Regulatory Impact Assessment

The Law Society
of British Columbia

Title of Report:	Competence Based System for Lawyer Licensing
Committee:	Lawyer Development Task Force

The intent of the Regulatory Impact Checklist is to provide Benchers with a high level evaluation on the impact of the policy recommendations being recommended. The "Comments" box included with each question can direct Benchers on where to find further analysis of the issues, such as the relevant pages of a Policy Analysis, Policy Report or other materials prepared by staff at the Committee level. It can also provide additional context to an answer, where required.

A. Impact on the Public

A.1 Public Interest	
A.1.1 What aspects of the public interest are impacted or advanced through the recommendation?	☐ **Access to Justice** ☒ **Improved regulation of the practice of law** ☐ **Protection or advancement of the Rule of Law** ☐ **Addressing an area of identifiable risk to the public and/or justice system**
A.1.2 How will the public benefit from the recommendation?	**Comments:** The public will benefit through ensuring that the competencies that must be possessed by a successful licensure candidate are clearly defined at the outset of the licensing process and that candidates are better equipped to achieve these standards. A Competence Framework will also help the public better identify the core skills expected of an entry-level lawyer.
A.1.3 Does the recommendation have any other regulatory impacts that will affect the public?	☐ Yes ☐ No ☒ N/A **Comments:**

A.2 Reconciliation with Indigenous Peoples

A.2.1 Does the recommendation extend to addressing reconciliation with Indigenous Peoples?	☒ Yes ☐ No ☐ N/A	**Comments:** It is expected that a Competence Framework would include ensuring new lawyers possess fundamental knowledge relating to reconciliation with Indigenous peoples.

A.3 Equity, Diversity and Inclusion

A.3.1 Does the recommendation impact the equitable treatment of diverse individuals?	☒ Yes ☐ No ☐ N/A	**Comments:** The recommendation represents a commitment to making access to the legal profession transparent, equitable, and consistent.

A.4 Transparency and Disclosure

A.4.1 Does the recommendation impact current levels of transparency and disclosure?	☒ Yes ☐ No ☐ N/A	**Comments:** Improved identification and assessment of entry-level competence provides a more reliable, transparent, and accurate gauge of what a candidate is required to acquire and demonstrate to become, and the public can expect from, an entry-level lawyer.

B. External Impacts

B.1 Licensee Interest

B.1.1 Does the recommendation impact the administrative burdens or overhead costs on lawyers?	☐ Yes ☒ No ☐ N/A	**Comments:**
B.1.2 Does the recommendation impact licensee perception of the Law Society?	☒ Yes ☐ No ☐ N/A	**Comments:** Improved identification and assessment of entry-level competence allows licensees to know the precise standards to which the regulator is holding those seeking admission to the profession.

B.2 Public Relations

B.2.1 Does the recommendation impact the public perception of the legal profession generally?	☒ Yes ☐ No ☐ N/A	**Comments:** Public perception and confidence in the legal profession begins with public understanding of the minimum competence for entry-level lawyers.
B.2.2 Does the recommendation impact the public perception of the Law Society?	☒ Yes ☐ No ☐ N/A	**Comments:** The recommendation will make it clear to the public what constitutes a competent lawyer at the point of licensure and demonstrates a commitment by the Law Society to ensure that entry-level lawyers are equipped to provide effective, competent legal services to the public.

B.3 Government Relations

B.3.1 Does the recommendation impact the government perception of the legal profession?	☒ Yes ☐ No ☐ N/A	**Comments:** The recommendation will improve confidence in the legal profession's efforts to ensure competency and quality in the delivery of legal services.
B.3.2 Does the recommendation impact government perception of the Law Society?	☒ Yes ☐ No ☐ N/A	**Comments:** Adoption of a competence-based approach to licensure demonstrates that the Law Society is fulfilling its regulatory purposes by

		clearly identifying the standards of competency required.
B.4 Privacy Impact Assessment		
B.4.1 Does the recommendation include the collection, use or disclosure of personal information?	☐ Yes ☒ No ☐ N/A	**Comments:**
B.4.2 Was a Privacy Risk Assessment completed?	☐ Yes ☒ No ☐ N/A	**Comments:**

C. Internal (Organizational) Impacts

C.1 Legal		
C.1.1 Does the recommendation meet legal requirements, statutory or otherwise?	☒ Yes ☐ No ☐ N/A	**Comments:** Section 3(c) of the *Legal Profession Act* grants the authority to establish standards and programs for the education, professional responsibility and competence of lawyers and applications for call and admission.
C.1.2 Does the recommendation impact outstanding legal issues or litigation?	☐ Yes ☒ No ☐ N/A	**Comments:**
C.2 Law Society Programs		
C.2.1 Does the recommendation impact the current operations of Law Society programs, either by adding to the scope of work or significantly altering the current scope of work?	☒ Yes ☐ No ☐ N/A	**Comments:** It is not expected that the recommendation to develop a Competence Framework would significantly alter the current scope of work, as qualified experts will be retained. Once developed, it is anticipated that there would be additional scope of work required to use the Framework.
C.3 Costs		
C.3.1 Does the recommendation increase operational costs?	☒ Yes ☐ No ☐ N/A	**Comments:** A Request For Proposal will be used to request bids from qualified experts to oversee the development of the Competence Framework.
C.3.2 Does the recommendation require additional staff or significant staff time?	☒ Yes ☐ No ☐ N/A	**Comments:** Staff will be involved in providing direction to the retained experts noted in C.3.1.