receive key communications and documents in a timely manner
- Clients are provided with an opportunity to make timely appointments with their lawyer at the times and, if necessary, locations convenient to the client
- Practices encourage informing clients of possible options for pursuing a matter once a lawyer ceases to act for the client

RESOURCES:

Law Society of BC, [Practice Advisors – Frequently Asked Questions](#)

Law Society of BC, [Precedent Letter: Reporting Letter to Client – Closing a File](#)

Lawyers Insurance Fund, Missed Limitations and Deadlines: [Beat the clock \(see especially tips 62 to 72\)](#)

Lawyers Insurance Fund, Five key causes of claims – [Communication failures](#)

Lawyers Insurance Fund, [Aging Risk: Aging clients](#)

BC Code [[section 3.1](#): Competence; [section 3.2](#): Quality of service (Clients with diminished capacity); [section 3.6](#): Fees and disbursements; [section 3.7](#): Withdrawal from representation]

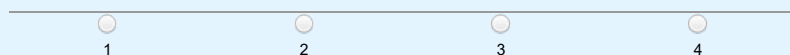


***Please rate the extent to which your firm has satisfied this Professional Infrastructure Element:**

ELEMENT 2 - SUSTAINING EFFECTIVE AND RESPECTFUL CLIENT RELATIONS

Objective: Provide clear, timely and courteous communications with clients in the delivery of legal services so that clients understand the status of their matter through the duration of the retainer and are in a position to make informed choices.

- 1 - Policies and processes have not yet been developed
- 2 - Policies and processes are under development but not all are functional
- 3 - Policies and processes are in place and are functional
- 4 - Policies and processes are fully functional and regularly assessed and updated



Please indicate any areas or issues in which additional practice resources may assist your firm in satisfying this Element:

- ☐ Communicating with clients
- ☐ Retainer agreements
- ☐ Other - please specify

In the next section, you will be asked to evaluate the extent to which your firm has policies and processes in place in relation to
Element 3:

ELEMENT 3 - PROTECTING CONFIDENTIALITY

Objective: Ensure client information, documents and communications are kept confidential and free from access, use, disclosure or disposal unless the client consents or it is required or permitted by law and that solicitor-client privilege is appropriately safeguarded.

You may wish to reflect on the following Indicators when considering the extent to which your firm is satisfying Element 3.

Indicator 1: Are confidentiality and privacy policies and processes in place?

Indicator 2: Is training provided pertaining to preserving the duties of confidentiality, solicitor-client privilege, privacy and the consequences of privacy breaches?

Indicator 3: Is physical data protected by appropriate security measures?

Indicator 4: Is electronic data protected by appropriate security measures?

Indicator 5: Are specially tailored procedures employed to protect confidentiality and privacy in the context of space-sharing arrangements?

Would you like to see a detailed list of Considerations and Resources that support this Element?

This is optional material designed to help you assess the extent to which your firm has satisfied this Element

☒ Yes

☐ No

ELEMENT 3 - PROTECTING CONFIDENTIALITY

Objective: Ensure client information, documents and communications are kept confidential and free from access, use, disclosure or disposal unless the client consents or it is required or permitted by law and that solicitor-client privilege is appropriately safeguarded.

Indicator 1: Are confidentiality and privacy policies and processes in place?

Considerations

- ◊ A confidentiality policy or agreement is in place and is signed by lawyers and staff
- ◊ Confidentiality requirements are established for any third parties (e.g. contractors, computer service providers, interns, cleaners) who may access the firm's physical space or technology
- ◊ A privacy policy is in place and is communicated to all lawyers and staff

RESOURCES:

Law Society of BC, [Practice Advisors – Frequently Asked Questions](#)
 Law Society of BC, [Model Privacy Policy](#)
 Law Society of BC, Discipline Advisory, [Maintaining privilege and confidentiality when ending the solicitor-client relationship](#)
 Lawyers Insurance Fund, [Employee fraud, cybercrimes and more](#)
 Public Safety Canada, [Create stronger cyber safety policies](#)
 Office of the Information & Privacy Commissioner for BC, [Securing Personal Information: A Self-Assessment Tool for Organizations](#)
 Public Safety Canada, [Educate your employees on cyber safety](#)
 Public Safety Canada, [Run a more cybersafe business](#)
 Public Safety Canada, [Cyber safe guide for small and medium businesses](#)
 BC Code [\[section 3.3: Confidentiality; section 6.1: Supervision; section 6.2: Students\]](#)
 Legal Profession Act [\[section 87](#) (Certain matters privileged); [section 88](#) (Non-disclosure of privileged and confidential information)]

Indicator 2: Is training provided pertaining to preserving the duties of confidentiality, solicitor-client privilege, privacy and the consequences of privacy breaches?

Considerations

- ◊ Lawyers and staff are provided with up-to-date technology training relating to issues of confidentiality and privacy pertaining to electronic data, including training on the importance of password protection and awareness of the risks associated with suspicious emails, links and attachments
- ◊ Lawyers and staff receive education and training regarding the principles of confidentiality and solicitor-client privilege, including:
 - in relation to electronic communications (email, texting, e-documents)
 - when a common interest or joint retainer extends the solicitor-client privilege to third parties
- ◊ Solicitor-client privilege is clearly explained to clients by lawyers
- ◊ Processes are in place for dealing with situations where exceptions to duties of confidentiality and solicitor-client privilege may apply
- ◊ Lawyers and staff are provided with training on the requirements of privacy legislation
- ◊ Processes are in place to deal with privacy breaches, including processes for reporting breaches to the client, the Law Society and any other appropriate authorities

RESOURCES:

Law Society of BC, [Practice Advisors – Frequently Asked Questions](#)
 Law Society of BC, [What to do if your laptop or briefcase is stolen](#)
 Lawyers Insurance Fund, [Employee fraud, cybercrimes and more](#)
 Lawyers Insurance Fund, [The 'bad cheque' scam](#)
 Lawyers Insurance Fund, [Other social engineering scams, including the 'phony change in payment instructions'](#)
 Office of the Privacy Commissioner for BC, [Privacy Breaches: Tools and Resources](#)
 Public Safety Canada, [How to recover from a cyber incident](#)
 Public Safety Canada, [Cyber safe guide for small and medium businesses](#)
 BC Code [\[section 3.3: Confidentiality; rule 3.4-23](#) (Lawyer due diligence for non-lawyer staff); [section 6.1: Supervision; section 6.2: Students; rule 7.2-10](#) (Inadvertent communications); [section 7.8: Errors and omissions\]](#)
 Law Society Rules [\[Rule 3-96.1: Electronic submission of documents; Rule 3-64.1\(2\): Electronic transfer from trust; Rule 10-3: Records; Rule 10-4: Security of records\]](#)

Indicator 3: Is physical data protected by appropriate security measures?

Considerations

- ◊ Office security systems are in place to protect confidential information, including processes to ensure:
 - third parties cannot overhear confidential conversations lawyers and staff have within and outside the physical office
 - client files and other confidential material are not left in publically accessible areas
 - client confidentiality is guarded when visitors enter private areas (e.g. lawyer or staff offices)
 - copiers, fax machines and mail services are located such that confidential information cannot be seen by persons not employed by or associated with the firm
- ◊ Processes are in place that ensure reasonable security measures are taken when removing physical records or technological devices from the office
- ◊ Processes are in place to ensure that closed files and other documents stored off-site are kept secure and confidential

RESOURCES:

Law Society of BC, [Cloud computing checklist](#)
Law Society of BC, [Law Office Search Warrants](#)
Lawyers Insurance Fund, [Employee fraud, cybercrimes and more](#)
Office of the Information Privacy Commissioner for BC, [Securing Personal Information: A Self-Assessment Tool for Organizations](#)
Office of the Information Privacy Commissioner for BC, [Privacy Breaches: Tools and Resources](#)
BC Code [\[section 3.3: Confidentiality; rule 3.4-23](#) (Lawyer due diligence for non-lawyer staff); [section 3.5: Preservation of clients' property; section 6.1: Supervision; section 6.2: Students; section 7.8: Errors and omissions\]](#)
Law Society Rules [\[Rule 10-3: Records; Rule 10-4: Security of records\]](#)

Indicator 4: Is electronic data protected by appropriate security measures?

Considerations

- Data security measures (e.g. encryption software and passwords) are in place to protect confidential information on all computers, laptops, tablets, smartphones, thumb drives and other technological devices
- Systems are in place to protect electronic data from being compromised by viruses, including ransomware
- Processes are in place to safeguard against the security risks arising from downloading to phones, flash drives and other portable devices
- Processes are in place to protect confidentiality when using cloud-based technologies, including email
- Processes are in place to protect confidentiality when using social media
- Electronic data is regularly backed up and stored at a secure off-site location
- Processes are in place to ensure that third parties with access to computers for maintenance and technical support protect the confidentiality of client information
- Processes are in place to safeguard electronic data and maintain solicitor-client privilege as pertaining to electronic files when crossing borders (e.g. United States)

RESOURCES:

Law Society of BC, *Benchers' Bulletin* Spring 2017, [Think twice before taking your laptop or smart phone across borders](#)
Law Society of BC, *Benchers' Bulletin* Spring 2018, [Crossing the border into or out of the United States](#)
Law Society of BC, E-Brief, [Minister of Public Safety responds to Law Society's concerns on searches of lawyer's electronic devices at the border](#)
Law Society of BC, [Cloud computing checklist](#)
Lawyers Insurance Fund, [Employee fraud, cybercrimes and more](#)
Lawyers Insurance Fund, [The 'bad cheque' scam](#)
Lawyers Insurance Fund, [Other social engineering scams, including the 'phony change in payment instructions'](#)
Public Safety Canada, [Create stronger cyber safety policies](#)
Public Safety Canada, [Educate your employees on cyber safety](#)
Public Safety Canada, [Run a more cybersafe business](#)
Public Safety Canada, [Cyber safe guide for small and medium businesses](#)
Public Safety Canada, [How to recover from a cyber incident](#)
Office of the Information Privacy Commissioner for BC, [Securing Personal Information: A Self-Assessment Tool for Organizations](#)
BC Code [\[section 3.3: Confidentiality; section 3.5: Preservation of clients' property\]](#)
Law Society Rules [\[Rule 10-3: Records; Rule 10-4: Security of records\]](#)

Indicator 5: Are specially tailored procedures employed to protect confidentiality and privacy in the context of space-sharing arrangements?

Considerations

- Processes are in place to clearly distinguish the other entities or professionals with whom space is shared to prevent confusion by clients (e.g. signage, letterhead)
- Processes are in place to ensure trust accounts and banking arrangements are not shared
- Where staff are shared (e.g. paralegals), adequate steps have been taken to protect client confidentiality
- Where office equipment is shared, adequate steps have been taken to protect client confidentiality
- The firm has disclosed the nature of the space-sharing arrangement and any foreseeable limits of their ability to maintain confidentiality to their clients

RESOURCES:

Law Society of BC, [Lawyers Sharing Space](#)
Law Society of BC, [Practice Advisors](#)
BC Code [\[section 3.3: Confidentiality; section 3.4: Conflicts \(Lawyer due diligence for non-lawyer staff; Space-sharing arrangements\); Chapter 4: Marketing of Legal Services\]](#)
Law Society Rules [\[Part 3 - Division 7: Trust Accounts and Other Client Property\]](#)

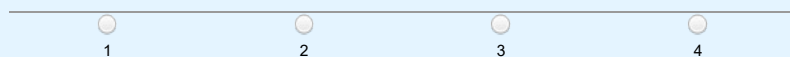


***Please rate the extent to which your firm has satisfied this Professional Infrastructure Element:**

ELEMENT 3 - PROTECTING CONFIDENTIALITY

Objective: Ensure client information, documents and communications are kept confidential and free from access, use, disclosure or disposal unless the client consents or it is required or permitted by law and that solicitor-client privilege is appropriately safeguarded.

- 1 - Policies and processes have not yet been developed
- 2 - Policies and processes are under development but not all are functional
- 3 - Policies and processes are in place and are functional
- 4 - Policies and processes are fully functional and regularly assessed and updated



Please indicate any areas or issues in which additional practice resources may assist your firm in satisfying this Element:

- ☐ Developing confidentiality and privacy policies
- ☐ Solicitor-client privilege
- ☐ Addressing privacy breaches
- ☐ Protecting physical data
- ☐ Protecting electronic data
- ☐ Confidentiality and privacy in the context of space sharing arrangements
- ☐ Other - please specify

In the next section, you will be asked to evaluate the extent to which your firm has policies and processes in place in relation to
Element 4:

ELEMENT 4 - AVOIDING AND ADDRESSING CONFLICTS OF INTEREST

Objective: Ensure conflicts of interest are avoided from the outset, and where not avoided, they are resolved in a timely fashion.

You may wish to reflect on the following Indicators when considering the extent to which your firm is satisfying Element 4.

Indicator 1: Is a conflicts policy in place?

Indicator 2: Are processes in place to identify and address potential and actual conflicts of interest?

Would you like to see a detailed list of Considerations and Resources that support this Element?

This is optional material designed to help you assess the extent to which your firm has satisfied this Element

☒ Yes

☐ No

ELEMENT 4 - AVOIDING AND ADDRESSING CONFLICTS OF INTEREST

Objective: Ensure conflicts of interest are avoided from the outset, and where not avoided, they are resolved in a timely fashion.

Indicator 1: Is a conflicts policy in place?

Considerations

- ◊ A conflicts policy is in place
- ◊ The conflicts policy is communicated to lawyers and staff and is reviewed and updated
- ◊ Processes are in place to monitor and reinforce that lawyers and staff adhere to the conflicts policy
- ◊ Lawyers and staff participate in opportunities for education and training with respect to identifying potential conflicts, the avoidance of conflicts, the potential consequences of a conflict and how to deal with situations where conflicts arise

RESOURCES:

Law Society of BC, [Model conflicts of interest checklist](#)
Law Society of BC, [Independent legal advice checklist](#)
Law Society of BC, [Independent legal advice checklist annotated with risk management tips](#)
Law Society of BC, [Joint retainer – acting for two or more clients](#)
Law Society of BC, [Model non-engagement letters](#)
Law Society of BC, [Reporting letter to client – Closing a File](#)
Law Society of BC, [Practice Advisors – Frequently Asked Questions](#)
Law Society of BC, [Lawyers sharing space](#)
BC Code [rule 2.1-3](#) (To the client); [section 3.4](#): Conflicts; [section 6.1](#): Supervision; [section 6.2](#): Students]

Indicator 2: Are processes in place to identify and address potential and actual conflicts of interest?

Considerations

- ◊ A master list or database of current and former clients is maintained
- ◊ Processes are in place to check for and evaluate conflicts at each of the following junctures:
 - prior to engaging in any substantive discussions with a potential new client
 - prior to accepting a new retainer
 - when a new party becomes involved in a matter
 - before hiring a new individual at the firm
 - before receiving a confidential disclosure
 - before acting for multiple parties and there is a possibility that their interests could diverge
 - when a lawyer is considering accepting a directorship position or engaging in a business venture with a client
 - when a lawyer's interpersonal relationship creates possible conflicts
- ◊ Processes are in place requiring a lawyer to bring any potential conflicts to the attention of a senior lawyer or committee at the firm, where appropriate, for consideration and recommendation
- ◊ Lawyers and staff understand the steps to take when a potential or actual conflict is identified
- ◊ After full disclosure has been made, written consent is obtained from a client if representation is agreed to after a permissible conflict has been identified

RESOURCES:

Law Society of BC, [Model conflicts of interest checklist](#)
Law Society of BC, [Independent legal advice checklist](#)
Law Society of BC, [Independent legal advice checklist annotated with risk management tips](#)
Law Society of BC, [Joint retainer – acting for two or more clients](#)
Law Society of BC, [Model non-engagement letters](#)
Law Society of BC, [Reporting letter to client – Closing a File](#)
Law Society of BC, [Practice Advisors – Frequently Asked Questions](#)
Law Society of BC, [Lawyers sharing space](#)
Law Society of BC, *Benchers' Bulletin* Summer 2017, [Ethical considerations when a lawyer leaves a firm](#)
Lawyers Insurance Fund, [About to act for family and friends?](#)
Lawyers Insurance Fund, [Witnessing a signature? Stop. Read this first.](#)
BC Code [rule 2.1-3](#) (To the client); [section 3.4](#): Conflicts; [section 6.1](#): Supervision; [section 6.2](#): Students]

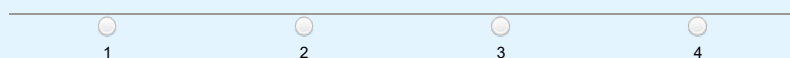


***Please rate the extent to which your firm has satisfied this Professional Infrastructure Element:**

ELEMENT 4 - AVOIDING AND ADDRESSING CONFLICTS OF INTEREST

Objective: Ensure conflicts of interest are avoided from the outset, and where not avoided, they are resolved in a timely fashion.

- 1 - Policies and processes have not yet been developed
- 2 - Policies and processes are under development but not all are functional
- 3 - Policies and processes are in place and are functional
- 4 - Policies and processes are fully functional and regularly assessed and updated



Please indicate any areas or issues in which additional practice resources may assist your firm in satisfying this Element:

- ☐ Developing a conflicts policy
- ☐ Identifying conflicts of interest
- ☐ Addressing conflicts of interest
- ☐ Other - please specify

In the next section, you will be asked to evaluate the extent to which your firm has policies and processes in place in relation to
Element 5:

ELEMENT 5 - MAINTAINING APPROPRIATE FILE AND RECORDS MANAGEMENT SYSTEMS

Objective: Provide appropriate file and records management systems to ensure that issues and tasks on file are handled in an appropriate and timely manner and that client information and documents are safeguarded.

You may wish to reflect on the following Indicators when considering the extent to which your firm is satisfying Element 5.

Indicator 1: Is there an information management policy in place?

Indicator 2: Does the storage and handling of client information minimize the likelihood of its loss or unauthorized access, use, disclosure or destruction?

Would you like to see a detailed list of Considerations and Resources that support this Element?

This is optional material designed to help you assess the extent to which your firm has satisfied this Element

☒ Yes

☐ No

ELEMENT 5 - MAINTAINING APPROPRIATE FILE AND RECORDS MANAGEMENT SYSTEMS

Objective: Provide appropriate file and records management systems to ensure that issues and tasks on file are handled in an appropriate and timely manner and that client information and documents are safeguarded.

Indicator 1: Is there an information management policy in place?

Considerations

- An information management policy is in place which includes:
 - file opening and closing procedures
 - procedures for checking in and out physical and electronic files
 - procedures for transferring active and closed files
 - procedures for tracking files
 - record retention requirements
 - document destruction requirements
 - disaster recovery contingencies
- The information management policy is communicated to all lawyers and staff and is reviewed and updated
- Processes are in place to monitor and reinforce adherence to the information management policy
- Lawyers and staff are provided ongoing training on the firms' file and record management systems
- Processes are in place to ensure that written policies addressing the Professional Infrastructure Element are adequately maintained and stored and can be retrieved by lawyers and staff

RESOURCES:

Law Society of BC, [Practice Advisors – Frequently Asked Questions](#)

Law Society of BC, *Benchers' Bulletin* Winter 2017, [Closing a client file: What documents to keep and for how long](#)

Law Society of BC, [Closed Files – Retention and Disposition](#)

Law Society of BC, [Ownership of Documents in a Client's File](#)

Law Society of BC, [Reporting letter to client – Closing a File](#)

Law Society of BC, [Model non-engagement letters](#)

Law Society of BC, [Cloud computing checklist](#)

Lawyers Insurance Fund, [Employee fraud, cybercrimes and more](#)

BC Code [\[section 3.5: Preservation of clients' property; section 6.1: Supervision; section 6.2: Students\]](#)

Law Society Rules [\[Part 2 - Division 1: Practice of Law \(Supervision of limited number of paralegals\); Part 3 - Division 7: Trust Accounts and Other Client Property; Part 3 - Division 11: Client Identification and Verification; Rule 10-3: Records; Rule 10-4: Security of records\]](#)

Indicator 2: Does the storage and handling of client information minimize the likelihood of its loss or unauthorized access, use, disclosure or destruction?

Considerations

- Data security measures addressing how electronic records are maintained, secured, stored and retrieved are in place
- Processes are in place to ensure electronic documents are regularly backed up
- Paper documents are stored in a fashion that ensures they are adequately preserved and protected
- Processes are in place to track the physical location of a file and its associated documents at all times
- Processes are in place to ensure client identification and verification requirements are fulfilled
- Processes are in place to ensure records are kept regarding implied and express consent provided by clients
- Processes are in place to ensure client property is appropriately identified and recorded upon receipt
- Processes are in place to obtain and document the receipt or delivery of original documents to a third person or client
- File closing processes are in place, including informing clients when their file has been closed
- Processes are in place to ensure that providers of cloud based systems maintain the required level of service and that relevant data protection legislation is complied with
- Processes are in place to ensure the return of original documents to clients at the end of a retainer
- Consideration has been given to appropriate disaster recovery plans, including offsite back up
- Clients are advised when their files are anticipated to be destroyed after closing their matter or alternate arrangements for dealing with the files are made

RESOURCES:

Law Society of BC, [Practice Checklists Manual: Client identification and verification procedure checklist](#)

Law Society of BC, [Client identification and verification FAQs](#)

Law Society of BC, Discipline Advisory, [Client ID and Verification](#)

Law Society of BC, *Benchers' Bulletin* Winter 2017, [Closing a client file: What documents to keep and for how long](#)

Law Society of BC, [Closed Files – Retention and Disposition](#)

Law Society of BC, [Ownership of Documents in a Client's File](#)

Law Society of BC, [Reporting letter to client – Closing a File](#)

Law Society of BC, [Model non-engagement letters](#)

Law Society of BC, [Cloud computing checklist](#)

Lawyers Insurance Fund, [Employee fraud, cybercrimes and more](#)

Lawyers Insurance Fund, [The 'bad cheque' scam](#)

Lawyers Insurance Fund, [Other social engineering scams, including the 'phony change in payment instructions'](#)

Courthouse Libraries of BC, [The Law Society of BC's client identification and verification rules](#)

Office of the Information & Privacy Commissioner for BC, [Securing Personal Information: A Self-Assessment Tool for Organizers](#)

Public Safety Canada, [Create stronger cyber safety policies](#)

Public Safety Canada, [Educate your employees on cyber safety](#)

Public Safety Canada, [How to recover from a cyber incident](#)

Public Safety Canada, [Run a more cybersafe business](#)

Public Safety Canada, [Cyber safe guide for small and medium businesses](#)

BC Code [section 3.5](#): Preservation of clients' property]

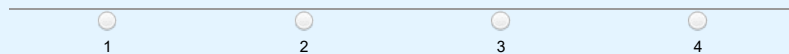
Law Society Rules [\[Part 3 - Division 7](#); Trust Accounts and Other Client Property; [Part 3 - Division 11](#): Client Identification and Verification; [Rule 10-3](#): Records; [Rule 10-4](#): Security of records]

***Please rate the extent to which your firm has satisfied this Professional Infrastructure Element:**

ELEMENT 5 - MAINTAINING APPROPRIATE FILE AND RECORDS MANAGEMENT SYSTEMS

Objective: Provide appropriate file and records management systems to ensure that issues and tasks on file are handled in an appropriate and timely manner and that client information and documents are safeguarded.

- 1 - Policies and processes have not yet been developed
- 2 - Policies and processes are under development but not all are functional
- 3 - Policies and processes are in place and are functional
- 4 - Policies and processes are fully functional and regularly assessed and updated



Please indicate any areas or issues in which additional practice resources may assist your firm in satisfying this Element:

- ☐ Developing an information management policy
- ☐ Document storage
- ☐ Data security measures
- ☐ Client identification and verification requirements
- ☐ Other - please specify



In the next section, you will be asked to evaluate the extent to which your firm has policies and processes in place in relation to Element 6:

ELEMENT 6 - CHARGING APPROPRIATE FEES AND DISBURSEMENTS

Objective: Ensure clients are charged fees and disbursements that are transparent and reasonable and are disclosed in a timely fashion.

You may wish to reflect on the following Indicators when considering the extent to which your firm is satisfying Element 6.

Indicator 1: Is a policy pertaining to appropriate billing practices in place?

Indicator 2: Do retainer agreements contain sufficient information about fees and billing?

Indicator 3: Are fees fair and reasonable?

Would you like to see a detailed list of Considerations and Resources that support this Element?

This is optional material designed to help you assess the extent to which your firm has satisfied this Element

☒ Yes

☐ No

ELEMENT 6 - CHARGING APPROPRIATE FEES AND DISBURSEMENTS

Objective: Ensure clients are charged fees and disbursements that are transparent and reasonable and are disclosed in a timely fashion.

Indicator 1: Is a policy pertaining to appropriate billing practices in place?

Considerations

- ◊ A policy regarding billing procedures is in place
- ◊ The billing policy is communicated to lawyers and staff and is reviewed and updated
- ◊ Educational measures are in place to ensure that lawyers and staff are aware of firm policies regarding billing practices and have a clear understanding of what constitutes unethical billing practices
- ◊ Processes are in place that ensure accurate, timely and complete time records are kept
- ◊ Processes are in place to ensure lawyers are supported in complying with their individual professional obligations under the Law Society Rules and the BC Code

RESOURCES:

Law Society of BC, [The Trust Accounting Handbook](#)

Law Society of BC, *Benchers' Bulletin* Winter 2012, [Practice Watch – Fees, Disbursements and Interest](#)

Law Society of BC, Practice Resource: [Solicitors' Liens and Charging Orders – Your Fees and Your Clients](#)

Law Society of BC, Discipline Advisory, [Proper recording and billing of disbursements required by rules](#).

Law Society of BC, Discipline Advisory, [Bills and retainers are frequent source of complaints](#)

BC Code [\[section 3.6: Fees and disbursements; section 6.1: Supervision; section 6.2: Students\]](#)

Law Society Rules [\[Part 2 - Division 1: Practice of Law \(Supervision of limited number of paralegals\); Part 3 - Division 7: Trust Accounts and Other Client Property; Part 8: Lawyers' Fees\]](#)

Legal Profession Act [\[Part 8: Lawyers' Fees\]](#)

Indicator 2: Do retainer agreements contain sufficient information about fees and billing?

Considerations

- ◊ With respect to billing and fees, all retainers specify
 - the billing process
 - the timing on payment of accounts
 - the interest to be paid on unpaid bills and the consequences of non-payment
 - who will work on the file and at what rate
 - the amount of the retainer and how it will be replenished
 - limitations on the scope of service
 - the right to have the account reviewed by a taxing authority
 - the possibility of a solicitor's lien on the file
- ◊ If a retainer is being funded by a third party, the retainer specifies the nature of the third parties relationship to the firm/lawyer

RESOURCES:

Law Society of BC, [Retainer Agreement](#)

Law Society of BC, [Practice Advisors - Frequently Asked Questions](#)

BC Code [\[section 3.2: Quality of service; section 3.6: Fees and disbursements; section 3.7: Withdrawal from representation\]](#)

Law Society Rules [\[Part 3 - Division 7: Trust Accounts and Other Client Property; Part 8: Lawyers' Fees\]](#)

Legal Profession Act [\[Part 8: Lawyers' Fees\]](#)

Indicator 3: Are fees fair and reasonable?

Considerations

- ◊ Processes are in place to ensure the billing practices are clearly explained to clients at the beginning of the retainer
- ◊ All billing arrangements are confirmed in writing and any further substantive discussions with clients about fees are also documented in writing
- ◊ Where practicable, an estimate of anticipated fees and disbursements is provided to clients
- ◊ Processes are in place that ensure clients are regularly updated and provided appropriate notice of any change in fee or disbursement charges as the matter progresses
- ◊ Disbursements and other charges are regularly posted to client files
- ◊ Processes are in place to encourage the review of bills to ensure they reflect fees that are commensurate with the value of work provided
- ◊ Processes are in place to ensure clients are billed on a timely basis
- ◊ Where practicable, firm managers periodically conduct random audits of bills
- ◊ Processes are in place to address client's non-payment of fees and client complaints in relation to fees

RESOURCES:

Law Society of BC, [Disputes involving fees and the Law Society Fee Mediation Program](#)

BC Code [\[section 3.2: Quality of service; section 3.6: Fees and disbursements\]](#)

Law Society Rules [\[Part 3 - Division 7: Trust Accounts and Other Client Property; Part 8: Lawyers' Fees\]](#)

Legal Profession Act [\[Part 8 – Lawyers' Fees\]](#)

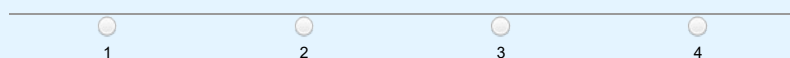


***Please rate the extent to which your firm has satisfied this Professional Infrastructure Element:**

ELEMENT 6 - CHARGING APPROPRIATE FEES AND DISBURSEMENTS

Objective: Ensure clients are charged fees and disbursements that are transparent and reasonable and are disclosed in a timely fashion.

- 1 - Policies and processes have not yet been developed
- 2 - Policies and processes are under development but not all are functional
- 3 - Policies and processes are in place and are functional
- 4 - Policies and processes are fully functional and regularly assessed and updated



Please indicate any areas or issues in which additional practice resources may assist your firm in satisfying this Element:

- ☐ Developing a billing policy
- ☐ Addressing billing and fees in a retainer
- ☐ Ensuring fees are fair and reasonable
- ☐ Other - please specify



In the next section, you will be asked to evaluate the extent to which your firm has policies and processes in place in relation to Element 7:

Element 7 - ENSURING RESPONSIBLE FINANCIAL MANAGEMENT

Objective: Establish mechanisms to minimize the risk of fraud and procedures that ensure compliance with Law Society accounting rules.

You may wish to reflect on the following Indicators when considering the extent to which your firm is satisfying Element 7.

Indicator 1: Are policies and processes in place that ensure that client funds received in, and withdrawn from trust accounts are properly handled?

Indicator 2: Does the firm have appropriate and adequate commercial insurance?

Indicator 3: Are policies and processes in place to ensure the firm operates in a financially responsible fashion?

Would you like to see a detailed list of Considerations and Resources that support this Element?

This is optional material designed to help you assess the extent to which your firm has satisfied this Element

☒ Yes

☐ No

ELEMENT 7 - ENSURING RESPONSIBLE FINANCIAL MANAGEMENT

Objective: Establish mechanisms to minimize the risk of fraud and procedures that ensure compliance with Law Society accounting rules.

Indicator 1: Are policies and processes in place that ensure that client funds received in, and withdrawn from trust accounts are properly handled?

Considerations

- ◊ An appropriate accounting system is used to track trust funds
- ◊ Policies are in place to ensure all accounting records are accurate and up to date
- ◊ Appropriate internal controls are in place with respect to financial transactions, including electronic transfer of funds and in relation to any change in payment instructions
- ◊ Adequate internal controls are in place to minimize risk of fraud committed by lawyers or staff in the firm
- ◊ Lawyers and staff are provided with education and training in relation to the rules pertaining to trust accounts
- ◊ Lawyers and staff take steps to identify and prevent fraudulent activities, including staying informed of the Law Society's fraud alerts
- ◊ Lawyers and staff are encouraged to pursue training opportunities to assist in spotting possible fraudulent trust account activity
- ◊ Processes are in place to ensure trust funds are not withdrawn from trust, including to pay an account, except in compliance with the Law Society Rules

RESOURCES:

Law Society of BC, [The Trust Accounting Handbook](#)

Law Society of BC, [Sample Checklist of Internal Controls](#)

Law Society of BC, [Garnishment of Lawyers' Trust Accounts](#)

Law Society of BC, [Trust Accounting Checklist](#)

Law Society of BC, Discipline Advisory, [Know your obligations before accepting cash](#)

Lawyers Insurance Fund, [Employee fraud, cybercrimes and more](#)

Lawyers Insurance Fund, [The 'bad cheque' scam](#)

Lawyers Insurance Fund, [Other social engineering scams, including the 'phony change in payment instructions'](#)

BC Code [\[section 3.5: Preservation of clients' property; section 6.1: Supervision; section 6.2: Students\]](#)

Law Society Rules [\[Part 2 - Division 1: Practice of Law \(Supervision of limited number of paralegals\); Part 3 – Division 6: Financial Responsibility; Part 3 - Division 7: Trust Accounts and Other Client Property; Part 3 – Division 8: Unclaimed Trust Money; Part 8: Lawyers' Fees\]](#)

Indicator 2: Does the firm have appropriate and adequate commercial insurance?

Considerations

- ◊ Lawyers are aware of the risks the firm faces and whether or not those risks are insured under the Law Society's compulsory policy or through commercial policies purchased by the firm
- ◊ Adequate commercial insurance coverage is in place, as appropriate, to respond to risks that are not covered under the Law Society's compulsory policy, including:
 - excess insurance
 - crime or fidelity (for employee theft) insurance
 - social engineering insurance (for scams that trick lawyers into willingly paying out of trust funds through the intentional misrepresentation of some material fact)
 - funds transfer fraud insurance
 - cyber insurance
- ◊ Processes are in place to assess, on a regular basis, both the risks the firm faces and the adequacy of commercial insurance
- ◊ Lawyers are aware of the reporting obligations under the compulsory policy and any commercial insurance policies

RESOURCES:

Lawyers Insurance Fund, [Cover Pages: A guide to insurance for private practitioners](#)

Lawyers Insurance Fund, [My Insurance Policy: Questions and Answers](#)

Lawyers Insurance Fund, [Excess insurance: Protection for claims that exceed \\$1 million](#)

Lawyers Insurance Fund, [Other commercial insurance: Protection for claims that our policy does not cover](#)

Lawyers Insurance Fund, [List of excess and other commercial insurance brokers](#)

Lawyers Insurance Fund, [Insurance coverage for lawyers no longer in private practice](#)

Lawyers Insurance Fund, [Employee fraud, cybercrimes and more](#)

Lawyers Insurance Fund, [The 'bad cheque' scam](#)

Lawyers Insurance Fund, [Other social engineering scams, including the 'phony change in payment instructions'](#)

BC Code [\[section 7.1: Responsibility to the Society and the profession generally \(Meeting financial obligations\)\]](#)

Law Society Rules [\[Part 3 - Division 5: Insurance; Part 3 - Division 6: Financial Responsibility; Part 3 - Division 7: Trust Accounts and Other Client Property\]](#)

Indicator 3: Are policies and processes in place to ensure the firm operates in a financially responsible fashion?

Considerations

- ◊ Policies are in place to ensure that minimum standards of financial responsibility are met, including satisfying monetary judgments, avoiding insolvency, producing appropriate books, records and accounts, completing trust reports and payment of the trust administration fee
- ◊ Processes are in place to ensure taxation authorities and creditors of the firm are paid in a timely manner including the payment of GST, PST, payroll and payroll remittances

RESOURCES:

Law Society of BC, [Practice Advisors – Frequently Asked Questions](#)

BC Code [section 7.1](#): Responsibility to the Society and the profession generally (Meeting financial obligations)]

Law Society Rules [Part 3 - Division 6](#): Financial Responsibility, [Part 3 - Division 7](#): Trust Accounts and Other Client Property]

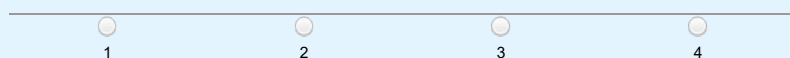


***Please rate the extent to which your firm has satisfied this Professional Infrastructure Element:**

ELEMENT 7 - ENSURING RESPONSIBLE FINANCIAL MANAGEMENT

Objective: Establish mechanisms to minimize the risk of fraud and procedures that ensure compliance with Law Society accounting rules.

- 1 - Policies and processes have not yet been developed
- 2 - Policies and processes are under development but not all are functional
- 3 - Policies and processes are in place and are functional
- 4 - Policies and processes are fully functional and regularly assessed and updated



Please indicate any areas or issues in which additional practice resources may assist your firm in satisfying this Element:

- ☐ Developing a policy to address trust funds
- ☐ Financial responsibility, including record keeping, accounts, trust reports, payment of taxes and payroll
- ☐ Identifying and addressing fraudulent trust account activity
- ☐ Electronic transfers from trust
- ☐ Insurance coverage
- ☐ Other - please specify

In the next section, you will be asked to evaluate the extent to which your firm has policies and processes in place in relation to
Element 8:

ELEMENT 8 - EQUITY, DIVERSITY AND INCLUSION

Objective: Observe the laws protecting human rights, and the principles of equity, diversity and inclusion in the workplace and in all aspects of the provision of legal services.

You may wish to reflect on the following Indicators when considering the extent to which your firm is satisfying Element 8.

Indicator 1: Are policies and processes in place that foster the creation of a fair and safe working environment for all lawyers and staff?

Indicator 2: Are policies and processes in place that encourage lawyers to develop and maintain the necessary knowledge and skills to provide legal services in a manner consistent with the principles of equity, diversity, inclusion and non-discrimination?

Would you like to see a detailed list of Considerations and Resources that support this Element?

This is optional material designed to help you assess the extent to which your firm has satisfied this Element

☒ Yes

☐ No

ELEMENT 8 - EQUITY, DIVERSITY AND INCLUSION

Objective: Observe the laws protecting human rights, and the principles of equity, diversity and inclusion in the workplace and in all aspects of the provision of legal services.

Indicator 1: Are policies and processes in place that foster the creation of a fair and safe working environment for all lawyers and staff?

Considerations

- Policies or processes are in place that comply with legal obligations protecting human rights and encourage diversity, inclusion, substantive equality and accommodation in the recruitment, retention and advancement of all lawyers and staff
- Hiring policies and processes are free of bias and discrimination, including interview questions
- Policies are reviewed, updated and are communicated to lawyers and staff
- Lawyers and staff participate in education and training on issues relating to unlawful discrimination, harassment and bullying, including legal obligations under the *Human Rights Code* and the *Workers Compensation Act*
- Maternity and parental leave policies are in place for lawyers and staff
- Flexible work schedules are an option for lawyer and staff who have child-care or other caregiver responsibilities
- Accommodation policies are in place for lawyers and staff with disabilities
- Internal complaints mechanisms are in place to address concerns and allegations of unlawful discrimination and harassment in the workplace

RESOURCES:

Law Society of BC, [Promoting a respectful workplace: A guide for developing effective policies](#)

Law Society of BC, [Model Policy: Flexible Work Arrangements](#)

BC Human Rights Tribunal, [Human Rights and Duties in Employment](#)

BC Code [\[section 6.3\]](#): Harassment and discrimination]

Indicator 2: Are policies and processes in place that encourage lawyers to develop and maintain the necessary knowledge and skills to provide legal services in a manner consistent with principles of equity, diversity, inclusion and non-discrimination?

Considerations

- All clients, court registry staff and colleagues are treated in a manner consistent with applicable human rights laws and the principles of equity, diversity and inclusion
- Language used in communicating with clients is appropriate to the individual receiving the communication and reflects freedom from unlawful discrimination
- Processes are in place to address language barriers, cultural differences and issues of mental capacity
- Lawyers and staff have adequate knowledge and skills to ensure that clients with disabilities and other equality seeking groups receive competent legal services
- Lawyers and staff participate in skills-based training with respect to the Truth and Reconciliation Commission Call to Action #27:
 - "to ensure that lawyers receive appropriate cultural competency training, which includes the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal – Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism."
- Legal requirements relating to accessibility have been considered and where accessibility may be an issue, lawyers meet clients in other appropriate settings

RESOURCES:

Law Society of BC, [Equity Ombudsperson](#)

Law Society of BC, *Benchers' Bulletin* Winter 2016, [Working in a Diverse Society: The Need for Cultural Competency](#)

Law Society of BC, [Practice Advisors - Frequently Asked Questions](#)

Law Society of BC, Practice Checklists Manual, [Human Rights Complaint Procedure](#)

Law Society of BC, [Equity and Diversity Centre](#)

Law Society of BC, [The Business Case for Retaining and Advancing Women Lawyers in Private Practice](#)

BC Human Rights Tribunal, [Human Rights Duties in Employment](#)

BC Human Rights Tribunal, [Human Rights in Services, Facilities, Accommodations](#)

Canadian Human Rights Tribunal, [Accommodation Works!](#)

Truth and Reconciliation Commission of Canada: [Calls to Action](#)

BC Code [\[section 2.1\]](#): Canons of legal ethics; [section 3.1](#): Competence; [section 3.2](#): Quality of service (Clients with diminished capacity); [section 6.1](#): Supervision; [section 6.2](#): Students; [section 6.3](#): Harassment and discrimination; [section 7.2](#): Responsibility to lawyers and others]

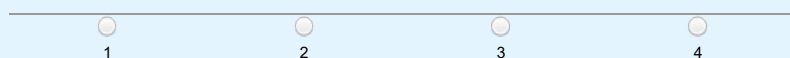


***Please rate the extent to which your firm has satisfied this Professional Infrastructure Element:**

ELEMENT 8 - EQUITY, DIVERSITY AND INCLUSION

Objective: Observe the laws protecting human rights, and the principles of equity, diversity and inclusion in the workplace and in all aspects of the provision of legal services.

- 1 - Policies and processes have not yet been developed
- 2 - Policies and processes are under development but not all are functional
- 3 - Policies and processes are in place and are functional
- 4 - Policies and processes are fully functional and regularly assessed and updated



Please indicate any areas or issues in which additional practice resources may assist your firm in satisfying this Element:

- ☐ Developing equity, diversity and inclusion policies
- ☐ Unlawful discrimination, harassment and bullying in the workplace
- ☐ Intercultural competency
- ☐ Other - please specify



**Please provide any additional information regarding the types of practice resources
or support that would assist your firm in satisfying the 8 Professional Infrastructure Elements.**

***You have now completed Part 1 of the Self-Assessment Report.**

- If you are ready to finalize this portion of the Self-Assessment Report, please click the "**SELF-ASSESSMENT COMPLETE**" button.
 - If you have **not finalized** this portion of the Self-Assessment Report, you can save your work and return to the assessment in the future.
- ☐ SELF-ASSESSMENT COMPLETE - I certify that to the best of my knowledge the responses I have provided in Part 1 of the Self-Assessment Report are true.



You have been directed to the self-assessment for sole practitioners. If you are not a sole practitioner, please press the "PREVIOUS PAGE" button below and select the correct self-assessment.

In the next section, you will be asked to evaluate the extent to which your firm has policies and processes in place in relation to Element 1:

ELEMENT 1 - DEVELOPING COMPETENT PRACTICES AND EFFECTIVE MANAGEMENT

Objective: Ensure the delivery of quality and timely legal services by persons with appropriate skills and competence.

You may wish to reflect on the following Indicators when considering the extent to which your firm is satisfying Element 1.

Indicator 1: Do you and your staff, if any, have sufficient training, experience and knowledge to perform their duties?

Indicator 2: Are concerns about your competence dealt with in an efficient, constructive and ethically appropriate fashion?

Indicator 3: Are the delivery, review and follow up of legal services provided in a manner that avoids delay?

Indicator 4: Are staff, if any, adequately supervised and managed in their delivery of legal services?

Indicator 5: Has consideration been given to putting in place plans for your departure from the firm?

Would you like to see a detailed list of Considerations and Resources that support this Element?

This is optional material designed to help you assess the extent to which your firm has satisfied this Element

☒ Yes

☐ No

ELEMENT 1 - SUSTAINING EFFECTIVE AND RESPECTFUL CLIENT RELATIONS

Objective: Provide clear, timely and courteous communications with clients in the delivery of legal services so that clients understand the status of their matter through the duration of the retainer and are in a position to make informed choices.

Indicator 1: Do you and your staff, if any, have sufficient training, experience and knowledge to perform your duties?

Considerations

- ◊ You and your staff, if any, participate in ongoing training, including in the following areas, as appropriate:
 - client identification and verification
 - identification of conflicts
 - use of trust accounts and receipt of cash
 - confidentiality and privacy
 - technology use and security
 - file management processes;
 - ethics
 - billing practices
 - appropriate communications with clients and others
- ◊ You and your staff, if any, engage in additional training if any major procedural and organizational changes occur
- ◊ You have a professional development plan that is relevant to your area of practice
- ◊ Appropriate resources are in place to ensure you develop knowledge of applicable substantive and procedural law
- ◊ Processes are in place to ensure that you and your staff, if any, stay current on the appropriate technology

RESOURCES:

Law Society of BC, [Practice Checklists Manual](#)

Law Society of BC, [Model conflicts of interest checklist](#)

Law Society of BC, [Practice Advisors – Frequently Asked Questions](#)

Law Society of BC, [The Trust Accounting Handbook](#)

Law Society of BC, [Sample general retainer agreement](#)

Law Society of BC, [Sample joint retainer agreement – acting for two or more clients](#)

Law Society of BC, *Benchers' Bulletin* Fall 2017, [Limited scope retainer FAQs](#)

Lawyers Insurance Fund, [Managing the risk of a limited scope retainer](#)

Lawyers Insurance Fund, [Employee fraud, cybercrimes and more](#)

Lawyers Insurance Fund, [Delegation: The buck stops here!](#)

Lawyers Insurance Fund, [Five key causes of claims: Legal issue failures](#)

Lawyers Insurance Fund, [Risk management resources](#)

BC Human Rights Tribunal, [Human Rights and Duties in Employment](#)

BC Code [\[section 2.1\]](#): Canons of legal ethics; [section 3.1](#): Competence; [section 3.2](#): Quality of service; [section 3.3](#): Confidentiality; [section 3.4](#): Conflicts; [section 3.5](#): Preservation of clients' property; [section 3.6](#): Fees and disbursements; [Chapter 4](#) – Marketing of Legal Services; [section 6.1](#): Supervision; [section 6.2](#): Students]

Law Society Rules [\[Part 3 - Division 7\]](#): Trust Accounts and Other Client Property; [Part 8](#): Lawyers' Fees; [Rule 10-3](#): Records; [Rule 10-4](#): Security of records]

Legal Profession Act [\[Part 8\]](#): Lawyers' Fees]

Indicator 2: Are concerns about your competence dealt with in an efficient, constructive and ethically appropriate fashion?

Considerations

- ◊ Policies or processes are in place to review complaints made to the firm and to the Law Society
- ◊ Steps are taken to ensure all communications with the Law Society pertaining to your competence are professional and prompt
- ◊ You are aware of initiatives that promote lawyer and staff wellbeing, including the Lawyers Assistance Program and other mental health support relevant to the legal profession

RESOURCES:

Law Society of BC, *Benchers' Bulletin* Spring 2013, [How to Recognize and Cope with Stress](#)

Law Society [Practice Advisors](#) and [Equity Ombudsperson](#)

Canadian Bar Association, Mood Disorders Society of Canada and Bell Lets Talk, [Mental Health and Wellness in the Legal Profession](#)

[Lawyers Assistance Program](#)

[Lifeworks Canada](#)

BC Code [\[section 2.1\]](#): Canons of legal ethics; [section 3.1](#): Competence; [section 7.1](#): Responsibility to the Society and the profession generally]

Law Society Rules [\[Part 3 - Division 1\]](#): Complaints]

Indicator 3: Are the delivery, review and follow up of legal services provided in a manner that avoids delay?

Considerations

- ◊ Retainers are only taken if you feel, at the time the retainer is taken, that you have the necessary skills and resources to carry out the client's instructions in a reasonable period of time

- Processes are in place to ensure you and your staff, if any, are informed about priorities and deadlines
- Processes are in place to ensure you and your staff, if any, comply with applicable deadlines and limitation periods
- Reviews are conducted with staff, if any, to evaluate the appropriateness of their workload and issues are addressed
- Processes are in place to ensure the effective use of bring forward systems and calendars to keep track of key dates (e.g. limitation periods, court appearances, filing deadlines, closing dates)
- Systems are in place to ensure that open files are reviewed on a scheduled basis and next steps are diarized
- Checklists are used, where appropriate
- Policies or processes are in place to track undertakings and to ensure undertakings are fulfilled in a timely fashion

RESOURCES:

Lawyers Insurance Fund, [Missed Limitations and Deadlines: Beat the clock \(see especially tips 1 to 22\)](#)

Lawyers Insurance Fund, [Limitations and deadlines](#)

Lawyers Insurance Fund, [Five key causes of claims - Oversights](#)

Law Society of BC, [Practice Checklists Manual](#)

BC Code [\[section 3.1: Competence; section 3.2: Quality of service; section 3.6: Fees and disbursements\]](#)

Law Society Rules [\[Part 8: Lawyers' Fees\]](#)

Legal Profession Act [\[Part 8: Lawyers' Fees\]](#)

Indicator 4: Are staff, if any, adequately supervised and managed in their delivery of legal services?

Considerations

- You understand what work may be delegated to staff, if any, and what may not
- Consideration is given to experience and qualifications when assigning work to staff, if any
- You ensure that staff, if any, receive clear and complete instructions regarding work assigned and the end product required
- Processes are in place to ensure staff, if any, receive timely and confidential feedback on work product (e.g. formal performance reviews and informal meetings)

RESOURCES:

Lawyers Insurance Fund, [Delegation: The buck stops here!](#)

Lawyers Insurance Fund, [Aging Risk: Delegating work or transferring files](#)

BC Code [\[rule 3.4-23 \(Lawyer due diligence for non-lawyer staff\); section 6.1: Supervision; section 6.2: Students\]](#)

Law Society Rules [\[Part 2 - Division 1: Practice of Law \(Supervision of limited number of paralegals\)\]](#)

Indicator 5: Has consideration been given to putting in place plans for your departure from the firm?

Considerations

- A succession plan is in place in which a practising lawyer has agreed to maintain or wind up your practice in the event that you are unable to practice due to illness, death or other unforeseen circumstances and the lawyer has the capacity to carry out such duties
- The lawyer identified in the succession plan has access to sufficient documentation to enable them to carry out their duties
- The lawyer identified in the succession plan is sufficiently familiar with the areas of law covered by the practice to carry out their duties
- The lawyer named in the succession plan has been consulted in the past year and has confirmed that they are still willing and able to carry out their duties, if required to do so
- Staff, if any, know who to contact and the steps to take in order to address the interests of clients in the event of an unforeseen accident, illness or death
- You carry adequate insurance for the practice, including excess professional liability coverage and key person insurance

RESOURCES:

Law Society of BC, [Succession planning: Tools, documents and resources](#)

Law Society of BC, [Precedent letters: Lawyer leaving law firm](#)

Law Society of BC, *Benchers' Bulletin* Summer 2017, [Ethical Considerations when a lawyer leaves a firm](#)

Law Society of BC, [Winding Up a Practice: A Checklist](#)

Law Society of BC, [Practice Advisors – Frequently Asked Questions](#)

Lawyers Insurance Fund, [Cover Pages: A guide to insurance for private practitioners](#)

Lawyers Insurance Fund, [Excess insurance: Protection for claims that exceed \\$1 million](#)

Lawyers Insurance Fund, [Insurance coverage for lawyers no longer in private practice](#)

BC Code [\[section 3.7: Withdrawal from representation\]](#)

Law Society Rules [\[Part 3 - Division 5: Insurance\]](#)

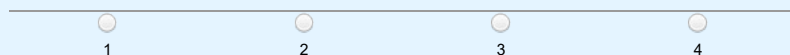


***Please rate the extent to which your firm has satisfied this Professional Infrastructure Element:**

ELEMENT 1 - DEVELOPING COMPETENT PRACTICES AND EFFECTIVE MANAGEMENT

Objective: Ensure the delivery of quality and timely legal services by persons with appropriate skills and competence.

- 1 - Policies and processes have not yet been developed
- 2 - Policies and processes are under development but not all are functional
- 3 - Policies and processes are in place and are functional
- 4 - Policies and processes are fully functional and regularly assessed and updated



Please indicate any areas or issues in which additional practice resources may assist your firm in satisfying this Element:

- ☐ Ensuring staff, if any, have sufficient training, experience and knowledge to perform their duties
- ☐ Addressing concerns about competence
- ☐ Providing legal services in a manner that avoids delay
- ☐ Supervision and management of staff, if any
- ☐ Succession planning
- ☐ Other - please specify

In the next section, you will be asked to evaluate the extent to which your firm has policies and processes in place in relation to
Element 2:

ELEMENT 2 - SUSTAINING EFFECTIVE AND RESPECTFUL CLIENT RELATIONS

Objective: Provide clear, timely and courteous communications with clients in the delivery of legal services so that clients understand the status of their matter through the duration of the retainer and are in a position to make informed choices.

You may wish to reflect on the following Indicators when considering the extent to which your firm is satisfying Element 2.

Indicator 1: Are policies and processes in place in relation to communications with clients?

Indicator 2: Does each client understand the retainer agreement?

Indicator 3: Are communications with clients conducted in a professional manner?

Indicator 4: Are clients regularly informed about the progress of their matter?

Would you like to see a detailed list of Considerations and Resources that support this Element?

This is optional material designed to help you assess the extent to which your firm has satisfied this Element

☒ Yes

☐ No

ELEMENT 2 - SUSTAINING EFFECTIVE AND RESPECTFUL CLIENT RELATIONS

Objective: Provide clear, timely and courteous communications with clients in the delivery of legal services so that clients understand the status of their matter through the duration of the retainer and are in a position to make informed choices.

Indicator 1: Are policies and processes in place in relation to communications with clients?

Considerations

- Communication policies or processes are established with respect to:
 - informing and updating clients about their matter
 - appropriate forms and frequency of communication with clients (email/phone/text)
 - compliance with privacy and anti-spam legislation
 - confidentiality
 - any changes to payment instructions
 - timing of reports and final accounts
- Communication policies or processes are reviewed and updated
- You and your staff, if any, participate in ongoing education and training relating to client communications and relation

RESOURCES:

Law Society of BC, Online Learning Centre, [Communication Toolkit](#)

Lawyers Insurance Fund, [Employee fraud, cybercrimes and more](#)

Lawyers Insurance Fund, [The 'bad cheque' scam](#)

Lawyers Insurance Fund, [Other social engineering scams, including the 'phony change in payment instructions'](#)

Lawyers Insurance Fund, [Missed Limitations and Deadlines: Beat the clock \(see especially tips 62 to 72\)](#)

Lawyers Insurance Fund, [Email: Preventing a mailstrom](#)

Lawyers Insurance Fund, Five key causes of claims - [Communication failures](#) and ['no trail'](#)

BC Code [\[section 3.1\]](#): Competence; [section 3.2](#): Quality of service; [section 3.3](#): Confidentiality; [section 3.5](#): Preservation of clients' property; [section 3.6](#): Fees and disbursements; [section 6.1](#): Supervision; [section 6.2](#): Students]

Indicator 2: Does each client understand the retainer agreement?

Considerations

- When appropriate, policies are in place for the use of written retainer agreements and non-engagement letters
- The ambit of the retainer is described to the client, including:
 - a list of services covered by the retainer
 - communication policies
 - billing policies, including anticipated fees and disbursements
 - anticipated time frames
 - the termination of legal services
- Processes are in place to ensure that if the scope of services change, the retainer is amended accordingly
- Processes are in place to ensure that appropriate clients are accepted based on factors such as your areas of expertise, the ability to provide timely communication and the client's file and history, and engagements are terminated, if necessary
- Processes are in place to ensure that when acting under a limited scope retainer, the retainer explicitly indicates what services will be provided and won't be provided

RESOURCES:

Law Society of BC, [Retainer Agreement](#)

Law Society of BC, [Joint Retainer- acting for two or more clients](#)

Law Society of BC, [Model Non-Engagement Letters](#)

Law Society of BC, [Practice Advisors – Frequently Asked Questions](#)

Law Society of BC, *Benchers' Bulletin* Spring 2015, [Practice Watch: Acting for a client with dementia](#)

Law Society of BC, *Benchers' Bulletin* Fall 2017, [Limited scope retainer FAQs](#)

Lawyers Insurance Fund, [Managing the risks of a limited scope retainer](#)

Lawyers Insurance Fund, [Missed Limitations and Deadlines: Beat the clock \(see tips 48 to 55\)](#)

Lawyers Insurance Fund, Five key causes of claims - [Retainer and non-retainer failures](#)

BC Code [\[rule 1.1-1\]](#) (limited scope retainer); [section 3.2](#): Quality of service and [rule 3.2-1.1](#) (limited scope retainers); [section 3.6](#): Fees and disbursements]

Law Society Rules [\[Part 3 - Division 7\]](#): Trust Accounts and Other Client Property; [Part 8](#): Lawyers' Fees]

Indicator 3: Are communications with clients conducted in a professional manner?

Considerations

- Communications with clients are conducted in a timely and efficient manner
- Communications with clients are conducted in a courteous and respectful manner

- ◊ Communications with clients are conducted in a manner that protects privacy and confidentiality
- ◊ Policies or processes are in place to ensure the recording of communications with clients, as appropriate (e.g. archiving emails, creating notes of client meetings and phone calls)
- ◊ Policies or processes are in place to ensure that client instructions are confirmed in writing, where appropriate
- ◊ Clients are advised of the methods by which they may communicate with you and your staff, if any, and the appropriate frequency of communications
- ◊ Policies or processes are in place to ensure client information is verified and kept up-to-date
- ◊ Processes are in place to solicit and receive client feedback
- ◊ Key information about the firm is accurate and publically available

RESOURCES:

Law Society of BC, Discipline Advisory '[Lack of civility can lead to discipline](#)'

Law Society of BC, [Practice Checklists Manual: Client Identification and Verification Procedure](#)

Law Society of BC, Online Learning Centre, [Communication Toolkit](#)

Lawyers Insurance Fund, [Missed Limitations and Deadlines: Beat the clock \(see especially tips 62 to 72\)](#)

Lawyers Insurance Fund, Five key causes of claims –[Communication failures](#)

BC Code [[section 3.1](#): Competence; [section 3.2](#): Quality of service; [section 3.3](#): Confidentiality; [Chapter 4](#): Marketing of Legal Services]

Law Society Rules [[Rule 1](#): (definition of "advertising"); [Rule 3-34](#): Advertising; [Rule 9-7](#): Public disclosure of corporate status]

Indicator 4: Are clients regularly informed about the progress of their matter?

Considerations

- ◊ Policies or processes are in place that ensure clients are regularly informed about:
 - the status of their matter
 - material changes in the scope of the retainer
 - costs and timelines
 - deadlines, limitations, hearing dates and other important dates
 - potential and projected outcomes
- ◊ Processes are in place to ensure clients are copied on key correspondence and receive key communications and documents in a timely manner
- ◊ Clients are provided with an opportunity to make timely appointments at the times and, if necessary, locations convenient to the client
- ◊ Clients are informed of possible options for pursuing a matter if you cease to act for the client

RESOURCES:

Law Society of BC, [Practice Advisors – Frequently Asked Questions](#)

Law Society of BC, [Precedent Letter: Reporting Letter to Client – Closing a File](#)

Lawyers Insurance Fund, [Missed Limitations and Deadlines: Beat the clock \(see especially tips 62 to 72\)](#)

Lawyers Insurance Fund, Five key causes of claims –[Communication failures](#)

Lawyers Insurance Fund, [Aging: Risk: Aging clients](#)

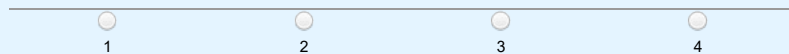
BC Code [[section 3.1](#): Competence; [section 3.2](#): Quality of service (Clients with diminished capacity); [section 3.6](#): Fees and disbursements; [section 3.7](#): Withdrawal from representation]

***Please rate the extent to which your firm has satisfied this Professional Infrastructure Element:**

ELEMENT 2 - SUSTAINING EFFECTIVE AND RESPECTFUL CLIENT RELATIONS

Objective: Provide clear, timely and courteous communications with clients in the delivery of legal services so that clients understand the status of their matter through the duration of the retainer and are in a position to make informed choices.

- 1 - Policies and processes have not yet been developed
- 2 - Policies and processes are under development but not all are functional
- 3 - Policies and processes are in place and are functional
- 4 - Policies and processes are fully functional and regularly assessed and updated



Please indicate any areas or issues in which additional practice resources may assist your firm in satisfying this Element:

- ☐ Communicating with clients
- ☐ Retainer agreements
- ☐ Other - please specify

In the next section, you will be asked to evaluate the extent to which your firm has policies and processes in place in relation to
Element 3:

ELEMENT 3 - PROTECTING CONFIDENTIALITY

Objective: Ensure client information, documents and communications are kept confidential and free from access, use, disclosure or disposal unless the client consents or it is required or permitted by law and that solicitor-client privilege is appropriately safeguarded.

You may wish to reflect on the following Indicators when considering the extent to which your firm is satisfying Element 3.

Indicator 1: Are confidentiality and privacy policies and processes in place?

Indicator 2: Is training provided pertaining to preserving the duties of confidentiality, solicitor-client privilege, privacy and the consequences of privacy breaches?

Indicator 3: Is physical data protected by appropriate security measures?

Indicator 4: Is electronic data protected by appropriate security measures?

Indicator 5: Are specially tailored procedures employed to protect confidentiality and privacy in the context of space-sharing arrangements?

Would you like to see a detailed list of Considerations and Resources that support this Element?

This is optional material designed to help you assess the extent to which your firm has satisfied this Element

☒ Yes

☐ No

ELEMENT 3 - PROTECTING CONFIDENTIALITY

Objective: Ensure client information, documents and communications are kept confidential and free from access, use, disclosure or disposal unless the client consents or it is required or permitted by law and that solicitor-client privilege is appropriately safeguarded.

Indicator 1: Are confidentiality and privacy policies and processes in place?

Considerations

- A confidentiality policy or agreement is in place and is communicated to your staff, if any
- Confidentiality requirements are established for any third parties (e.g. contractors, computer service providers, interns, cleaners) who may access the firm's physical space or technology
- A privacy policy is in place and is communicated to your staff, if any

RESOURCES:

Law Society of BC, [Practice Advisors – Frequently Asked Questions](#)
Law Society of BC, [Model Privacy Policy](#)
Law Society of BC, [Discipline Advisory – Maintaining privilege and confidentiality when ending the solicitor-client relationship](#)
Lawyers Insurance Fund, [Employee fraud, cybercrimes and more](#)
Public Safety Canada, [Create stronger cyber safety policies](#)
Office of the Information & Privacy Commissioner for BC, Securing Personal Information: [A Self-Assessment Tool for Organizations](#)
Public Safety Canada, [Educate your employees on cyber safety](#)
Public Safety Canada, [Run a more cybersafe business](#)
Public Safety Canada, [Cyber safe guide for small and medium businesses](#)
BC Code [\[section 3.3: Confidentiality; section 6.1: Supervision; section 6.2: Students\]](#)
Legal Profession Act [\[section 87: \(Certain matters privileged\); section 88: \(Non-disclosure of privileged and confidential information\)\]](#)

Indicator 2: Do you participate in education and training in relation to preserving the duties of confidentiality, solicitor-client privilege, privacy and the consequences of privacy breaches?

Considerations

- You and your staff, if any, participate in up-to-date technology training relating to issues of confidentiality and privacy pertaining to electronic data, including training on the importance of password protection and awareness of the risks associated with suspicious emails, links and attachments
- You and your staff, if any, participate in education and training regarding the principles of confidentiality and solicitor-client privilege, including
 - in relation to electronic communications (email, texting, e-documents)
 - when a common interest or joint retainer extends the solicitor-client privilege to third parties
- You clearly explain solicitor-client privilege to your clients
- Processes are in place for dealing with situations where exceptions to duties of confidentiality and solicitor-client privilege may apply
- You participate in training on the requirements of privacy legislation
- Processes are in place to deal with privacy breaches, including processes for reporting breaches to the client, the Law Society and any other appropriate authorities

RESOURCES:

Law Society of BC, [Practice Advisors – Frequently Asked Questions](#)
Law Society of BC, [What to do if your laptop or briefcase is stolen](#)
Lawyers Insurance Fund, [Employee fraud, cybercrimes and more](#)
Lawyers Insurance Fund, [The 'bad cheque' scam](#)
Lawyers Insurance Fund, [Other social engineering scams, including the 'phony change in payment instructions'](#)
Office of the Privacy Commissioner for BC, [Privacy Breaches: Tools and Resources](#)
Public Safety Canada, [How to recover from a cyber incident](#)
Public Safety Canada, [Cyber safe guide for small and medium businesses](#)
BC Code [\[section 3.3: Confidentiality; rule 3.4-23 \(Lawyer due diligence for non-lawyer staff\); section 6.1: Supervision; section 6.2: Students; rule 7.2-10: \(Inadvertent communications\); section 7.8: Errors and omissions\]](#)
Law Society Rules [\[Rule 3-96.1: Electronic submission of documents; Rule 3-64.1\(2\): Electronic transfer from trust; Rule 10-3: Records; Rule 10-4: Security of records\]](#)

Indicator 3: Is physical data protected by appropriate security measures?

Considerations

- Office security systems are in place to protect confidential information, including processes to ensure:
 - third parties cannot overhear confidential conversations that you and your staff, if any, have within and outside the physical office
 - client files and other confidential material are not left in publically accessible areas
 - client confidentiality is guarded when visitors enter private areas (e.g. lawyer or staff offices)
 - copiers, fax machines and mail services are located such that confidential information cannot be seen by persons not employed by or associated with the firm
- Processes are in place that ensure reasonable security measures are taken when removing physical records or technological devices from the office
- Processes are in place to ensure that closed files and other documents stored off-site are kept secure and confidential

RESOURCES:

Law Society of BC, [Cloud computing checklist](#)

Law Society of BC, [Law Office Search Warrants](#)

Lawyers Insurance Fund, [Employee fraud, cybercrimes and more](#)

Office of the Information Privacy Commissioner for BC, [Securing Personal Information: A Self-Assessment Tool for Organizations](#)

Office of the Information Privacy Commissioner for BC, [Privacy Breaches: Tools and Resources](#)

BC Code [\[section 3.3: Confidentiality; rule 3.4-23\]](#) (Lawyer due diligence for non-lawyer staff); [section 3.5: Preservation of clients' property](#); [section 6.1: Supervision](#); [section 6.2: Students](#); [section 7.8: Errors and omissions](#)]

Law Society Rules [\[Rule 10-3: Records; Rule 10-4: Security of records\]](#)

Indicator 4: Is electronic data protected by appropriate security measures?

Considerations

- Data security measures (e.g. encryption software and passwords) are in place to protect confidential information on all computers, laptops, tablets, smartphones, thumb drives and other technological devices
- Systems are in place to protect electronic data from being compromised by viruses, including ransomware
- Processes are in place to safeguard against the security risks arising from downloading to phones, flash drives and other portable devices
- Processes are in place to protect confidentiality when using cloud-based technologies, including email
- Processes are in place to protect confidentiality when using social media
- Electronic data is regularly backed up and stored at a secure off-site location
- Processes are in place to ensure that third parties with access to computers for maintenance and technical support protect the confidentiality of client information
- Processes are in place to safeguard electronic data and maintain solicitor-client privilege as pertaining to electronic files when crossing borders (e.g. United States)

RESOURCES:

Law Society of BC, *Benchers' Bulletin* Spring 2017, [Think twice before taking your laptop or smart phone across borders](#)

Law Society of BC, *Benchers' Bulletin* Spring 2018, [Crossing the border into or out of the United States](#)

Law Society of BC, E-Brief, [Minister of Public Safety responds to Law Society's concerns on searches of lawyer's electronic devices at the border](#)

Law Society of BC, [Cloud computing checklist](#)

Lawyers Insurance Fund, [Employee fraud, cybercrimes and more](#)

Lawyers Insurance Fund, [The 'bad cheque' scam](#)

Lawyers Insurance Fund, [Other social engineering scams, including the 'phony change in payment instructions'](#)

Public Safety Canada, [Create stronger cyber safety policies](#)

Public Safety Canada, [Educate your employees on cyber safety](#)

Public Safety Canada, [Run a more cybersafe business](#)

Public Safety Canada, [Cyber safe guide for small and medium businesses](#)

Public Safety Canada, [How to recover from a cyber incident](#)

Office of the Information Privacy Commissioner for BC, [Securing Personal Information: A Self-Assessment Tool for Organizations](#)

BC Code [\[section 3.3: Confidentiality; section 3.5: Preservation of clients' property\]](#)

Law Society Rules [\[Rule 10-3: Records; Rule 10-4: Security of records\]](#)

Indicator 5: Are specially tailored procedures employed to protect confidentiality and privacy in the context of space-sharing arrangements?

Considerations

- Processes are in place to clearly distinguish the other entities or professionals with whom space is shared to prevent confusion by clients (e.g. signage, letterhead)
- Processes are in place to ensure trust accounts and banking arrangements are not shared
- Where staff are shared (e.g. paralegals), adequate steps have been taken to protect client confidentiality
- Where office equipment is shared, adequate steps have been taken to protect client confidentiality
- You have disclosed the nature of the space-sharing arrangement and any foreseeable limits of your ability to maintain confidentiality to your clients

RESOURCES:

Law Society of BC, [Lawyers Sharing Space](#)

Law Society of BC, [Practice Advisors](#)

BC Code [\[section 3.3: Confidentiality; section 3.4: Conflicts\]](#) (Lawyer due diligence for non-lawyer staff, Space-sharing arrangements); [Chapter 4 – Marketing of Legal Services](#)]

Law Society Rules [\[Part 3 - Division 7: Trust Accounts and Other Client Property\]](#)

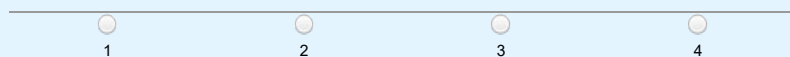


***Please rate the extent to which your firm has satisfied this Professional Infrastructure Element:**

ELEMENT 3 - PROTECTING CONFIDENTIALITY

Objective: Ensure client information, documents and communications are kept confidential and free from access, use, disclosure or disposal unless the client consents or it is required or permitted by law and that solicitor-client privilege is appropriately safeguarded.

- 1 - Policies and processes have not yet been developed
- 2 - Policies and processes are under development but not all are functional
- 3 - Policies and processes are in place and are functional
- 4 - Policies and processes are fully functional and regularly assessed and updated



Please indicate any areas or issues in which additional practice resources may assist your firm in satisfying this Element:

- ☐ Developing confidentiality and privacy policies
- ☐ Solicitor-client privilege
- ☐ Addressing privacy breaches
- ☐ Protecting physical data
- ☐ Protecting electronic data
- ☐ Confidentiality and privacy in the context of space sharing arrangements
- ☐ Other - please specify

In the next section, you will be asked to evaluate the extent to which your firm has policies and processes in place in relation to
Element 4:

ELEMENT 4 - AVOIDING AND ADDRESSING CONFLICTS OF INTEREST

Objective: Ensure conflicts of interest are avoided from the outset, and where not avoided, they are resolved in a timely fashion.

You may wish to reflect on the following Indicators when considering the extent to which your firm is satisfying Element 4.

Indicator 1: Is a conflicts policy in place?

Indicator 2: Are processes in place to identify and address potential and actual conflicts of interest?

Would you like to see a detailed list of Considerations and Resources that support this Element?

This is optional material designed to help you assess the extent to which your firm has satisfied this Element

☒ Yes

☐ No

ELEMENT 4 - AVOIDING AND ADDRESSING CONFLICTS OF INTEREST

Objective: Ensure conflicts of interest are avoided from the outset, and where not avoided, they are resolved in a timely fashion.

Indicator 1: Is a conflicts policy in place?

Considerations

- ◊ A conflicts policy is in place
- ◊ The conflicts policy is communicated staff, if any, and is reviewed and updated
- ◊ Processes are in place to monitor and reinforce adherence to the conflicts policy
- ◊ You and your staff, if any, participate in education and training with respect to identifying potential conflicts, the avoidance of conflicts, the potential consequences of a conflict and how to deal with situations where conflicts arise

RESOURCES:

Law Society of BC, [Model conflicts of interest checklist](#)
Law Society of BC, [Independent legal advice checklist](#)
Law Society of BC, [Independent legal advice checklist annotated with risk management tips](#)
Law Society of BC, [Joint retainer – acting for two or more clients](#)
Law Society of BC, [Model non-engagement letters](#)
Law Society of BC, [Reporting letter to client – Closing a File](#)
Law Society of BC, [Practice Advisors – Frequently Asked Questions](#)
Law Society of BC, [Lawyers sharing space](#)
BC Code [rule 2.1-3](#): To the client; [section 3.4](#): Conflicts; [section 6.1](#): Supervision; [section 6.2](#): Students]

Indicator 2: Are processes in place to identify and address potential and actual conflicts of interest?

Considerations

- ◊ A master list or database of current and former clients is maintained
- ◊ Processes are in place to check for and evaluate conflicts at each of the following junctures:
 - prior to engaging in any substantive discussions with a potential new client
 - prior to accepting a new retainer
 - when a new party becomes involved in a matter
 - before hiring a new individual at the firm
 - before receiving a confidential disclosure
 - before acting for multiple parties and there is a possibility that their interests could diverge
 - when you are considering accepting a directorship position or engaging in a business venture with a client
 - when your interpersonal relationship creates possible conflicts
- ◊ You and your staff, if any, understand the steps to take when a potential or actual conflict is identified
- ◊ After full disclosure has been made, written consent is obtained from a client if representation is agreed to after a permissible conflict has been identified

RESOURCES:

Law Society of BC, [Model conflicts of interest checklist](#)
Law Society of BC, [Independent legal advice checklist](#)
Law Society of BC, [Independent legal advice checklist annotated with risk management tips](#)
Law Society of BC, [Joint retainer – acting for two or more clients](#)
Law Society of BC, [Model non-engagement letters](#)
Law Society of BC, [Reporting letter to client – Closing a File](#)
Law Society of BC, [Practice Advisors – Frequently Asked Questions](#)
Law Society of BC, [Lawyers sharing space](#)
Law Society of BC, *Benchers' Bulletin* Summer 2017, [Ethical considerations when a lawyer leaves a firm](#)
Lawyers Insurance Fund, [About to act for family and friends?](#)
Lawyers Insurance Fund, [Witnessing a signature? Stop. Read this first](#)
BC Code [rule 2.1-3](#): To the client; [section 3.4](#): Conflicts; [section 6.1](#): Supervision; [section 6.2](#): Students]

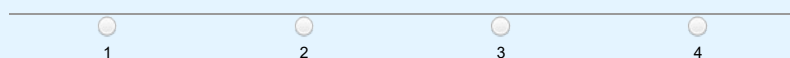


***Please rate the extent to which your firm has satisfied this Professional Infrastructure Element:**

ELEMENT 4 - AVOIDING AND ADDRESSING CONFLICTS OF INTEREST

Objective: Ensure conflicts of interest are avoided from the outset, and where not avoided, they are resolved in a timely fashion.

- 1 - Policies and processes have not yet been developed
- 2 - Policies and processes are under development but not all are functional
- 3 - Policies and processes are in place and are functional
- 4 - Policies and processes are fully functional and regularly assessed and updated



Please indicate any areas or issues in which additional practice resources may assist your firm in satisfying this Element:

- ☐ Developing a conflicts policy
- ☐ Identifying conflicts of interest
- ☐ Addressing conflicts of interest
- ☐ Other - please specify

In the next section, you will be asked to evaluate the extent to which your firm has policies and processes in place in relation to
Element 5:

ELEMENT 5 - MAINTAINING APPROPRIATE FILE AND RECORDS MANAGEMENT SYSTEMS

Objective: Provide appropriate file and records management systems to ensure that issues and tasks on file are handled in an appropriate and timely manner and that client information and documents are safeguarded.

You may wish to reflect on the following Indicators when considering the extent to which your firm is satisfying Element 5.

Indicator 1: Is there an information management policy in place?

Indicator 2: Does the storage and handling of client information minimize the likelihood of its loss or unauthorized access, use, disclosure or destruction?

Would you like to see a detailed list of Considerations and Resources that support this Element?

This is optional material designed to help you assess the extent to which your firm has satisfied this Element

☒ Yes

☐ No

ELEMENT 5 - MAINTAINING APPROPRIATE FILE AND RECORDS MANAGEMENT SYSTEMS

Objective: Provide appropriate file and records management systems to ensure that issues and tasks on file are handled in an appropriate and timely manner and that client information and documents are safeguarded.

Indicator 1: Is there an information management policy in place?

Considerations

- ◊ An information management policy is in place which includes:
 - file opening and closing procedures
 - procedures for checking in and out physical and electronic files
 - procedures for transferring active and closed files
 - procedures for tracking files
 - record retention requirements
 - document destruction requirements
 - disaster recovery contingencies
- ◊ The information management policy is communicated to staff, if any, and is reviewed and updated
- ◊ You and your staff, if any, participate in ongoing training on the firm's file and record management systems
- ◊ Processes are in place to ensure that written policies addressing the Professional Infrastructure Elements are adequately maintained and stored and can be retrieved by you and your staff, if any

RESOURCES:

Law Society of BC, [Practice Advisors – Frequently Asked Questions](#)

Law Society of BC, *Benchers' Bulletin* Winter 2017, [Closing a client file: What documents to keep and for how long](#)

Law Society of BC, [Closed Files – Retention and Disposition](#)

Law Society of BC, [Ownership of Documents in a Client's File](#)

Law Society of BC, [Reporting letter to client – Closing a File](#)

Law Society of BC, [Model non-engagement letters](#)

Law Society of BC, [Cloud computing checklist](#)

Lawyers Insurance Fund, [Employee fraud, cybercrimes and more](#)

BC Code [\[section 3.5: Preservation of clients' property; section 6.1: Supervision; section 6.2: Students\]](#)

Law Society Rules [\[Part 2 - Division 1: Practice of Law \(Supervision of limited number of paralegals\); Part 3 - Division 7: Trust Accounts and Other Client Property; Part 3 - Division 11: Client Identification and Verification; Rule 10-3: Records; Rule 10-4: Security of records\]](#)

Indicator 2: Does the storage and handling of client information minimize the likelihood of its loss or unauthorized access, use, disclosure or destruction?

Considerations

- ◊ Data security measures addressing how electronic records are maintained, secured, stored and retrieved are in place
- ◊ Processes are in place to ensure electronic documents are regularly backed up
- ◊ Paper documents are stored in a fashion that ensures they are adequately preserved and protected (e.g. the use of fireproof cabinets or storage at an appropriate offsite location)
- ◊ Processes are in place to track the physical location of a file and its associated documents at all times
- ◊ Processes are in place to ensure client identification and verification requirements are fulfilled
- ◊ Processes are in place to ensure records are kept regarding implied and express consent provided by clients
- ◊ Processes are in place to ensure client property is appropriately identified and recorded upon receipt
- ◊ Processes are in place to obtain and document the receipt or delivery of original documents to a third person or client
- ◊ File closing processes are in place, including informing clients when their file has been closed
- ◊ Processes are in place to ensure that providers of cloud based systems maintain the required level of service and that relevant data protection legislation is complied with
- ◊ Processes are in place to ensure the return of original documents to clients at the end of a retainer
- ◊ Consideration has been given to appropriate disaster recovery plans, including offsite back up.
- ◊ Clients are advised when their files are anticipated to be destroyed after closing their matter or alternate arrangements for dealing with the files are made

RESOURCES:

Law Society of BC, [Practice Checklists Manual: Client identification and verification procedure checklist](#)

Law Society of BC, [Client identification and verification FAQs](#)

Law Society of BC, Discipline Advisory, [Client ID and Verification](#)

Law Society of BC, *Benchers' Bulletin*, Winter 2017, [Closing a client file: What documents to keep and for how long](#)

Law Society of BC, [Closed Files – Retention and Disposition](#)

Law Society of BC, [Ownership of Documents in a Client's File](#)

Law Society of BC, [Reporting letter to client – Closing a File](#)

Law Society of BC, [Model non-engagement letters](#)

Law Society of BC, [Cloud computing checklist](#)

Lawyers Insurance Fund, [Employee fraud, cybercrimes and more](#)

Lawyers Insurance Fund, [The 'bad cheque' scam](#)

Lawyers Insurance Fund, [Other social engineering scams, including the 'phony change in payment instructions'](#)

Courthouse Libraries of BC, [The Law Society of BC's client identification and verification rules](#)

Office of the Information & Privacy Commissioner for BC, [Securing Personal Information: A Self-Assessment Tool for Organizers](#)

Public Safety Canada, [Create stronger cyber safety policies](#)

Public Safety Canada, [Educate your employees on cyber safety](#)

Public Safety Canada, [How to recover from a cyber incident](#)

Public Safety Canada, [Run a more cybersafe business](#)

Public Safety Canada, [Cyber safe guide for small and medium businesses](#)

BC Code [\[section 3.5\]](#): Preservation of clients' property]

Law Society Rules [\[Part 3 - Division 7\]](#): Trust Accounts and Other Client Property; [Part 3 - Division 11](#): Client Identification and Verification; [Rule 10-3](#): Records; [Rule 10-4](#): Security of records

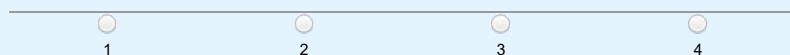


***Please rate the extent to which your firm has satisfied this Professional Infrastructure Element:**

ELEMENT 5 - MAINTAINING APPROPRIATE FILE AND RECORDS MANAGEMENT SYSTEMS

Objective: Provide appropriate file and records management systems to ensure that issues and tasks on file are handled in an appropriate and timely manner and that client information and documents are safeguarded.

- 1 - Policies and processes have not yet been developed
- 2 - Policies and processes are under development but not all are functional
- 3 - Policies and processes are place and are functional
- 4 - Policies and processes are fully functional and regularly assessed and updated



Please indicate any areas or issues in which additional practice resources may assist your firm in satisfying this Element:

- ☐ Developing an information management policy
- ☐ Document storage
- ☐ Data security measures
- ☐ Client identification and verification requirements
- ☐ Other - please specify



In the next section, you will be asked to evaluate the extent to which your firm has policies and processes in place in relation to
Element 6:

ELEMENT 6 - CHARGING APPROPRIATE FEES AND DISBURSEMENTS

Objective: Ensure clients are charged fees and disbursements that are transparent and reasonable and are disclosed in a timely fashion

You may wish to reflect on the following Indicators when considering the extent to which your firm is satisfying Element 6.

Indicator 1: Is a policy pertaining to appropriate billing practices in place?

Indicator 2: Do retainer agreements contain sufficient information about fees and billing?

Indicator 3: Are fees fair and reasonable?

Would you like to see a detailed list of Considerations and Resources that support this Element?

This is optional material designed to help you assess the extent to which your firm has satisfied this Element

☒ Yes

☐ No

ELEMENT 6 - CHARGING APPROPRIATE FEES AND DISBURSEMENTS

Objective: Ensure clients are charged fees and disbursements that are transparent and reasonable and are disclosed in a timely fashion.

Indicator 1: Is a policy pertaining to appropriate billing practices in place?

Considerations

- ◊ A policy regarding billing procedures is in place
- ◊ The billing policy is communicated to staff, if any, and is reviewed and updated
- ◊ You have a clear understanding of what constitutes unethical billing practices
- ◊ Processes are in place that ensure accurate, timely and complete time records are kept

RESOURCES:

Law Society of BC, [The Trust Accounting Handbook](#)

Law Society of BC, *Benchers' Bulletin* Winter 2012, [Practice Watch – Fees, Disbursements and Interest](#)

Law Society of BC, Practice Resource: [Solicitors' Liens and Charging Orders – Your Fees and Your Clients](#)

Law Society of BC, Discipline Advisory, [Proper recording and billing of disbursements required by rules](#)

Law Society of BC, Discipline Advisory, [Bills and retainers are frequent source of complaints](#)

BC Code [\[section 3.6\]](#): Fees and disbursements; [section 6.1](#): Supervision; [section 6.2](#): Students]

Law Society Rules [\[Part 2 - Division 1\]](#): Practice of Law (Supervision of limited number of paralegals); [Part 3 - Division 7](#): Trust Accounts and Other Client Property; [Part 8](#): Lawyers' Fees]

Legal Profession Act [\[Part 8\]](#): Lawyers' Fees]

Indicator 2: Do retainer agreements contain sufficient information about fees and billing?

Considerations

- ◊ With respect to billing and fees, all retainers specify:
 - the billing process
 - the timing on payment of accounts
 - the interest to be paid on unpaid bills and the consequences of non-payment
 - rate of pay
 - the amount of the retainer and how it will be replenished
 - limitations on the scope of service
 - the right to have the account reviewed by a taxing authority
 - the possibility of a solicitor's lien on the file
- ◊ If a retainer is being funded by a third party, the retainer specifies the nature of the third parties relationship to the firm/lawyer

RESOURCES:

Law Society of BC, [Retainer Agreement](#)

Law Society of BC, [Practice Advisors – Frequently Asked Questions](#)

BC Code [\[section 3.2\]](#): Quality of service; [section 3.6](#): Fees and disbursements; [section 3.7](#): Withdrawal from representation]

Law Society Rules [\[Part 3 - Division 7\]](#): Trust Accounts and Other Client Property; [Part 8](#): Lawyers' Fees]

Legal Profession Act [\[Part 8\]](#): Lawyers' Fees]

Indicator 3: Are fees fair and reasonable?

Considerations

- ◊ Processes are in place to ensure the billing practices are clearly explained to clients at the beginning of the retainer
- ◊ All billing arrangements are confirmed in writing and any further substantive discussions with clients about fees are also documented in writing
- ◊ Where practicable, an estimate of anticipated fees and disbursements is provided to clients
- ◊ Processes are in place that ensure clients are regularly updated and provided appropriate notice of any change in fee or disbursement charges as the matter progresses
- ◊ Disbursements and other charges are regularly posted to client files
- ◊ Processes are in place to encourage the review of bills to ensure they reflect fees that are commensurate with the value of work provided
- ◊ Processes are in place to ensure clients are billed on a timely basis
- ◊ Processes are in place to address client's non-payment of fees and client complaints in relation to fees

RESOURCES:

Law Society of BC, [Disputes involving fees and the Law Society Fee Mediation Program](#)

BC Code [\[section 3.2\]](#): Quality of service; [section 3.6](#): Fees and disbursements]

Law Society Rules [\[Part 3 - Division 7\]](#): Trust Accounts and Other Client Property; [Part 8](#): Lawyers' Fees]

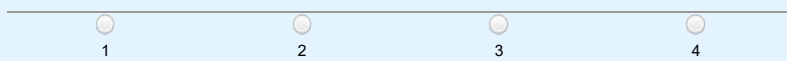
Legal Profession Act [\[Part 8\]](#): Lawyers' Fees]

***Please rate the extent to which your firm has satisfied this Professional Infrastructure Element:**

ELEMENT 6 - CHARGING APPROPRIATE FEES AND DISBURSEMENTS

Objective: Ensure clients are charged fees and disbursements that are transparent and reasonable and are disclosed in a timely fashion.

- 1 - Policies and processes have not yet been developed
- 2 - Policies and processes are under development but not all are functional
- 3 - Policies and processes are in place and are functional
- 4 - Policies and processes are fully functional and regularly assessed and updated



Please indicate any areas or issues in which additional practice resources may assist your firm in satisfying this Element:

- ☐ Developing a billing policy
- ☐ Addressing billing and fees in a retainer
- ☐ Ensuring fees are fair and reasonable
- ☐ Other - please specify

In the next section, you will be asked to evaluate the extent to which your firm has policies and processes in place in relation to Element 7:

Element 7 - ENSURING RESPONSIBLE FINANCIAL MANAGEMENT

Objective: Establish mechanisms to minimize the risk of fraud and procedures that ensure compliance with Law Society accounting rules.

You may wish to reflect on the following Indicators when considering the extent to which your firm is satisfying Element 7.

Indicator 1: Are policies and processes in place that ensure that client funds received in, and withdrawn from trust accounts are properly handled?

Indicator 2: Does the firm have appropriate and adequate insurance?

Indicator 3: Are policies and processes in place to ensure the firm operates in a financially responsible fashion?

Would you like to see a detailed list of Considerations and Resources that support this Element?

This is optional material designed to help you assess the extent to which your firm has satisfied this Element

☒ Yes

☐ No

ELEMENT 7 - ENSURING RESPONSIBLE FINANCIAL MANAGEMENT

Objective: Establish mechanisms to minimize the risk of fraud and procedures that ensure compliance with Law Society accounting rules.

Indicator 1: Are policies and processes in place that ensure that client funds received in, and withdrawn from trust accounts are properly handled?

Considerations

- ◊ An appropriate accounting system is used to track trust funds
- ◊ Policies are in place to ensure all accounting records are accurate and up to date
- ◊ Appropriate internal controls are in place with respect to financial transactions, including electronic transfer of funds
- ◊ Adequate internal controls are in place to minimize risk of fraud committed by staff, if any
- ◊ You and your staff, if any, participate in education and training in relation to the rules pertaining to trust accounts
- ◊ You and your staff, if any, participate in training opportunities to assist in spotting possible fraudulent trust account activity
- ◊ You and your staff, if any, take steps to identify and prevent fraudulent activities, including staying informed of the Law Society's fraud alerts
- ◊ Processes are in place to ensure trust funds are not withdrawn from trust, including to pay and account, except in compliance with the Law Society Rules

RESOURCES:

Law Society of BC, [The Trust Accounting Handbook](#)

Law Society of BC, [Sample Checklist of Internal Controls](#)

Law Society of BC, [Garnishment of Lawyers' Trust Accounts](#)

Law Society of BC, [Trust Accounting Checklist](#)

Law Society of BC, [Discipline Advisory. Know your obligations before accepting cash](#)

Lawyers Insurance Fund, [Employee fraud, cybercrimes and more](#)

Lawyers Insurance Fund, [The 'bad cheque' scam](#)

Lawyers Insurance Fund, [Other social engineering scams, including the 'phony change in payment instructions'](#)

BC Code [\[section 3.5: Preservation of clients' property; section 6.1: Supervision; section 6.2: Students\]](#)

Law Society Rules [\[Part 2 - Division 1: Practice of Law \(Supervision of limited number of paralegals\); Part 3 – Division 6: Financial Responsibility; Part 3 - Division 7: Trust Accounts and Other Client Property; Part 3 – Division 8: Unclaimed Trust Money; Part 8: Lawyers' Fees\]](#)

Indicator 2: Does the firm have appropriate and adequate commercial insurance?

Considerations

- ◊ You are aware of the risks the firm faces and whether or not those risks are insured under the Law Society's compulsory policy or through commercial policies purchased by the firm
- ◊ Adequate commercial insurance coverage is in place, as appropriate, to respond to risks that are not covered under the Law Society's compulsory policy, including:
 - excess insurance
 - crime or fidelity insurance (for employee theft)
 - social engineering insurance (for scams that trick lawyers into willingly paying out trust funds through the intentional misrepresentation of some material fact)
 - funds transfer fraud insurance
 - cyber insurance
- ◊ Processes are in place to assess, on a regular basis, both the risks the firm faces and the adequacy of commercial insurance
- ◊ You are aware of your reporting obligations under the compulsory policy and any commercial insurance policies

RESOURCES:

Lawyers Insurance Fund, [Cover Pages: A guide to insurance for private practitioners](#)

Lawyers Insurance Fund, [My Insurance Policy: Questions and Answers - includes what's covered and what's not, reporting obligations](#)

Lawyers Insurance Fund, [Excess insurance: Protection for claims that exceed \\$1 million](#)

Lawyers Insurance Fund, [Other commercial insurance: Protection for claims that our policy does not cover](#)

Lawyers Insurance Fund, [List of excess and other commercial insurance brokers](#)

Lawyers Insurance Fund, [Insurance coverage for lawyers no longer in private practice](#)

Lawyers Insurance Fund, [Employee fraud, cybercrimes and more](#)

Lawyers Insurance Fund, [The 'bad cheque' scam](#)

Lawyers Insurance Fund, [Other social engineering scams, including the 'phony change in payment instructions'](#)

BC Code [\[section 7.1: Responsibility to the Society and the profession generally \(Meeting financial obligations\)\]](#)

Law Society Rules [\[Part 3 - Division 5: Insurance; Part 3 - Division 6: Financial Responsibility; Part 3 - Division 7: Trust Accounts and Other Client Property\]](#)

Indicator 3: Are policies and processes in place to ensure the firm operates in a financially responsible fashion?

Considerations

- ◊ Policies are in place to ensure that minimum standards of financial responsibility are met, including satisfying monetary judgments, avoiding insolvency, producing appropriate books, records and accounts, completing trust reports and payment of the trust administration fee
- ◊ Processes are in place to ensure taxation authorities and creditors of the firm are paid in a timely manner including the payment of GST, PST, payroll and payroll remittances

RESOURCES:

Law Society of BC, [Practice Advisors – Frequently Asked Questions](#)

BC Code [section 7.1](#): Responsibility to the Society and the profession generally (Meeting financial obligations)]

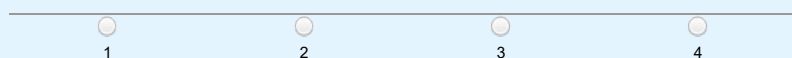
Law Society Rules [Part 3 - Division 6](#): Financial Responsibility; [Part 3 - Division 7](#): Trust Accounts and Other Client Property]

***Please rate the extent to which your firm has satisfied this Professional Infrastructure Element:**

ELEMENT 7 - ENSURING RESPONSIBLE FINANCIAL MANAGEMENT

Objective: Establish mechanisms to minimize the risk of fraud and procedures that ensure compliance with Law Society accounting rules.

- 1 - Policies and processes have not yet been developed
- 2 - Policies and processes are under development but not all are functional
- 3 - Policies and processes are in place and are functional
- 4 - Policies and processes are fully functional and regularly assessed and updated



Please indicate any areas or issues in which additional practice resources may assist your firm in satisfying this Element:

- ☐ Developing a policy to address trust funds
- ☐ Financial responsibility, including record keeping, accounts, trust reports, payment of taxes and payroll
- ☐ Identifying and addressing fraudulent trust account activity
- ☐ Electronic transfers from trust
- ☐ Insurance coverage
- ☐ Other - please specify



In the next section, you will be asked to evaluate the extent to which your firm has policies and processes in place in relation to
Element 8:

ELEMENT 8 - EQUITY, DIVERSITY AND INCLUSION

Objective: Observe the laws protecting human rights, and the principles of equity, diversity and inclusion in the workplace and in all aspects of the provision of legal services.

You may wish to reflect on the following Indicators when considering the extent to which your firm is satisfying Element 8.

Indicator 1: Are policies and processes in place that foster the creation of a fair and safe working environment for all lawyers and staff?

Indicator 2: Are policies and processes in place that encourage you to develop and maintain the necessary knowledge and skills to provide legal services in a manner consistent with principles of equity, diversity, inclusion and non-discrimination?

Would you like to see a detailed list of Considerations and Resources that support this Element?

This is optional material designed to help you assess the extent to which your firm has satisfied this Element

☒ Yes

☐ No

ELEMENT 8 - EQUITY, DIVERSITY AND INCLUSION

Objective: Observe the laws protecting human rights, and the principles of equity, diversity and inclusion in the workplace and in all aspects of the provision of legal services.

Indicator 1: Are policies and processes in place that foster the creation of a fair and safe working environment for all lawyers and staff?

Considerations

- ◊ Policies or processes are in place that comply with legal obligations protecting human rights and encourage diversity, inclusion, substantive equality, and accommodation in the recruitment, retention and advancement of lawyers and staff, if any
- ◊ Hiring policies and processes, if any, are free of bias and unlawful discrimination, including interview questions
- ◊ Policies are reviewed and updated
- ◊ You and staff, if any, participate in education and training on issues relating to unlawful discrimination, harassment and bullying, including legal obligations under the *Human Rights Code* and the *Workers Compensation Act*
- ◊ Maternity and parental leave policies are in place for staff, if any
- ◊ Flexible work schedules are an option for staff, if any, who have child-care or other caregiver responsibilities
- ◊ Accommodation policies are in place for staff, if any, with disabilities
- ◊ Internal complaints mechanisms are in place to address staff concerns and allegations of unlawful discrimination and harassment in the workplace

RESOURCES:

Law Society of BC, [Promoting a respectful workplace: A guide for developing effective policies](#)

Law Society of BC, [Model Policy: Flexible Work Arrangements](#)

BC Human Rights Tribunal, [Human Rights and Duties in Employment](#)

BC Code [\[section 6.3\]](#): Harassment and discrimination]

Indicator 2: Are policies and processes in place that encourage you to develop and maintain the necessary knowledge and skills to provide legal services in a manner consistent with principles of equity, diversity, inclusion and non-discrimination?

Considerations

- ◊ All clients, court and registry staff and colleagues are treated in a manner consistent with applicable human rights laws and the principles of equity, diversity and inclusion
- ◊ Language used in communicating with clients is appropriate to the individual receiving the communication and reflects freedom from unlawful discrimination
- ◊ Processes are in place to address language barriers, cultural differences and issues of mental capacity
- ◊ You and your staff, if any, have adequate knowledge and skills to ensure that clients with disabilities and other equality seeking groups receive competent legal services
- ◊ You and your staff, if any, participate in skills-based training with respect to the Truth and Reconciliation Commission Call to Action #27:
 - "to ensure that lawyers receive appropriate cultural competency training, which includes the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal – Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism."
- ◊ Legal requirements relating to accessibility have been considered and where accessibility may be an issue, you meet with clients in other appropriate settings

RESOURCES:

Law Society of BC, [Equity Ombudsperson](#)

Law Society of BC, *Benchers' Bulletin* Winter 2016, [Working in a Diverse Society: The Need for Cultural Competency](#)

Law Society of BC, [Practice Advisors - Frequently Asked Questions](#)

Law Society of BC, Practice Checklists Manual, [Human Rights Complaint Procedure](#)

Law Society of BC, [Equity and Diversity Centre](#)

Law Society of BC, [The Business Case for Retaining and Advancing Women Lawyers in Private Practice](#)

BC Human Rights Tribunal, [Human Rights Duties in Employment](#)

BC Human Rights Tribunal, [Human Rights in Services, Facilities, Accommodations](#)

Canadian Human Rights Tribunal, [Accommodation Works!](#)

Truth and Reconciliation Commission of Canada: [Calls to Action](#)

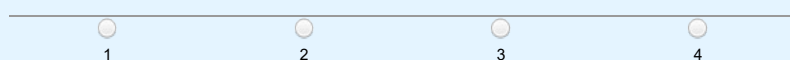
BC Code [\[section 2.1\]](#): Canons of legal ethics; [section 3.1](#): Competence; [section 3.2](#): Quality of service (Clients with diminished capacity); [section 6.1](#): Supervision; [section 6.2](#): Students; [section 6.3](#): Harassment and discrimination; [section 7.2](#): Responsibility to lawyers and others]

***Please rate the extent to which your firm has satisfied this Professional Infrastructure Element:**

ELEMENT 8 - EQUITY, DIVERSITY AND INCLUSION

Objective: Commitment to improving equity, diversity and inclusion and ensuring freedom from discrimination in the workplace and in the delivery of legal services.

- 1 - Policies and processes have not yet been developed
- 2 - Policies and processes are under development but not all are functional
- 3 - Policies and processes are in place and are functional
- 4 - Policies and processes are fully functional and regularly assessed and updated



Please indicate any areas or issues in which additional practice resources may assist your firm in satisfying this Element:

- ☐ Developing equity, diversity and inclusion policies
- ☐ Unlawful discrimination, harassment and bullying in the workplace
- ☐ Intercultural competency
- ☐ Other - please specify



**Please provide any additional information regarding the types of practice resources
that would assist your firm in satisfying the 8 Professional Infrastructure Elements**

***You have now completed Part 1 of the Self-Assessment Report.**

There are no disciplinary implications for the feedback you provide in your self-assessment. The information your firm provides to the Law Society in this Report will only be used for statistical analysis and identifying and prioritizing the development of additional practice resources for firms.

There are no right answers. Candid responses will improve both your firm's awareness of its strengths and weaknesses and the Law Society's understanding of where additional practice management support is necessary.

- If you are ready to submit this portion of the Self-Assessment Report to the Law Society, please click the "SUBMIT ASSESSMENT" button.
- If you are not ready to submit this portion of the Self-Assessment Report to the Law Society, you can save your work and return to the assessment in the future.

☐ SUBMIT ASSESSMENT - I certify that to the best of my knowledge the responses I have provided in the Part 1 of the Self-Assessment Report are true.

Part 2: Evaluating the Self-Assessment Process

In addition to evaluating the extent to which firms have policies and processes in place in relation to the 8 Professional Infrastructure Elements, the pilot project seeks to gather information about how effective the self-assessment process is at improving education and awareness about best practices and eliciting feedback on what improvements could be made to the content and structure of the Self-Assessment Report.

To achieve these objectives, all pilot project participants are asked to complete a short evaluation of the self-assessment process. This survey should take your firm approximately **five minutes** to complete.

As the survey forms part of the Self-Assessment Report, you are unable to submit your firm's Report to the Law Society unless Part 2 is complete.

***Please rate the extent to which the self-assessment process improved EDUCATION and AWARENESS at your firm about best practices in the areas covered by the Professional Infrastructure Elements.**

	Strongly Disagree		Undecided		Strongly Agree
	1	2	3	4	5
The self-assessment process increased awareness at your firm about the key objectives the firm should address to achieve high standards of practice management	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The self-assessment process was an educational learning exercise for your firm	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Completing the self-assessment process is likely to improve practice management at your firm	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Completing the self-assessment process is likely to promote action around improving policies and processes at your firm	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please provide any further comments on the effectiveness of the self-assessment process in improving EDUCATION and AWARENESS at your firm about best practices in the areas covered by the Professional Infrastructure Elements.

***Please provide feedback on how useful your firm found the linked RESOURCES and WORKBOOK**

	Yes	No	Not applicable
Did your firm follow any of the resource links in the course of completing the self-assessment process?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Were there insufficient resources provided for any of the eight Professional Infrastructure Elements?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Would additional resources, either embedded in the Workbook or Self-Assessment Report or housed in an external resource portal, be a useful addition to the self-assessment process?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Did your firm use the Workbook as part of completing the self-assessment process?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
If your firm did use the Workbook, did it assist your firm in completing the self-assessment process?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Does your firm intend to use the Workbook as a practice resource in the future?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please provide any additional comments on the RESOURCES and WORKBOOK.

***Collectively, how long did it take individuals at your firm to complete the Self-Assessment Report?**

- ☒ 0-2 hours
- ☐ 3-5 hours
- ☐ 6-8 hours
- ☐ 9-11 hours
- ☐ 12+ hours

***Who was responsible for completing your firm's Self-Assessment Report? (tick all that apply)**

- ☐ lawyers at the firm
- ☐ non-lawyer staff at the firm (eg. admin, office manager, HR)
- ☐ Other:

***Please comment on your firm's overall impression of the Self-Assessment Report.**

	Strongly Disagree		Undecided		Strongly Agree
	1	2	3	4	5
Overall, the content of the Self-Assessment Report was relevant to your firm's practice	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Overall, the content of the Self-Assessment Report was clear	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Overall, the Self-Assessment Report was easy to navigate	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

***Overall, did your firm find the self-assessment process onerous?**

- ☐ Yes
- ☒ No

Please provide any further comments about the content, structure and format of the Self-Assessment Report or the process by which it was administered.

Thank you for your participation in the law firm regulation pilot project.

Each lawyer that contributed to your firm's Self-Assessment Report is eligible to claim up to two hours of CPD for time they personally spent on the self-assessment exercise.

The Law Society expects to make decisions about subsequent phases of law firm regulation in 2019. The feedback provided in your firm's Self-Assessment Report will be considered in the course of developing these future recommendations.

For your reference, the Workbook that supports the Self-Assessment Report is linked below. If you have not done so already, your firm is encouraged to save the Workbook and use it as an ongoing resource.

Self-Assessment Workbook for sole practitioners: [LEODOCS-#1984924-v1-sole_practitioner_WORKBOOK_fillable_PDF_FINAL_enabled_july_10_2018.PDF](#)

Self-Assessment Workbook for other firms: [LEODOCS-#1984927-v1-non-sole_practitioner_WORKBOOK_fillable_PDF_FINAL_enabled_july_10_2018.PDF](#)