



## Summary of Recommendations of the Law Firm Regulation Task Force Second Interim Report, as approved by the Benchers on December 8, 2017

**Recommendation 1:** The Law Society will provide each firm with a pre-populated registration form and will require firms to verify the accuracy of its contents and update or add information, including the name of the designated representative, as necessary.

**Recommendation 2:** Firms must immediately notify the Law Society of any changes to their registration information, including the name and contact information of the designated representatives. Firms will also be required to renew their registration on an annual basis

**Recommendation 3:** Firms must identify at least one designated representative, and may identify additional, alternate designated representatives, who will be readily available for receiving and responding to official communications from the Law Society, including but not limited to: general administrative matters, the self-assessment process, registration and conduct issues. The designated representative must be a lawyer at the firm and have practicing status in BC.

**Recommendation 4:** The Law Society is authorized to share information about a lawyer with the firm's designated representative when there is concern about the lawyer's conduct within the firm. The Law Society will exercise this discretion in a manner that is consonant with the principles of proactive regulation.

**Recommendation 5:** In addition to any similar obligation on individual lawyers under the existing rules, firms are required to respond fully and substantively to the Law Society with respect to any complaints or investigations against the firm or one of the firm's lawyers.

**Recommendation 6:** Fulfilling the duties of the designated representative is ultimately the responsibility of the firm and the designated representative is not personally responsible or liable for the firm's failure to fulfill those duties.

**Recommendation 7:** The primary objective of the self-assessment tool is to provide firms with educational tools and resources that will assist firms in meeting the standards set by the Professional Infrastructure Elements.

**Recommendation 8:** Continue to refine the substantive content of the self-assessment tool.

**Recommendation 9:** Include material in the self-assessment tool related to equity, diversity, inclusion and cultural competency under a discrete Professional Infrastructure Element.

**Recommendation 10:** All firms are required to complete a self-assessment and submit it to the Law Society. [*This recommendations was not approved by the Benchers. Rather, the Benchers directed that law firm regulation should commence through the launch of a pilot project in which a smaller sub-set of firms will complete the self-assessment*]

**Recommendation 11:** Adopt a two-pronged approach to the self-assessment entailing the development of a short, formal self-assessment tool that firms must submit to the Law Society, and a longer, more detailed confidential workbook that will enable firms to work through the self-assessment material in more detail. Both of these tools will be available online.

**Recommendation 12:** The Law Society will develop model policies and resources in relation to each of the Professional Infrastructure Elements for inclusion in the self-assessment. [*This recommendation was adopted, but the term "model policies" is replaced by "educational resources"*]

**Recommendation 13:** The Law Society will provide firms with a variety of model policies in relation to each Professional Infrastructure Element and endorse the development of additional mechanisms to encourage policy development within firms. [*This recommendation was adopted, but the term "model policies" is replaced by "educational resources"*]

**Recommendation 14:** The Law Society will act as a curator of a variety of resources for the self-assessment tool, develop an independent resource portal and encourage the sharing of resources and best practices.

**Recommendation 15:** The implementation of law firm regulation will commence with registration and the completion of a concise self-assessment tool that will enable the Law Society to identify those areas where additional resources are required. Following a period in which the Law Society will engage in intensive resource development, a second assessment cycle will commence, in which firms will complete and submit a revised, resource-rich assessment tool. During this second assessment cycle, firms are expected to implement policies and processes in

relation to each of the Professional Infrastructure Elements. [*This recommendation was not approved by the Benchers. Rather, the Benchers directed that law firm regulation should commence through the launch of a pilot project in which a smaller sub-set of firms will complete the self-assessment*]

**Recommendation 16:** Unproclaimed amendments to the *Legal Profession Act* that are necessary for the functioning of the regulatory framework should be brought into force.

**Recommendation 17:** New rules are developed in relation to firm registration, designated representatives, information sharing and the self-assessment tool. Existing rules must be reviewed for clarity and consistency.