



# **Mental Health Task Force 2018 Year-End Report**

---

**Brook Greenberg, Chair**  
**Michelle Stanford, Vice Chair**  
**Christopher McPherson, QC**  
**Carolynn Ryan**  
**Derek LaCroix, QC**

December 7, 2018

Prepared for: Benchers

Prepared by: Alison Luke on behalf of the Mental Health Task Force

Purpose: Information

# Introduction

1. The Mental Health Task Force (the “Task Force”) is responsible for coordinating and assisting the Benchers in implementing the Law Society’s strategic goals in relation to improving the mental health of the profession, namely: reducing stigma around mental health and substance use issues and developing an integrated mental health review concerning regulatory approaches to discipline and admissions.<sup>1</sup>
2. This is the third in a series of reports drafted by the Task Force this year,<sup>2</sup> and provides an informational update on the work of the Task Force since July 2018.<sup>3</sup>

## Discussion

### First Interim Report

3. Over the last six months, the Task Force has prioritized developing recommendations for its First Interim Report, which was presented to the Benchers for discussion in November 2018.
4. Prior to convening a special meeting in late July to finalize an initial set of recommendations, the Task Force reviewed a large body of materials—including articles, studies, reports and notes from consultation sessions—that had been gathered and considered by the Task Force over the course of the first half of the year.
5. The Task Force determined that its initial set of policy recommendations would predominantly focus on educational initiatives that target Law Society staff,

---

<sup>1</sup> See Law Society of BC 2018-2020 Strategic Plan, online at:

[https://www.lawsociety.bc.ca/Website/media/Shared/docs/about/StrategicPlan\\_2018-2020.pdf](https://www.lawsociety.bc.ca/Website/media/Shared/docs/about/StrategicPlan_2018-2020.pdf)

<sup>2</sup> In July 2018, the Task Force released its Mid-Year Report, linked here:

<https://www.lawsociety.bc.ca/Website/media/Shared/docs/initiatives/2018MentalHealthTaskForceMidYearReport.pdf>. In November 2018, the Task Force’s First Interim Report was presented to the Benchers for discussion, linked here:

<https://www.lawsociety.bc.ca/Website/media/Shared/docs/initiatives/MentalHealthTaskForceInterimReport2018.pdf>

<sup>3</sup> Pursuant to section 3(b) of its Terms of Reference, the Task Force is required to produce a mid-year and year-end report to the Benchers on its activities.

members of the Discipline, Credentials and Practice Standards Committees and their associated hearing panels, as well as those involved in practice reviews, conduct meetings and conduct reviews.

6. The proposed educational initiatives are intended to improve awareness, knowledge, skills and access to resources related to mental health and substance use issues across the Law Society's various departments and processes.
7. Additionally, this approach provides an opportunity for the Law Society to demonstrate leadership within the profession with respect to addressing these issues.
8. The Task Force also developed a set of recommendations that consider how mental health and substance use issues affecting lawyers are most appropriately addressed in the regulatory context, with a focus on collaborating with other Law Society bodies, including the Law Firm Regulation Task Force, the Credentials Committee, the Lawyer Education Advisory Committee and the Ethics Committee.
9. Collectively, these recommendations served as the foundation for the Task Force's First Interim Report, which was drafted in September. The report underwent internal and external review prior being presented to the Benchers for discussion in November. Feedback on the report, both by Benchers and the broader legal community, has been overwhelmingly positive.
10. In December, the Benchers will be asked to adopt the 13 recommendations contained in the First Interim Report.

### **Feedback on the Admission Program Survey**

11. Staff supporting the Lawyer Education Advisory Committee recently sought feedback from the Task Force on a series of proposed mental health questions included in a survey that will be sent to recently called lawyers as part of that Committee's review of the Articling Program.
12. The Task Force reviewed the questions, which explore students' experience with mental health, substance use and other wellness issues during their articles, as well as investigating students' awareness and use of related support resources, and suggested some minor modifications.

## Consultation

13. The Task Force has also continued to engage in consultations with various stakeholders, experts and Law Society staff. Recent discussions included a meeting with Will Bailey, policy counsel supporting the Law Society of Ontario's ("LSO") Mental Health Strategy Implementation Task Force and Lisa Ostrom, LSO's Capacity Program Advisor.
14. During these meetings, the Task Force gained a deeper understanding of LSO's approach to managing capacity files, which frequently involve lawyers experiencing mental health and substance use issues. Information was also provided on the progress of LSO's Mental Health Strategy Implementation Task Force.
15. Building on previous consultations with the Law Society's Professional Responsibility Department and the Education and Practice Management Department, the Task Force met with the Trust Assurance Department and the Lawyers Insurance Fund to learn more about their education and training needs in relation to mental health and substance use issues.
16. The Task Force also met with Dr. Annie Rochette, Deputy Director of PLTC, to explore how the work of the Task Force might support her work in addressing mental health and substance use issues that arise during enrollment in PLTC.
17. The Task Force also learned more about the National Standard for Psychological Health and Safety in the Workplace from Hilary Stoddart, Manager of Human Resources at the Law Society, following her participation in intensive training on the Standard.<sup>4</sup>

## Communications Strategy

18. The Task Force worked closely with the Communications Department to develop a preliminary communications plan for the Law Society's mental health initiative. This strategy includes, but is not restricted to, highlighting the work of the Task Force.
19. The proposed communication plan recognizes that having a public conversation about mental health and substance use within the profession is an essential

---

<sup>4</sup> The Standard, which is voluntary, outlines a systematic approach to developing and sustaining a psychologically healthy workplace, and can be implemented by organizations of all sizes. The Standard is supported by a large body of resources and references in relation to mental health and wellness issues in the workplace. For more details, see <https://www.mentalhealthcommission.ca/English/what-we-do/workplace/national-standard>

component of raising awareness of these issues and reducing stigma.

## **Training Program Design**

20. As outlined above, the First Interim Report recommends that staff across a number of Law Society departments are provided with additional education and training to enhance their knowledge, skills and access to resources related to mental health and substance use issues. Members of a number of Law Society Committees and their associated hearing panels, as well as Benchers and non-Benchers involved in practice reviews, conduct meetings and conduct reviews will also receive additional training.
21. With the assistance of the Canadian Mental Health Association, the Task Force has developed a preliminary list of training opportunities that address many of the concerns and issues highlighted by staff in the course of their consultations with the Task Force. A cross-organization educational plan will be finalized following the approval of the Task Force's education-based recommendations.

## **Next Steps**

22. The Task Force anticipates that its work in 2019 will comprise two areas of focus:
  - a. overseeing the implementation of the 13 recommendations contained in the First Interim Report; and
  - b. developing a second set of policy recommendations for Bencher approval.
23. With respect to implementing the Task Force's current recommendations, upcoming work will include:
  - providing guidance for the design of training programs that will support the implementation of Recommendations 2, 3, 4, 5 and 7 of the First Interim Report
  - overseeing the creation of a roster of mental health professionals to support the implementation of Recommendation 6 of the First Interim Report

- liaising with the Communications Department to ensure the communication plan is effective at raising the profile of mental health and substance use issues within the profession, including the availability of Practice Advisors for confidential consultations on these issues, to support the implementation of Recommendations 1 and 8 of the First Interim Report
- collaborating with the Law Firm Regulation Task Force, the Credentials Committee, the Lawyer Education Advisory Committee and the Ethics Committee with respect to recommendations related to the law firm regulation self-assessment process, the Admission Program application form, the CPD program and amendments to the *BC Code*, to support implementation of Recommendations 10, 11, 12 and 13 of the First Interim Report
- exploring alternate means for lawyers to learn about and contact LifeWorks, to support the implementation of Recommendation 9 of the First Interim Report
- continuing to build relationships with subject-matter experts, including the Canadian Mental Health Association and the BC Centre on Substance Use

24. With respect to the development of additional recommendations, the Task Force aims to expand its mental health review of the Law Society’s regulatory approaches, including examining the development of a “diversion” or alternative disciplinary process for lawyers affected by mental health or substance use disorders, or modifying other aspects of the discipline process.

25. The Task Force will also consider, in consultation with subject-matter experts, a statement of best regulatory practices for dealing with mental health and substance use issues affecting lawyers.

26. Additionally, the Task Force will continue to explore the feasibility and advisability of a voluntary member survey to elicit more information about mental health and substance use issues affecting BC lawyers.