



Agenda

Benchers

Date: Friday, March 4, 2016

Time: **7:30 am** Continental breakfast

8:30 am Call to order

Location: Room 204, 2nd Floor, Law Society Building

Recording: *Benchers, staff and guests should be aware that a digital audio recording is made at each Benchers meeting to ensure an accurate record of the proceedings.*

OATH OF OFFICE:

President David Crossin, QC, will administer an oath of office (in the form set out in Rule 1-3) to Sharon Matthews, QC and Satwinder Bains.

ITEM	TOPIC	TIME (min)	SPEAKER	MATERIALS	ACTION
1	Administer Oaths of Office	5	President		Presentation

CONSENT AGENDA:

The Consent Agenda matters are proposed to be dealt with by unanimous consent and without debate. Benchers may seek clarification or ask questions without removing a matter from the consent agenda. Any Bencher may request that a consent agenda item be moved to the regular agenda by notifying the President or the Manager, Executive Support (Renee Collins) prior to the meeting.

2	Consent Agenda <ul style="list-style-type: none"> Minutes of January 29, 2016 meeting (regular session) Minutes of January 29, 2016 meeting (<i>in camera</i> session) Rules on Appointment of Panel and Review Board Chairs Approval of Revised Strategic Plan 	1	President	Tab 2.1 Tab 2.2 Tab 2.3 Tab 2.4	Approval Approval Approval Approval
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Agenda

The Law Society
of British Columbia



ITEM	TOPIC	TIME (min)	SPEAKER	MATERIALS	ACTION
EXECUTIVE REPORTS					
3	President's Report	5	President	Oral report (update on key issues)	Briefing
4	CEO's Report	10	CEO	Tab 4	Briefing
5	Briefing by the Law Society's Member of the Federation Council	5	Gavin Hume, QC		Briefing
GUEST PRESENTATIONS					
6	Civil Resolution Tribunal Update	20	Shannon Salter Chair, Civil Resolution Tribunal		Presentation
7	Lawyers' Assistance Program (LAP)	20	Derek LaCroix, QC Executive Director, LAP		Presentation
DISCUSSION/DECISION					
8	Lawyer Education Advisory Committee Final Report	15	Tony Wilson	Tab 8 <i>(Previously circulated at the December 4th meeting)</i>	Decision
9	Governance Committee Report on 2015 Benchers and Committee Evaluations	10	Miriam Kresivo, QC	Tab 9	Discussion/ Decision



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ITEM	TOPIC	TIME (min)	SPEAKER	MATERIALS	ACTION
10	Review of the Law Society's 2015 Audited Financial Statements and Financial Reports	10	Miriam Kresivo, QC/ CFO	Tab 10	Decision
11	Rule Allowing Executive Director to Set Hearing Dates	5	Herman Van Ommen, QC	Tab 11	Discussion/ Decision
REPORTS					
12	Lawyers Insurance Fund: Program Report for 2015	20	Director of Insurance	Tab 12	Briefing
13	Access to Justice BC: Update	5	Jamie Maclaren	Tab 13	Briefing
14	2015-2017 Strategic Plan Implementation Update <ul style="list-style-type: none"> TRC Steering Committee Update 	10	Maria Morellato, QC		Briefing
15	National Discipline Standards	5	CLO	Tab 15	Briefing
16	Report on Outstanding Hearing & Review Decisions	5	Herman Van Ommen, QC	<i>(To be circulated at the meeting)</i>	Briefing
FOR INFORMATION					
17	2015 Employee Survey Report			Tab 17	Information
18	Letter to Law Society of BC from Wayne Robertson, QC, Executive Director of the Law Foundation re: Funding of Pro Bono Activities			Tab 18	Information



Agenda

ITEM	TOPIC	TIME (min)	SPEAKER	MATERIALS	ACTION
<i>IN CAMERA</i>					
19	<i>In camera</i> <ul style="list-style-type: none"> • Benchers concerns • Other business 		President/CEO		



Minutes

Benchers

Date: Friday, January 29, 2016

Present:	David Crossin, QC, President	Steven McKoen
	Herman Van Ommen, QC, 1 st Vice-President	Christopher McPherson
	Miriam Kresivo, QC, 2 nd Vice-President	Nancy Merrill, QC
	Jeff Campbell, QC	Maria Morellato, QC
	Pinder Cheema, QC	Lee Ongman
	Lynal Doerksen	Greg Petrisor
	Thomas Fellhauer	Claude Richmond
	Craig Ferris, QC	Phil Riddell
	Martin Finch, QC	Elizabeth Rowbotham
	Brook Greenberg	Mark Rushton
	Lisa Hamilton	Carolynn Ryan
	J.S. (Woody) Hayes, FCPA, FCA	Michelle Stanford
	Dean P.J. Lawton	Sarah Westwood
	Jamie Maclaren	Tony Wilson

Excused: Sharon Matthews, QC
Satwinder Bains

Staff Present: Tim McGee, QC
Deborah Armour
Taylore Ashlie
Renee Collins
Charlotte Ensminger
Su Forbes, QC
Andrea Hilland
Jeffrey Hoskins, QC

David Jordan
Michael Lucas
Jeanette McPhee
Doug Munro
Jack Olsen
Alan Treleaven
Adam Whitcombe
Vinnie Yuen

<p>Guests: Honourable Robert Bauman Dom Bautista Mark Benton, QC Johanne Blenkin Anne Chopra Dr. Catherine Dauvergne Aseem Dosanjh Jeff Hirsch Gavin Hume, QC Prof. Bradford Morse Maureen Cameron Wayne Robertson, QC Prof. Jeremy Webber Michael Welsh Ryan Williams</p>	<p>Chief Justice of BC Executive Director, Law Courts Center Executive Director, Legal Services Society CEO, Courthouse Libraries BC Equity Ombudsperson, Law Society of BC Dean of Law, University of British Columbia President, Trial Lawyers Association of BC President, Federation of Law Societies of Canada Law Society of BC Member, Council of the Federation of Law Societies of Canada Dean of Law, Thompson Rivers University Director of Communications, Canadian Bar Association, BC Branch Executive Director, Law Foundation of BC Dean of Law, University of Victoria Vice-President, Canadian Bar Association, BC Branch President, TWI Surveys</p>
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OATH OF OFFICE

1. Administer Oaths of Office

The Honourable Chief Justice Bauman administered oaths of office to incoming President David Crossin, QC, incoming First Vice President Herman Van Ommen, QC, incoming Second Vice President Miriam Kresivo, QC and all newly elected Benchers, and thanked all the Benchers for their service to the profession.

2. President's Welcome

Mr. Crossin introduced and welcomed Benchers new to the Bencher table, guests representing the various organizations who regularly attend Bencher meetings, and staff regularly present.

CONSENT AGENDA

3. Minutes

a. Minutes

The minutes of the meeting held on December 4, 2015 were approved as circulated.

b. Resolutions

The following resolutions were passed unanimously and by consent.

BE IT RESOLVED that the Benchers appoint President David Crossin, QC and First Vice-President Herman Van Ommen, QC as the Law Society's representatives on the 2016 QC Appointments Advisory Committee.

EXECUTIVE REPORTS

4. President's Report

Before beginning his first report to Benchers, Mr. Crossin confirmed that his reports will attempt to relay notes of importance to Benchers, which may include events he has attended but may not be an exhaustive list. He will also provide a summary of the most recent Executive Committee meeting.

He began his report with a summary of the January 14 Executive Committee meeting. Ms. Merrill introduced two ideas for discussion: a bencher mentoring program to connect new and

existing benchers; and, a young lawyers' working group for engagement with young lawyers. He confirmed the former has been implemented, and he will report back on the latter following the next Executive Committee meeting. He also noted that the Executive has suggested that Derek Lacroix be invited to the next Benchers meeting to provide an update on the work of the Lawyers Assistance Program.

Mr. McGee also provided his annual report to the Executive Committee on Law Society initiatives and challenges from the previous year, a report that will also be given to the Benchers at this meeting. Peter Gall, QC, counsel for the Law Society in the TWU litigation attended to provide an update on the litigation. Details of that update will follow in the in camera session. There was also a discussion regarding developments in the creation of a steering committee for the Law Society's response to the Truth and Reconciliation Commission's (TRC) Calls to Action, the result of which was the memo to Benchers on this Agenda. Kensi Gounden, Manager of Practice Standards, also attended to outline the details of an innovative project being developed to allow proactive and early intervention for lawyers whose professional conduct standards may be at risk. Work will continue on the project for eventual presentation to the Benchers.

Mr. Crossin also attended the recent ceremony welcoming the newly appointed Judge Sudeyko at the Provincial Court in North Vancouver. He emphasized the importance of such ceremonies, and invited Benchers to consider attending welcoming ceremonies on behalf of the Law Society in their own regions, particularly if they have a connection to a newly appointed member of the Bench.

Finally, Mr. Crossin congratulated newly appointed Queen's Counsel Nancy Merrill, Jeff Campbell and Barbara Buchanan.

5. CEO's Report

Mr. McGee provided highlights of his monthly written report to the Benchers (attached as Appendix 1 to these minutes), which was a review of the successes and challenges of 2015, and a preview of the year to come.

He began, however, by acknowledging and recognizing Policy lawyer Jack Olsen who is retiring, noting Jack's integral contributions to the Ethics Committee and Practice Advice over his long career with the Law Society. His considerable wisdom and calm but firm leadership will be greatly missed.

In his summary of his written report he outlined the four foundational areas of the Strategic Plan, Budget, Staff Engagement and the Key Performance Measures.

Looking ahead to 2016, Mr. McGee noted that economic volatility, such as we are currently experiencing, can often put pressure on the areas of complaints and reported claims against lawyers. We will be monitoring such pressure and will assess resources if necessary as the year unfolds.

Key internal considerations for the year ahead will include our three strengths: our people, our systems and our strong financial model. We need to be able to measure success as well as challenge to ensure we continue to meet outcomes with respect to regulating in the public interest; to that end, Mr. McGee reviewed the Key Performance Measures report contained as an appendix to his report.

He provided highlights of the report, under the headings of: Professional Conduct and Discipline; Trust Assurance; Credentialing, Articling and PLTC; Practice Advice and Standards; and, the Lawyers Insurance Fund.

Ms. Forbes will present more fully on the Lawyers Insurance Fund at a later meeting, but a key measure of this program is its affordable fee. This is a function of how well it is run. Ms. Forbes and her team are world leaders on helping lawyers avoid problems, which helps keep the fee low.

6. Briefing: Federation of Law Societies President

Mr. Crossin introduced Jeff Hirsch, President of the Federation of Law Societies and past President of the Law Society of Manitoba. Mr. Hirsch expressed his gratitude for being invited here to speak at the first meeting of the year, commenting on how special the first gathering of a new group of Benchers is.

Further, he lauded the Law Society of BC as an ‘anchor’ member of the Federation, stressing that the Federation is its members, as opposed to a separate, monolithic organization. It is the vehicle through which law societies work together on matters of common interest. Those matters have included developing national mobility protocols, developing a model code of professional conduct which has been almost universally adopted, creating complaint standards, and a national competency profile.

Mr. Hirsch thanked Law Society of BC Federation representative Gavin Hume, QC for his tireless work on the Federation Council, and particularly his leadership on the development of the model code of conduct. He also acknowledged and thanked First Vice-President Herman Van Ommen, QC for his work on the National Requirement Review Committee. He praised the hard work and leadership of Mr. McGee, whose involvement with the Federation has made him a key figure on major initiatives, and thanked Law Society staff members Alan Treleaven, Adam Whitcombe, Deb Armour, Jeff Hoskins, QC and Michael Lucas for their work in support.

After completing its recent phase of internal reflection and governance review, and as the demand for national collaboration continues to grow, the Federation has learned the importance of listening to the law societies to discover emerging ways to work together. As good communication is needed to nurture good relationships, he pledged to be present and accountable as President, noting this will be but the first of his visits here this year.

Mr. Crossin thanked Mr. Hirsch, and noted that he looked forward to continued dialogue. He also echoed Mr. Hirsch's commendation of Mr. Hume, remarking on his tireless efforts and tremendous contributions to our justice system.

Mr. Hume directed the Benchers to his report in the materials, which summarizes the business of the December 2015 Federation meeting. He noted that the focus was governance and restructuring, but time was also spent on the National Admissions Standards project, anti-money laundering, and the role of the Federation internationally. The decision was also made to intervene in the Supreme Court of Canada case concerning the potential disclosure of information protected by solicitor client privilege as a result of a Privacy Commissioner order; decision is pending on whether to intervene in the case concerning the ability of law societies to require a member to engage in continuing professional development.

GUEST PRESENTATIONS

7. 2015 Employee Survey Results

Ryan Williams, President, TWI Surveys, attended to summarize and analyze the results of the Employee survey, framing the governance issue for Benchers around the question: does the organization create a context in which employees can be engaged, and are they open to being engaged?

He confirmed that the Law Society continues to do an excellent job creating such a context. The results show a clear understanding of the mandate, and a shared sense of responsibility for it. Employees find the work challenging and meaningful, and overall results are higher than the benchmark 10 years ago when this survey began. Results show employees value the work-life flexibility and balance, as well as their relationships with colleagues. Overall, the strengths emerging from the results include: "knowing and understanding my area"; understanding the mandate; "understanding how my work contributes"; and, relationships between managers and employees.

Despite largely positive results, some challenges are indicated, particularly around resources and job development potential. There could be many explanations for a perceived lack of resources, requiring an examination of each department for possible causes. Challenges around job development are common to organizations of limited size. A focus going forward will be

retention of senior employees. Overall, the challenges emerging from the results include: resources to do the job; job opportunities/growth; salary; “opportunity to provide input on decisions that affect me”.

DISCUSSION/DECISION

8. Truth and Reconciliation Commission Recommendations: Next Steps

Mr. Crossin provided an update on the progress towards creating a steering committee to assist with the consultation process, noting productive discussions with Judge Len Marchand, Jr., Judge Steven Point, and Michael MacDonald of the Indigenous Bar Association. He also directed Benchers to the memo provided by Policy lawyer Andrea Hilland which suggests a pathway forward for the consultation process and the ensuing action plan. The emerging goal is for the Law Society to be, and to be seen as, a change agent for the fundamental changes to the cultural landscape being contemplated.

Mr. Crossin underscored the tension between the desire to take immediate action, and the recognition that those actions must be respectful and sensitive. The short term objective is to consult with the Aboriginal legal community concerning an action plan to implement relevant recommendations; the longer term goal is to establish a permanent structure to advance, promote and maintain important issues.

He sought feedback from Benchers on the progress thus far, noting that the subject merits full and ongoing discussion. Mr. Lawton reported connecting with Ry Moran, the Director of the National Centre for Truth and Reconciliation who has offered to meet and assist where possible. Dean Webber from UVic Law noted that school’s keen interest in the area and encouraged the Law Society to maintain strong lines of communication with the law schools as it moves forward. Dean Morse from TRU Law echoed the sentiments, speaking for both himself and Dean Dauvergne from UBC’s Allard Law. He also noted the interest of Justice Sinclair, who would be pleased to help where possible as well.

Mr. Crossin thanked Ms. Hilland for her excellent work thus far.

9. Equity and Diversity Committee: Justicia Report

Ms. Morellato, Chair of the Equity and Diversity Committee, reported to the Benchers on the Justicia project, asking for an endorsement of the recommendations so that the proposed communication plan can be implemented.

The Justicia materials themselves, compiled with input from leading female lawyers across BC, set out objectives and advice for how to develop a practice. The first phase of Justicia focused on best practices for collecting demographic data, and implementing parental leave policies and

flexible work arrangements. This second and recently completed phase focusses on leadership, partnership and business development. The next phase is to adapt this work for smaller firms, acknowledging that most women work in firms of 3-4 or fewer lawyers.

She commended the work of Andrea Hilland and the collaboration of the Equity and Diversity Committee with the 17 Justicia law firms in BC.

Mr. Crossin thanked Ms. Morellato and the Committee, offering any help the Benchers could provide for this important work. He then called for a vote on the motion that Benchers endorse the best practice materials for business development, partnership, and leadership (Morellato, Rowbotham); the motion was passed unanimously.

REPORTS

10. Report on Outstanding Hearing & Review Decisions

Written reports on outstanding hearing decisions and conduct review reports were received and reviewed by the Benchers.

11. Finance and Audit Committee: 2015 Enterprise Risk Management Plan - Update

Ms. Kresivo, Chair of the Finance and Audit Committee introduced Jeanette McPhee, Chief Financial Officer, to update the Benchers on the Enterprise Risk Management Plan, the objective of which is to examine possible risks, areas of greatest risk, and put in place a plan for managing those risks. She underscored this as a key area of responsibility for Benchers to ensure that such a plan is in place.

Ms. McPhee noted that we must manage risks to ensure we can achieve our strategic goals, but also take risks to grow and be innovative. She referred Benchers to the full plan contained in the Agenda package, describing the process involved which includes assessing risk, determining mitigation strategies, developing an action plan, implementing that plan and continuing to monitor those risks. A full review is done every three years; this year's is an annual review only.

The areas of risk generally fall into the categories of regulatory, financial, operational, and insurance. To prioritize risks, the likelihood and consequences of each risk are reviewed, then a "heat map" is created to arrange risks from high risks, which are always monitored, to low risks which we do not need to monitor that closely. Amongst the top 10 risks identified are failure to fulfill statutory duties, failure to appropriately sanction a lawyer, natural disaster and loss of data or information. Two specific risks of focus this year were a potential market downturn and potential privacy breach.

Mr. Crossin thanked Ms. McPhee and Ms. Kresivo, who reminded Benchers that Finance and Audit committee meetings are open for Benchers who have questions or would like to learn more about the financial information of the Law Society.

RTC
2016-01-29



CEO's Report to the Benchers

January 2016

Prepared for: Benchers

Prepared by: Timothy E. McGee

Introduction

This is my first CEO's report to the Benchers for 2016 and I would like to wish you all the very best for the New Year. I would also like to extend a warm welcome on behalf of all the staff to our new President David Crossin, QC and to both our new and returning Benchers. We look forward to working with all of you in the coming year.

In my report this month I provide a year-end perspective on 2015 as well as a preview of the challenges and opportunities which I believe we will encounter in 2016.

2015 Year End Perspective

To gauge our progress and success in any year we pay special attention to several measures and indicators. These are our Key Performance Measures, our Strategic Plan, our Annual Budget, our Employee Survey and our annual Operational Priorities Plan. I refer to each of these in turn below. Overall, I would characterize 2015 as a solid year but with some unexpected tough challenges, particularly in the area of increasing complexity and cost in our regulatory processes and in our efforts to advance the strategic goal of improving access to justice through empowering non-lawyer legal service providers.

Key Performance Measures (KPMs)

Please find attached to this report a presentation on the results of our KPMs for 2015 (*Tab 1*). I will speak directly to this report at the Benchers meeting and members of the Executive Team will be available to answer any questions.

The Law Society is unique among law regulatory bodies in Canada in that it has established key performance measures for each of its core regulatory operations the results of which we post on our website and include in our discussions with media, government and other stakeholders. The KPMs serve three important purposes, first, they are a dashboard for the Benchers to monitor progress against desired outcomes for our various regulatory operations, second, they demonstrate institutional transparency so that the public and others can objectively determine whether we are being successful as a public interest institution, and third, they are a tool for management to continually assess the impact of our decision making and operational strategies relative to our goals.

We achieved an overall achievement rating of 87% on our KPMs for 2015 including a 100% achievement rating in the all-important area of Professional Conduct and Discipline. This was particularly impressive given the increased demands and complexity of files those departments handled in 2015. We will be analyzing the results in all areas to better understand the causal factors so that we can confirm the things that are working well and look for ways of innovating where there are opportunities for improvement.

2015 – 2017 Strategic Plan

Please find attached a copy of the 2015 – 2017 Strategic Plan which has been annotated to describe the status of active initiatives in 2015 (*Tab 2*).

As 2015 was the first year of the current 3 year plan some items are still in the planning phase while others were actively underway. In particular, the Law Firm Regulation Task Force made significant progress against its work plan in the year and is well positioned to make progress in 2016. There was considerable work undertaken in 2015 to explore the possible merger of our regulatory operations with the Notaries. In particular, the Qualifications Working Group made significant inroads into the topic of matching requests for expanded practice areas with appropriate training and assessment. However, this was a difficult file on a number of fronts and important work remains in 2016 to determine the future prospects for success. Also notable in 2015 was the report of the Lawyer Education Committee on our bar admissions program including PLTC. The findings of that report will be a critical touch point as we continue to work with the other law societies in Canada (through the auspices of the Federation's National Admissions Standards Assessment Project) to determine if a single, harmonized approach to bar admissions is feasible. Planning was completed in 2015 to establish the Legal Aid Task Force and their work will begin shortly.

Annual Budget

While the final accounting for our year-end financial position is not yet complete we expect to end the year more positive than our most recent forecasts and likely positive to budget overall. This is after accounting for extraordinary budget pressures in 2015 coming mainly from additional external counsel costs incurred in the year to handle greater complexity and frequency of regulatory files in particular discipline, professional conduct and legal defense. We were able to significantly offset this pressure in the year by implementing tough cost control and cost saving measures and we also benefited from unanticipated revenue gains, which contribute to the bottom line. To better

understand the growing demands for counsel work in our regulatory areas we worked closely with the Executive Committee in 2015 in identifying causal factors and trends and we will use our analysis to better inform budget planning for 2017.

Employee Survey

The results of the 2015 annual Employee Survey will be presented at the meeting by Ryan Williams, the President of TWI Surveys Inc., our survey administrator. The Executive Team will also be on hand to answer any questions you may have.

The Law Society is a leader among Canadian regulatory bodies in offering all of our employees the opportunity to give online feedback on a wide range of matters related to their engagement and our organizational success. This is the tenth consecutive year for our survey and over the years the results have led to the development of a number of programs and initiatives to better engage our staff. The participation rate and overall engagement scores for 2015 while down slightly over last year's record numbers are still strong and indicate we continue to have a good foundation for success. However, we will be paying special attention in 2016 to feedback that suggests that additional resources may be needed to assist staff and that we continue to need to look at ways to provide better career development training and opportunities.

2015 Operational Priorities

In past years, including 2015, I have shared with the Benchers management's top 5 operational priorities for the ensuing year. These are matters which, in each year, we designate as being over and above our day to day responsibility to perform our core regulatory functions. Typically these priorities are chosen to improve our operational capabilities and we engage staff and managers in cross departmental teams (working groups) to get the job done.

I have attached a copy of my mid-year (June 2015) report to the Benchers on the status of these items (*Tab 3*). What follows below is an update to year end.

1. Knowledge Management Project

This project is now known as "Lynx – linking LSBC". Since mid-year the implementation team conducted an all employee needs assessment to determine current usage levels of knowledge management tools and to determine what our priorities should be. This

resulted in the adoption of two recommendations for immediate action, and 10 recommendations for further review and development in early 2016. Recommendations to be started immediately are a rebuild of the LSBC external website and enhancements to the search functions of “Lex” our internal staff website. Both will improve the user experience by improving content and navigation capabilities. As part of our RFP for the external website we will be seeking input from the Benchers and other external user groups.

2. Computer Literacy Working Group

The report and recommendations of the working group have now been reviewed and approved by the management team and we are starting the initial roll out.

All employees will be directed to on-line computer skills training modules specifically designed for the needs of their particular job requirements and responsibilities. We are providing an in house “help desk” to assist staff as they embark on the skills training. The customized aspect of this roll out is key. That is staff have self-assessed their current competencies against a wide range of computer skills and programs used in the office and their respective managers have indicated what specific skills are “must haves” for those positions. Matching up the required skills with the current competency levels for each staff allows for an efficient allocation of time and resources. We expect this will work out to roughly 12 hours of primary training per employee per year and likely additional time to practice and perfect techniques. The training is on-line and is available 24/7 and can be completed wherever there is connectivity.

While everyone is already busy and not everyone embraces training with the same enthusiasm our goal is to ensure that this investment, over time, will improve the quality of our work and give us the confidence to maximize the many benefits of available and emerging technologies.

3. Public Issues Voice Working Group

The working group has made seven recommendations, including identifying means and opportunities for staff to communicate more effectively with the profession and the public about the Law Society’s role and our day-to-day programs and services. The recommendations also encourage staff to use an internal online discussion forum to share their ideas and perspectives on topics and issues connected to our mandate.

This initiative builds on our belief that the diverse backgrounds of our staff coupled with

their work experience at the Law Society represents a special resource of ideas and perspectives which may assist us in various aspects of our work. As this discussion evolves at the staff level we will consider ways that this resource might be of assistance to the work of relevant Benchers committees and task forces.

4. Core Values Working Group

The final report of the working group was presented to staff at the inaugural Staff Forum of the year held on January 19, which was also attended by President Crossin, 1st VP Herman van Ommen QC and 2nd Vice President Miriam Kresivo QC. Each member of the working group participated in the presentation describing and explaining the reasons and rationale for settling on “Integrity and Excellence” as the 2 core values to guide us in our work and in our relationships at the Law Society. For each core value the working group also described certain behaviors which based on the consensus of their discussions would best exhibit the values in our day-to-day activities.

I have set out below the precis of the Core Values and the related behaviors which are now posted on Lex our internal staff website.

Integrity

- We are *accountable* and take personal responsibility at all levels and act in ways that exemplify what we expect of each other
- We apply *transparent* processes and constructively manage difficult situations with courage and candour
- We are *fair*, and impartially apply our policies, procedures and practices, and are compassionate in our treatment of colleagues
- We value *diversity*, inclusiveness and equality, fostering a collegial work environment
- We are *reliable* and can be counted on every day to provide the highest standard of professional behaviour

Excellence

- We are *innovative*, using our skills and knowledge to implement new or improved strategies or processes
- We commit to *quality performance* in all areas of our work
- We apply *teamwork* by supporting one another as we work towards shared goals
- We appreciate and *recognize* our successes

I would like to have the working group repeat their full presentation on the Core Values project to the Benchers at a future meeting. I think you would find the background work and analysis fascinating and also an example of staff engagement at its finest.

5. E- Voting and Webcasting Capability

We remain committed to developing a highly reliable and resilient e-voting platform for our annual general meetings and elections. The 2015 AGM demonstrated our ability to provide webcasting of the event and, although a relatively small number of people signed on to the webcast, it demonstrated proof of concept and paved the way to join webcasting with e-voting at future AGMs. We also expect to implement e-voting in time for the November 2016 Bencher election. The 2015 mid-year report of the Governance Committee raised privacy and confidentiality concerns about the use of US providers for e-voting but we have since learned that our preferred US provider can facilitate voting without the need for any personal information from voters. We expect that we can move forward with both these initiatives this year.

Outlook for 2016

Observations on the External Environment

1. Turbulent Market Conditions

As we head into 2016 it is obvious that turbulent and uncertain economic conditions will be with us for a good portion of the year. The price of oil and its negative impact on the Canadian dollar and the decline and volatility in the stock markets are among the main environmental factors which are likely to persist in 2016.

These conditions will impact businesses both public and private, big and small, and individuals as well. Lawyers and law firms will not be exceptions. We also know from experience that in difficult economic times we tend to see an uptick in reported claims in the insurance area and in complaints. This is not an exact science and the correlation isn't one to one with the value of the dollar or interest rates but it is a pressure that we expect will build on these areas the longer the conditions persist. There is usually a lag in the impact of adverse market conditions and resort to our regulatory processes so our challenge will be to monitor this carefully and make adjustments as necessary to minimize any adverse impacts on our operations.

2. Regulatory Models in the Spotlight

If you have been following our media briefing service in the past year you will know that a huge amount of time and effort is being spent by regulatory bodies and commentators in Canada and around the world debating the need for changes in law regulation. Prominent in this debate are the topics of alternative business structures (ABSs), outcome or principled based regulation, regulation of law firms, regulatory forbearance (e.g. abolishing unauthorized practice regulation), professionalization of adjudicative functions, and the overhaul of bar admission regimes.

I would say the best way to characterize this debate is with a question: “Should law regulators, lead, follow or get out of the way?” My response to that question would be “yes”. That is, it is probably a combination of all three depending on the activity and depending on how well we are able to assess what actions (or inactions) by the Law Society are most consistent with the public interest.

Fortunately, I think the Law Society is well positioned in 2016 to make informed decisions regarding many of these choices. For example, our Law Firm Regulation Task Force is drilling down into several of these areas to equip the Benchers to consider options and outcomes. Similarly, the Lawyer Education Advisory Committee has just completed an extensive evaluation of our bar admission program and the Benchers will be asked to further consider options for joining a different type of regime in the interests of a harmonized, national approach. Not as easily, we will need to come to grips with the options for expanding the role of non-lawyer legal service providers as a response to the need for greater access to affordable legal services.

However, even though we are well positioned now we cannot be complacent that change occurring elsewhere will not impact our options in the future. So we will continue to hear the calls for innovative reforms and new directions as necessary responses to changes in the profession and the expectations of the public. We will need to listen to those calls and be open to change but also be able to critically assess what role we can best play to advance reforms which will truly serve the public interest. That is the definition of strategic discussion and debate and one which we need the Benchers to have frequently in 2016.

3. Increased Complexity in Regulatory Matters

A clear trend at our Law Society and at our sister law societies across the country is the increasing complexity of investigative and discipline files and the litigiousness of the

participants. This is a development which, if it continues throughout 2016, will require us to rethink our resourcing and operational policies to ensure we can meet the demands of what may be the “new normal” in these areas. As part of our response, we are doing a cost/benefit analysis relating to the optimum mix of expenditure on external counsel versus performing the same work in house. We will be reviewing this with the Executive Committee early in the year so that the findings can form part of the budget planning process for 2017.

4. National Focus on the Truth and Reconciliation Report

With the recent release of the report of the National Truth and Reconciliation Commission and the announcement by the federal government of the National Enquiry into Missing and Murdered Indigenous Women it is fair to say that this critical topic will be on the minds of Canadians and at the top of media reporting throughout 2016 and beyond. The Benchers have already declared their firm desire to consult and respond to the calls for action relating to lawyers and the legal profession and this is on the agenda for the upcoming meeting. There will be much to learn and absorb on many fronts relating to this in 2016 and we look forward to rising to that challenge.

Key Internal Considerations

Looking ahead to 2016 from an operational perspective, I believe we will continue to benefit from strengths in 3 particular areas, our people, our systems and our strong financial model. As you know from my monthly reports, we pay much attention to these areas, which are critical enablers of our performance and our success as an organization.

Because we have many important initiatives underway, such as the new Legal Aid Task Force, the Truth and Reconciliation report response, the National Education Assessment Project and our on-discussions with the Notaries, to name a few, we will need to be nimble and to engage the Benchers effectively to ensure we have the support necessary at all stages to justify moving forward.

Finally, we have committed to enhancing the frequency and effectiveness of our engagement with the profession, the media and others in 2016. This has already started with the President’s first blog positing on Bill C-51, a related article from the Rule of Law and Lawyer Independence Committee in the most recent edition of The Advocate, and the outreach and the upcoming cross-province tour of the Law Firm Regulation Task Force. There will no doubt be other opportunities for us to pursue this

commitment throughout the year and I look forward to reporting to you on those as they develop.

Timothy E. McGee
Chief Executive Officer

The Law Society *of British Columbia*



Key Performance Measures

Report on 2015 Performance

Presented to Benchers - January 29, 2016



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Background

This is the ninth time that the key performances measures of the Law Society of British Columbia have been reported. The key performance measures are reviewed each year at the Benchers meeting.

The key performance measures are intended to provide the Benchers and the public with evidence of the effectiveness of the Law Society in fulfilling its mandate to protect the public interest in the administration of justice by setting standards for its members, enforcing those standards and regulating the practice of law.

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Bellwether Measures



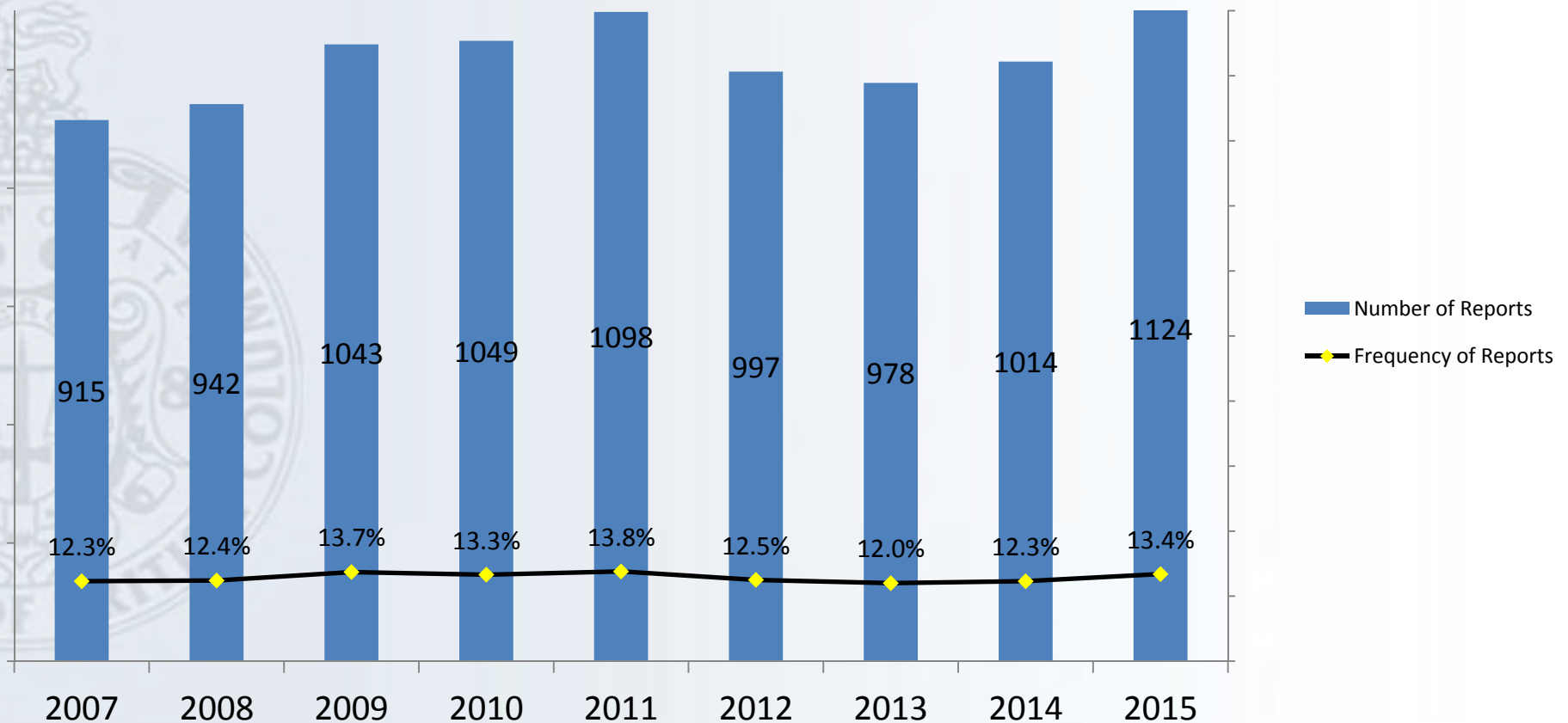
Frequency of Complaints

The number of complaints divided by the median number of practising lawyers



Frequency of Insurance Reports

The number of reports divided by the median number of insured lawyers



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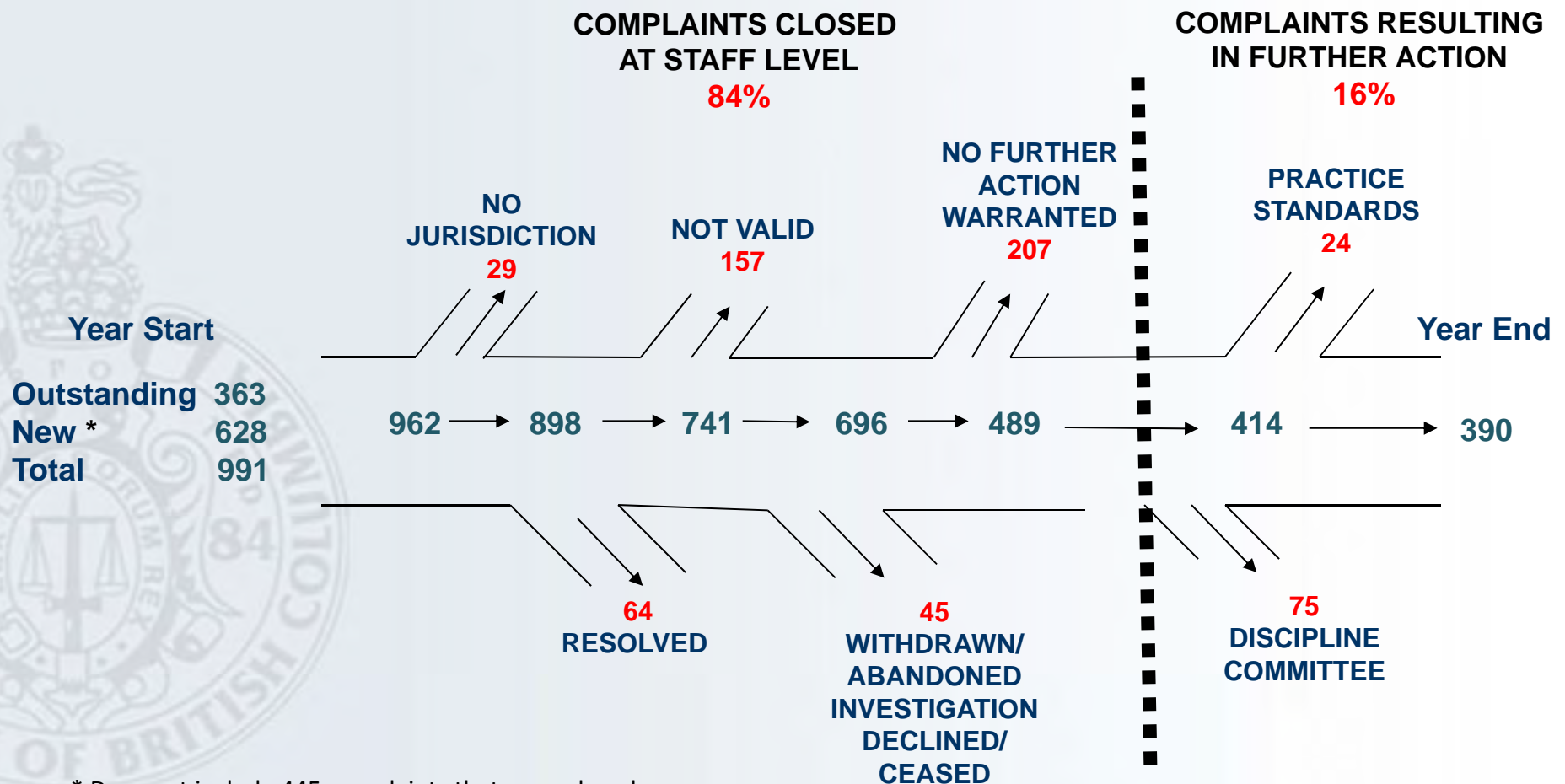
Professional Conduct and Discipline



Department Highlights

- In 2015, Professional Conduct received 628 substantiated complaints and closed 601 complaint files. An additional 445 intake files were closed as unsubstantiated. The Department also handled 1,481 telephone inquiries in 2015.
- We are exceeding all targets for complainant satisfaction. Two of the 2015 KPM results have improved and two are holding steady, as compared with 2014.
- The Department continues to perform well against the national standards for timelines. As an example, 91% of the complaint files closed in 2015 were completed in less than one year and 97% were completed within 18 months. Both of these percentages surpass the Federation of Law Societies of Canada National Discipline Standards of 80% and 90% respectively.
- Both the CRC and the Ombudsperson continue to be satisfied with our complaints handling processes and procedures.

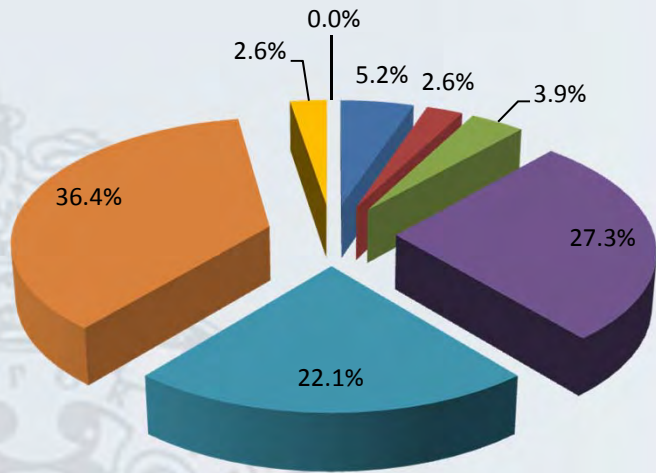
2015 Complaints Results



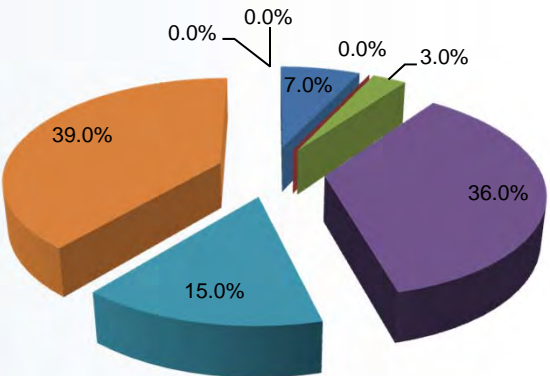
* Does not include 445 complaints that were closed as unsubstantiated intakes

2015 Discipline Committee Dispositions

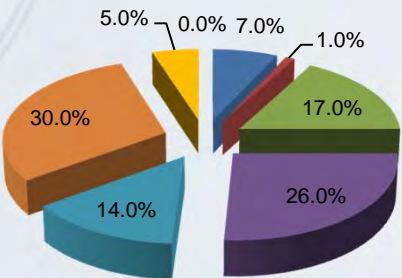
2015



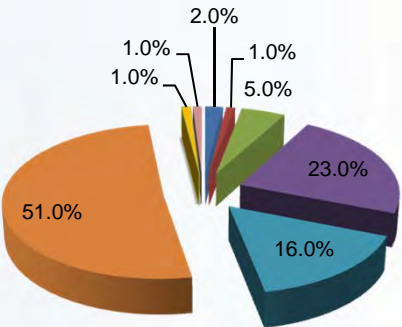
2014



2013

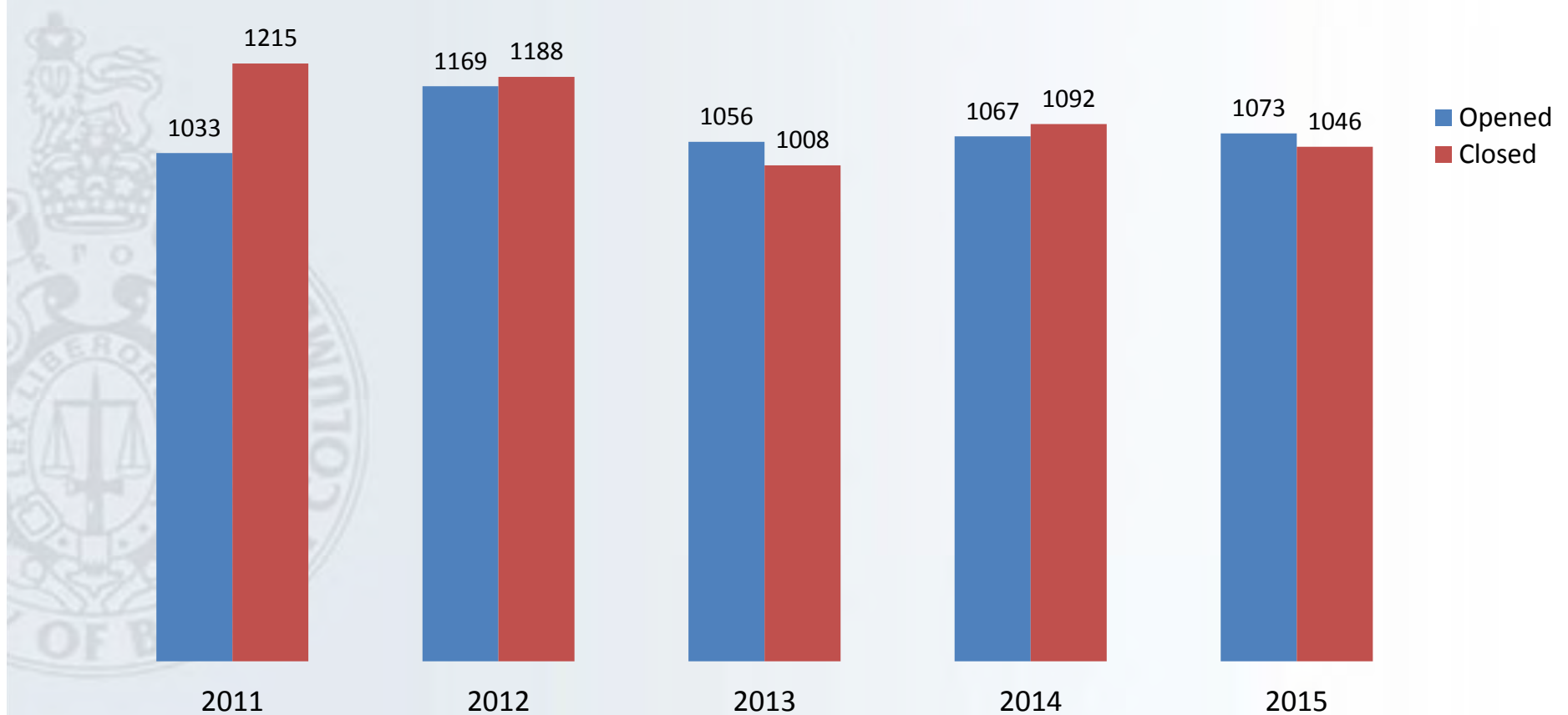


2012



Key Activities

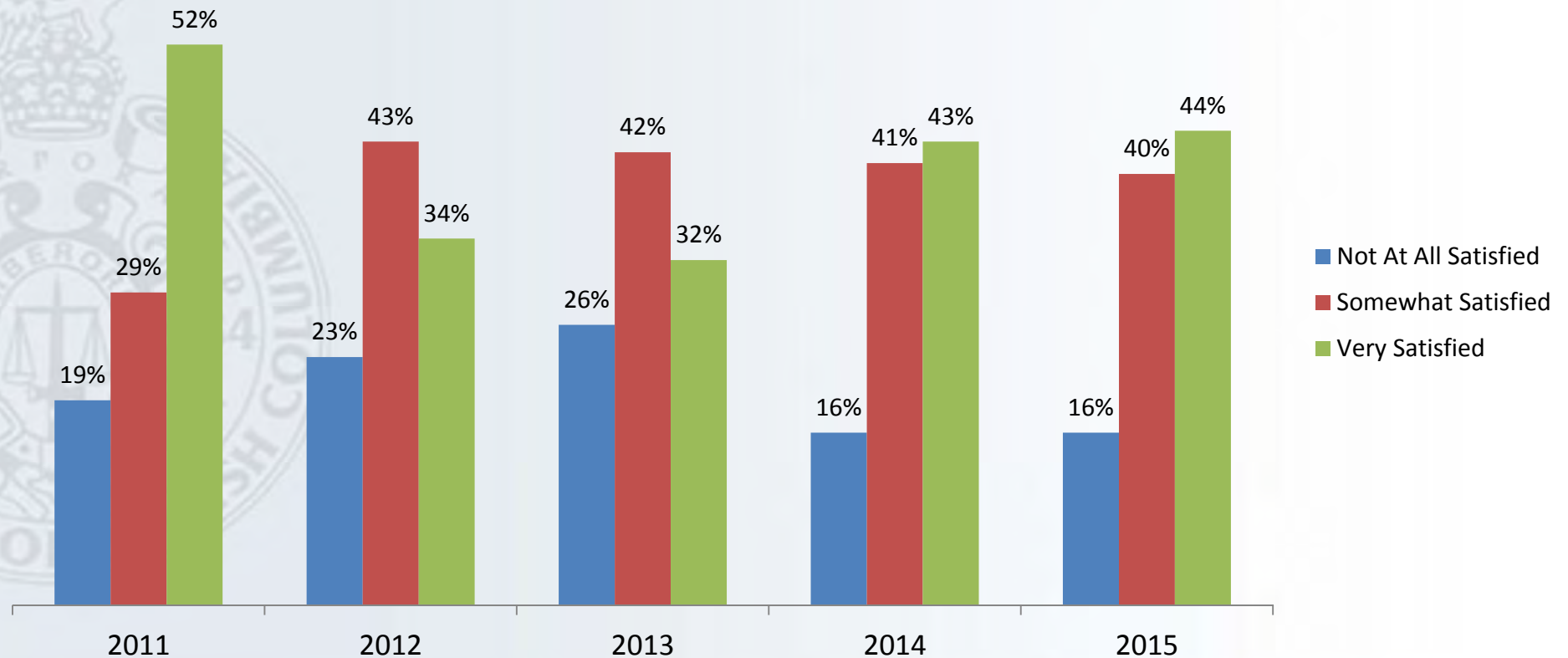
Number of Member Complaints Opened and Closed Each Year



Key Performance Measures

At least 75% of Complainants express satisfaction with timeliness

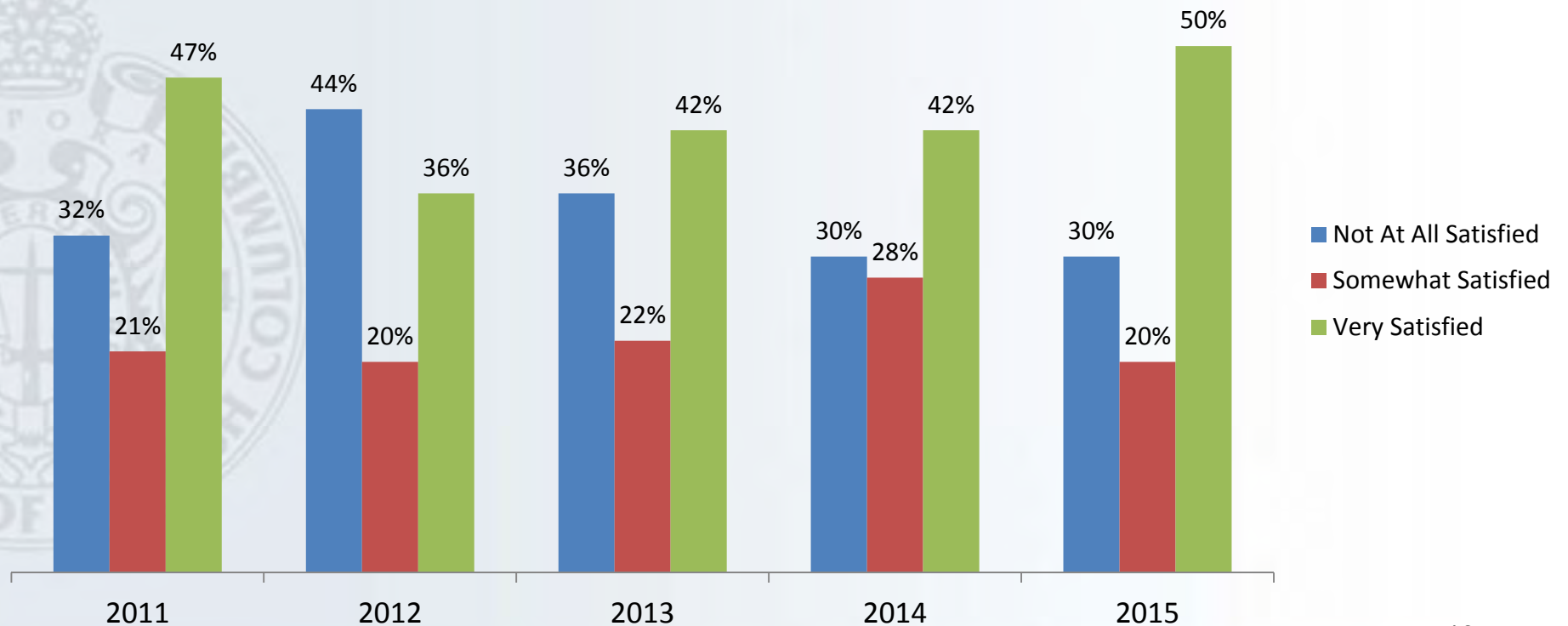
2015	84%
2014	84%
2013	74%
2012	77%
2011	81%



Key Performance Measures

At least 65% of Complainants express satisfaction with fairness

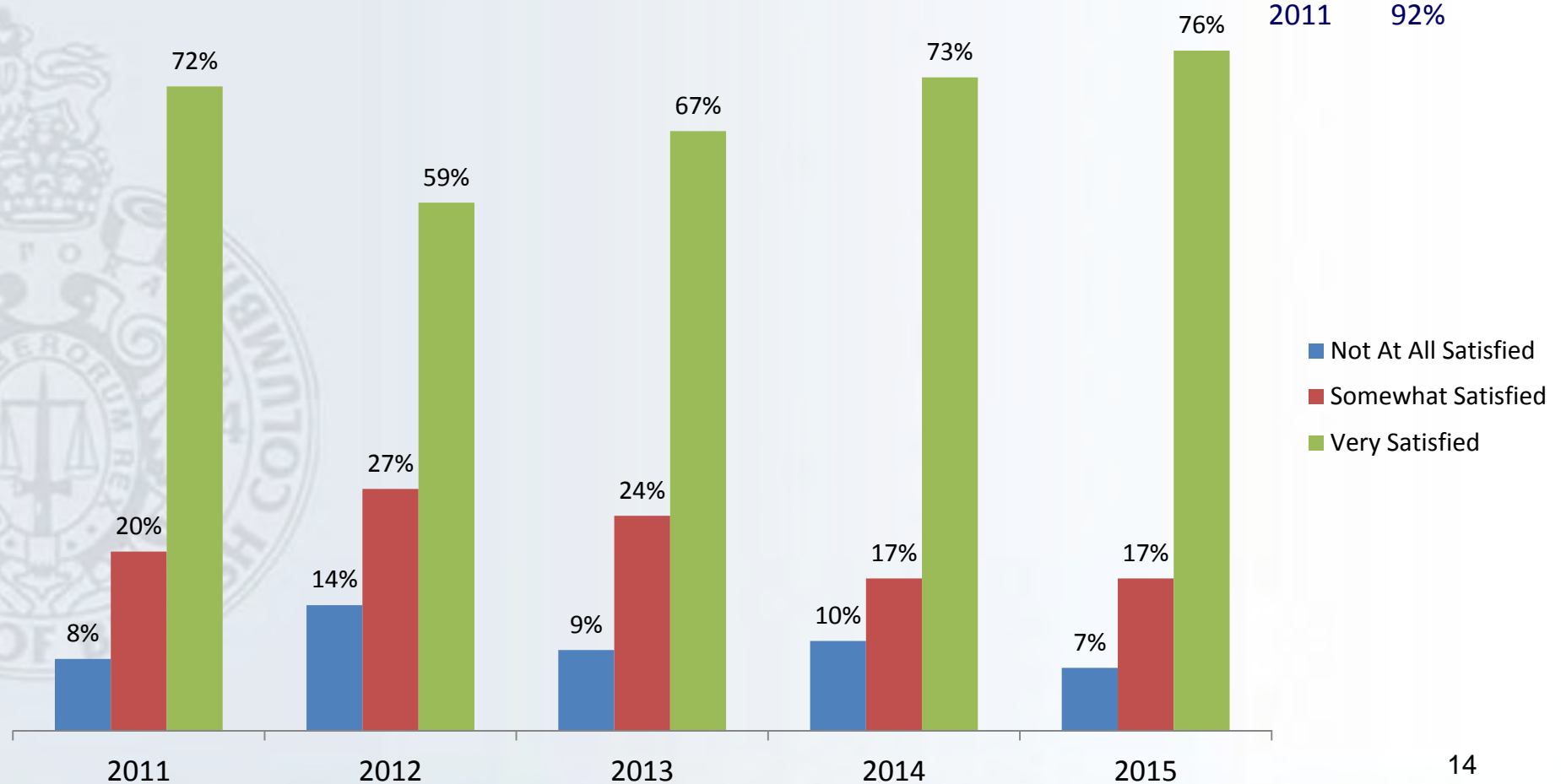
2015	70%
2014	70%
2013	64%
2012	56%
2011	68%



Key Performance Measures

At least 90% of Complainants express satisfaction with courtesy

2015	93%
2014	90%
2013	91%
2012	86%
2011	92%

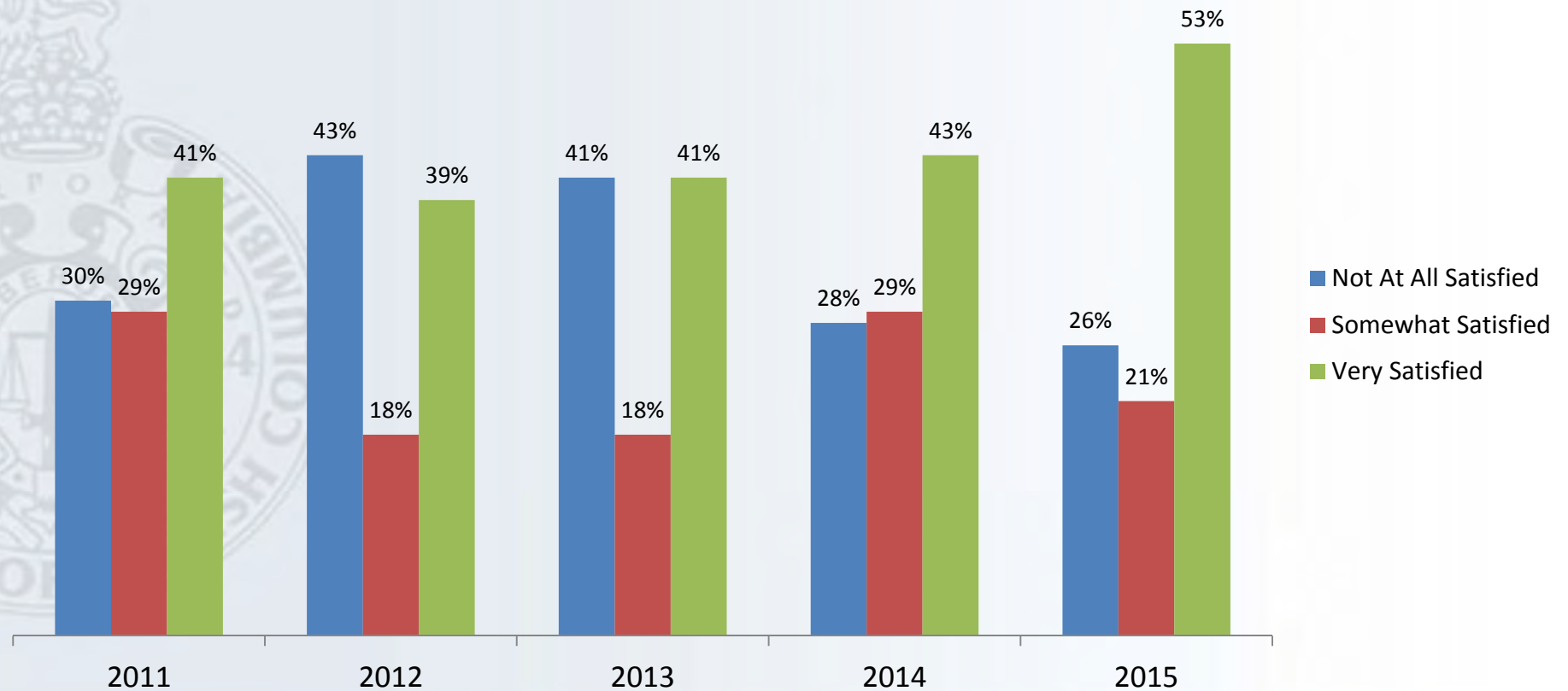


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Key Performance Measures

At least 65% of Complainants express satisfaction with thoroughness

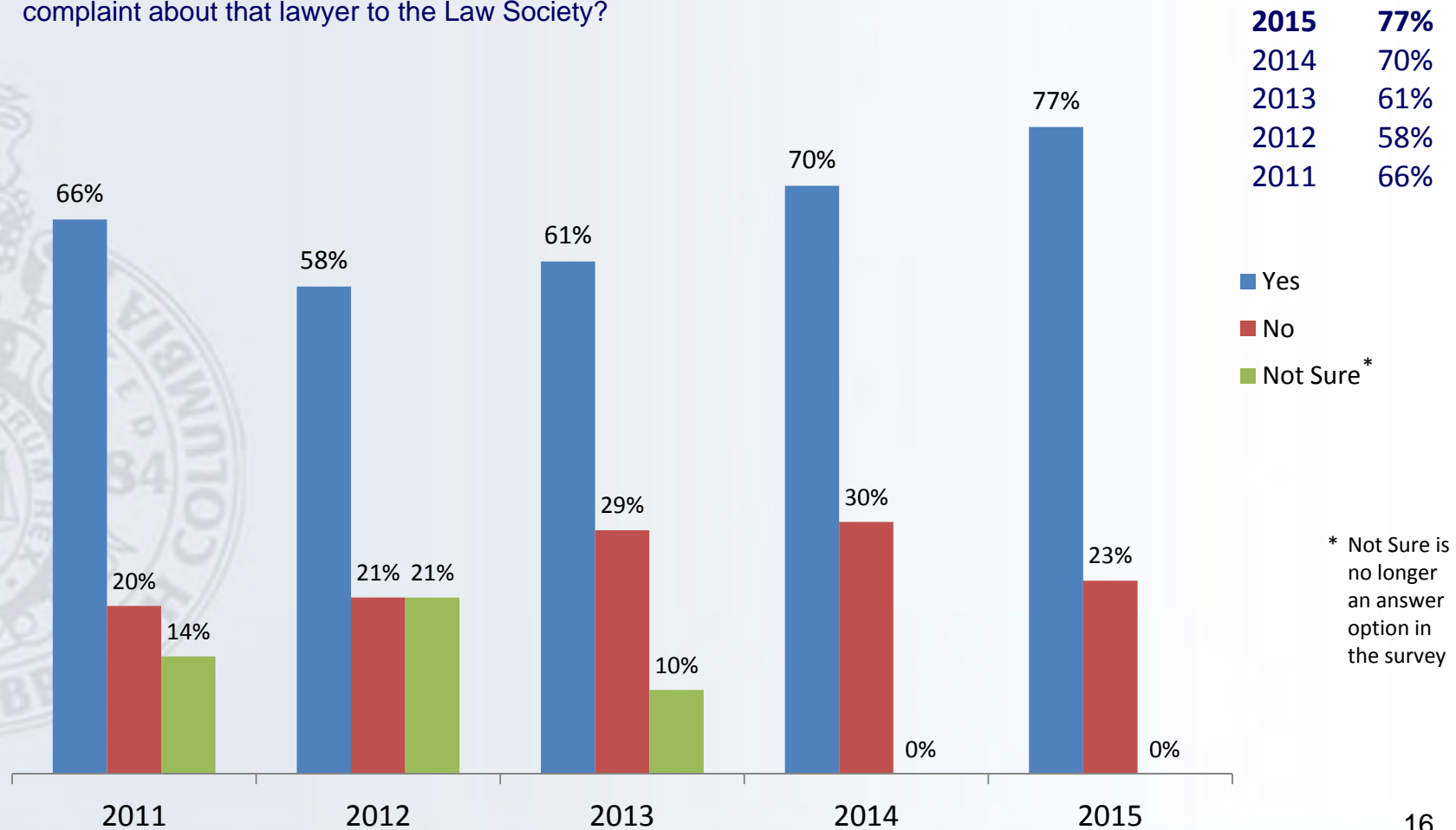
2015	74%
2014	72%
2013	59%
2012	57%
2011	70%



Key Performance Measures

At least 60% of Complainants would recommend the complaint process

If someone you knew had a concern about a lawyer, would you recommend that he or she make a complaint about that lawyer to the Law Society?



Key Performance Measures

The Ombudsperson, the Courts and the CRC do not find our process and procedures lacking from the point of view of fairness and due process.

In 2015, three enquiries were received from the Ombudsperson concerning our complaint investigation process, compared with seven enquiries received in 2014. Of those three files, one was closed, and two remained open at the Office of the Ombudsperson, at the end of 2015. The Ombudsperson has not taken issue with any of our processes.

In 2015, the Complainants' Review Committee considered 43 complaints as compared to 80 in 2014. The Committee resolved to take no further action on 40 of those files on the basis that the staff assessments were appropriate in the circumstances. Three referrals were made by the CRC to the Discipline Committee which resulted in: no further action; a referral back to staff for further investigation; and one referral is still pending.

The Law Society *of British Columbia*



Custodianships

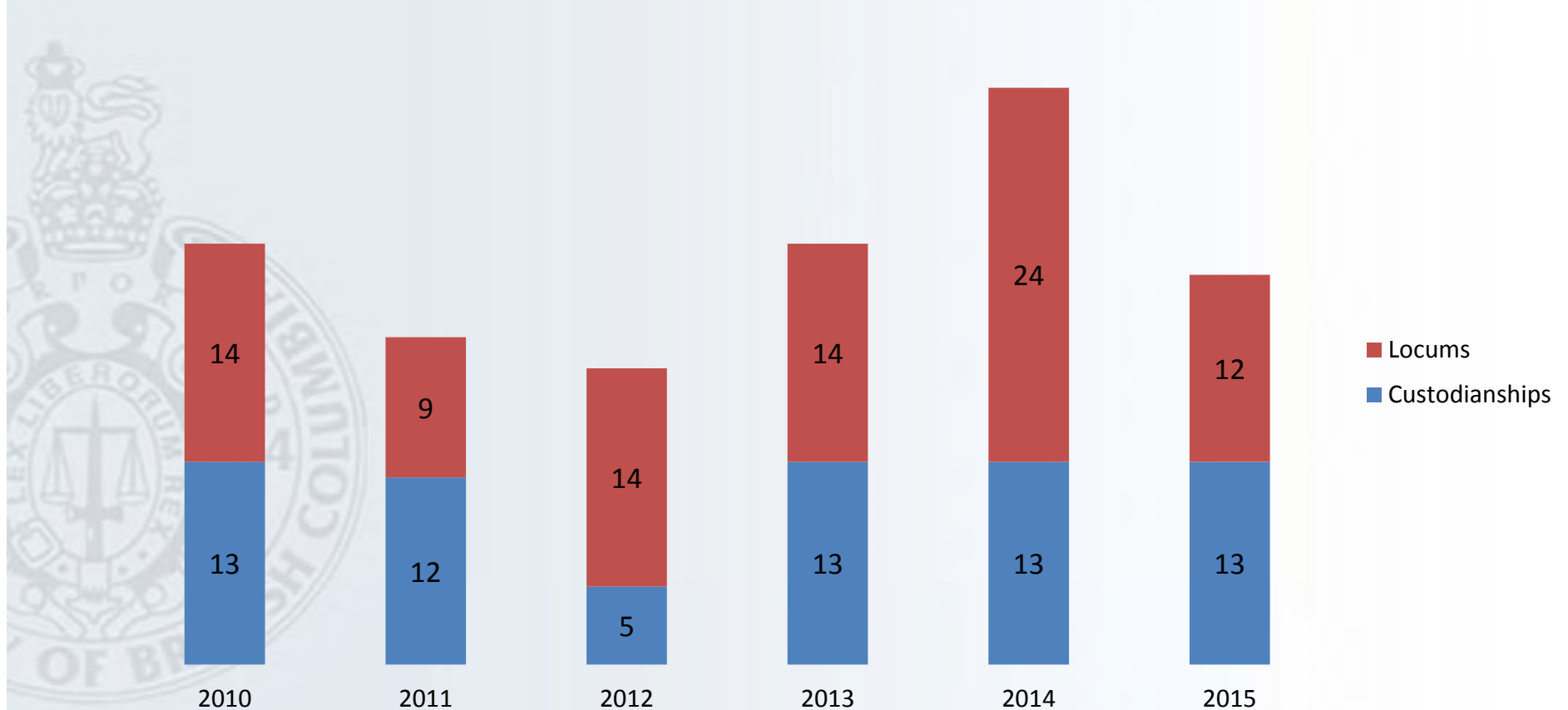


Department Highlights

- In 2015, the Law Society was appointed as a custodian over 13 practices (11 by court order; 2 by agreement) and staff coordinated 12 locum placements, eliminating the need for a Law Society custodianship in those cases.
- Discharges were granted on 8 custodianships during the year. There were 34 custodianships under administration at year end for 2015.
- The number of practices requiring new custodian appointments has remained constant over the last three years. However, due to an increase in the number of large and/or complex custodianships, the number of new appointments has exceeded the number of discharges the past two years. This has resulted in an increase in the number of custodianships remaining under our administration from 25 at the end of 2013 to 34 at the end of 2015.
- In 2015, 88% of clients who responded to our survey were satisfied with the way in which we dealt with their matter.

Key Activities

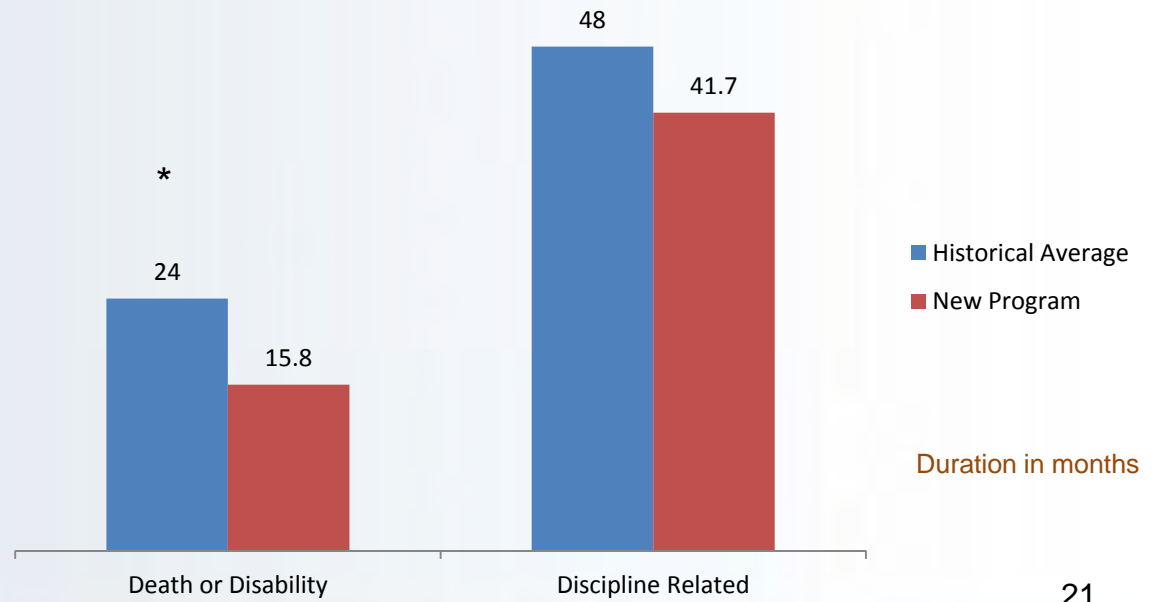
New Custodianships and Locums By Year



Key Performance Measures

The length of time required to complete a custodianship will decrease under the new program based on comparable historic averages*

* This KPM is divided into two parts (custodianships arising from death or disability and custodianships which are discipline related). The KPM was met for both parts in 2015.



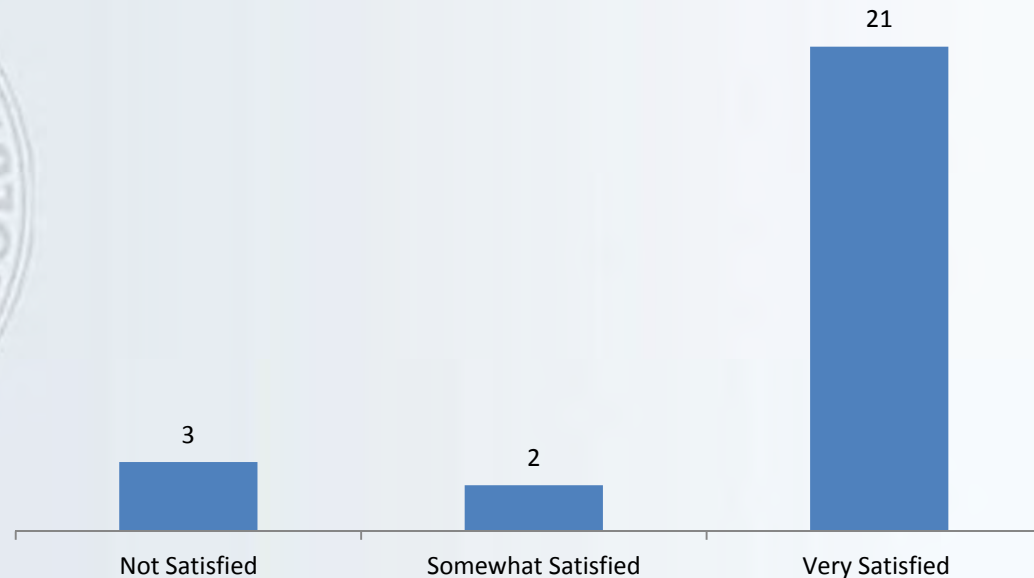
21

Key Performance Measures

90% of clients surveyed are satisfied with the way in which the designated custodian dealt with their client matter.

Degree of satisfaction with the way in which the designated custodian dealt with your client matter

2015	88%
2014	100%
2013	83%
2012	87%



The Law Society *of British Columbia*



Trust Assurance



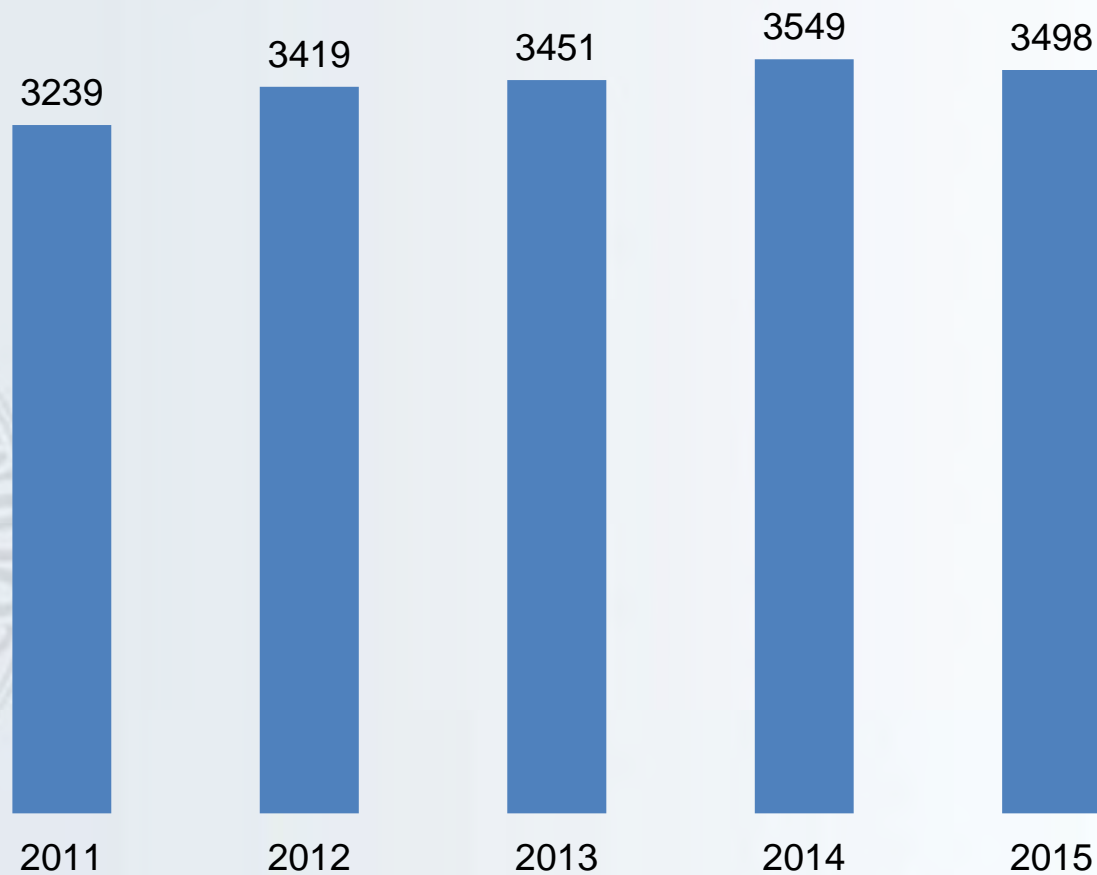
Department Highlights

- In addition to conducting trust compliance audits and reviewing annual law firm trust reports, the Trust Assurance Department also performs file monitors when necessary, to ensure deficiencies noted during the audits are corrected.
- The department provides guidance on trust related matters through direct correspondence with the membership, formal presentations to various external groups, and through the development of information resources such as the Trust Accounting Handbook and Checklists available on the Law Society website.
- Reviewed approximately 3,500 trust reports in 2015, similar to past years.
- Performed 461 compliance audits in 2015, a decrease from last year due to staff changes, and the department has completed approximately 4,445 since the inception of the trust assurance program.

Department Highlights

- There was a small decrease in the number of financial suspensions in 2015, compared to 2014.
- As well, a small decrease in referrals in 2015 compared to 2014, but relatively stable results compared to recent years.
- Performance on key compliance questions remained relatively stable in 2014 (the last complete year for trust reports) as measured by the percentage of self-reports allowed compared with those who were required to provide an accountant's report.

Number of Trust Reports

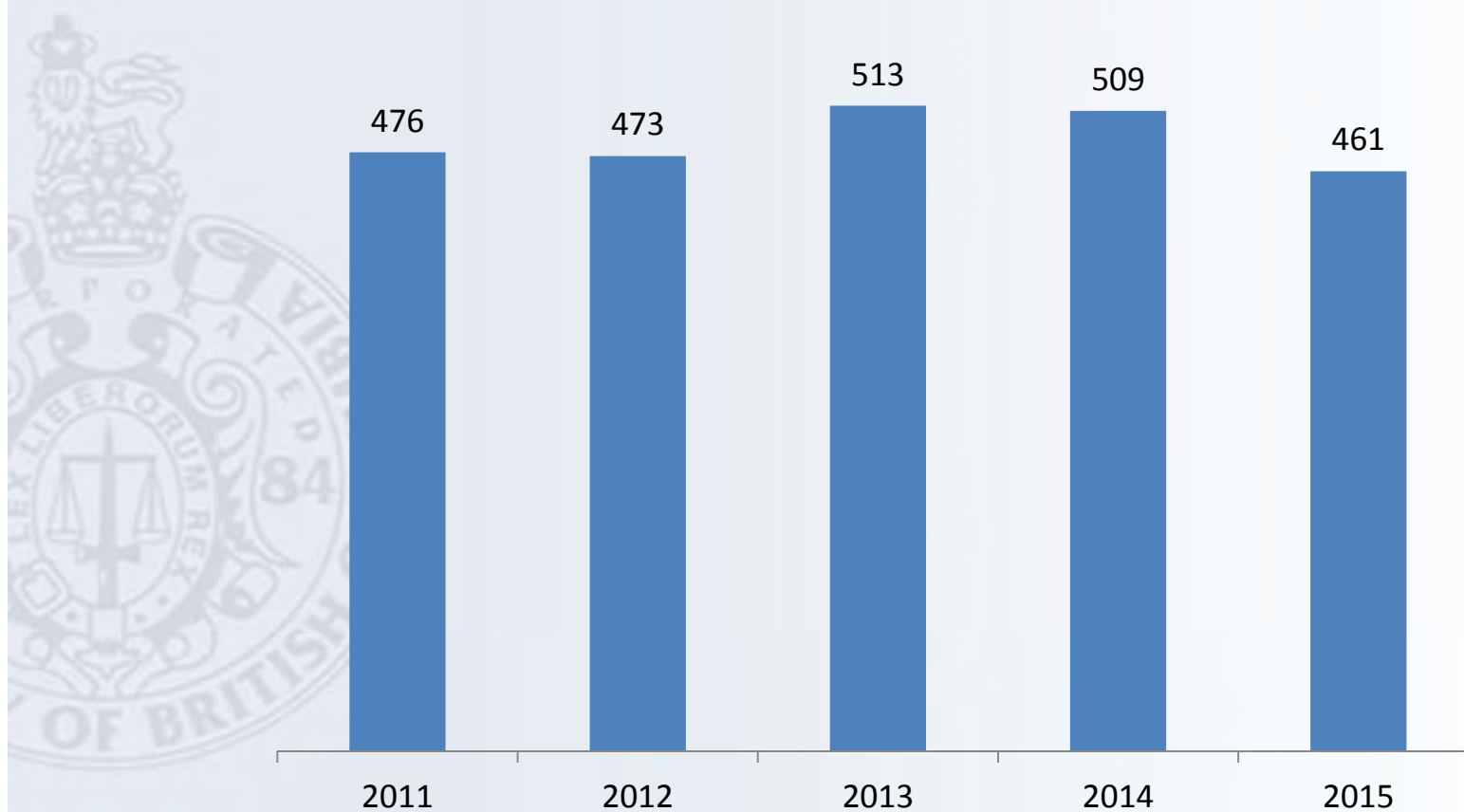


* Projected figure, as due dates for Trust Reports ending in the final quarter of 2015 have not yet passed

*

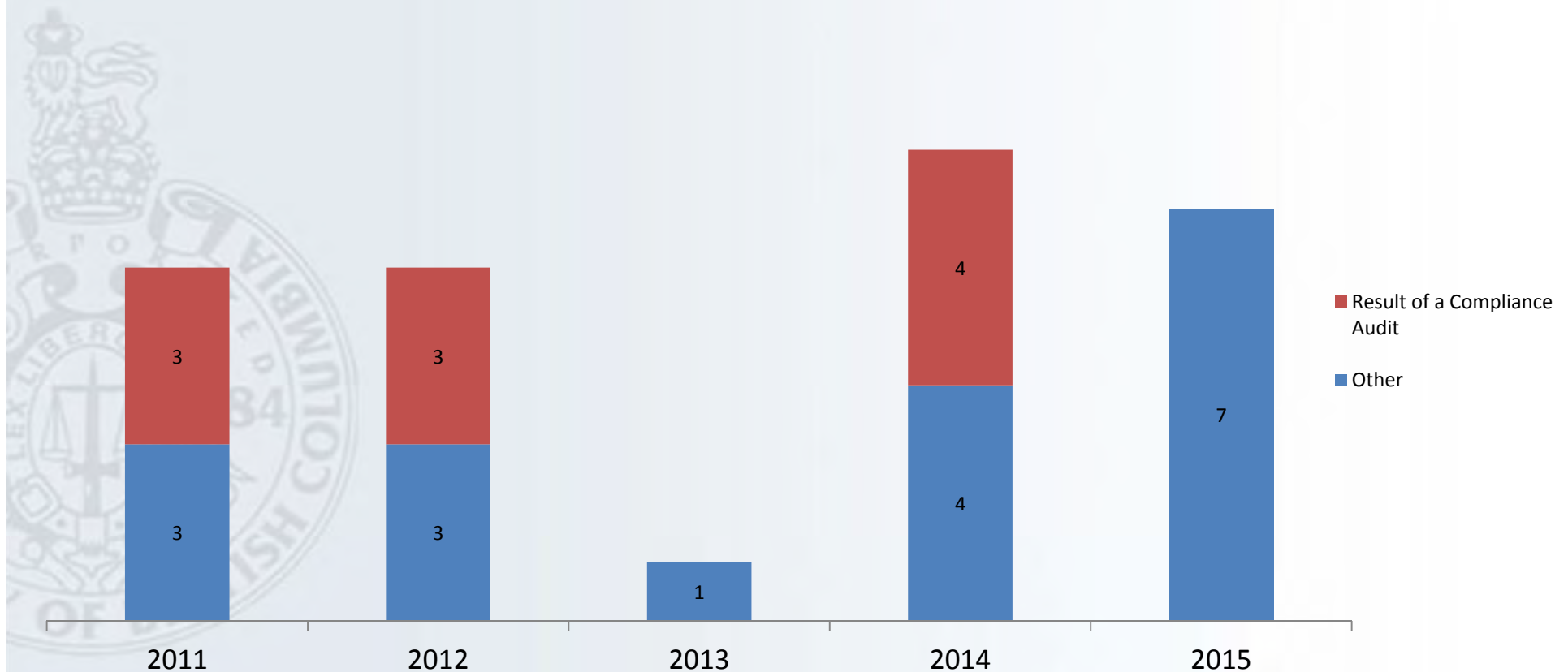
Compliance Audits

Number of compliance audits performed



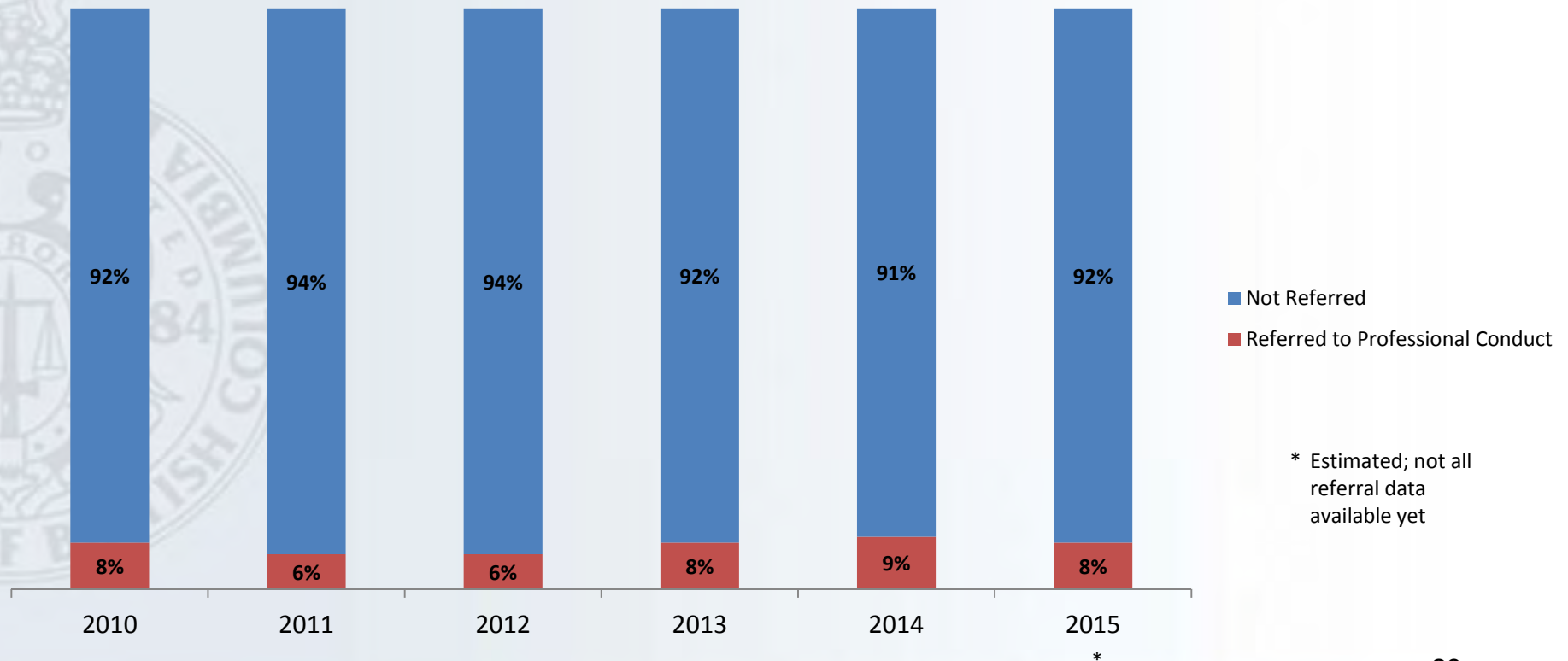
Key Performance Measure

Long term reduction in the number of financial suspensions issued by trust assurance program



Key Performance Measure

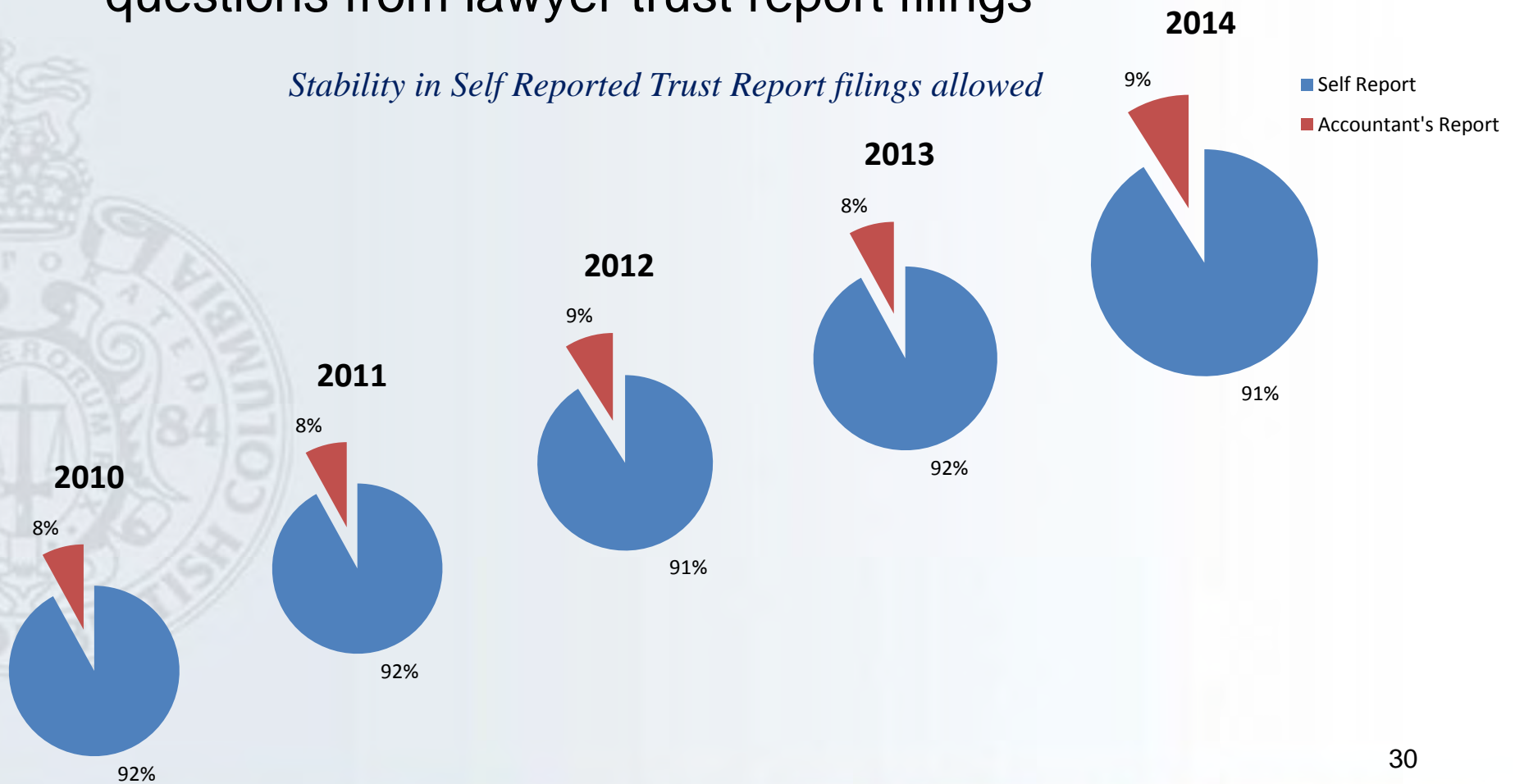
Long term reduction in the percentage of referrals to Professional Conduct department as a result of a compliance audit.



Key Performance Measure

Improved performance on key compliance questions from lawyer trust report filings

Stability in Self Reported Trust Report filings allowed



The Law Society *of British Columbia*



Credentials, Articling and PLTC



Department Highlights

- PLTC's live 10-week legal skills training course for articulated students saw registration increase to a new high of 490!... up from 460 in 2014, 441 in 2013 and 409 in 2012.
- The 2nd floor was renovated to add a 7th PLTC classroom.
- PLTC's new Travel & Accommodation Bursary program, generously funded 100% by the Law Foundation of BC granted 17 bursaries ranging from \$1,000 to \$5,000.
- After the success of PLTC's revised live mock civil trial in 2014, by popular demand, PLTC is adding a new live mock criminal trial commencing February 2016.
- The PLTC student portal continues to expand, providing quick online access for students to legislation, class schedule, lesson plans, practice material, assignments, notices, video lectures and panel discussions as well as student results. Soon students will be able to privately view videos of their own mock performances.

Department Highlights

The Credentials Department deals principally with

- applications for membership, student membership, return to practice, reinstatement, practitioners of foreign law, and inter-jurisdictional practice,
- administration of the articling program, including Benchers interviews, articling reports and preparation of the call to the bar ceremonies,
- the Continuing Professional Development (CPD) program,
- accreditation of family law mediators, arbitrators and parenting coordinators,
- applications for law corporations, LLPs and multi-disciplinary practices,
- management of the annual membership renewal process, including the annual fee, insurance and annual practice declaration,
- disposition of unclaimed trust funds,
- Juricert registrations and support.

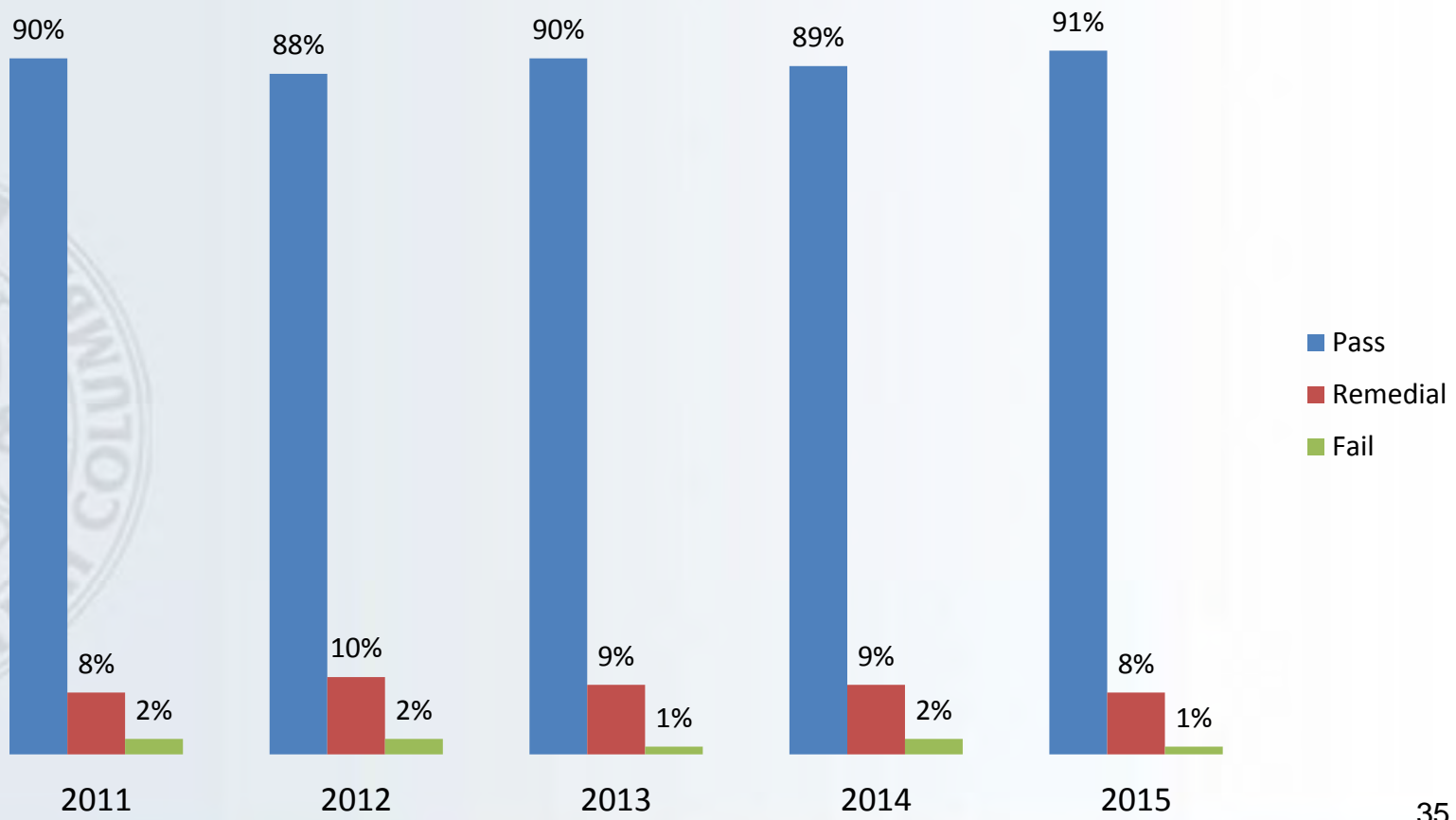
Key Activities

Number of PLTC Students



Key Performance Measures

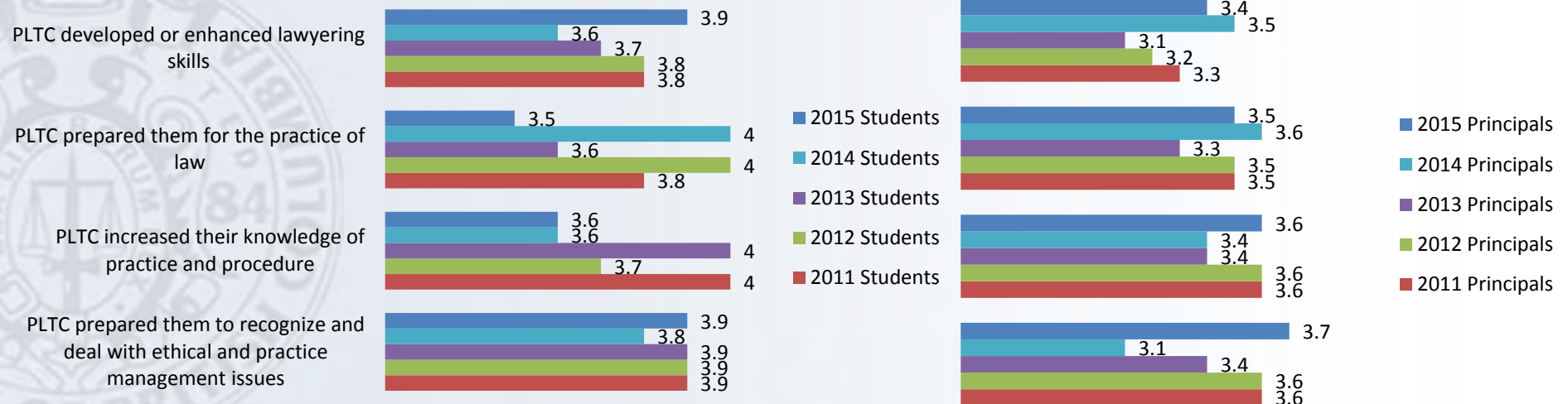
At least 85% of the students attending PLTC achieve a pass on the PLTC results



35

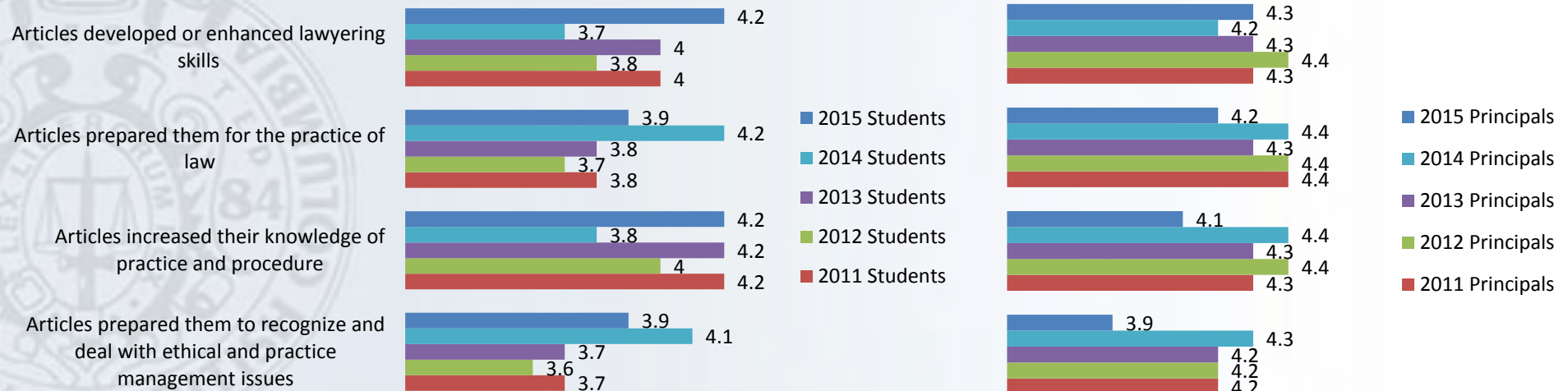
Key Performance Measures

Students and Principals rate PLTC's value at an average of 3.5 or higher on a 5 point scale (1 = lowest and 5 = highest)



Key Performance Measures

Students and Principals rate the value of articles at an average of 3.5 or higher on a 5 point scale (1 = lowest and 5 = highest)



The Law Society *of British Columbia*



Practice Advice



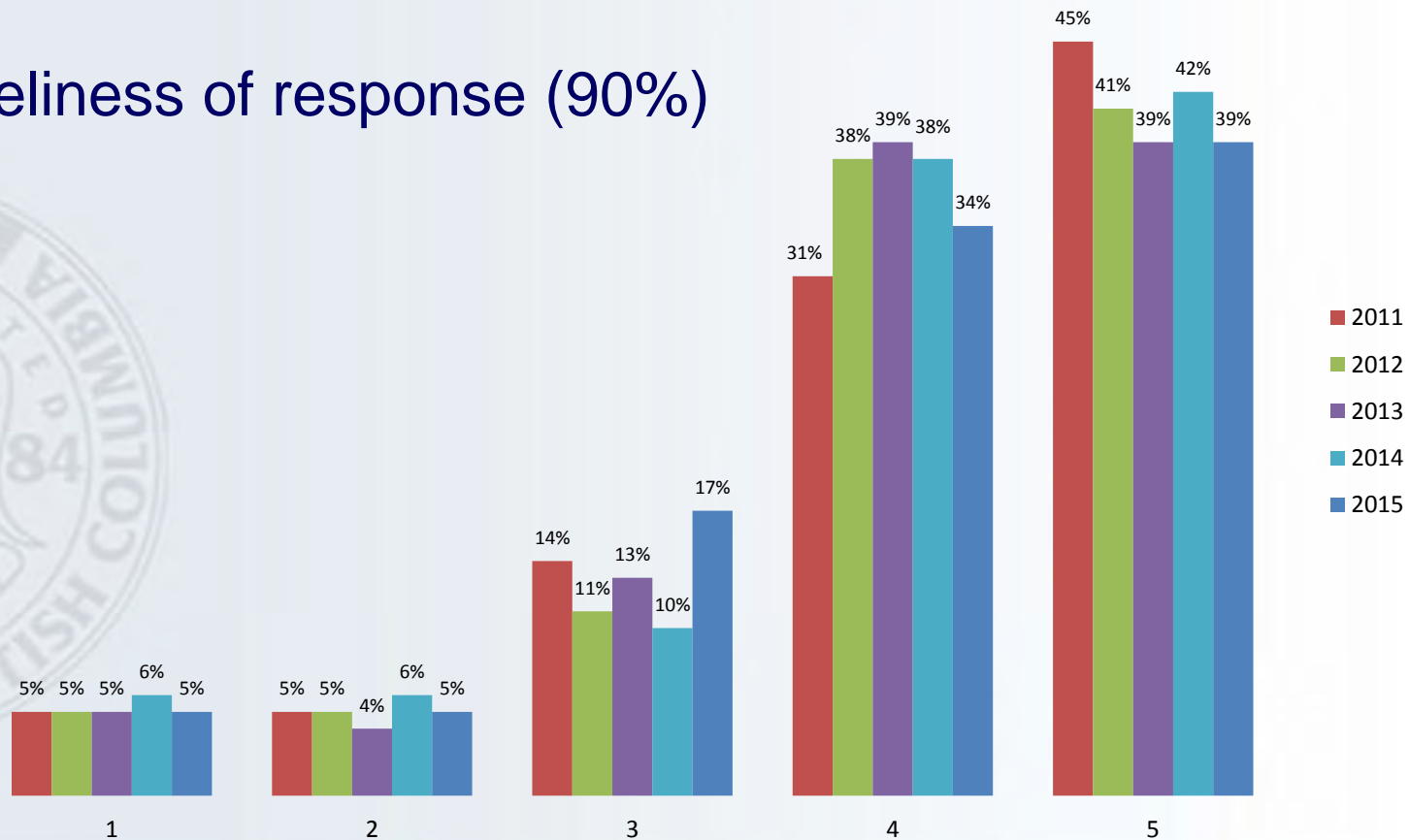
Department Highlights

- The Practice Advice department, which includes four Practice Advisors (two are half-time) and one paralegal, handled a total of 5,962 telephone and email inquiries in 2015, compared to 6,197 in 2014.
- 90% of the lawyers who responded to a survey rated timeliness of response at 3 or higher.
- 91% of the lawyers who responded rated quality of advice at 3 or higher.
- In rating satisfaction with the resources to which they were referred, 88% of the lawyers provided ratings of 3 or higher.
- In rating their overall satisfaction, 89% of the lawyers provided ratings of 3 or higher.

Key Performance Measures

At least 90% of the lawyers responding to a survey rate their satisfaction level at 3 or higher on a 5 point scale

Timeliness of response (90%)

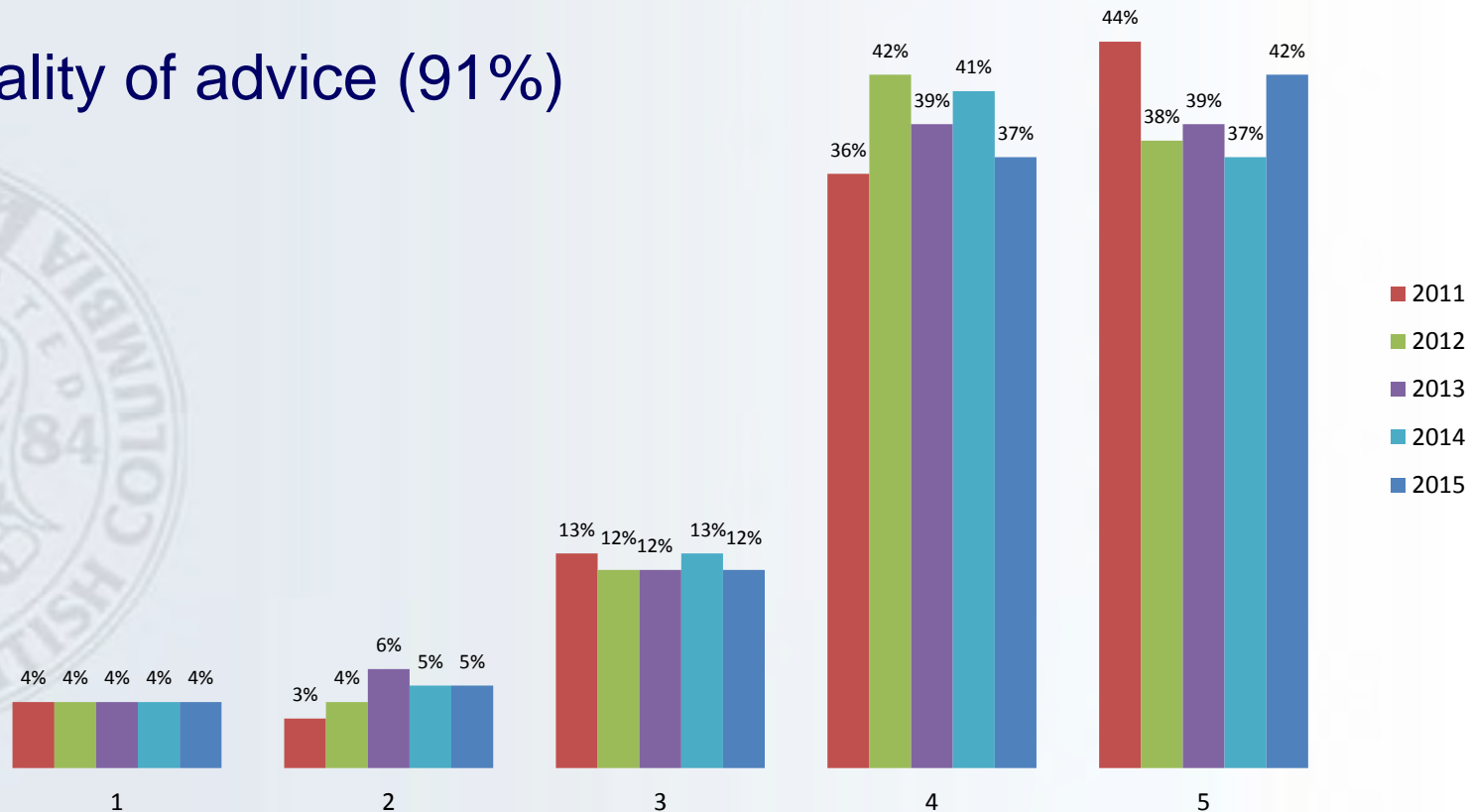


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Key Performance Measures

At least 90% of the lawyers responding to a survey rate their satisfaction level at 3 or higher on a 5 point scale

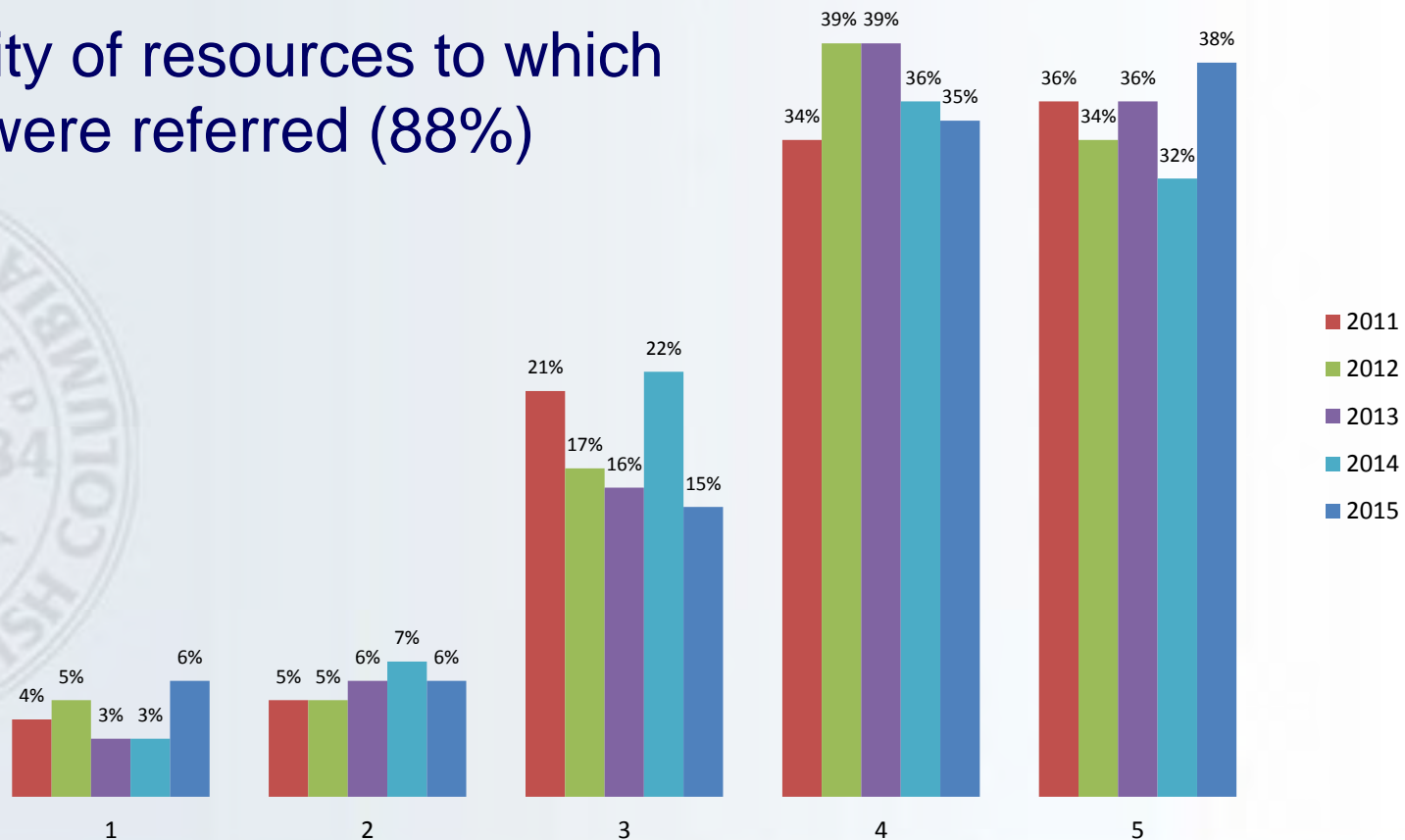
Quality of advice (91%)



Key Performance Measures

At least 90% of the lawyers responding to a survey rate their satisfaction level at 3 or higher on a 5 point scale

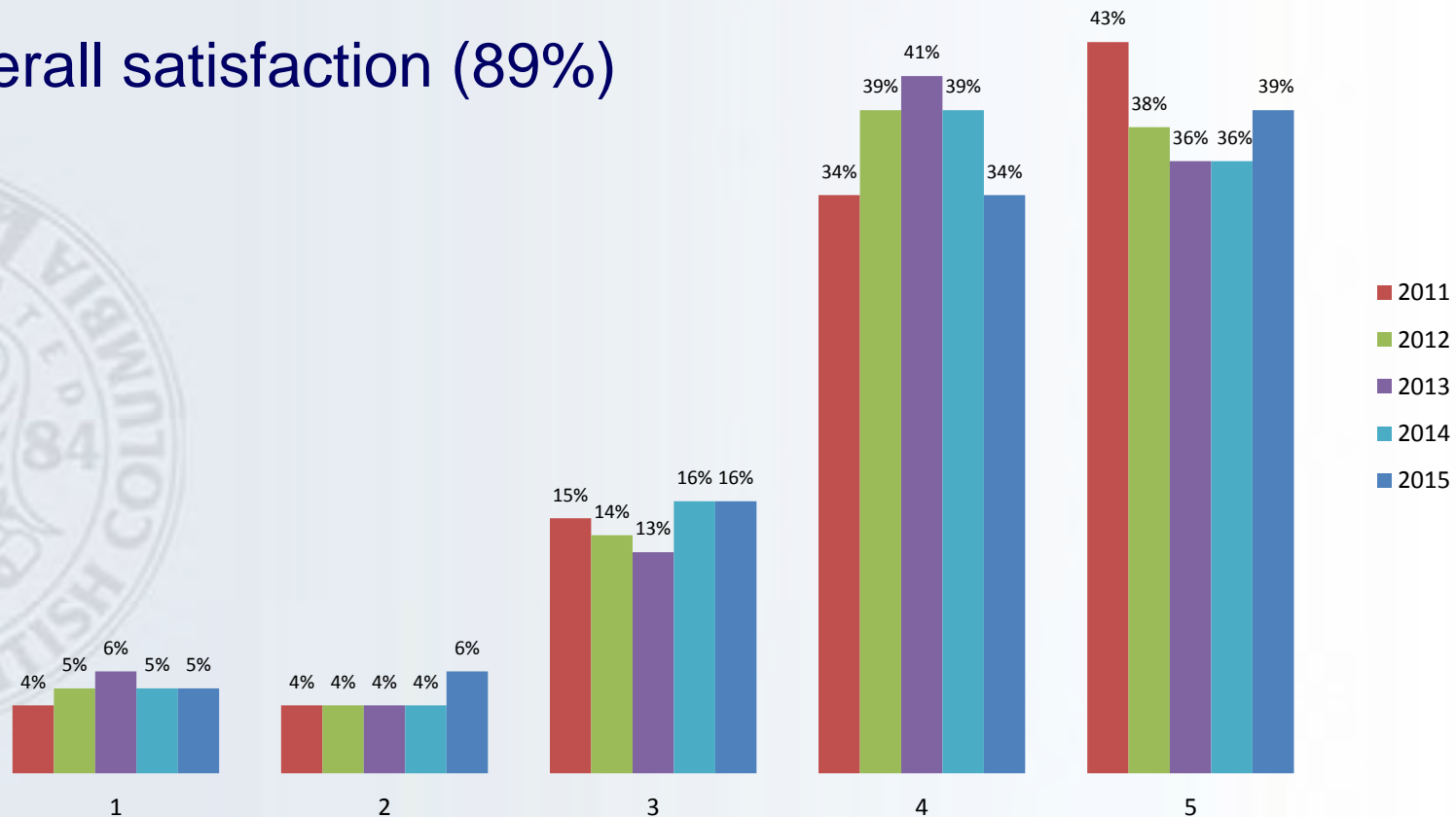
Quality of resources to which you were referred (88%)



Key Performance Measures

At least 90% of the lawyers responding to a survey rate their satisfaction level at 3 or higher on a 5 point scale

Overall satisfaction (89%)



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Practice Standards



Department Highlights

The Practice Standards program is a remedial program that assists lawyers who have difficulty in meeting core competencies and who exhibit practice concerns, which may include issues of client management, office management, personal matters, and substantive law. The Practice Standards Department conducts practice reviews of lawyers whose competence is in question, and recommends and monitors remedial programs.

The Department also supports lawyer effectiveness by overseeing the operation and enhancement of the following Benchers-approved online lawyer support programs. All exceed the KPM Target except for the Practice Locums Program, which historically continues to track positively but not as strongly as the other programs.

- Small Firm Practice Course
- Practice Refresher Course
- Practice Locums Program
- Bookkeeper Support Program
- Succession and Emergency Planning Program

Key Performance Measures

At least two thirds of the lawyers who complete their referral demonstrate an improvement of at least 1 point on a 5 point scale in any one of the following categories:

1. Office management
2. Client relations and management
3. Knowledge of law and procedure
4. Personal/other

94%* of the lawyers for whom Practice Standards files were completed and closed improved by at least one point.

*The one lawyer who did not improve by at least one point is no longer in practice.

Key Performance Measures

At least two thirds of the lawyers who complete their referral do so at an efficiency rating of 3 or higher on a 5 point scale in any one of the following categories:

1. Office management
2. Client relations and management
3. Knowledge of law and procedure
4. Personal/other

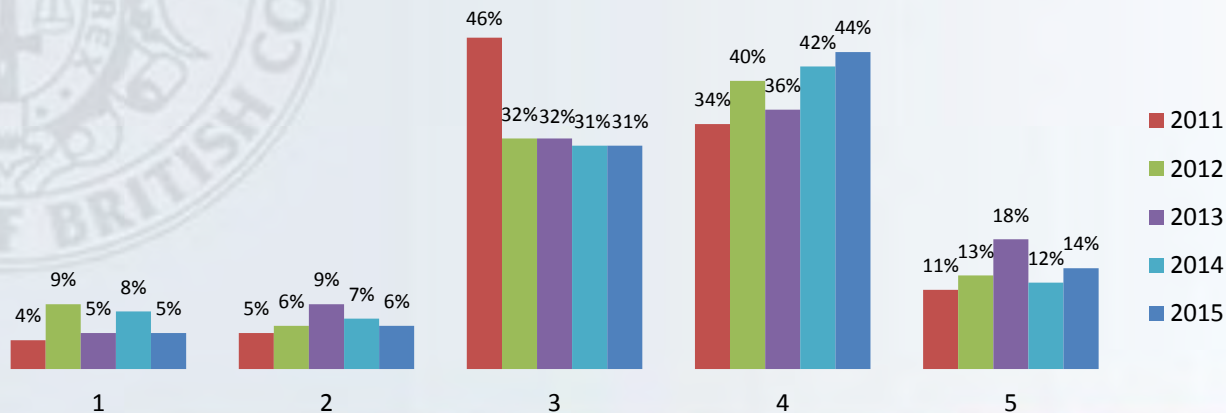
94%* of the 17 referrals were completed at an efficiency rating of 3 or higher.

*The one lawyer who did not complete their referral at an efficiency rating of 3 or higher is no longer in practice.

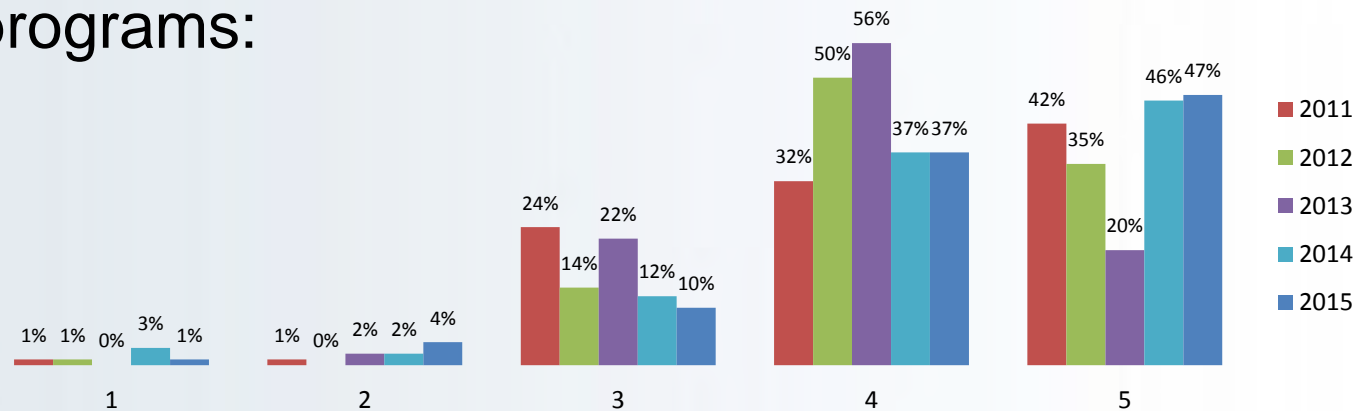
Key Performance Measures

At least 85% of the lawyers responding to a survey rate their satisfaction level at 3 or higher on a 5 point scale for these programs:

Succession and Emergency Planning Assistance (89%)

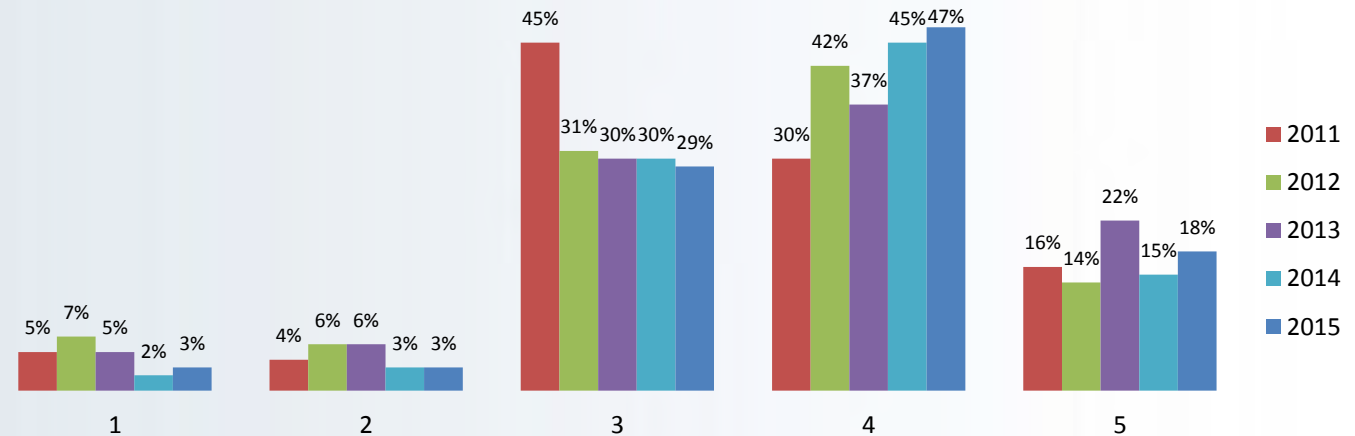


Practice Refresher Course (95%)



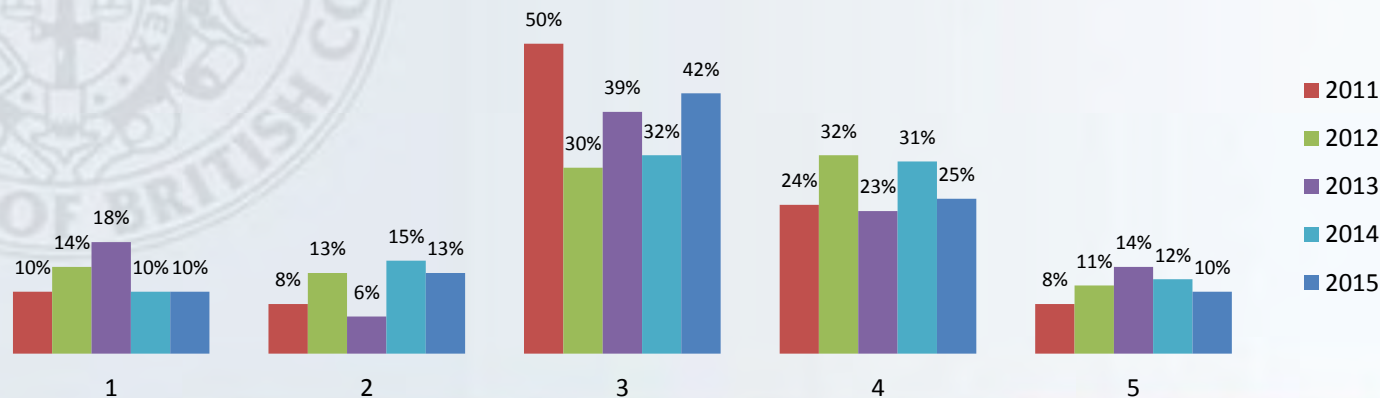
Key Performance Measures

At least 85% of the lawyers responding to a survey rate their satisfaction level at 3 or higher on a 5 point scale for these programs:



Practice Locums Program (77%)

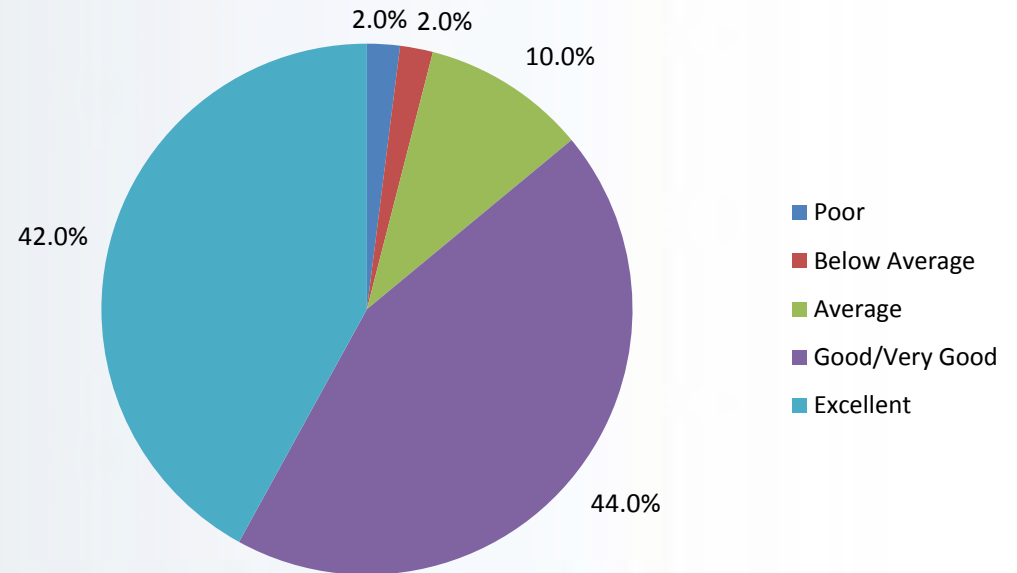
Bookkeeper Support Program (94%)



Key Performance Measures

At least 85% of the lawyers responding to a survey rate their satisfaction level at 3 or higher on a 5 point scale for these programs:

Small Firm Practice Course
(96% at 3 or higher)



2015

The Law Society *of British Columbia*



Lawyers Insurance Fund



Department Highlights

LIF's Goal

Our goal is to maintain a professional liability insurance program for BC lawyers that provides reasonable limits of coverage for the protection of both lawyers and their clients and exceptional service, at a reasonable cost to lawyers. This is within an overarching objective of maintaining a financially stable program over the long term, in the interest of the public and the profession. The Key Performance Measures indicate that we are achieving this goal.

Key Performance Measures

1. **Policy limits** for negligence and theft, the **member deductible**, and the **premium** are reasonably comparable with the 13 other Canadian jurisdictions.

Our coverage limits for negligence and theft, at \$1m and \$300,000, respectively, are comparable. Our Part B coverage contractually assures payment on transparent terms, and thus may be superior to others that are based on the exercise of discretion.

Our member deductible, at \$5,000 per claim, is also comparable.

At \$1,750, our premium compares very favourably, especially considering that ours alone includes the risk of theft claims. All others charge a separate additional fee for this.

Department Highlights

Key Performance Measures cont.

2. Suits under the *Insurance Act* by claimants are fewer than 0.5% of files closed.

Claimants have an unfettered right to proceed to court for a decision on the merits of their claim. However, if they obtain a judgment against a lawyer for which the policy should respond but does not due to a policy breach by the lawyer, we are failing to reasonably protect them. If that occurred, the claimant would sue the Captive directly under the Insurance Act, for compensation. There were no suits by claimants against the Captive in 2015. All meritorious claims were settled with the consent of the claimant or paid after judgment.

3. Every five years, third party auditors provide a written report on whether LIF is meeting its goals:

Third party auditors declared “The goal of resolving claims in a cost effective manner balancing the interests of the insured lawyer, the claimant and the Law Society members is clearly being met - or exceeded - by this collegial and passionate group.”

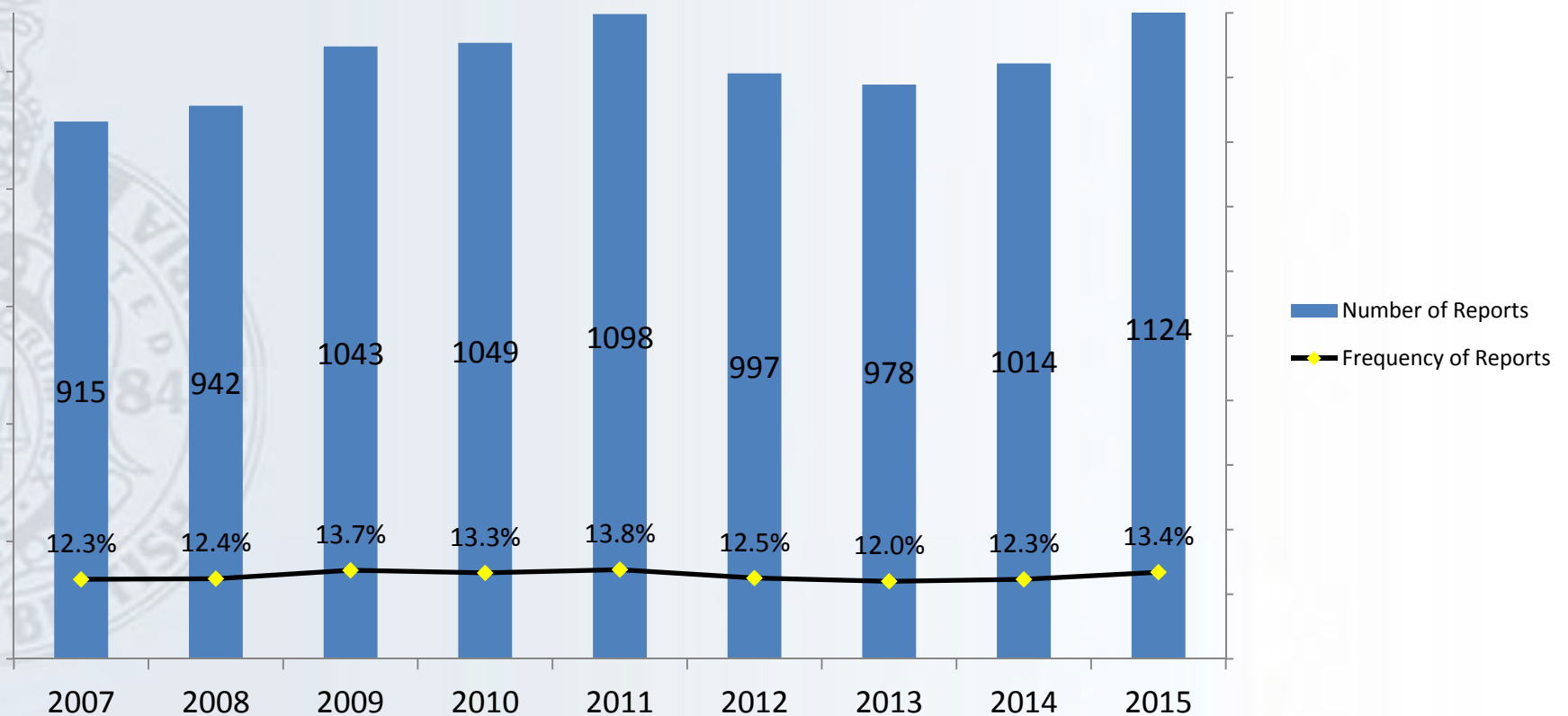
4. Insured lawyers demonstrate a high rate of satisfaction (90% choose 4 or 5 on a 5 point scale) in Service Evaluation Forms.

In 2015, 98% of insureds selected 4 or 5.

Frequency of Insurance Reports

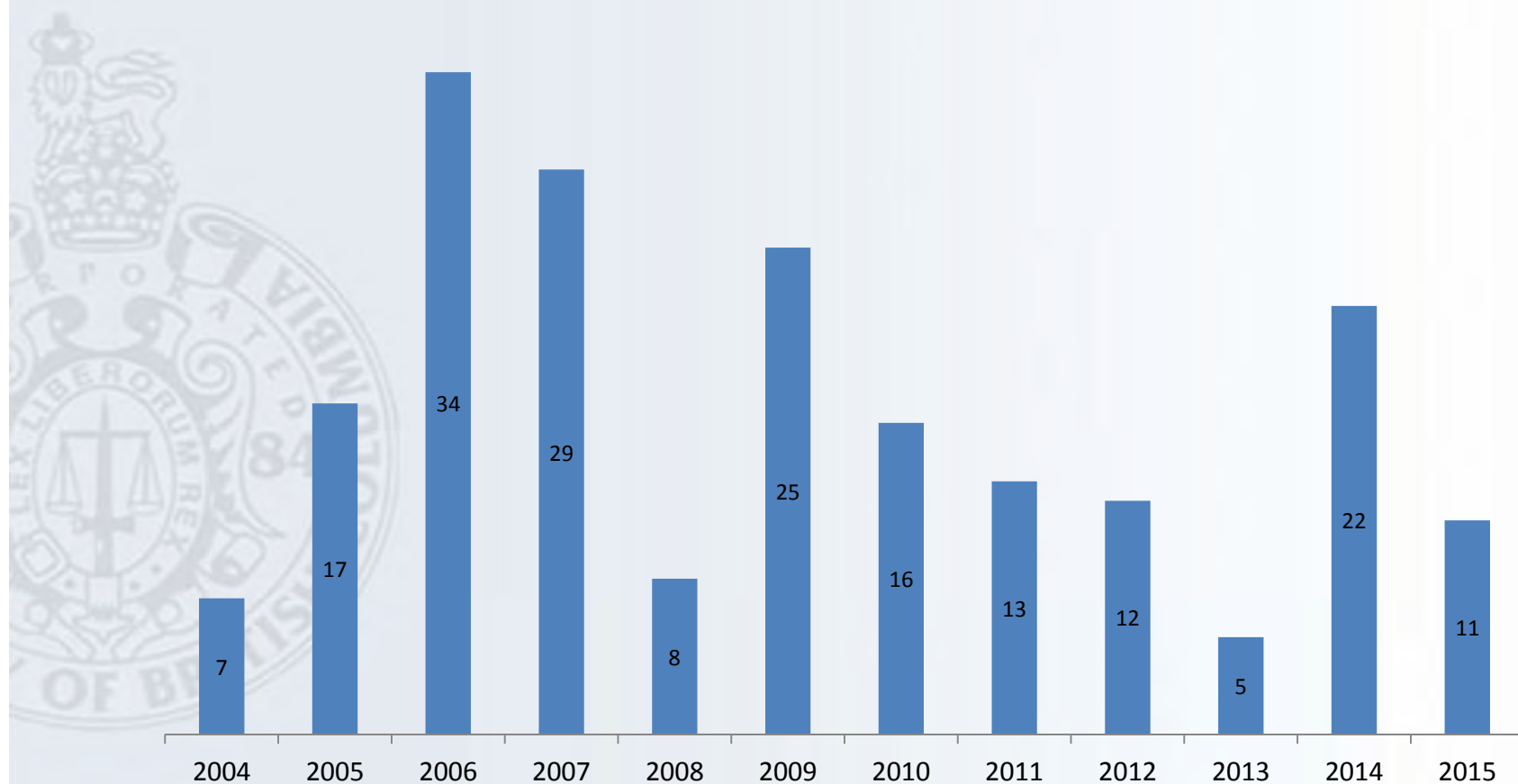
Part A - Number and Frequency of Reports

The number of reports divided by the median number of insured lawyers



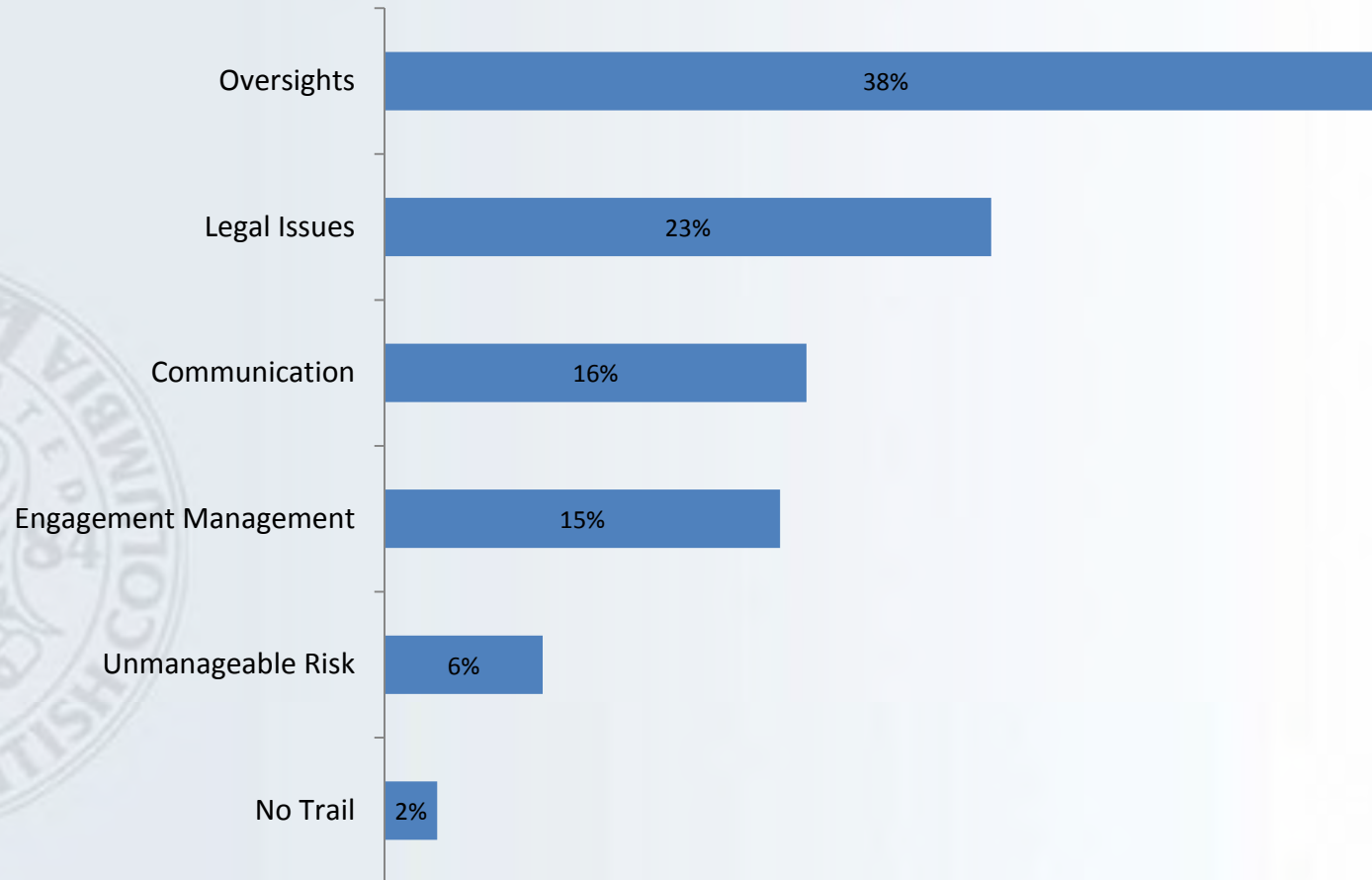
Key Activities

Part B - Number of Reports



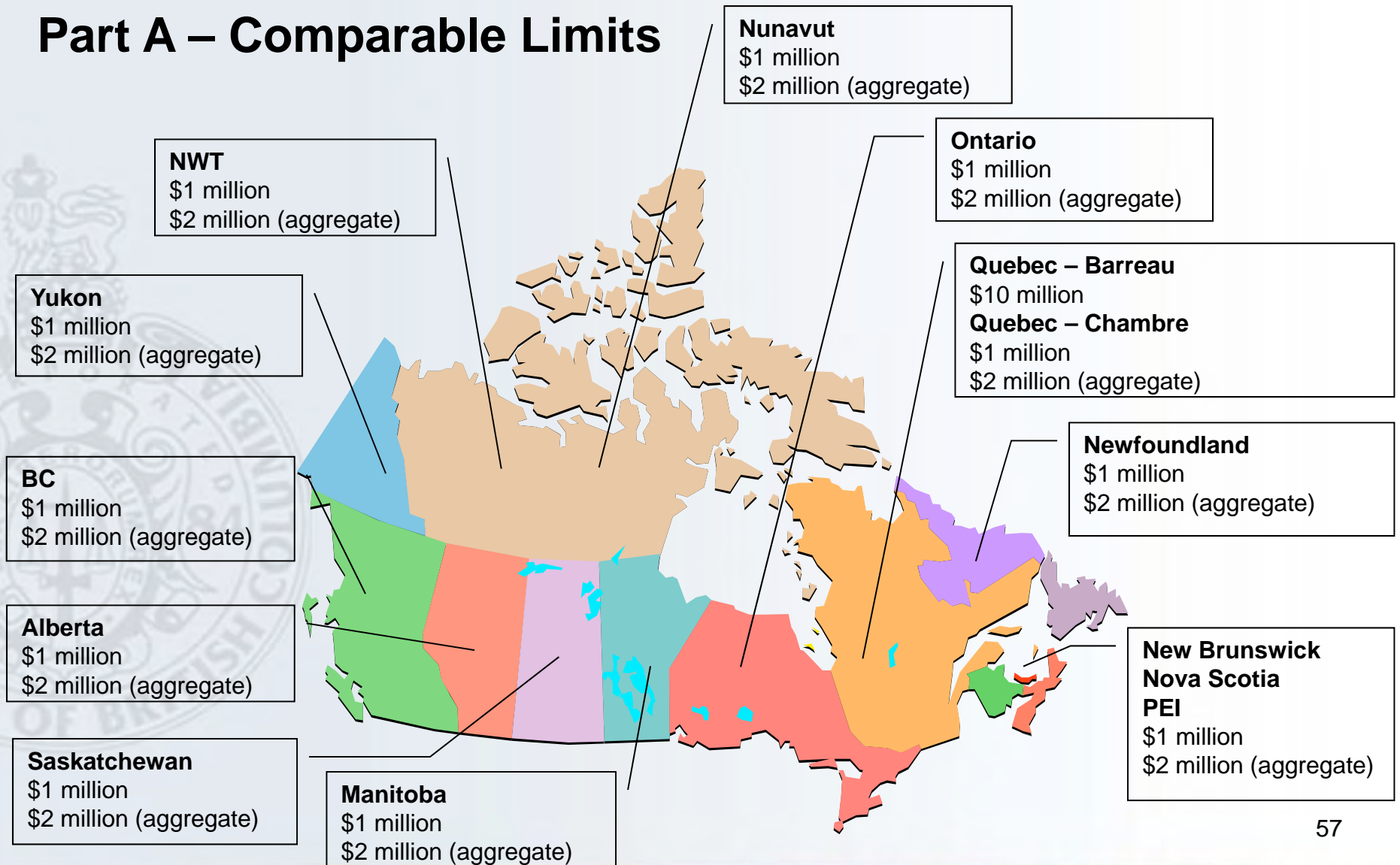
Key Activities

Part A - Causes of Reports



Key Performance Measures

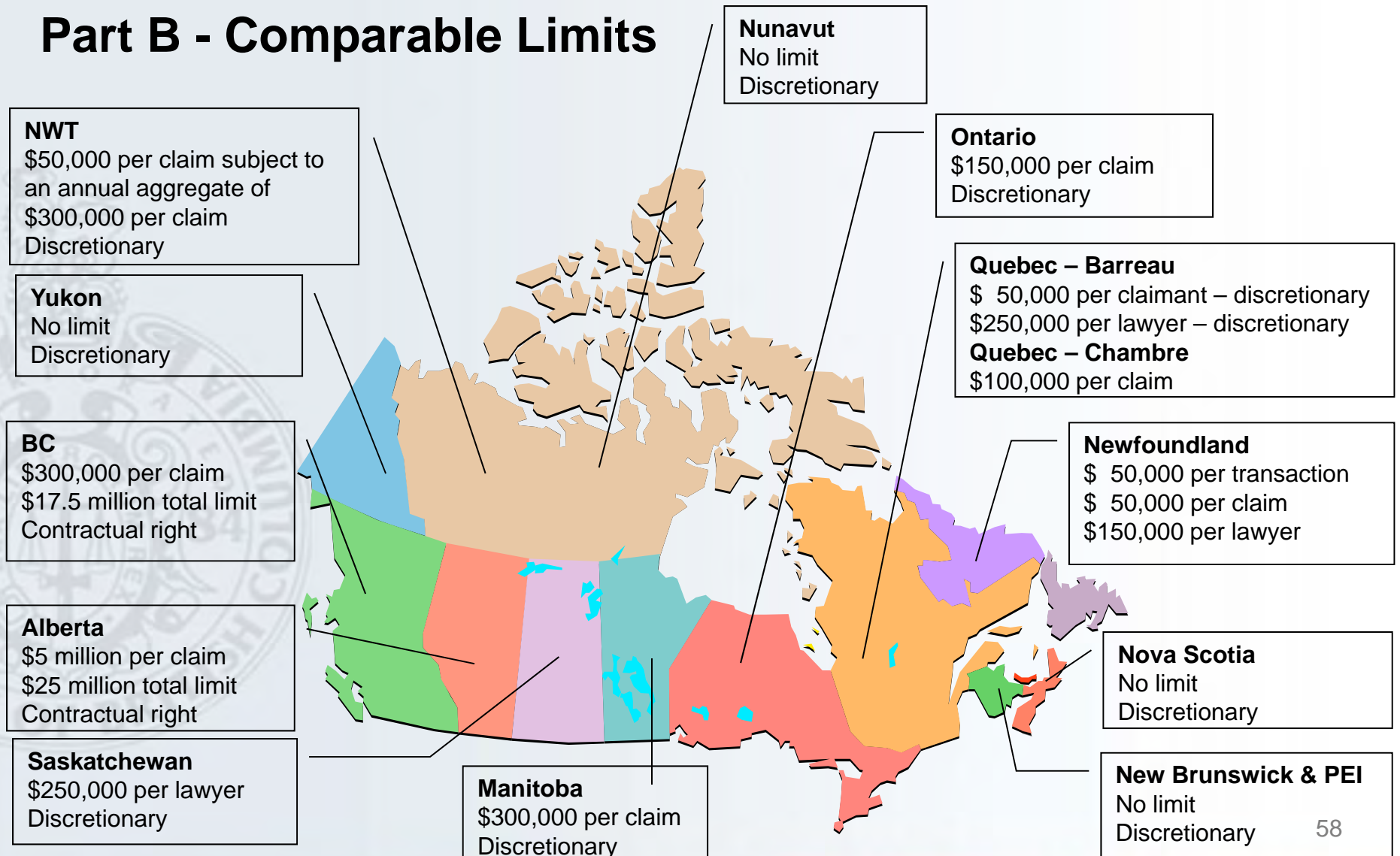
Part A – Comparable Limits



57

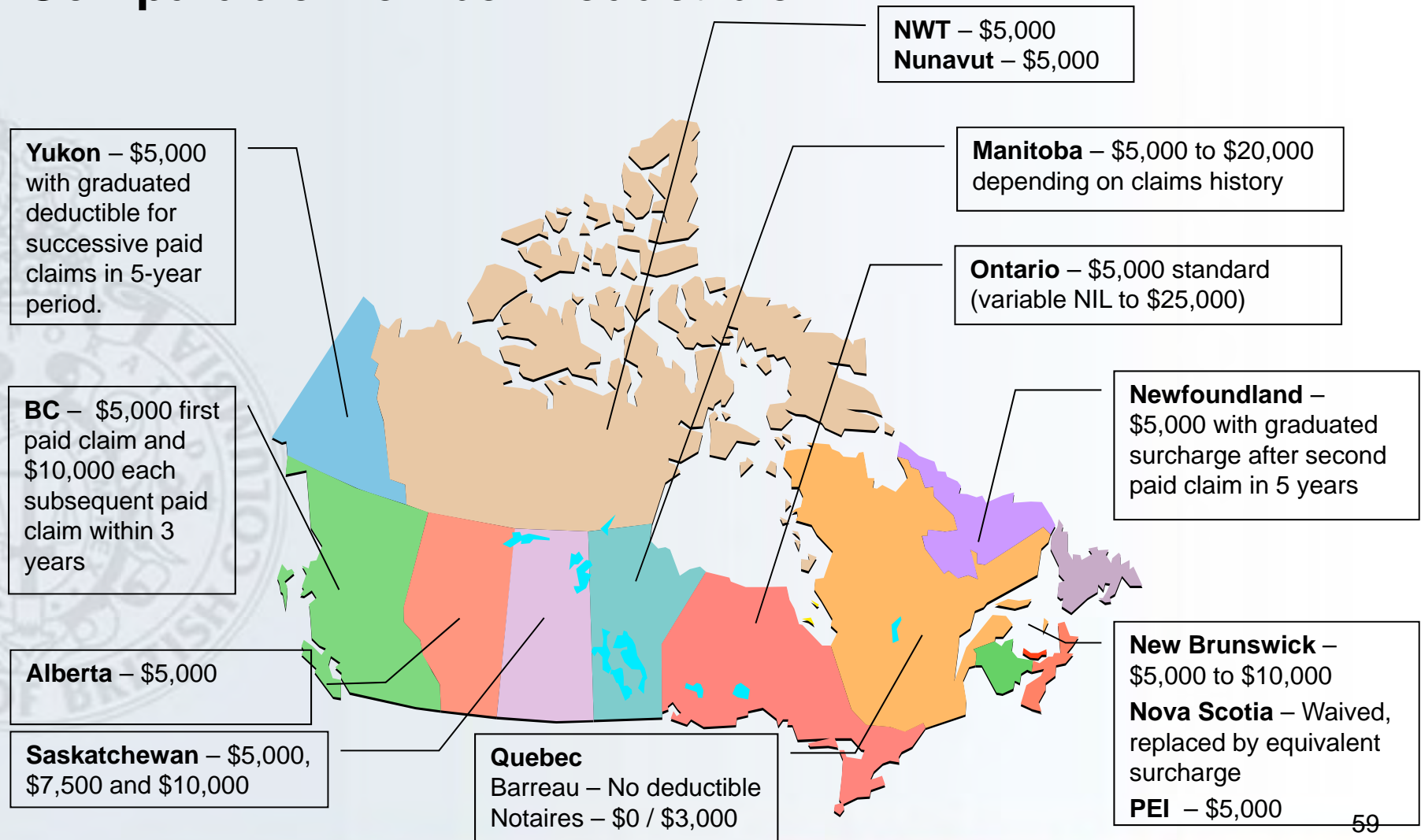
Key Performance Measures

Part B - Comparable Limits



Key Performance Measures

Comparable Member Deductible



Key Performance Measures

Comparable Current Insurance Premium



Key Performance Measures

Outside claims audit every 5 years: obtain opinion

2011 C. Hampton and W. Bogaert Audit Findings

“...we can say with certainty that the claims handling goals are institutionalized in the claims documents, procedures and files, and are almost routinely met in the day to day handling of claims.”

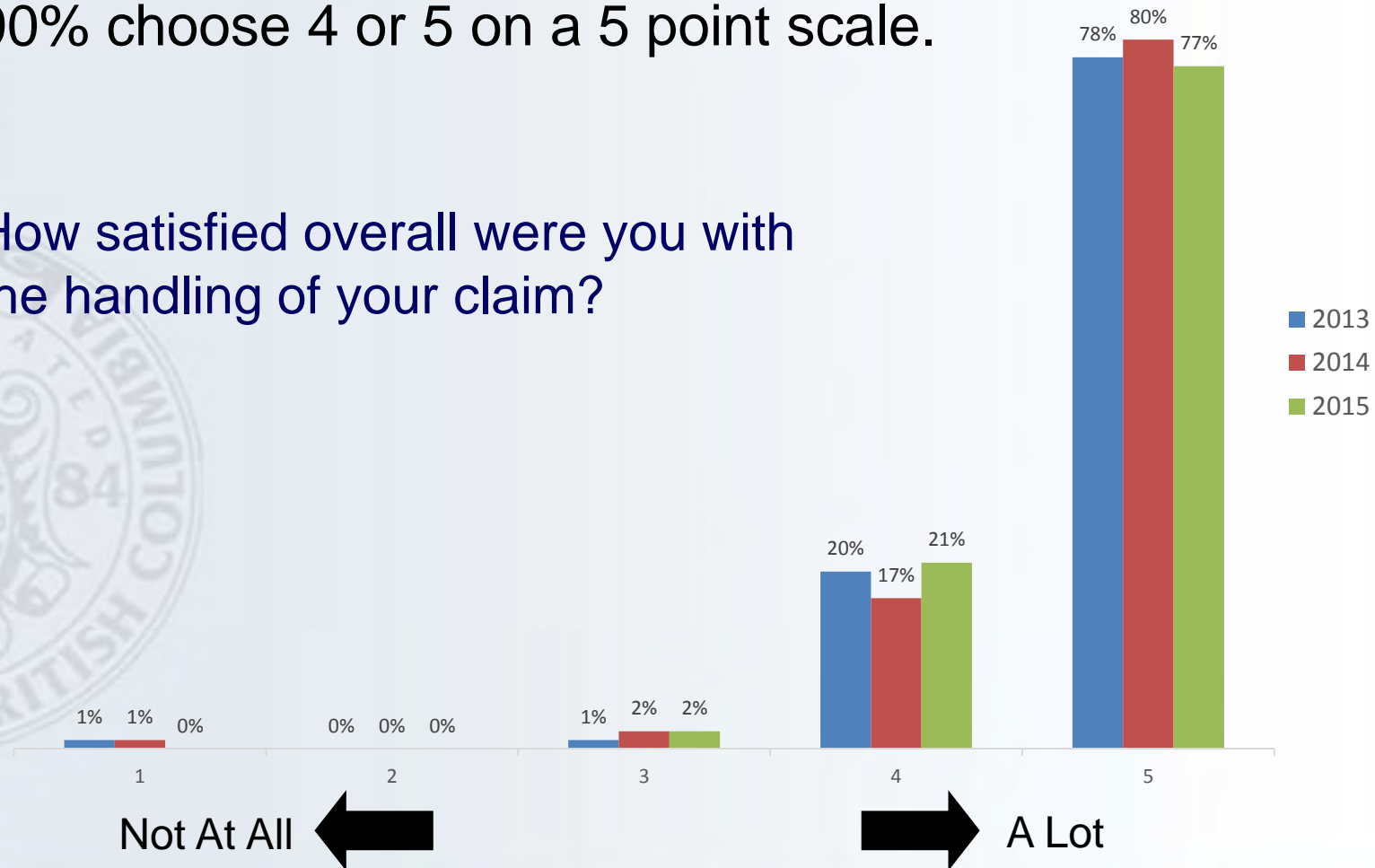
“...the materials we have reviewed strongly evidence the desire of Lawyers Insurance Fund management for continuous improvement and excellence, to provide even better service to its insureds and to be even more cost effective in its claims handling and resolution.”

“In summary, we found a very experienced, skilled, creative and motivated staff and management performing tremendously and at a high level of effectiveness. The goal of resolving claims in a cost effective manner balancing the interests of the insured lawyer, the claimant and the Law Society members is clearly being met – or exceeded – by this collegial and passionate group.”

Key Performance Measures

Results of Service Evaluation Forms:
90% choose 4 or 5 on a 5 point scale.

How satisfied overall were you with
the handling of your claim?





2015 – 2017 Strategic Plan

Our Mandate

Our mandate is to uphold and protect the public interest in the administration of justice by:

- (a) preserving and protecting the rights and freedoms of all persons,
- (b) ensuring the independence, integrity, honour and competence of lawyers,
- (c) establishing standards and programs for the education, professional responsibility and competence of lawyers and of applicants for call and admission,
- (d) regulating the practice of law, and
- (e) supporting and assisting lawyers, articulated students and lawyers of other jurisdictions who are permitted to practise law in British Columbia in fulfilling their duties in the practice of law.

Our Goals

To fulfil our mandate in the next three years, we have identified three specific goals:

1. The public will have better access to legal services.

We know that one of the most significant challenges in Canadian civil society today is ensuring that the public has adequate access to legal advice and services.

2. The public will be well served by an innovative and effective Law Society.

We recognize that the public expects and deserves effective regulation of the legal profession. To meet that expectation, we will seek out and encourage innovation in all of our practices and processes in order to continue to be an effective professional regulatory body.

3. The public will have greater confidence in the rule of law and the administration of justice.

We believe that the rule of law, supported by an effective justice system, is essential to Canadian civil society. The legal profession plays an important role in maintaining public confidence in both the rule of law and the administration of justice. We recognize the importance of working with others to educate the public about the rule of law, the role of the Law Society and the legal profession in the justice system and the fundamental importance of the administration of justice.

1. The public will have better access to justice.

Strategy 1–1

Increase the availability of legal service providers

Initiative 1–1(a)

Follow-up on recommendations from the December 2014 report of the Legal Services Regulatory Framework Task Force toward developing a framework for regulating non-lawyer legal service providers to enhance the availability of legal service providers while ensuring the public continues to receive legal services and advice from qualified providers.

Status – January 2016

The Legal Services Regulatory Framework Task Force made recommendations in December 2014 that outlined seven areas of law in which new classes of legal service providers could be permitted to practice.

The Task Force recommended that the Benchers seek a legislative amendment to permit the Law Society to establish new classes of legal service providers and there have been discussions with the Ministry of Justice and Attorney General to that end. Further information on this initiative is contained in the memorandum attached to this Update.

Initiative 1–1(b)

Continue work on initiatives for advancement of women and minorities, including through the Justicia Program and the Aboriginal Mentoring Program.

Status - January 2016

Initiatives on both Aboriginal and Gender continue through the Aboriginal Mentoring Program and the Justicia Program. Efforts have been made to improve diversity on the bench and work is underway to consider ways to encourage more involvement of equity seeking groups in Law Society governance.

Strategy 1–2

Increase assistance to the public seeking legal services

Initiative 1–2(a)

Evaluate the Manitoba Family Justice Program and determine if it is a viable model for improving access to family law legal services in British Columbia.

Status - January 2016

The Access to Legal Services Advisory Committee determined that the Manitoba project was not viable to duplicate in BC. It preferred a proposal by Mediate BC to set up a roster to match family law mediators with lawyers prepared to provide unbundled independent legal advice to participants in mediation. Mediate BC has sought funding from the Law Foundation to support the creation of the project and the Committee, as part of its annual meeting with the Law Foundation to discuss the \$60,000 access to justice fund, supported the proposal. The Committee's December 2015 report to the Benchers provides greater detail, and it is anticipated we will know whether the proposed project has been granted funding at that time.

Initiative 1–2(b)

Examine the Law Society's role in connection with the advancement and support of Justice Access Centres.

Status - January 2016

Staff wrote to the Deputy Attorney General following up on issues and a substantive reply has not yet been received. Further work will depend on the nature of the reply. In the meantime, staff continues to monitor activities concerning development of JACs.

Initiative 1–2(c)

Examine the Law Society's position on legal aid, including what constitutes appropriate funding and whether other sources of funding, aside from government, can be identified.

Status - January 2016

The Legal Aid Task Force has been created by the Benchers. A mandate has been approved, and the task force members have been appointed. The first meeting is expected shortly.

2. The Law Society will continue to be an innovative and effective professional regulatory body.

Strategy 2–1

Improve the admission, education and continuing competence of students and lawyers

Initiative 2–1(a)

Evaluate the current admission program (PLTC and articles), including the role of lawyers and law firms, and develop principles for what an admission program is meant to achieve.

Status - January 2016

A report with recommendations has been prepared by the Lawyer Education Advisory Committee and was presented for information at the December 4 meeting of the Benchers, with discussion to follow at a later meeting.

Initiative 2–1(b)

Monitor the Federation's development of national standards and the need for a consistent approach to admission requirements in light of interprovincial mobility.

Status - January 2016

The Federation's National Admission Standards Project Steering Committee recently circulated a proposal concerning proposed national assessments. The Lawyer Education Advisory Committee's Report to the Benchers under Initiative 2-1(a) includes an analysis and recommended response.

Initiative 2–1(c)

Conduct a review of the Continuing Professional Development program.

Status - January 2016

This topic will be considered by the Lawyer Education Advisory Committee in 2016.

Initiative 2–1(d)

Examine Practice Standards initiatives to improve the competence of lawyers by maximizing the use of existing and new data sources to identify at-risk lawyers and by creating Practice Standards protocols for remediating high risk lawyers.

Status - January 2016

Work on this project is underway. To date we have gathered evidence on the impact of remediation and its duration, and the effectiveness of remediation in reducing lawyer complaints and increasing competence. The data analysis will be completed in late January 2016. In 2016, work will be undertaken on gathering / analyzing a series of recommendations.

Initiative 2–1(e)

Examine alternatives to articling, including Ontario’s new legal practice program and Lakehead University’s integrated co-op law degree program, and assess their potential effects in British Columbia.

Status - January 2016

The Lawyer Education Advisory Committee’s discussions about these programs are underway as part of its examination of the current admission program. The Committee’s conclusions form part of its Report under Initiative 2-1(a).

Strategy 2–2**Expand the options for the regulation of legal services*****Initiative 2–2(a)***

Consider whether to permit Alternate Business Structures and, if so, to propose a framework for their regulation.

Status - January 2016

The Law Society has done a preliminary report, and information has been gathered from Ontario, which is undertaking its own analysis of ABSs, and the UK and Australia, which have permitted ABSs. The Law Society is

monitoring consideration of ABSs currently taking place in the Prairie provinces.

No task force has yet been created to examine the subject independently in BC.

Initiative 2–2(b)

Continue the Law Firm Regulation Task Force and the work currently underway to develop a framework for the regulation of law firms.

Status - January 2016

The Law Firm Regulation Task Force has been created. A consultation paper and survey have recently been completed and targeted consultations in various centres around the province will take place starting in February 2016.

Initiative 2–2(c)

Continue discussions regarding the possibility of merging regulatory operations with the Society of Notaries Public of British Columbia.

Status - January 2016

Discussion on this topic continues. Working Groups have been created to (1) examine educational requirements for increased scope of practice for notaries (as proposed by the notaries) and (2) examined governance issues that would arise in a merged organization. Further updates on this initiative are expected in the spring.

Strategy 2-3

Respond to the Calls to Action in the Report of the Truth and Reconciliation Committee, 2015

Initiative 2-3(a)

The Benchers will:

1. Seek opportunities to collaborate with Aboriginal groups and other organizations to further examine the Recommendations and identify strategic priorities;

2. Embark upon the development of an action plan to facilitate the implementation of relevant Recommendations;
3. Encourage all lawyers in British Columbia to take education and training in areas relating to Aboriginal law (the Law Society's mandatory continuing professional development program recognizes and gives credit for education and training in areas relating to Aboriginal issues); and
4. Urge all lawyers in British Columbia to read the TRC Report and to consider how they can better serve the Indigenous people of British Columbia.

Status - January 2016

Discussions have begun on how to implement this strategy and in particular how to best engage in appropriate consultation with Aboriginal communities and representatives.

3. The public will have greater confidence in the administration of justice and the rule of law.

Strategy 3–1

Increase public awareness of the importance of the rule of law and the proper administration of justice

Initiative 3–1(a)

Develop communications strategies for engaging the profession, legal service users, and the public in general justice issues.

Status - January 2016

The Communications department has developed a communications plan, and it is being engaged to, for example, obtain interviews on local radio stations on relevant issues.

Initiative 3–1(b)

Examine the Law Society's role in public education initiatives.

Status - January 2016

Work on this initiative has not yet formally commenced, although the Rule of Law and Lawyer Independence Advisory Committee, in connection with the 800th anniversary of Magna Carta, completed a successful essay contest for high school students in 2015 and is actively considering how this initiative might be continued on an annual basis.

Initiative 3–1(c)

Identify ways to engage the Ministry of Education on high school core curriculum to include substantive education on the justice system.

Status - January 2016

Some work has begun by, for example, creating the high school essay competition on Magna Carta referred to above. Work on engaging directly with the Ministry of Education has not yet begun.

Strategy 3–2

Enhance the Law Society voice on issues affecting the justice system

Initiative 3–2(a)

Examine and settle on the scope and meaning of s. 3(a) of the *Legal Profession Act*.

Status - January 2016

This topic was introduced for discussion at the Benchers Retreat in May, 2015. The information gathered at that retreat is being considered by the Rule of Law and Lawyer Independence Advisory Committee with a view as to how it can be incorporated into Law Society policy.

Initiative 3–2(b)

Identify strategies to express a public voice on the justice system, including public forums.

Status - January 2016

A proposal from the Rule of Law and Lawyer Independence Advisory Committee was approved by the Benchers in July 2015. The Committee prepared its first comment – a commentary for *The Advocate* on the issues that pervasive surveillance raised for lawyers.

A staff working group has been struck by the Chief Executive Officer in order to engage staff on how the Law Society may express a public voice on issues, which reported to the Management Group in January 2016.

Appendix A – CEO's Report to the Benchers, June 2015

2015 Operational Priorities Plan

At the beginning of each year I present management's top 5 operational priorities for the ensuing year. When I present these to the Executive Committee and the Benchers I always emphasize that these priorities do not derogate from our day-to-day responsibility to perform our core regulatory functions to the highest standards. However, in each year there are certain items that are designed to enhance our operational capabilities and which require extra attention and focus to ensure success. The priorities for 2015 (in no particular order) are set out below with a brief status update at mid-year.

1. Knowledge Management Project

We are committed to the development and implementation of an organization wide knowledge management system. Knowledge management involves capturing and sharing knowledge with the goal of making that knowledge easily accessible through a range of distribution methods. Knowledge includes facts, information, expertise and skills, as well as the theoretical and practical understanding of a subject, acquired by a person through experience or education.

Because so much of what we do at the Law Society involves the development, evaluation and sharing of knowledge having a modern, effective system for doing so is a critical operational tool and also part of the Law Society's strategic goal to be a more innovative and effective regulator. The knowledge management project is looking at this capability from a broad perspective including, for example, our practice support and advice group, our PLTC program, our policy group and communications.

In 2014, the working group researched knowledge management systems and set the mandate and definition of the project. In May 2015, a Senior Project Management Specialist was appointed and detailed project planning began. In a staff wide contest to name the Knowledge Management project we received over 170 entries and the winner will be announced next week. We are expecting that the implementation of a new knowledge management capability will take several phases with initial roll-out commencing in 2016.

2. Computer Literacy Working Group

We believe that computer literacy and being able to fully exploit the benefits of technology in everything we do will enhance our effectiveness as an organization. Consequently, we have established a cross departmental working group to develop a plan which will have as one of its goals the attainment of a new, high minimum standard of computer/technical literacy for all our staff.

We recognize that this direction might be daunting for some staff who have less training and skill in this area today. This is why we are focusing on a cooperative, supportive approach so that, no matter what an individual's current skill level may be, they will be supported in achieving a new higher competency level within an achievable timeframe.

I can report that the Computer Literacy Working Group has been busy so far this year in defining a base skill level as well as the competencies expected above and beyond this level based upon the requirements of specific positions. This work has included examining the models of other organizations and evaluating the learning platforms used to achieve the goals. The working group is planning to deliver a report on its findings and provisional recommendations for discussion this fall.

3. Public Issues Voice Working Group

The Public Issues Voice Working Group was created as one of the means to support Initiative 3-2 (b) of the Strategic Plan namely "Identify strategies to express a public view on the justice system, including public forums". The working group is focusing on how to communicate more effectively with the public regarding the role of the Law Society and broader justice system topics and issues.

This working group is comprised of staff with diverse interests and backgrounds and is chaired by Michael Lucas our Manager of Policy and Legal Services. The group has had two meetings to date and more are scheduled. We are hopeful that the perspectives of the working group and any recommendations from it will complement and be useful to the Rule of Law and Lawyer Independence Advisory Committee as it follows up on this topic of discussion at last month's Benchers retreat.

4. Core Values Working Group

All staff adhere to a code of conduct as part of their employment with the Law Society. The code refers to workplace values and our mission and is incorporated into our annual performance review process. But we are aware that since the code of conduct was established almost 15 years ago we have seen shifts in our demographic profile and changing workplace habits and expectations. With those changes we felt now was a good time to re-examine, refresh and perhaps restate the values under which we agree to serve as Law Society staff.

The mandate of the working group is to identify and develop a set of values that are aligned with and support the Law Society's mandate, mission and strategic plans and create a common bond for staff. The group has consulted broadly within the organization and has conducted workshops and discussion forums as part of its work. At the time of writing the working group is finishing its report and recommendations. I look forward to sharing this with you at the meeting in July.

5. E-Voting and Webcasting Capability

We are committed to the development of a highly reliable and resilient e-voting and webcasting capability for our annual general meetings. In the past several months, we have been actively addressing issues such as the need for voting security, verification and audio/visual quality across different platforms and receiving devices. In addition, both the Governance Committee and the Act and Rules Committee have been working with staff to ensure that our plans are within the ambit of the existing member authorization to move in this direction. I understand the Governance Committee expects to make recommendations regarding the conduct of this year's 2015 annual general meeting and future general meetings in its mid-year report to the Benchers in July.

REDACTED MATERIALS

REDACTED MATERIALS



Memo

To: Benchers
From: Jeffrey G. Hoskins, QC for Act and Rules Committee
Date: February 22, 2016
Subject: **Rules on appointment of panel and review board chairs**

1. At the September 2015 meeting the Benchers approved this recommendation of the Tribunal Program Review Task Force, as amended at the Benchers meeting:

RECOMMENDATION 5—Appoint experienced lawyers as chairs.

The chair of a hearing panel or review board should be a lawyer with training and experience in conducting hearings. We recommend that, to be eligible to be appointed as chair of a hearing panel or review board, a lawyer must have participated in a minimum of two previous hearings or reviews, as the case may be, and must have completed the hearing skills workshop, regardless of whether he or she is a Bencher.

2. The Benchers also approved this recommendation as presented:

RECOMMENDATION 7—Keep Life Benchers as “spares” to be used in extraordinary circumstances.

We recommend that Benchers, both elected and appointed, who have reached the term limit and become Life Benchers remain eligible for appointment to hearing panels for two years. Life Benchers would be appointed only in the event that no current member of the appropriate pool was available.

3. In order to effect those changes, the Act and Rules Committee recommends the adoption of amendments that would allow appointment of a non-Bencher lawyer as the chair of a hearing panel or a review board.
4. The following are some notes on the drafting:

5. Rule 5-2(2)(f) is to be removed because it is not necessary to provide for a single-Bencher panel when a member of a panel cannot continue. That is provided for elsewhere, and in fact allows for non-benchers to continue as a panel. This provision is inconsistent with that. Note that the only case where a non-Bencher could be a single-member panel is in the unlikely, but possible, situation where two members of a three-person panel are unable to continue and the only one left is the non-bencher lawyer. That is also possible under the current rules.
6. Rule 5-2(3) is amended to continue the requirement that each panel include a lawyer Bencher. The possibility of a Life Bencher in place of a current Bencher allows for recent Life Benchers to serve as “spares” as mandated by Recommendation 7 adopted by the Benchers.
7. Rule 5-2(5) currently allows a Bencher who ceases to be a Bencher to continue to chair a hearing panel. In the past, that provision has allowed a Bencher who has ceased to be a lawyer, as well as a Bencher, on appointment as a judge or master to complete a hearing in progress. Since it will be necessary to be a lawyer, but not necessarily a Bencher, to chair a panel, the provision should be changed to save a hearing in progress when the chair, Bencher or not, is appointed. In other situations, if it is not appropriate for the chair to continue, the President will withhold consent. This also applies to Rule 5-16(4) with respect to review boards.
8. Since the amended Rule 5-2(3) would require at least one lawyer Bencher or Life Bencher on each panel, Rule 5-2(5.1) is added to preserve a panel, in the President’s discretion, if the Bencher ceases to be a Bencher and does not become a Life Bencher.
9. In Rule 5-3(2), the provisos at the beginning and the end of the subrule should both be removed because there is no longer a conflict with the requirement that the chair be a bencher. This also applies to Rule 5-18(2) with respect to review boards.
10. Rule 5-4(1)(b) is amended to correct an error in the cross-reference to Part 3. The language is also changed to clarify that an adjudicator is only disqualified by the rule if the adjudicator has participated in a previous decision in the same matter and not unrelated matters pertaining to the respondent.
11. More detail on the appointment of panel and review board chairs will be included in a revised protocol for the guidance of the President. This is consistent with our practice to date of minimizing the requirements and restrictions on the discretion of the President contained in

the Law Society Rules. I attach for your reference a draft of the Panel and Review Board Appointment Protocol revised to implement recent Benchers policy decisions.

12. I attach redlined and clean versions of the proposed changes, along with a suggested resolution, which the Act and Rules Committee recommends be adopted.

Attachments: draft amended Protocol
 draft amendments
 suggested resolution



PANEL AND REVIEW BOARD APPOINTMENT PROTOCOL

Under the Law Society Rules, the appointment of hearing panels and review boards is in the discretion of the President. This protocol sets out guidelines for the exercise of that discretion, based on Benchers resolutions and operational practice.

1. Each hearing panel comprises
 - a Bencher who is a lawyer,
 - one lawyer who is not a current Bencher, and
 - one person who is not a lawyer.
2. Each review board comprises
 - three Benchers, at least two of whom are lawyers,
 - two lawyers who are not current Benchers, and
 - two people who are not lawyers or Benchers.
3. A hearing panel is chaired by a lawyer who has completed at least two hearings as a member of the panel and the hearing skills workshop. When the Bencher on a panel meets those criteria, the Bencher acts as chair.
4. A review board is chaired by a lawyer Bencher who has completed at least two reviews as a member of the review board and the hearing skills workshop. In the event that no Bencher on the review board meets those criteria, another lawyer may act as chair.

5. The hearing administrator maintains three rosters:
 - a roster of current lawyer Benchers;
 - a roster of non-Bencher lawyers who are members of the hearing panel pool; and
 - a roster of non-lawyer members of the hearing panel pools, including current Appointed Benchers.
6. When a member of the hearing panel pool or a lawyer-Bencher completes the required training courses, his or her name is added to the bottom of the appropriate roster.
7. The required courses are as follows:
 - for all panellists, the introductory course on administrative justice and any annual updates required by the Benchers;
 - for all lawyers, the decision-writing workshop; and
 - for all lawyers to qualify to chair a hearing panel or review board, the hearing skills workshop;
8. When a hearing panel or review board is to be appointed, the hearing administrator determines the highest member(s) on each roster who
 - is not disqualified under Rule 5-3(1) or (2);
 - is not a member of the Committee that ordered the hearing, either at the time the hearing was ordered or at the time of the hearing;
 - where possible, has not had previous dealings with the respondent or applicant that could give rise to a reasonable apprehension of bias;
 - is not the subject of a complaint investigation or discipline matter;
 - in the case of lawyers, is a practising lawyer;
 - is available on the hearing dates.
9. For a period of two years after becoming a Life Bencher,

- a lawyer who is otherwise qualified may be appointed to a hearing panel or review board when no current Benchers is available, and
 - a person who is not a lawyer may be appointed to a hearing panel when no other non-lawyer is available.
10. Before being appointed to a review board, a member of the hearing panel pool or a Benchers must have completed at least one hearing as a member of the hearing panel.
 11. The President establishes hearing panels composed of the three pool members under clause 1, and review boards composed of seven pool members under clause 2.
 12. The President may appoint members of the pool out of order in a case that, in the President's opinion, requires special skill, expertise or experience.
 13. When a member of the pool is appointed to a hearing panel or review board, his or her name goes to the bottom of the appropriate roster. If the hearing or review does not proceed, or if the pool member does not begin the hearing or review, for any reason, he or she may request that his or her name be returned to the top of the roster.
 14. If a pool member at the top of a roster is not available for three or more consecutive hearings panels or review boards, the President may direct the hearing administrator to place the pool member's name at the bottom of the appropriate roster.
 15. The hearing administrator keeps a complete record of the appointment process for each hearing panel or review board.
 16. Pool members and Benchers may enquire of the hearing administrator as to where they stand on the applicable roster.
 17. The discretion of the President may be exercised by another Benchers designated by the President under the Law Society Rules.

LAW SOCIETY RULES 2015

PART 5 – HEARINGS AND APPEALS

Hearing panels

- 5-2 (2) A panel may consist of one Bencher who is a lawyer if
- (d) the hearing is to consider a preliminary question under Rule 4-36 [*Preliminary questions*], or
 - (e) it is not otherwise possible, in the opinion of the President, to convene a panel in a reasonable period of time, ~~or~~
 - (f) [rescinded] ~~one or more of the original panel members cannot complete a hearing that has begun.~~
- (3) A panel must
- (a) be chaired by a Bencher who is a lawyer, and
 - (b) include at least one Bencher or Life Bencher who is a lawyer.
- (5) The chair of a panel who ceases to be a Bencher lawyer may, with the consent of the President, continue to chair the panel, and the panel may complete ~~any a~~ a hearing ~~or hearings~~ already scheduled or begun.
- (5.1) If a member of a panel ceases to be a Bencher and does not become a Life Bencher, the panel may, with the consent of the President, complete a hearing already scheduled or begun.

Panel member unable to continue

- 5-3 (1) Despite Rule 5-2 [*Hearing panels*], if a member of a hearing panel cannot, for any reason, complete a hearing that has begun, the President may order that the panel continue with the remaining members.
- (2) ~~Despite Rule 5-2 [*Hearing panels*], if~~ If the chair of a hearing panel cannot, for any reason, complete a hearing that has begun, the President may appoint another member of the hearing panel who is a lawyer as chair of the hearing panel, ~~whether or not the lawyer is a current Bencher.~~

Disqualification

- 5-4 (1) The following persons must not participate in a panel hearing a citation:
- (b) a Bencher who made an order under Rules 3-9-10 [*Extraordinary action to protect public*], ~~to~~ 3-11 [*Medical examination*] or Rule 4-23 [*Interim suspension or practice conditions*] regarding ~~the respondent~~ a matter forming the basis of the citation;
 - (c) a member of a panel that heard an application under Rule 4-26 [*Review of interim suspension or practice conditions*] to rescind or vary an interim suspension or practice condition or limitation in respect of a matter forming the basis of the citation ~~the respondent.~~

LAW SOCIETY RULES 2015

Reviews and appeals

Review boards

- 5-16** (2) A review board must be chaired by ~~a Benchers who is~~ a lawyer.
- (4) The chair of a review board who ceases to be a ~~Benchers~~ lawyer may, with the consent of the President, continue to chair the review board, and the review board may complete any hearing or hearings already scheduled or begun.

Review board member unable to continue

- 5-18** (1) Despite Rule 5-16 [*Review boards*], if a member of a review board cannot, for any reason, complete a review that has begun, the President may order that the review board continue with the remaining members, whether or not the board consists of an odd number of persons.
- (2) ~~Despite Rule 5-16 [*Review boards*], if~~ If the chair of a review board cannot, for any reason, complete a review that has begun, the President may appoint another member of the review board who is a lawyer as chair of the review board ~~hearing panel,~~ ~~whether or not the lawyer is a current Benchers.~~

LAW SOCIETY RULES 2015

PART 5 – HEARINGS AND APPEALS

Hearing panels

- 5-2** (2) A panel may consist of one Benchers who is a lawyer if
- (d) the hearing is to consider a preliminary question under Rule 4-36 [*Preliminary questions*], or
 - (e) it is not otherwise possible, in the opinion of the President, to convene a panel in a reasonable period of time.
 - (f) [rescinded]
- (3) A panel must
- (a) be chaired by a lawyer, and
 - (b) include at least one Benchers or Life Benchers who is a lawyer.
- (5) The chair of a panel who ceases to be a lawyer may, with the consent of the President, continue to chair the panel, and the panel may complete a hearing already scheduled or begun.
- (5.1) If a member of a panel ceases to be a Benchers and does not become a Life Benchers, the panel may, with the consent of the President, complete a hearing already scheduled or begun.

Panel member unable to continue

- 5-3** (1) Despite Rule 5-2 [*Hearing panels*], if a member of a hearing panel cannot, for any reason, complete a hearing that has begun, the President may order that the panel continue with the remaining members.
- (2) If the chair of a hearing panel cannot, for any reason, complete a hearing that has begun, the President may appoint another member of the hearing panel who is a lawyer as chair of the hearing panel.

Disqualification

- 5-4** (1) The following persons must not participate in a panel hearing a citation:
- (b) a Benchers who made an order under Rule 3-10 [*Extraordinary action to protect public*], 3-11 [*Medical examination*] or 4-23 [*Interim suspension or practice conditions*] regarding a matter forming the basis of the citation;
 - (c) a member of a panel that heard an application under Rule 4-26 [*Review of interim suspension or practice conditions*] to rescind or vary an interim suspension or practice condition or limitation in respect of a matter forming the basis of the citation.

LAW SOCIETY RULES 2015

Reviews and appeals

Review boards

- 5-16** (2) A review board must be chaired by a lawyer.
- (4) The chair of a review board who ceases to be a lawyer may, with the consent of the President, continue to chair the review board, and the review board may complete any hearing or hearings already scheduled or begun.

Review board member unable to continue

- 5-18** (1) Despite Rule 5-16 [*Review boards*], if a member of a review board cannot, for any reason, complete a review that has begun, the President may order that the review board continue with the remaining members, whether or not the board consists of an odd number of persons.
- (2) If the chair of a review board cannot, for any reason, complete a review that has begun, the President may appoint another member of the review board who is a lawyer as chair of the review board.

**SUGGESTED RULE AMENDMENT RESOLUTION—
PANEL AND REVIEW BOARD CHAIRS**

BE IT RESOLVED to amend the Law Society Rules as follows:

1. In Rule 5-2 as follows:

- (a) *in subrule (2), by rescinding paragraphs (d) to (f) and substituting the following:*
 - (d) the hearing is to consider a preliminary question under Rule 4-36 [Preliminary questions], or
 - (e) it is not otherwise possible, in the opinion of the President, to convene a panel in a reasonable period of time.;
- (b) *by rescinding subrule (3) and (5) and substituting the following:*
 - (3) A panel must
 - (a) be chaired by a lawyer, and
 - (b) include at least one Benchers or Life Benchers who is a lawyer.
 - (5) The chair of a panel who ceases to be a lawyer may, with the consent of the President, continue to chair the panel, and the panel may complete a hearing already scheduled or begun.
 - (5.1) If a member of a panel ceases to be a Benchers and does not become a Life Benchers, the panel may, with the consent of the President, complete a hearing already scheduled or begun..

2. In Rule 5-3, by rescinding subrule (2) and substituting the following:

- (2) If the chair of a hearing panel cannot, for any reason, complete a hearing that has begun, the President may appoint another member of the hearing panel who is a lawyer as chair of the hearing panel..

3. By rescinding Rule 5-4 (1) (b) and (c) and substituting the following:

- (b) a Benchers who made an order under Rule 3-10 [Extraordinary action to protect public], 3-11 [Medical examination] or 4-23 [Interim suspension or practice conditions] regarding a matter forming the basis of the citation;
- (c) a member of a panel that heard an application under Rule 4-26 [Review of interim suspension or practice conditions] to rescind or vary an interim suspension or practice condition or limitation in respect of a matter forming the basis of the citation..

4. In Rule 5-16 as follows:

- (a) *by rescinding subrule (2) and substituting the following:*
 - (2) A review board must be chaired by a lawyer.;

- (b) *in subrule (4), by striking the words “a Bencher may” and substituting the words “a lawyer may”.*
5. *In Rule 5-18, by rescinding subrule (2) and substituting the following:*
- (2) If the chair of a review board cannot, for any reason, complete a review that has begun, the President may appoint another member of the review board who is a lawyer as chair of the review board..

REQUIRES 2/3 MAJORITY OF BENCHERS PRESENT



Memo

To: The Benchers
From: Michael Lucas
Date: February 23, 2016
Subject: Strategic Plan 2015 – 2017

The revised Strategic Plan was discussed at the January Benchers meeting. As some changes were proposed arising out of developing work on the Truth and Reconciliation Commission Report, the revised Plan is placed on the agenda for formal approval. The new strategy is blacklined for ease of reference.

MDL/al

Attachment



2015 – 2017 Strategic Plan

Our Mandate

Our mandate is to uphold and protect the public interest in the administration of justice by:

- (a) preserving and protecting the rights and freedoms of all persons,
- (b) ensuring the independence, integrity, honour and competence of lawyers,
- (c) establishing standards and programs for the education, professional responsibility and competence of lawyers and of applicants for call and admission,
- (d) regulating the practice of law, and
- (e) supporting and assisting lawyers, articulated students and lawyers of other jurisdictions who are permitted to practise law in British Columbia in fulfilling their duties in the practice of law.

Our Goals

To fulfil our mandate in the next three years, we have identified three specific goals:

1. The public will have better access to legal services.

We know that one of the most significant challenges in Canadian civil society today is ensuring that the public has adequate access to legal advice and services.

2. The public will be well served by an innovative and effective Law Society.

We recognize that the public expects and deserves effective regulation of the legal profession. To meet that expectation, we will seek out and encourage innovation in all of our practices and processes in order to continue to be an effective professional regulatory body.

3. The public will have greater confidence in the rule of law and the administration of justice.

We believe that the rule of law, supported by an effective justice system, is essential to Canadian civil society. The legal profession plays an important role in maintaining public confidence in both the rule of law and the administration of justice. We recognize the importance of working with others to educate the public about the rule of law, the role of the Law Society and the legal profession in the justice system and the fundamental importance of the administration of justice.

1. The public will have better access to justice.

Strategy 1–1

Increase the availability of legal service providers

Initiative 1–1(a)

Follow-up on recommendations from the December 2014 report of the Legal Services Regulatory Framework Task Force toward developing a framework for regulating non-lawyer legal service providers to enhance the availability of legal service providers while ensuring the public continues to receive legal services and advice from qualified providers.

Status – January 2016

The Legal Services Regulatory Framework Task Force made recommendations in December 2014 that outlined seven areas of law in which new classes of legal service providers could be permitted to practice.

The Task Force recommended that the Benchers seek a legislative amendment to permit the Law Society to establish new classes of legal service providers and there have been discussions with the Ministry of Justice and Attorney General to that end. Further information on this initiative is contained in the memorandum attached to this Update.

Initiative 1–1(b)

Continue work on initiatives for advancement of women and minorities, including through the Justicia Program and the Aboriginal Mentoring Program.

Status - January 2016

Initiatives on both Aboriginal and Gender continue through the Aboriginal Mentoring Program and the Justicia Program. Efforts have been made to improve diversity on the bench and work is underway to consider ways to encourage more involvement of equity seeking groups in Law Society governance.

Strategy 1–2

Increase assistance to the public seeking legal services

Initiative 1–2(a)

Evaluate the Manitoba Family Justice Program and determine if it is a viable model for improving access to family law legal services in British Columbia.

Status - January 2016

The Access to Legal Services Advisory Committee determined that the Manitoba project was not viable to duplicate in BC. It preferred a proposal by Mediate BC to set up a roster to match family law mediators with lawyers prepared to provide unbundled independent legal advice to participants in mediation. Mediate BC has sought funding from the Law Foundation to support the creation of the project and the Committee, as part of its annual meeting with the Law Foundation to discuss the \$60,000 access to justice fund, supported the proposal. The Committee's December 2015 report to the Benchers provides greater detail, and it is anticipated we will know whether the proposed project has been granted funding at that time.

Initiative 1–2(b)

Examine the Law Society's role in connection with the advancement and support of Justice Access Centres.

Status - January 2016

Staff wrote to the Deputy Attorney General following up on issues and a substantive reply has not yet been received. Further work will depend on the nature of the reply. In the meantime, staff continues to monitor activities concerning development of JACs.

Initiative 1–2(c)

Examine the Law Society's position on legal aid, including what constitutes appropriate funding and whether other sources of funding, aside from government, can be identified.

Status - January 2016

The Legal Aid Task Force has been created by the Benchers. A mandate has been approved, and the task force members have been appointed. The first meeting is expected shortly.

2. The Law Society will continue to be an innovative and effective professional regulatory body.

Strategy 2–1

Improve the admission, education and continuing competence of students and lawyers

Initiative 2–1(a)

Evaluate the current admission program (PLTC and articles), including the role of lawyers and law firms, and develop principles for what an admission program is meant to achieve.

Status - January 2016

A report with recommendations has been prepared by the Lawyer Education Advisory Committee and was presented for information at the December 4 meeting of the Benchers, with discussion to follow at a later meeting.

Initiative 2–1(b)

Monitor the Federation's development of national standards and the need for a consistent approach to admission requirements in light of interprovincial mobility.

Status - January 2016

The Federation's National Admission Standards Project Steering Committee recently circulated a proposal concerning proposed national assessments. The Lawyer Education Advisory Committee's Report to the Benchers under Initiative 2-1(a) includes an analysis and recommended response.

Initiative 2–1(c)

Conduct a review of the Continuing Professional Development program.

Status - January 2016

This topic will be considered by the Lawyer Education Advisory Committee in 2016.

Initiative 2–1(d)

Examine Practice Standards initiatives to improve the competence of lawyers by maximizing the use of existing and new data sources to identify at-risk lawyers and by creating Practice Standards protocols for remediating high risk lawyers.

Status - January 2016

Work on this project is underway. To date we have gathered evidence on the impact of remediation and its duration, and the effectiveness of remediation in reducing lawyer complaints and increasing competence. The data analysis will be completed in late January 2016. In 2016, work will be undertaken on gathering / analyzing a series of recommendations.

Initiative 2–1(e)

Examine alternatives to articling, including Ontario’s new legal practice program and Lakehead University’s integrated co-op law degree program, and assess their potential effects in British Columbia.

Status - January 2016

The Lawyer Education Advisory Committee’s discussions about these programs are underway as part of its examination of the current admission program. The Committee’s conclusions form part of its Report under Initiative 2-1(a).

Strategy 2–2**Expand the options for the regulation of legal services*****Initiative 2–2(a)***

Consider whether to permit Alternate Business Structures and, if so, to propose a framework for their regulation.

Status - January 2016

The Law Society has done a preliminary report, and information has been gathered from Ontario, which is undertaking its own analysis of ABSs, and the UK and Australia, which have permitted ABSs. The Law Society is

monitoring consideration of ABSs currently taking place in the Prairie provinces.

No task force has yet been created to examine the subject independently in BC.

Initiative 2–2(b)

Continue the Law Firm Regulation Task Force and the work currently underway to develop a framework for the regulation of law firms.

Status - January 2016

The Law Firm Regulation Task Force has been created. A consultation paper and survey have recently been completed and targeted consultations in various centres around the province will take place starting in February 2016.

Initiative 2–2(c)

Continue discussions regarding the possibility of merging regulatory operations with the Society of Notaries Public of British Columbia.

Status - January 2016

Discussion on this topic continues. Working Groups have been created to (1) examine educational requirements for increased scope of practice for notaries (as proposed by the notaries) and (2) examined governance issues that would arise in a merged organization. Further updates on this initiative are expected in the spring.

Strategy 2-3

Respond to the Calls to Action in the Report of the Truth and Reconciliation Committee, 2015

Initiative 2-3(a)

The Benchers will:

1. Seek opportunities to collaborate with Aboriginal groups and other organizations to further examine the Recommendations and identify strategic priorities;

2. Embark upon the development of an action plan to facilitate the implementation of relevant Recommendations;
3. Encourage all lawyers in British Columbia to take education and training in areas relating to Aboriginal law (the Law Society's mandatory continuing professional development program recognizes and gives credit for education and training in areas relating to Aboriginal issues); and
4. Urge all lawyers in British Columbia to read the TRC Report and to consider how they can better serve the Indigenous people of British Columbia.

Status - January 2016

Discussions have begun on how to implement this strategy and in particular how to best engage in appropriate consultation with Aboriginal communities and representatives.

3. The public will have greater confidence in the administration of justice and the rule of law.

Strategy 3–1

Increase public awareness of the importance of the rule of law and the proper administration of justice

Initiative 3–1(a)

Develop communications strategies for engaging the profession, legal service users, and the public in general justice issues.

Status - January 2016

The Communications department has developed a communications plan, and it is being engaged to, for example, obtain interviews on local radio stations on relevant issues.

Initiative 3–1(b)

Examine the Law Society's role in public education initiatives.

Status - January 2016

Work on this initiative has not yet formally commenced, although the Rule of Law and Lawyer Independence Advisory Committee, in connection with the 800th anniversary of Magna Carta, completed a successful essay contest for high school students in 2015 and is actively considering how this initiative might be continued on an annual basis.

Initiative 3–1(c)

Identify ways to engage the Ministry of Education on high school core curriculum to include substantive education on the justice system.

Status - January 2016

Some work has begun by, for example, creating the high school essay competition on Magna Carta referred to above. Work on engaging directly with the Ministry of Education has not yet begun.

Strategy 3–2

Enhance the Law Society voice on issues affecting the justice system

Initiative 3–2(a)

Examine and settle on the scope and meaning of s. 3(a) of the *Legal Profession Act*.

Status - January 2016

This topic was introduced for discussion at the Benchers Retreat in May, 2015. The information gathered at that retreat is being considered by the Rule of Law and Lawyer Independence Advisory Committee with a view as to how it can be incorporated into Law Society policy.

Initiative 3–2(b)

Identify strategies to express a public voice on the justice system, including public forums.

Status - January 2016

A proposal from the Rule of Law and Lawyer Independence Advisory Committee was approved by the Benchers in July 2015. The Committee prepared its first comment – a commentary for *The Advocate* on the issues that pervasive surveillance raised for lawyers.

A staff working group has been struck by the Chief Executive Officer in order to engage staff on how the Law Society may express a public voice on issues, which reported to the Management Group in January 2016.



CEO's Report to the Benchers

February 2016

Prepared for: Benchers

Prepared by: Timothy E. McGee

Introduction

February has been an eventful month at the Law Society on many different fronts. For example, the Law Firm Regulation Task Force launched its province wide consultation tour, the Legal Aid Task Force commenced its work and the groundwork has been laid to establish a Truth and Reconciliation Steering Committee. For good measure, we also experienced a significant flooding of several floors in our building. My report below provides an update on our flood remediation efforts and information and updates on several other items of note.

Law Society Building – Flood Damage Remediation

On the afternoon of Sunday, February 14, we discovered flooding in our offices at 845 Cambie Street. The cause of the flooding was a broken water connection in the kitchen on 10th floor. Quick responses by our operations staff and building management brought things under control by early Sunday evening. Later that evening a restoration services company was on site together with our insurers and remediation work was underway. That process is continuing.

The significant office areas impacted were:

- 9th floor – Bencher room, Hearing room, Bencher lounge, Meeting Room 914, and Michelle Robertson's office
- 8th floor – The Main Reception area, and the northwest office area including the Policy, Operations, Executive Support departments
- 7th floor – North offices with three IME lawyers and Meeting Room 733
- 6th floor – Reception area and 4 offices

On Monday, February 15, 23 members of staff whose offices were most impacted by the flooding were relocated to alternative work areas in the building. The Main Reception desk is now located on the 6th floor.

Our Operations team have been working to find alternative locations within walking distance of the Law Society for meetings and hearings that were scheduled for rooms that are now out of commission. The upcoming Bencher meeting on March 4 and the meeting on April 8 will be held in a specially configured space on the 2nd floor normally used by PLTC. Some of the March 3rd and April 7th hearings, committee and task force meetings will be held in our usable meeting space while others will be accommodated at nearby hotels. If you are uncertain as to where you need to go for any meeting or hearing please let me or another member of staff know so that we can direct you to the right location.

With the remediation process still underway, a firm timeline for returning to normal has not yet been established. Jeanette McPhee our CFO and Bernice Chong our Manager Operations are now working through the insurance process, and the timing of restoration will depend on bids and the availability of materials, such as carpets and wall coverings. We anticipate that it will take a number of months to complete the full restoration of our space. We will be trying to maximize the opportunities to bring space “back on line” sequentially and to generally minimize disruption as much as possible.

I would like to acknowledge the many determined efforts of staff who are trying to keep things on a “business as usual” footing as much as possible. I would also like to thank all the Benchers and Committee members in advance for your patience and cooperation. A note of some irony; the second “new” elevator is almost ready to be put in service just in time for our meetings to move to the 2nd floor.

2015 Year End Financials

The Law Society’s 2015 Audited Financial Statements and associated Management Reports will be presented to the Benchers at the Benchers meeting by Miriam Kresivo, QC the Chair of the Finance and Audit Committee and by Jeanette McPhee our CFO. As reported throughout 2015 we faced several challenges in terms of expense management and cost control relating to greater than anticipated demands for external counsel support for our regulatory processes. I am pleased to report that the steps taken by management and staff during the year to mitigate these pressures were successful. On a full year basis we met our expense budget and also benefitted from positive revenue results.

While it is still early in the year, Jeanette McPhee will provide a brief review of results to date in 2016. We expect to have formal first quarter financial results available for review in the April/May timeframe.

Lawyer Look-Up Enhancement

In 2012, the Benchers agreed to the Law Society’s participation in the National Discipline Standards Pilot Project. The pilot project was to run for two years starting April 1, 2012. Based on the success of the pilot project, on April 3, 2014 the Federation Council approved the National Discipline Standards as a permanent standard. The standards were approved by the Benchers on June 13, 2014.

Standard #19 of the National Discipline Standards provides that there should be a directory available with status information on each lawyer or Québec notary, including easily accessible information on discipline history. For several years now we have provided access on the Law Society website to a hearing decisions and admissions database of decisions and admissions rendered since September 2003. However, this information is not currently linked to the status information available through Lawyer Lookup, which is the primary search site for member information. In 2015 Lawyer Lookup received, on average, 100,000 hits per month.

A staff working group has considered our current Lawyer Lookup profiles and made a number of recommendations regarding the content available through our Lawyer Lookup service, including:

- where a lawyer has a discipline history, an indicator be displayed on the lawyer's profile (e.g. Yes/No). For these purposes, a lawyer's discipline record includes decisions of hearing panels on facts, determination and disciplinary action and Part B claims paid in association with a disciplinary matter;
- the discipline history indicator will link to a table listing discipline records by citation. Each record should link to a summary of the disciplinary outcome;
- where a lawyer is the subject of ongoing disciplinary proceedings, an indicator be displayed on the lawyer's profile (Yes/No), with a link to the current citations and hearings database results for that member.

Implementation of these recommendations will meet our commitment under National Discipline Standard #19.

An example of how these recommendations might appear in respect of a lawyer who has a disciplinary history and who is currently the subject of ongoing disciplinary proceedings will be shown on the screen at the Benchers meeting. We estimate this particular change would result in a change in the Lawyer Lookup display for approximately 150 lawyers of the total 11,300 currently practicing members.

This enhancement to Lawyer Lookup was reviewed and supported by the Executive Committee. Subject to any further comments and suggestions, we propose to have this change operational by the end of this month.

Communications Activity Report

One of the Law Society's three main strategic goals is that the public will have greater confidence in the administration of justice and the rule of law. One of our initiatives in pursuit of this goal is to engage in member communications, external communications and media relations to speak to the profession, legal service users, and the public about these important topics. Here is a brief review of some of our communications activities in these areas so far this year.

Media relations

Herman Van Ommen, QC, Chair of the Law Firm Regulation Task Force has been interviewed five times on the work of the task force, with a sixth interview scheduled for later this week. One of the interviews will contribute to an upcoming book on Law Firm Regulation by independent author Laura Snyder. Articles featuring the consultation process of the task force have appeared in *Canadian Lawyer/ Legal Feeds* blog, *Legal Post / Financial Post*, *Cranbrook Daily Townsman* and at time of writing an interview was scheduled with the *Kelowna Daily Courier*. A radio interview featuring Herman as Chair of the task force aired on Radio NL, Kamloops. Herman also contributed a blog to *Slaw* on the topic of law firm regulation and our work in that area – the *Slaw* blog website draws nearly one million viewers every month.

The Law Society also wrote two letters to the editor of the Vancouver Sun in February. The first, published on February 15 in my name, defended the Law Society's complaints process and commitment to the public interest in response to a unfounded editorial comment, and the second, authored by President David Crossin, QC, was published on February 22, touched on the valuable contribution of the Provincial Court to the administration of justice and the legitimacy of judicial compensation reviews all in response to an editorial addressing both topics in a negative and unfair light.

Website traffic

In 2015, the Law Society website received 3,464,851 unique page views. The page visited most often was Lawyer Lookup, with 1,417,297 visits.

Law Firm Regulation Task Force - The website highlight on the consultation with the profession received 200 unique page views, and the website page with the survey, consultation paper and information about the consultation received 340 unique page views.

President's Blog - President David Crossin, QC, has published five blogs so far this year on a number of topics related to the administration of justice, the rule of law and

the public interest. During a one month period (January 22 to February 21) there were 411 unique page views of the President's Blog. Peaks in page views often coincide with days blogs are posted. For example, there were 39 page views the day the Rule of Law blog was posted, and 49 page views when the law firm regulation blog was posted.

Publications

In 2015, the Law Society published seven Notices to the Profession, four Benchers' Bulletins, issued nine E-Briefs, and published the Annual Report on Performance. There were 945 downloads of the 2014 Annual Report on Performance. We are presently conducting an analysis of readership of those publications and I will provide further data at the meeting.

Twitter

In 2015, the Law Society sent 151 tweets on various topics, and our tweets were viewed (twitter impressions) 193,500 times and retweeted 505 times.

Conferences and National Meetings

Tecker Governance Conference - Toronto, February 29 – March 1

The Canadian Society of Association Executives holds a symposium each year for Chief Elected and Chief Staff Officers from a wide variety of organizations such as regulators, associations and NGOs. The symposium which is led by governance guru Glenn Tecker focuses on the most effective working relationships for these roles and identifies challenges and opportunities in providing effective leadership. I have attended this symposium with Presidents over several years and we have uniformly found it to be helpful on several levels for our work at LSBC. This year I will be attending with President David Crossin, QC and First Vice President Herman Van Ommen, QC. We will also take the opportunity to meet with the CEOs and Presidents and Vice Presidents from four other Canadian law societies as well as the CEO and incoming President of the Federation who are also attending the conference.

Federation Bi-Annual Conference - Banff, March 9 – 11

The first of two national meetings in 2016 of the Federation of Law Societies of Canada is being held in Banff, Alberta on March 9 – 11. This meeting will not be a "conference" in the traditional sense i.e. with a theme and guest speakers, and the like.

Rather, the meetings will be working sessions focusing on a full agenda of strategic items for the Federation Council. As part of the new governance recommendations there will be 2 additional forums for discussion and input; the Presidents Forum including any Vice Presidents attending and the CEOs Forum including any senior staff attending. President David Crossin, QC and Vice Presidents Herman Van Ommen, QC and Miriam Kresivo, QC will be attending together with Gavin Hume, QC our Council representative and Alan Treleavan, Adam Whitcombe and me. Gavin will provide the Benchers with a brief preview of the matters on the Council agenda at the Bencher meeting.

TWU Appeal – Update

The appeal by the Law Society of the judgment rendered in the Supreme Court of British Columbia in the Trinity Western University case has been set for June 1 – 3. The Law Society filed its factum on February 4, 2016. So far there are 7 intervenor applications, which are to be heard before Justice Willcock on March 30, 2016.

We have been advised by the Law Society of Upper Canada that the appeal by Trinity Western University of the decision in the Ontario proceeding has been set for June 6 and 7. The appeal by the Nova Scotia Barristers Society of the decision in the Nova Scotia proceeding was originally set for April 6 but we are advised that has been adjourned to dates to be determined in May or June.

American Bar Association Resolution re Non-Lawyer Legal Service Providers

You may have read in a recent Communications Daily Briefing about a resolution passed at a recent national meeting of the American Bar Association regarding regulatory endorsement for non-lawyer legal service providers and self-help services. If you missed it I have attached a copy of the article to my report.

I have had the opportunity to speak to some of my colleagues in the United States who were involved in or closely followed that discussion and I will share with you what I learned from them at the Bencher meeting. This topic is obviously one of great interest to us at the Law Society because of our own strategic initiatives in this area and also to many other law societies in Canada who are engaged in similar discussion and debate.

Bencher Participation at PLTC

On behalf of staff and students at PLTC I would like to acknowledge and thank the following Benchers and Life Benchers who offered their time to teach PLTC Professional Ethics on Wednesday February 17, 2016:

Rita Andreone QC, Life Bencher
John Hunter QC, Life Bencher
Jamie Maclaren, Bencher
Thelma O'Grady, Life Bencher
Philip Riddell, Bencher
Gordon Turriff QC, Life Bencher

Timothy E. McGee
Chief Executive Officer

Divided ABA Adopts Resolution on Nonlawyer Legal Services

The American Lawyer

February 8, 2016

<http://www.americanlawyer.com/id=1202749202171/Divided-ABA-Adopts-Resolution-on-Nonlawyer-Legal-Services#ixzz418MZMKwb>

After a weekend of vigorous and sometimes contentious debates over whether nonlawyers should be allowed to provide simple legal services, the American Bar Association's House of Delegates on Monday [voted to adopt a resolution](#) that gives states a framework to consider the regulation of "nontraditional legal service providers."

The resolution, dubbed Resolution 105, aims to address the justice gap by [taking the modest step](#) of acknowledging that some states may want to let nonlawyers provide legal services. Its advocates included former ABA president William Hubbard.

Over the weekend, Resolution 105 was the hottest topic of discussion at the ABA's midyear meetings, and one of the most controversial issues before the ABA in years. David Miranda, the president of the New York State Bar Association, and Miles Winder III, the president of the New Jersey State Bar Association, led a visible fight against the change. (Miranda is a partner at Albany's Heslin Rothenberg Farley & Mesiti and Winder is a solo practitioner from Bernardsville.)

During a roundtable discussion on Saturday, Miranda said he worried that this resolution could "open the doors to entrepreneurs trying to make money off backs of lawyers who are starving for work." New Jersey's Winder expressed concern that the resolution could lead to a two-tier system where nonlawyers serve the poor, while the rich use lawyers.

William Johnston, head of the Delaware Bar Association and a supporter of the resolution, challenged the notion that the proposal would harm the profession.

"I would submit that this is an invalid premise—that this is a zero sum game and that nonlawyers will be taking food out the mouth of lawyers," said Johnson, a partner at Wilmington's Young Conaway & Stargatt & Taylor who is chairman-elect of the ABA's Business Law Section. "There are substantial unmet legal needs that are not being met by members of the organized bar."

Resolution 105 finally passed on a voice vote Monday afternoon after it was amended to emphasize that the resolution did not overturn existing ABA policies barring nonlawyers from owning law firms and prohibiting lawyers from sharing fees with nonlawyers. A separate amendment aimed at increasing oversight of nonlawyers failed on a voice vote. (The full text of the adopted resolution is available [here](#).)

The resolution was submitted by the Commission on the Future of Legal Services and five other ABA divisions. The 29-member commission was formed in August 2014 by then-incoming ABA president Hubbard, who has been vocal about the need to improve

access to justice. Under the leadership of former Northrop Grumman Corp. lawyer Judy Perry Martinez, the commission has explored new ways to improve the delivery of civil legal services to the public, especially to those who can't afford a lawyer or are confused by the legal system.

Martinez gave an impassioned speech to the delegates ahead of the final vote on Monday, stressing the stakes involved. "Perhaps more than any other moment in the last century, lawyers must show leadership to help close the access to justice gap," she said. In opposition, Lawrence Fox of Drinker Biddle & Reath compared allowing nonlawyers to provide legal services to the indigent to supplying tainted water to residents of Flint, Michigan.

In addition to the New York and New Jersey bars, opponents included the ABA's Litigation Section; the division for Solo, Small Firm and General Practice; and the bar associations of Illinois, Nevada and Texas.

Groups that voiced support before the vote included the ABA's Business Law Section, the Bar Association of San Francisco, and the Washington State Bar Association. (In Washington state, licensed nonlawyers already provide some legal services.)

Linda Klein, the ABA's president-elect and a partner at Baker Donelson, also supported the resolution. Current president Paulette Brown, a Locke Lord partner, did not take a position.

The New York City Bar Association did not take a position on the resolution, saying that it may need further discussion. But city bar president Debra Raskin made it clear that her group's view differs from that of the state bar. "The city bar endorses the concept that nonlawyers can play a role in closing the justice gap," Raskin stated. "We must continue the conversation about how to expand the role of nonlawyers in this country."

Notably, the Conference of Chief Justices, made up of state court chief justices, implied support for the concept of nonlawyers offering legal services without taking a position. In most states, the chief justices play the leading role in shaping rules governing the practice of law. The conference recommended that its members consider the resolution's objectives "to help identify and implement regulations related to legal services beyond the traditional regulation of the legal profession."

Opponents to Resolution 105 had asked the delegates earlier Monday to postpone a vote indefinitely, but that motion was defeated Monday by a vote of 191-276.

Chas Rapenthal, the general counsel of LegalZoom, attended the midyear meeting, although he isn't an ABA delegate. A leading provider of online legal forms, LegalZoom wants states to ease restrictions on the services that companies such as his can offer. Rapenthal predicted that it will happen, regardless of the ABA's action.

"I don't see how you can stop this tidal wave," he said. "There is a groundswell of consumers demanding what they deserve. They deserve to have a legal representative they can afford."



Admission Program Review Report

Lawyer Education Advisory Committee

Tony Wilson, Chair

Maria Morellato, QC, Vice-Chair

Dean Lawton

Sharon Matthews, QC

Micah Rankin

December 4, 2015

Prepared for: Benchers

Prepared by: The Lawyer Education Advisory Committee

Purpose: For decision

LAWYER EDUCATION ADVISORY COMMITTEE REPORT TO THE BENCHERS

The Lawyer Education Advisory Committee submits this report to the Benchers for information and discussion at the December 4, 2015 meeting, and plans to present its report to the Benchers in 2016 for decision.

EXECUTIVE SUMMARY

1. The Lawyer Education Advisory Committee submits this report to the Benchers pursuant to the Committee's mandate under section 2 of the 2015–17 Strategic Plan.
2. The Committee's recommendations are unanimous, and flow from section 3 of *the Legal Profession Act*, which states that *it is the object and duty of the society to uphold and protect the public interest in the administration of justice by ... establishing standards and programs for the education, professional responsibility and competence of lawyers and of applicants for call and admission ...*
3. **The Committee has gathered an extensive amount of information in 2015, including by:**
 - surveying lawyers who have been in practice for two to three years,
 - surveying the 2014 and 2015 students in the Professional Legal Training Course (PLTC) students,
 - surveying the 2014 articling principals,
 - conducting a *BarTalk* survey of the profession, yielding over 35 responses,
 - following up on the surveys with 25 BC law firms,
 - meeting with BC's three Law Deans and at BC's law schools,
 - examining bar admission programs in other Canadian provinces, particularly in Ontario and the prairie provinces, and in the United States, Australia, New Zealand, so that the Committee would be cognizant of other skills training programs as possible alternatives to PLTC,
 - examining workplace and apprenticeship programs in other professions and trades,
 - examining the range of costs to implement and operate various online educational programs as possible alternatives to PLTC.
4. Law firms were asked several questions, including:
 - Should we retain or eliminate articling? Is there anything we could do to make articling better?
 - What do you think of PLTC? Is it a valuable transition to practice? Is there anything you would change or eliminate, and why?

- Would you prefer to replace PLTC with an online training course?
- Should PLTC be integrated within the curriculum of the law schools?

5. The universal themes in the responses were these:

- Articling should continue in its current nine month format. Articling is important as an essential tool for transitioning from law school to practice, and neither law firms nor students have an appetite for eliminating articling, such as we see in the United States.
- PLTC should be retained and not replaced with an online learning program. The PLTC skills assignments and feedback are important. PLTC's small group interactive format provides a valuable learning process that online learning cannot match.
- Online learning during articling is a poor idea, because law firms told the Committee unequivocally that it would add to the pressure students experience in articling to perform legal work and bill for their time. The quality of learning in an online program would suffer if an online program and articling were to take place simultaneously.
- PLTC enables students to develop life-long, diverse, collegial relationships that strengthen their ongoing professional competence and the fabric of profession as a whole, particularly for students who did not attend a BC law school, as well as National Committee on Accreditation (NCA) students.
- Try to minimize, as much as possible, disruption to articles encountered by students and law firms.
- Integration with law schools is a poor idea, because of the distinct roles of law schools and law societies. (The Committee observes that law schools themselves are resistant to this idea.)

The Committee's Deliberations

6. The Committee, as a part of its mandate, felt obliged to study various educational programs as an alternative to PLTC, including existing programs in BC and elsewhere in Canada. The online programs that the Committee examined were, in most respects, "*not ready for prime time*." Many of them are asynchronous, not permitting direct interaction in real time between students and instructor. Others that are synchronous (for example, Blackboard collaborate, which replaced E-Live and is used extensively by Simon Fraser University and other universities) are still technologically cumbersome and are only

audio-based, unless both students and instructors have very high bandwidth internet connections.

7. The Committee met with the designer of the original CPLED program, the largely online training course in Alberta, Saskatchewan and Manitoba, who described PLTC as a “gold standard” in Canada for bar admission programs.
8. Replacing our well respected skills training program with something that is of a lesser standard may well be contrary to the public interest and, arguably, at odds with section 3 of the *Legal Profession Act*.
9. The Committee has concluded that it is in the public interest to maintain both PLTC and articling as indispensable components of the Admission Program.

Summary of Highlights of the Committee’s 22 Recommendations

10. The Committee’s 22 recommendations include the following highlights.
11. **Recommendation #6:** Continue the basic character of PLTC, including:
 - a. a single stream mandatory curriculum,
 - b. ten weeks in duration, including student assessments,
 - c. a primary focus on lawyering skills and practical know how, professional responsibility, and practice management,
 - d. primarily in-person delivery,
 - e. an interactive small group workshop format in class sizes of 20 students,
 - f. a full time professional teaching faculty with periodic volunteer practitioner guest instructors,
 - g. restoring funding levels sufficient to achieve these recommendations, including in particular (e) and (f), and explore the possibility of creating an additional May session in Vancouver.
13. **Recommendation #8:** In relation to the Truth and Reconciliation Commission’s Call to Action #27, strengthen the PLTC curriculum and assessments by enhancing cultural competency content and, in particular, awareness with respect to Aboriginal issues and the tragedy of residential schools, including integrating cultural competency into the curriculum in areas such as professional responsibility, interviewing and dispute resolution.

14. **Recommendation #9:** Implement measures to minimize instances where articling is disrupted by PLTC, including:
 - a. PLTC placement policies that take into account articling location, law school location, and firm size, including priority placement preferences, where possible, for law firms to take on a single student,
 - b. a communication plan aimed at students and small firms designed to assist them to avoid or minimize the disruption factor.
15. **Recommendation #10:** Continue to work with the Law Foundation in administering its funded PLTC Travel and Accommodation bursary program, which provides travel and accommodation bursaries for students who must travel from their place of residence and articles and pay for temporary accommodation while attending PLTC.
16. **Recommendation #12:** Continue the basic character of the articling requirement, including a nine month term, subject to:
 - a. the Credentials Committee, governed by the Law Society Rules, continuing to have discretion to reduce an individual's articling requirement based on factors such as practice or articling experience in other jurisdictions, but not for summer articles,
 - b. the Credentials Committee considering a revision to its process for assessing these articling reduction requests to permit reduction applications before an applicant has secured articles,
 - c. articling credit for court clerkships continuing to be for up to five months of the articling requirement.
17. **Recommendation #13:** Strengthen Law Society support for the effectiveness of articling principals by publishing online video clips, guides, checklists and other resources on how to provide effective student supervision.
18. **Recommendation #17:** That the Credentials Committee consider recommending to the Benchers that Rule 2-57 be amended to change the qualifications to serve as an articling principal from having engaged in the active practice of law for 5 years instead of 7 years.
19. **Recommendation #18:**
 - a. Actively encourage potential articling principals to provide remuneration that is reasonable according to the circumstances of the proposed articling placement.

- b. Continue to gather information on articling remuneration, and then determine whether to develop a policy on minimum articling remuneration.

The Federation's National Admission Standards Assessment Proposal

- 20. The Committee has carefully studied the Federation's national assessment proposal, which was distributed during the course of the Committee's analysis of articling and PLTC, and has consulted by telephone with Federation staff.
- 21. The Committee has significant concerns with the proposal, and has concluded that the proposal does not adequately deal with matters of provincial law, attempts to duplicate or replace by online testing PLTC's in-person skills assessments, is not psychometrically defensible, relies far too heavily on multiple-choice testing, and is unduly expensive.
- 22. An overall concern is that the almost complete lack of focus on bar admission training, articling, and law school education cannot be in the public interest.
- 23. The Committee has concluded that the Federation, working with all law societies, must put the process back on track, and take whatever time is necessary for law societies to work together in a process that is open, practical, and visionary, and which may allow individual law societies to use various components of the Federation's proposed assessment model.
- 24. The highlights of the Committee's Federation-related recommendations include:
- 25. **Recommendation #19:** Urge the Federation to respond proactively to the Truth and Reconciliation Commission's Call to Action #27 by including a mechanism for its advancement in the National Admission Standards project.
- 26. **Recommendation #20:** Urge the Federation to collaborate proactively with law societies, the Council of Canadian Law Deans, and the profession to assess options for principled alternatives to the Federation's National Assessment Proposal, including:
 - a. alternatives to the dominant focus on multiple-choice testing,
 - b. strengthening the testing of local law and practice,
 - c. lowering the significant costs,
 - d. establishing an overall vision, with considerable specificity, of the critically important and interrelated roles of bar admission training, articling, student assessment and law school education.
- 27. **Recommendation #22:** Not endorse the Federation's current form of National Assessment Proposal.

WHAT THE BENCHERS ARE BEING ASKED TO DO

28. The Lawyer Education Advisory Committee requests that the Benchers approve the Committee's recommendations. **(APPENDIX A)**

Part I: Admission Program Review, recommendations 1 to 18

Part II: Federation National Admission Standards Assessment Proposal, recommendations 19 to 22

THE REPORT AND RECOMMENDATIONS

Committee Strategic Priorities

29. The Lawyer Education Advisory Committee submits this report to the Benchers pursuant to the Committee's mandate under section 2 of the 2015–17 Strategic Plan:

2. The Law Society will continue to be an innovative and effective professional regulatory body.

Strategy 2-1

Improve the admission, education and continuing competence of students and lawyers.

Initiative 2-1(a)

Evaluate the current admission program (PLTC and articles), including the role of lawyers and law firms, and develop principles for what an admission program is meant to achieve.

Initiative 2-1(b)

Monitor the Federation's development of national standards and the need for a consistent approach to admission requirements in light of interprovincial mobility.

Initiative 2-1(e)

Examine alternatives to articling, including Ontario's new law practice program and Lakehead University's integrated co-op law degree program, and assess their potential effects in British Columbia.

Overview of the Committee's Work in 2015

30. The Committee began by reviewing the work of the former 2014 Committee, which had commenced its consideration of the Admission Program pursuant to the previous Law Society Strategic Plan. The Committee agreed to build on the former Committee's work, rather than redoing its work or revisiting its conclusions.

31. This year, the Committee's work has included consideration of:

- PLTC's history and mandate,
- PLTC's teaching and training: strengths and weaknesses, and options for change,
- PLTC's skills assessments and examinations: strengths and weaknesses, and options for change,
- PLTC and articling's administrative challenges, including cost, space, and rising student numbers,
- the potential for online learning, including examining
 - CPLED (the Canadian Centre for Professional Legal Education Program), the bar admission course online and in classrooms in Alberta, Manitoba, and Saskatchewan,
 - Simon Fraser University's two-year online MA Graduate Program in Legal Studies, a program designed for training notaries,
 - the Law Practice Program at Ryerson University in Toronto, delivered principally online,
- articling strengths and weaknesses,
- articling remuneration, and unpaid articles,
- bar admission systems in other provinces and the territories, as well as in other countries,
- licensing requirements for several professions and trades in BC (**APPENDIX B**),
- the Federation of Law Societies' national admission standards assessment proposals,
- extensive information gathered through surveys, email, and consultation discussions:
 - surveys of two and three year post call BC lawyers,
 - responses to Committee Chair Tony Wilson's *BarTalk* article, including follow up discussion and email with many firms,
 - the Law Society's Key Performance Measures for PLTC and articling,
 - meetings with the law deans of BC's three law schools, and meetings at the law schools with faculty and students,

- two meetings with Federation of Law Societies' representatives to discuss national admission standards.

Part I: Admission Program Review, PLTC and Articling

PLTC Overview

32. The 10-week PLTC term and the nine-month articling term are the two stages of the Admission Program, so that together PLTC and articling are integral parts of one comprehensive Admission Program.
33. Students may select one of the three scheduled PLTC sessions in Vancouver commencing in February, May or September, or in Victoria or Kamloops in May.
34. The lesson plans are designed as inter-active participatory workshops, not lectures. The focus is on skills, ethics, practice management, and practice and procedure in several common areas of entry-level practice. The skills taught and assessed are Drafting, Writing, Interviewing/Oral Advising, and Oral Advocacy. The practice and procedure areas examined in two 3-hour examinations are Business, Real Estate, Criminal, Civil, Wills, and Family, in addition to Ethics and Practice Management. The interactive participatory classes also focus on mediation, negotiation, criminal and civil advocacy, and legal research, and student assignments include client interviews, civil trial analysis, Notice of Claim and affidavit drafting, statements of adjustments, trust accounting, financial statement analysis, letter writing, and drafting contracts.
35. The skills are learned in classes, ideally of 20 students each, who receive written material and engage in small group instruction and discussion. The students have multiple opportunities to practise the skills and receive feedback before they are assessed. Issues of practice management and ethics also form a part of the many exercises and assignments in which the students engage.
36. PLTC is taught by a combination of Law Society staff instructors, sessional contract instructors, and hundreds of volunteer guest instructors. Although the course is delivered in person, the Practice Materials, statutes, rules, daily lesson plans, daily schedule, and assignments are accessible by the students through the online student portal. Students submit their completed written assignments and assessments electronically. Feedback on written assignments is provided electronically, and student results are posted online. PLTC does not yet have the capacity to post videos online, but that is being planned.
37. During PLTC, articling students are immersed in the interactive learning environment. They learn from each other as well as from the regular and guest faculty. Students are

strongly discouraged from working in their firms during PLTC, and may not work elsewhere without Law Society permission.

Surveys of Two and Three Year BC Lawyers

38. The Committee administered an Admission Program survey to lawyers called to the bar for two to three years. The responses indicated very strong support for PLTC maintaining its current small group/workshop format as a live in person course, and continuing to focus on skills, ethics, practice management, and practice and procedure. The responses also strongly indicated that articling should continue but be strengthened.

Survey Summary (104 responses / 605 invitations)

1. *Should PLTC continue as a LIVE course?*

Yes - 94 No - 7

2. *Is ten weeks the correct length for PLTC?*

Yes - 74 No - 27

3. *Should PLTC maintain its current small group/workshop format?*

Yes - 98 No - 5

4. *Should PLTC's teaching continue to focus on skills, ethics, practice management, practice and procedure?*

Yes - 101 No - 1

5. *Should PLTC continue to assess student competence in the following skills?*

Interviewing: Yes – 89 No – 15

Drafting: Yes – 98 No - 6

Writing: Yes – 89 No - 15

Advocacy: Yes – 93 No - 10

6. *Should PLTC continue to assess student competence by written examinations covering practice, procedure, law, ethics and practice management?*

Yes - 89 No - 13

7. *Does articling need improving?*

Somewhat: 68

Not at All: 22

Very Much: 14

8. *Could the Law Society do more to improve articling?*

Somewhat: 62

Very Much: 22

Not at All: 20

Report on Responses to *BarTalk* Article

39. Tony Wilson's June 1, 2015 *BarTalk* article, *I'm Conducting an Opinion Poll!!! - How can we improve Articling and PLTC?*, solicited the profession's input on the Admission Program, both articling and PLTC, and in particular on the question of whether in person PLTC should be replaced with online education. The article elicited over 35 written responses from newly called, mid-level and senior lawyers, and many telephone responses. Although the Committee had anticipated that there might be criticisms of the Admission Program, and particularly PLTC, from those who chose to voice their opinions, the responses were overwhelmingly supportive of PLTC, and did not favour moving in the direction of online training.

40. The following significant themes emerge from the responses.

PLTC Strengths

- effective transition from law school to articling and to practice
- skills training
- quality of teaching
- value of small group learning
- collegiality – development of life long professional relationships
- meeting with volunteer senior lawyers as guest instructors

PLTC Suggestions

- retain the in person instructional format
- some suggestions for additional / reframed skills
- strengthen practice management content
- try to minimize disruption to articles (Some firms, including in particular smaller firms, find PLTC to be disruptive when it is scheduled in the middle of the articling term.)

Articling

- valuable, but uneven quality
- should be retained and enhanced
- support for paid articles

41. These are a few of the responses to the *BarTalk* article:

I strongly feel that an in person, class based program is very valuable. Already so much of the legal profession is online; it would be a tragedy to get rid of an in person setting. I now have a strong network of peers who are going through the same journey as I am. As a foreign law school graduate and as someone who articulated in a small firm with no other articling students, I felt isolated from others in the legal profession. Not only does my network of peers allow a space for sharing experiences and asking questions, it permits us to teach each other from our mistakes!

-a 6 month, small firm lawyer

PLTC should not go online. I can't stress this enough. As a person who had to travel to PLTC and pay for and arrange my own accommodation (and is therefore one of the more put-out people that has to do PLTC), I would say that it would lose the majority of its benefit if it went online. I went through law school with a lap top in front of me and I can say that it does nothing (besides provide more opportunities to buy shoes online) but detract from my ability to pay attention, retain information, and generally learn. In addition, the most useful parts of PLTC are the practical activities, which I actually enjoyed, in part, because I had made good friends with the other students and enjoyed having an awesome instructor. Being in class every day creates a safe and fun environment, so I wouldn't think it would be the same to try to incorporate online components.

-a small firm lawyer in the north

I am not a fan of online training because it eliminates the immediacy of classroom training and does not allow for the same kind of group learning that can be gained from a class of learners.

-a lawyer in a mid-size firm

Articling remains a necessary part of the development of lawyers to serve the public. Training competent lawyers takes years beyond the articling year, and articling provides a base.

-a lawyer in a small firm

Discussions and Emails Following Up on Surveys and *Bar Talk* Responses

42. The Committee followed up on the *BarTalk* article responses with 25 firms, soliciting input on PLTC and articling, and in particular on the question of whether the in-person PLTC model should be replaced or significantly supplemented with online education.

43. The following significant themes emerged from the responses.

- Articling should continue. It is important, in conjunction with PLTC, for transitioning from law school to readiness to practise law. A lawyer in a smaller firm had this to say:

Articling should continue. It is essential, with PLTC, for filling the training gap between law school and readiness to practice law.

- PLTC fills a practical training gap after law school. The skills assignments and feedback are important.
- The articling term should not be shortened for students who complete law school clinical programs.
- Do not add to PLTC's substantive law content, because that would detract from the practical skills focus. Substantive law should continue as a role for the law schools.
- Do not replace PLTC with online learning. PLTC's small group interactive format provides a valuable learning process that online learning cannot match.
- PLTC enables students to develop life-long diverse, collegial relationships that strengthen their ongoing professional competence and the profession as a whole. A lawyer from a larger firm had this to say:

I support maintaining PLTC as a course delivered live, rather than online. In addition to PLTC being a terrific substantive program, the benefits of being in a classroom with peers and future colleagues should not be underestimated. It is not uncommon, even after many years in practice, to refer to someone as "She was in my PLTC small group". The ability for PLTC to enable professional connections and bonds is a valuable "side benefit" that would be lost in an online program. I am lucky enough to serve as a principal to some terrific students, including from elsewhere in Canada and from other countries through the NCA, and they have cited the fact that PLTC enabled them to meet other colleagues as being part of the reason they valued PLTC.

- Online learning during articling is a poor idea, because it would add to the pressure students are already experiencing in articling. The quality of learning in an online program would suffer if the online program and articling were to take place simultaneously. These are two of the responses:

If an online course were to be held concurrently with articles, students would definitely not have enough time to focus on the course. If students are expected to

prioritize studying, they should be insulated from the real-time demands of clients.

-a larger firm

Online training during articles would be really difficult for the students at this firm. Articling students work long hours and are expected to put in the time as a junior at trial and often go out of town for trials. It would mean a significant restructuring of articles if PLTC were to be done online concurrently with articles. It would not matter if the principal were to tell the students that PLTC should be a priority. If a student is working on a trial, the trial will take first priority.

-a mid-size Victoria firm

- Try to minimize PLTC disrupting articles.
- Integration with law schools is a poor idea, because of the distinct roles of law schools and law societies.

Key Performance Measures

44. Each year the Law Society evaluates the effectiveness of its programs through the Key Performance Measures process. Admission Program students and articling principals are surveyed on the value of PLTC and articles.
45. The most recent Key Performance Measure data for the Admission Program is for 2014. On a five point scale (1 = lowest, 5 = highest), PLTC students rated PLTC's value at preparing them for the practice of law as 4, and articling as 4.2. Articling principals rated PLTC's value at preparing their students for the practice of law as 4.2, and articling as 4.4. The data has been similar over the past five years.

PLTC Program Delivery: In-person and Online

46. Although the Committee's extensive consultation reveals overwhelming support for continuing PLTC in an interactive small group workshop format with primarily in-person delivery, the Committee investigated the potential for online learning in the Admission Program, including advantages and disadvantages, as well as cost.
47. The Committee reviewed a discussion paper, prepared at its request by Charlotte Ensminger, Staff Lawyer in the Policy and Planning Group, summarizing research and assessments of online learning, including how online learning is used in training student lawyers in the United Kingdom, Australia, New Zealand, and four Canadian provinces (Nova Scotia and the prairie provinces). The discussion paper elaborates on the

characteristics, advantages and disadvantages of an online learning model, as well as a blended learning (hybrid) model.

48. The Committee also reviewed research assembled by PLTC Deputy Director Lynn Burns on small group collaborative learning, and the pros and cons of this method of delivery. The positives include peer support, team work, mentoring, establishing contacts, relationship building that continues into practice and reduces isolation for students who article or will practice in small or remote firms, immersion in an environment focusing on ethics and professional values, daily discussion, debate, feedback and reflection. The challenges relate to the increase in student numbers from 340 to 500 over the past five years, and include the need for classrooms and instructors. Individual class sizes have increased from approximately 18 to 22 to 25. For some students, their articles are disrupted to attend PLTC, and some must travel and incur additional cost to relocate, although fewer than 5% of students relocate for PLTC, as they are typically either articling in or graduating from law school in one of the three PLTC cities.

CPLED (Canadian Centre for Professional Legal Education)

49. The Committee met with Sheila Redel, who was the first designer and Director of CPLED, the bar admission training course Alberta, Saskatchewan and Manitoba. Sheila's professional background includes a Masters' degree in Distance Education from Athabasca University and being the former Law Society of Manitoba Director of Education, the former CBA Director of Professional Legal Education, and currently a frequent contract Instructor with PLTC in Victoria and Vancouver.
50. CPLED, since 2004, has been the bar admission program for the three prairie law societies. CPLED was subsequently adopted by the law societies of the Northwest Territories and Nunavut, and three of the CPLED online modules form a part of the Nova Scotia and PEI shared program.
51. In 2002 the three prairie law societies and the Law Society of British Columbia had already developed and adopted a common entry-level Competency Profile. In BC, PLTC was modified to accord with the new Profile. The prairie law societies decided to design a new program, CPLED, to both accord with the new Competency Profile and meet their individual concerns.
52. Each of the three prairie law societies had other significant reasons for setting up CPLED. Alberta was finding it increasingly difficult and costly to find teaching space in hotels. Without staff or contract faculty, Alberta also had problems recruiting volunteer instructors. The Law Society of Saskatchewan had recently dissolved the Saskatchewan Legal Education Society, was looking for a means of bringing bar admission training in

house, and was concerned about costs. Manitoba's former course was delivered on Fridays throughout the fall and winter in Winnipeg. Not only did firms find the absence of their students for one day per week disruptive, but the Law Society was paying weekly travel and accommodation for students from outside of Winnipeg.

53. Although substantially online, CPLED is a blended learning bar admission training course with seven 3-week online modules and three 3-day live modules (Negotiation, Oral Advocacy, and Interviewing). The seven online modules are Drafting Contracts, Drafting Pleadings, Legal Research and Writing, Practice Management, Written Advice and Advocacy, Ethics and Professionalism, and Client Relationship Management. Each module lasts three weeks. All ten modules are delivered throughout the articling year, twice in Alberta and once in Saskatchewan and Manitoba.
54. CPLED runs throughout articling, and so law firms are expected to provide their articling students with sufficient time (one day per week) to complete the seven 3-week online modules and three 3-day absences for the live modules. In many articling settings this has proven to be an inconsistent practice, and some students must find their own time to meet their obligations.
55. The CPLED platform was initially WebCT, followed by Blackboard, and now Desire to Learn. Each law society contributed approximately \$100,000 to the start up. The balance was funded by the Law Foundations of each of the three provinces.
56. Although advances in technology would now permit CPLED to be improved considerably, including by re-introducing effective online synchronous learning, there is a concern about the substantial resources required to make those kinds of improvements. The three prairie law societies value the CPLED program for providing a valuable educational experience, but recognize that CPLED needs to be reviewed and revised to account for advances in technology and changes in law and practice.
57. The Committee engaged Sheila in a discussion of the merits of face-to-face, online and blended learning. Sheila described face-to-face learning as the gold standard for education on professionalism, interpersonal skills and communication, and higher level performance skills.
58. Sheila described PLTC as meeting the "gold standard," although PLTC would be even better if there were more resources to contribute to frequent updating. Sheila suggested that although some task training components, such as Writing or Drafting, could be effectively delivered online, that would not necessarily enhance PLTC's educational quality.

59. Sheila described PLTC as intricately constructed and interwoven, rather than modularized like CPLED. Therefore it would not be possible without redesigning PLTC in its entirety to simply patch portions of CPLED or other online learning models into PLTC. Moving PLTC to a blended model design would be complex, and extremely expensive, costing potentially millions of dollars because of the complexity.

Other Online Formats

60. The Committee has also explored the feasibility, including financial, of other models of online learning, including the Law Practice Program at Ryerson University in Toronto and Simon Fraser University's two-year MA Graduate Program in Legal Studies for notaries, as possible alternatives to PLTC. The ongoing cost of operating the Law Practice Program at Ryerson University has approximately doubled the Law Society of Upper Canada's student fees, after spreading the much higher cost of the online program across the Law society of Upper Canada's entire student body.
61. Many online programs are asynchronous, not permitting direct interaction in real time between students and instructor. Others that are synchronous (for example, Blackboard collaborate, which replaced E-Live and is used extensively by Simon Fraser University and other universities) are still technologically cumbersome, and are only audio-based, unless both students and instructors have very high bandwidth internet connections.
62. The Committee has concluded that moving PLTC to an online or blended model would not make sense educationally or financially.

Online Enhancements to PLTC

63. The Committee has observed that there are more modest but effective online means by which PLTC has been recently enhanced.
64. PLTC already places its lesson plans, schedules, notices, Practice Material, case files, fact patterns and precedents online for students to access on the PLTC student portal. WIFI is available in the classrooms, and students access all of this as well as statutes and other resources on their laptops daily. PLTC has begun posting some lectures on the student portal as pre-class assigned viewing, and plans to post individual student performance videos of Advocacy and Interviewing assessments on to the portal with password protection so that students can review their own failed performance in private with the benefit of included instructor commentary.

RECOMMENDATIONS

65. The Committee, having engaged in careful and sometimes spirited discussions throughout 2015, is unanimous in referring its 22 recommendations to the Benchers for approval.
66. Implementation of the recommendations would have little longer term budgetary impact, including modest impact relating to the online learning recommendation (recommendation #2).

Admission Program Overall Recommendations

67. Recommendation #1

Adopt the following as the principles the Admission Program's articling and Professional Legal Training Course components are meant to achieve:

- a. Newly admitted lawyers are competent and of good character and fitness to begin the practice of law;
- b. The articling, PLTC and assessment components of the Admission Program:
 - provide an effective transition between law school and admission to the bar through supervised practical experience in articles and effective professional training;
 - teach and assess the how-to of the practice of law, including practical application of substantive law, procedure, skills, professional responsibility, loss prevention and practice management;
 - socialize students to their role in the profession and responsibility to the public, the profession and the administration of justice.

Discussion and Analysis

68. The Committee has concluded that the Admission Program is central to the Law Society mandate, pursuant to section 3 of the *Legal Profession Act*:

It is the object and duty of the society to uphold and protect the public interest in the administration of justice by
(b) ensuring the independence, integrity, honour and competence of lawyers,
(c) establishing standards and programs for the education, professional responsibility and competence of lawyers and of applicants for call and admission,

- (d) regulating the practice of law, and*
- (e) supporting and assisting lawyers, articulated students and lawyers of other jurisdictions who are permitted to practise law in British Columbia in fulfilling their duties in the practice of law.*

69. The Law Society's mandate is clearly a proactive one, and it is therefore readily apparent that there is no Law Society program or obligation that is of a higher priority than the Admission Program in fulfilling the section 3 mandate.

70. The Committee reviewed the rationale for the Admission Program articulated in the *Report on Admission Program Reform*, approved by the Benchers on June 28, 2002, and the Federation's *Entry to Practice Competency Profile for Lawyers and Quebec Notaries (APPENDIX C)*, approved by the Benchers on January 24, 2013, and has concluded that together they articulate a sound rationale for the Admission Program. The following are relevant excerpts from the 2002 *Report on Admission Program Reform*.

11. ... the mandate of the Admission Program is to ensure that students admitted to the Bar of B.C. are competent and fit to begin the practice of law. Therefore, a student, to complete the Admission Program successfully, must demonstrate such competence and fitness.

12. ... the profession needs, in the public and its own interest, to be satisfied that newly called lawyers possess:

- *legal knowledge,*
- *lawyering and law practice skills,*
- *professional attitude,*
- *experience in the practice of law, and*
- *good character and fitness.*

17. There are important reasons for supporting an effective Admission Program, including both a teaching and articling component. These reasons include:

- *narrowing the competence gap that otherwise exists between law school graduation and admission to the Bar, by providing supervised practical experience with actual clients,*
- *teaching the "how-to" of the practice of law, including practical application of substantive law, procedure, skills, professional responsibility, loss prevention and office management,*
- *socializing students to their role in the profession and responsibility to the public, the profession and the administration of justice,*
- *assisting and preparing those students who may soon be either in sole practice or otherwise largely unsupervised, and mitigating through teaching and mentoring*

any disadvantage that may be faced by students from groups under-represented in the profession.

71. Recommendation #2

Strengthen the practice management content of the Admission Program by:

- a. expanding the interweaving of practice management issues into components of the PLTC curriculum relating to specific practice areas, such as Business Law, Family, Residential Conveyances, and Wills,**
- b. requiring all articling students, either during articles or PLTC, to successfully complete an online course modelled on the Small Firm Practice Course to be eligible for admission to the bar.**

Discussion and Analysis

- 72. The Committee concluded, based on its consultations, that Practice Management, including business of law training, should be enhanced. The Committee decided to recommend a two prong approach: in PLTC and in the Admission Program as a whole.
- 73. In PLTC, there would be a continuation and strengthening of the current Practice Management content, with more extensive interweaving of practice management issues into components of the PLTC curriculum relating to specific practice areas, such as Business Law, Family, Residential Conveyances, and Wills.
- 74. So as not to overload PLTC, and to provide Practice Management training in the context of articling's practical experience, the Committee concluded that it would be useful to require students to complete an online course modelled on the Small Firm Practice Course during articles or PLTC to be eligible for admission to the bar.
- 75. Rule 3-28 would continue to require lawyers who are beginning practice in a firm of four or fewer lawyers to complete the Small Firm Practice Course within 12 months before or six months afterward. Continuation of this requirement is meant to ensure that the Small Firm Practice Course is fresh in the minds of lawyers at the time they begin small firm practice.

76. Recommendation #3

Engage regularly with BC's law schools, including by exploring potential synergies between the competencies taught in the PLTC and those taught in the law schools, to ensure that the system of legal education and training from law school to admission to the bar is forward thinking and practical in meeting the rapidly changing needs of the public, and the ability of lawyers and law firms to meet those needs.

Discussion and Analysis

77. The Committee concludes that its successor committees should schedule regular meetings with the law schools, twice yearly or as circumstances may require. The system of legal education and training from law school to admission to the bar should be forward thinking and practical, and although law school education and the Admission Program are distinct stages in the legal education and training continuum, together they should ensure that students are fully prepared for their calling in the practice of law.
78. In recent years there has been considerable inconsistency in the frequency and quality of dialogue with law schools Canada-wide. This has been particularly so in the context of emerging Federation standards for approval of law degrees, the current Federation review of the law degree approval process, and the potential impact of the Federation's national admission standards project. All too often, the law deans and the Council of Canadian of Law Deans have been left on the outside.

79. Recommendation #4

Engage regularly with the legal profession to ensure that the system of legal education and training is forward thinking and practical in meeting the rapidly changing needs of the public, and the ability of lawyers and law firms to meet those needs.

Discussion and Analysis

80. The Committee has found its surveys and consultations with BC lawyers to be of immense value. Inviting the regular input of lawyers through surveys and by meeting with bar groups will strengthen the Admission Program, and assist in ensuring that the Admission Program does not fall behind in meeting the rapidly changing needs of the public, and the ability of lawyers and law firms to meet those needs.

81. Recommendation #5

Ensure that the Admission Program is subject to a structured process of systematic, regular review and enhancement to ensure it is forward thinking in meeting the needs of the public, the profession, and articling students, including through:

- a. regular review of the prescribed lawyering competencies,**
- b. attention to new administrative, learning and practice technologies, including new developments in online education,**
- c. ongoing updating and enhancement.**

Discussion and Analysis

82. Because the Admission Program is central to the Law Society's fulfilment of its statutory mandate pursuant to section 3 of the *Legal Profession Act*, Benchers should in the future carefully consider whether it is time to include another Admission Program review in the Law Society Strategic Plan.

83. Interim ongoing reviews should be conducted by the management and professional staff, with input as appropriate from the Lawyer Education Advisory Committee.

Professional Legal Training Course Recommendations

84. Recommendation #6

Continue the basic character of PLTC, including:

- a. a single stream mandatory curriculum,**
- b. ten weeks in duration, including student assessments,**
- c. a primary focus on lawyering skills and practical know how, professional responsibility, and practice management,**
- d. primarily in-person delivery,**
- e. an interactive small group workshop format in class sizes of 20 students,**
- f. a full time professional teaching faculty with periodic volunteer practitioner guest instructors,**

- g. restoring funding levels sufficient to achieve these recommendations, including in particular (e) and (f), and explore the possibility of creating an additional May session in Vancouver.**

Discussion and Analysis

85. The value of PLTC in fulfilling the Law Society's section 3 statutory mandate must be reflected, as a matter of top priority, in PLTC's resourcing: to enable maintaining of small class sizes of approximately 20 students and instruction by a core of Faculty of full-time qualified Instructors supplemented by qualified contract Faculty and volunteer practitioner guest instructors.
86. A competent lawyer must possess, in addition to legal knowledge, a range of skills and abilities, including professional responsibility and practice management, for carrying out a variety of ever-changing functions. A lawyer must, for example, be an effective interviewer, adviser, researcher, analyst, manager, organizer, negotiator, writer, drafter and advocate. Legal knowledge is essential, but is of little value without skill and know-how. The Law Society must ensure that newly called lawyers possess the requisite lawyering skills and attributes, through effective professional training and rigorous assessments.
87. The Committee has observed that students in law school, and frequently in articles, pursue varied practice interests. PLTC is the one stage in the professional legal education process where a broadly based experience in basic core practice areas and skills is assured. Articling students, once provided with this solid PLTC base, can best enhance their competence in their preferred areas of practice during articling and, post-call, through continuing legal education courses and the development of their law practices.
88. The Committee has concluded, based on the extensive information it has gathered, its review of programs in other jurisdictions and professions, and its consideration of other learning formats, including online learning, that the public interest in being served by competent lawyers will be most practically and effectively met by continuing PLTC's ten week program, with primarily in-person delivery in an interactive small group workshop format, and by a full time professional teaching faculty with periodic volunteer practitioner guest instructors.
89. The Committee's consultations have included law firms throughout the province, both large and small. Consultation with some of the national firms permitted comparisons of PLTC with programs in other provinces. For example:

Ontario's articling students would greatly benefit from having PLTC. PLTC is an excellent transition to practice. PLTC provides important consistency in training for

BC articling students, including essential lawyering skills training. The students in the Toronto office complete the much shorter Ontario online program during articles.

-a national firm, with offices in Toronto and Vancouver

It is my strong opinion that hands-on experiential learning is the best way to impart practical knowledge and know-how, and improve one's practical lawyering performance.

-a small firm lawyer in Ottawa

90. Recommendation #7

Align the PLTC curriculum with the competencies listed in the Federation of Law Societies' *Entry to Practice Competency Profile for Lawyers and Quebec Notaries*, approved by the Benchers on January 24, 2013, while accounting for those competencies mandated for law school graduates by the Federation's law degree approval requirements.

Discussion and Analysis

91. The Committee has reviewed the PLTC curriculum, and concludes that PLTC, in combination with the Federation's law degree approval requirements, substantially accords with the Federation's *Competency Profile*. Therefore the PLTC curriculum would require only modest adjustment.

92. Recommendation #8

In relation to the Truth and Reconciliation Commission's Call to Action #27, strengthen the PLTC curriculum and assessments by enhancing cultural competency content and, in particular, awareness with respect to Aboriginal issues and the tragedy of residential schools, including integrating cultural competency into the curriculum in areas such as professional responsibility, interviewing and dispute resolution.

Discussion and Analysis

93. The Truth and Reconciliation Commission's Call to Action #27 addresses the training of lawyers:

We call upon the Federation of Law Societies of Canada 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.

94. PLTC's *Practice Materials* include Aboriginal law and practice within PLTC's designated subject areas, and there are related examination questions. PLTC's instructors have received cross-cultural skills training to support the effectiveness of their teaching. However, PLTC does not yet include a meaningful focus on cross cultural skills training for students. There is time that can be made available in PLTC to include cultural training, as well as to include additional Aboriginal law and practice content in the curriculum.
95. Call to Action #27 urges that all lawyers, not only newly called lawyers, receive appropriate cultural competency training. The Committee concludes that the Law Society, in addition to enhancing the PLTC curriculum, should go further, such as by working with BC's First Nations and the Continuing Legal Education Society, and supplementing the online Small Firm Practice Course, the Practice Refresher Course, and the Communication Toolkit.
96. The 2016 Lawyer Education Advisory Committee will review the CPD program pursuant to the Strategic Plan, and in that context consider Truth and Reconciliation Commission call to action #27 more fully.

97. Recommendation #9

Implement measures to minimize instances where articling is disrupted by PLTC, including:

- a. PLTC placement policies that take into account articling location, law school location, and firm size, including priority placement preferences, where possible, for law firms to take on a single student,**
- b. a communication plan aimed at students and small firms designed to assist them to avoid or minimize the disruption factor.**

Discussion and Analysis

98. PLTC's small class size and interactive skills training focus rely structurally on operating the program three times yearly, which is why demand for placement in the May session cannot be fully met.
99. In Ontario, the Law Society of Upper Canada was overwhelmed by trying to train all of its students in a single session, which ultimately undercut the viability of Ontario's former Bar Admission Course.

100. The Committee concludes that solo and small law firms, particularly outside the Lower Mainland, should be encouraged to take on articling students, and should be assisted by the Law Society to avoid articling being disrupted by PLTC. The Committee believes that this could in fact encourage more articling positions being made available.
101. Therefore is important to implement PLTC placement policies that take into account articling location, law school location, and firm size, including priority placement preferences, where possible, for law firms to take a single student.
102. The Law Society's Communications Department has published and posted advice to students and firms on how to take steps to obtain their first choice of PLTC placement and commencement date.
103. **Recommendation #10**

Continue to work with the Law Foundation in administering its funded PLTC Travel and Accommodation bursary program, which provides travel and accommodation bursaries for students who must travel from their place of residence and articles and pay for temporary accommodation while attending PLTC.

Discussion and Analysis

104. Students qualify to apply for a PLTC Travel and Accommodation Bursary to a maximum of \$5000, if they are enrolled in the Admission Program, and must travel from their place of residence and pay for arms-length temporary accommodation in Vancouver, Kamloops or Victoria to attend PLTC and will be returning to their place of residence afterward.
105. Fewer than 5% of students relocate for PLTC, as students are mostly either articling or graduating from law school in the three PLTC cities.
106. **Recommendation #11**

Continue to require students to secure articles before commencing PLTC.

Discussion and Analysis

107. The Credentials Committee has considered a recommendation arising from the Small Firm Task Force Report of January 2007 that students be able to enrol in PLTC before securing articles. After much debate, the Credentials Committee concluded that while the recommendation was a laudable effort at creating opportunities for

students, the consequences of the recommendation could actually be expected to provide more impediments or costs for students generally. The greatest concern identified by the Credentials Committee was the real possibility that over time firms could start requiring students to take PLTC before offering articles. This would delay a student's progression to becoming a lawyer, and could add to the cost of the process for the student.

Articling Recommendations

108. Recommendation #12

Continue the basic character of the articling requirement, including a nine month term, subject to:

- a. the Credentials Committee, governed by the Law Society Rules, continuing to have discretion to reduce an individual's articling requirement based on factors such as practice or articling experience in other jurisdictions, but not for summer articles,**
- b. the Credentials Committee considering a revision to its process for assessing these articling reduction requests to permit reduction applications before an applicant has secured articles,**
- c. articling credit for court clerkships continuing to be for up to five months of the articling requirement.**

Discussion and Analysis

- 109. The Committee's surveys and consultations provide a clear message that students and articling principals alike value the articling program, and support its continuation.
- 110. The articling term should fulfil a significant role in preparing students, in a practical way, to apply their legal knowledge, acquire and enhance practical skills and know-how, and develop a sense of professionalism that encompasses the attitudes and values of the legal profession. Articling is a key building block in the preparation for becoming a competent lawyer. Articling provides the real-life component of a student's professional training.
- 111. The Committee has assessed the current nine-month length of the articling term. The Committee concludes that shortening the articling term would impair the training opportunity for students through inadequate time being available to work through

complete matters. The groups consulted by the Committee have not made any suggestions or expressed any concerns in this regard.

112. The rationale for continuing the nine-month requirement is a significant reason for the Committee recommending that the requirement not be shortened based on experience during law school in student clinics and summer articles. (Only Newfoundland credits summer articles, to a maximum of three months of the 15 month requirement.) Students who have, however, practised law or articulated in another jurisdiction would continue to be able to apply to the Credentials Committee for a reduction of their articles but not an exemption.
113. The Committee's rationale for continuing to recommend the limiting of articling credit for court clerkships to five months is that the clerkship experience, while excellent, does not provide sufficient experience in the broader range of articling skills. The Committee notes that some provinces, including Ontario, do not limit articling credit for court clerkships.
114. Rule 2-72(7) permits an articling student to apply in writing to the Credentials Committee for exemption from all or a portion of PLTC if a student has successfully completed a bar admission course in another Canadian jurisdiction or engaged in the active practice of law in a common law jurisdiction outside of Canada for at least 5 full years. Rule 2-65 permits an articling student or applicant for enrolment who holds professional qualifications obtained in a common law jurisdiction outside Canada and has been in the active practice of law in that jurisdiction for at least one full year, to apply in writing to the Executive Director for a reduction in the articling requirement.
115. Applicants can find it difficult to approach prospective principals when there is uncertainty about whether they will be granted an exemption from PLTC or a reduction in the length of articles. If the Credentials Committee were to revise its process for considering these articling reduction requests to permit reduction applications before an applicant has secured articles, this problem could be eliminated.
116. **Recommendation #13**

Strengthen Law Society support for the effectiveness of articling principals by publishing online video clips, guides, checklists and other resources on how to provide effective student supervision.

Discussion and Analysis

117. The Committee reviewed the following findings in the Report on Admission Program Reform, approved by the Benchers on June 28, 2002, about the goals articling is meant to achieve, as well as articling's shortcomings, and has concluded that those findings continue to be relevant.

36. The articling term should fulfil a significant role in preparing students, in a practical way, to apply their legal knowledge, acquire and enhance practical skills and know-how, and develop a sense of professionalism that encompasses the attitudes and values of the legal profession. Articling is a key building block in the preparation for becoming a competent lawyer. It provides the real-life part of the student's professional training.

37. ... for some students, the articling term is too often the weak link in the professional legal education process. Articling functions in isolation, and the quality of experience for some students can provide inadequate preparation for the competent practice of law. The articling term is the only part of the pre-call education and qualification process, from the first day of law school to call to the bar, dedicated to assisting students to acquire, in an actual law practice context, the competence to practise law. As such, it is analogous to the teaching hospital experience for medical students, but too often can fall far short. The 1997 and 2001 surveys of articling principals and students, supplemented by interviews, confirm the perception that the most significant shortcomings of the articling term include:

- *inconsistent quality in articling experiences,*
- *inconsistent supervision and feedback,*
- *inconsistent instruction about professional values and attitudes, and*
- *powerlessness of students to ensure they receive a satisfactory quality of articles.*

118. The Committee recognizes that although the variety of experiences available in articling placements can be positive for students who have particular career goals, it is important that articling provide a quality training experience.

119. Accordingly, the Committee has resolved to enhance the quality of articling placements by supporting articling principals through publishing online video clips, guides, checklists and other resources on how to provide effective student supervision.

120. The 2016 Lawyer Education Advisory Committee, in conducting its CPD review, will consider extending CPD credit to articling principals for preparatory training and student mentoring.

121. **Recommendation #14**

Continue the skills focus of the articling requirements, and revise the requirements to accord with Federation of Law Societies' *Entry to Practice Competency Profile*, while accounting for the competencies prescribed as PLTC requirements and those mandated for law school graduates by the Federation's law degree approval requirements.

Discussion and Analysis

122. The Law Society's articling requirements are skills based, and do not require experience in any particular area of practice or practice setting. The mandatory skills exposure required for articles is in advocacy, negotiation and mediation, drafting, writing, interviewing, problem solving, legal research, professional ethics, and practice management.

123. While the Committee does not propose that there be a shift of focus, the Committee recommends, consistent with its PLTC proposals, adapting the articling skills requirements to accord with the Federation's Competency Profile, while accounting for the competencies prescribed as PLTC requirements and those mandated for law school graduates by the Federation's law degree approval requirements.

124. **Recommendation #15**

Although it is premature to reach any conclusions on the four month work term placement in the Law Practice Program at Ryerson University and the University of Ottawa, and the work placements in Lakehead University's integrated law degree – bar admission program, because these programs that are still in their infancy, the Law Society should:

- a. Assess the potential impact in BC of these programs as soon as reasonably possible;**
- b. Not provide credit for these alternatives to articling at this time;**
- c. Remain open to considering proposals from institutions, such as law schools, to offer programs that include alternatives to articling.**

Discussion and Analysis

125. The Strategic Plan requires the Committee to report on Initiative 2-1(e):

Examine alternatives to articling, including Ontario's new law practice program and Lakehead University's integrated co-op law degree program, and assess their potential effects in British Columbia.

126. These programs are, however, still in their infancy, and the Committee considers it more appropriate to follow up in 2017, the third year of the Strategic Plan.

127. **Recommendation #16**

Monitor the availability of articling positions on an ongoing basis, and:

- a. Co-ordinate with and promote the work of law school career service offices as a means of assisting students to find articles suited to their career goals;**
- b. Be current on an ongoing timely basis on whether the number of available articling positions is likely to meet the needs of students seeking articles, including out of province and NCA students, and be prepared to respond if a problem arises;**
- c. Endeavour, in co-operation with the NCA, to ascertain the number of NCA qualified students who are seeking articles in BC, and consider appropriate support mechanisms;**
- d. Encourage joint and shared articles.**

Discussion and Analysis

128. The Law Society is not formally involved in the articling recruitment process. The three BC law school career services offices currently publish lists of potential articling principals and provide articling placement and support services. The three BC law school career services also co-ordinate with their counterparts at other Canadian law schools to assist students who come to BC from other provinces.

129. Law Society staff consult regularly with the three BC law school career services offices, and have been told that the articling market in BC appears to be adequate. It is important that the Law Society remain current on an ongoing basis on whether the number of available articling positions is likely to meet the needs of students seeking articles, and to be prepared to respond if a problem arises. Rather than initiate a new Law Society program by setting up an articling placement program, the Committee

recognizes an ongoing opportunity to co-ordinate with the law schools' existing programs.

130. The Committee also sees value in encouraging joint and shared articles, particularly in small firm and solo practitioner environments. The CBABC's Articling Registry, which was designed to include joint and shared articling opportunities, has been suspended because of lack of use. The CBABC would like to relaunch the Registry with an effective campaign for postings, and to that end has initiated consultations with Law Society staff.
131. The Law Society does not have data on NCA student articling placement, because NCA students are not included in law schools' placement records. Anecdotally, the articling placement challenge appears to be greater for NCA students, who do not have the support of law school placement offices, and very often do not have community connections. Therefore Law Society should endeavour, in co-operation with the NCA, to ascertain the number of NCA qualified students who are seeking articles in BC, and consider appropriate support mechanisms.
132. **Recommendation #17**

That the Credentials Committee consider recommending to the Benchers that Rule 2-57 be amended to change the qualifications to serve as an articling principal from having engaged in the active practice of law for 5 years instead of 7 years.

Discussion and Analysis

133. Rule 2-57 (2) stipulates:

To qualify to act as an articling principal, a lawyer must have

(a) engaged in the active practice of law in Canada

(i) for 7 of the 10 years, and

(ii) full-time for 3 of the 5 years

immediately preceding the articling start date ...

134. The Credentials Committee has previously considered the eligibility requirements for articling principals and has directed staff to provide a policy analysis and workup for further consideration by the Credentials Committee. The Credentials Committee's general consensus was a recommendation that the years of active practice of law in Canada be changed to 5 years and to reduce the required time spent engaged in practice in BC to 1 year. The Credentials Committee also plans to explore the idea of

removing the reference to “full-time” practice, but include some equivalent practice provision and define what is meant by “active practice.”

135. **Recommendation #18**

- a. **Actively encourage potential articling principals to provide remuneration that is reasonable according to the circumstances of the proposed articling placement.**
- b. **Continue to gather information on articling remuneration, and then determine whether to develop a policy on minimum articling remuneration.**

Discussion and Analysis

136. Some professions and occupations are excluded from the application of the *Employment Standards Act*. Section 31(c) of the *Employment Standards Act* Regulations stipulates that the Act does not apply to an employee who is enrolled as an articling student under the *Legal Profession Act*. As a result, articling students are not protected by the *Employment Standards Act*, which includes minimum wage, hours of work, overtime, public holidays, and vacation with pay.
137. The Committee is concerned that there have been reports of instances where students are articling without remuneration. The Committee has canvassed potential Law Society options, including whether articling without remuneration should be regulated, forbidden, permitted but with a requirement that the articling principal inform the Law Society, or permitted only with case-by-case Law Society approval.
138. There may be an issue as to whether there is an ethical obligation to provide articling remuneration or an appropriate amount of remuneration, although presumably there would be no blanket standard. The Committee has heard that some students would prefer that the Law Society not become involved, so that they can simply complete their articles and become credentialed.
139. The informal view of the Committee is that, as a principle, it is probably inappropriate for articling principals who can reasonably afford to provide remuneration to offer little or no student remuneration. The Committee agrees that there is no objective standard for quantifying reasonable remuneration or articulating remuneration best practices, and that there may be situations, such as for public interest advocacy lawyers and legal aid lawyers, where there would be insufficient funds to provide student remuneration.

140. The Committee decided to gather information from students and lawyers to determine the extent to which there might be a problem. Questions were included in the survey of two to three year called lawyers, which produced the following results.

1. During articles, your monthly salary range was

Greater than \$3,500 43

\$2,000 - \$3,500 51

Under \$2000 7

Nil 3

2. Were you paid a salary while at PLTC?

Yes 92 No 10

3. Were your PLTC fees paid by your articling firm?

Yes 98 No 6

141. The Committee, in recommending that the Law Society actively encourage potential articling principals to provide remuneration that is reasonable according to the circumstances of the proposed articling placement, intends that the Law Society's message be motivational, and say that taking on an articling student will be beneficial to the firm and demonstrates professionalism.
142. The 2016 and 2017 Committees should continue to monitor the situation, to determine whether to develop a policy for Benchers consideration on articling remuneration.

Part II: Federation National Admission Standards Assessment Proposal

143. The Committee's mandate pursuant to the Strategic Plan includes Initiative 2-1(b):

Monitor the Federation's development of national standards and the need for a consistent approach to admission requirements in light of interprovincial mobility.

144. Accordingly, the Committee has considered the Federation proposal in the context of the Committee's Admission Program Review.

Overview of the Federation National Admission Standards Assessment Proposal

145. In 2013, the Benchers approved the National Entry-Level Competency Profile for Lawyers and Quebec Notaries pursuant to the following resolution.

RESOLVED: to approve the Competency Profile on the understanding that implementation will be based on a nationally accepted implementation plan, and to support the development of that plan.

146. The National Competency Profile lists the knowledge and skills that students must possess, and the tasks that they must be able to perform upon entry to the profession.
147. The Federation's National Admission Standards Project Steering Committee is presenting its national assessment proposal (**APPENDIX D**) as the next step in the National Admission Standards project.
148. The Proposal, in light of national mobility, aims to provide consistency in how law societies assess the competencies in the National Competency Profile.
149. The Proposal asks law societies to endeavour by the end of 2015 to be ready to make a decision about whether they will commit to the process moving forward. The Proposal anticipates that development of the national assessments would involve the law societies that are ready to make the commitment
150. The Barreau du Québec and the Chambre des notaires du Québec have decided not to participate in the national assessments.
151. The Proposal covers only student assessment, and states that a national approach to professional training courses and articling would be reserved for a later stage of the project (likely after 2020).
152. The assessments would cover national law, and not include provincial law coverage except in aspects of some of the assessment answer guides. Law societies wanting to test provincial law could administer their own additional assessments.
153. The Proposal states that the knowledge competencies covered by the common law degree national requirement would not be retested. The knowledge competencies that would remain to be tested therefore likely include national aspects of Family, Corporate and Commercial, Wills and Estates, Evidence, Rules of Procedure (Civil and Criminal), and Real Estate.
154. The assessments would occur in three phases, to be implemented in stages over time, and at a cost the Proposal asserts "is consistent with what most law societies spend on assessment now," but not including the cost of training.
155. Phases One and Two would rely exclusively on computer-based testing through designated testing facilities across Canada.
156. In Phase One, students would be assessed through a 6 to 7 hour multiple choice examination on their skills and application of practical knowledge, including analytical reasoning, fact analysis, legal analysis and reasoning, problem solving, and resolution of ethical dilemmas.

157. In Phase Two, the focus would be on assessing skills and tasks in a knowledge-based context through a 5 to 7 hour online examination. Phase Two introduces more complex skills and tasks including problem solving and decision making; identification and resolution of ethical dilemmas; legal research; written communication; client communication, and organization and management of legal issues and tasks.
158. Phase Three would take place in articling, with articling principals assessing student competence, including in performance skills such as advocacy, interviewing and dispute-resolution. Online training and would be provided to prepare articling principals to assess students consistently. Alternatively, individual law societies could choose to assess the Phase Three competencies directly.
159. The Proposal briefly discusses national performance-based assessment: “Preliminary consideration has been given to whether Objective Structured Clinical Examinations (“OSCE”) or OSCE-style assessment should form part of the national assessment program. OSCEs are commonly used in the health professions to assess candidates at entry to practice. They consist of a circuit of short stations in which candidates are examined on a particular task (e.g. examining a patient) with one or more examiners and typically an actor or real patient.” The Proposal states that “developing and implementing an OSCE program across the country is resource intensive and would present significant challenges. Given the high cost and impracticality of OSCEs, and the ability to effectively test skills and tasks through other means (as outlined in Phases Two and Three), the Steering Committee is not proposing OSCE-style assessment.” This why performance-based assessment would be done by articling principals, with an option for individual law societies to include a performance-based assessment of students for high priority skills such as advocacy, interviewing and dispute-resolution.

160. The following chart summarizes what Phases One, Two and Three would each entail.

WHAT IS ASSESSED	ASSESSMENT METHOD & RATIONALE
PHASE ONE	
The focus is on assessing skills and application of knowledge, including analytical reasoning, fact analysis, legal analysis and reasoning, problem solving, and resolution of ethical dilemmas.	Assessment may include multiple choice questions and case-based multiple choice questions completed online.
PHASE TWO	
The focus is on assessing skills and tasks in a knowledge-based context. Phase Two introduces more complex skills and tasks including problem solving and decision making; identification and resolution of ethical dilemmas; legal research; written communication; client communication, and organization and management of legal issues and tasks.	Assessment may require long answers using information supports provided online (e.g. facts, case law), through to skills assessment requiring task completion (e.g., drafting an opinion, affidavit, pleading, or case analysis). Interactive audiovisual practice scenarios would be used in which students apply critical and analytical thinking skills. Students may view a video of a lawyer interviewing a client or negotiating. Students may be asked to analyze a lawyer's performance and how standards for the practice of law have been demonstrated.
PHASE THREE	
The focus is on assessment of competence by the articling principal. Phase Three involves application of the skills and tasks in Phases One and Two, and includes the ability to complete tasks, engage in productive interaction and team work, exhibit improvement, develop personal growth strategies, and engage in self-reflection and feedback.	This phase may involve enhancements to articling, beginning with a framework of competencies that must be demonstrated and a set of performance criteria and ratings supporting the assessment of skills and tasks. Flexibility must be maintained, given the diversity of articling placements.

Proposed Funding

161. The estimated costs of the assessments are divided into development costs and operating costs for ongoing administration once the program is implemented. The projected capital development cost for creating Phases One, Two and Three, net of taxes, is estimated at approximately \$2.8 million.

162. Start-up funding would be needed to begin development of the assessment tools. The Federation would contribute to the start-up development costs from its surplus fund. Funding options for the development stage, which might include a cost-sharing formula, a repayable loan, or other possible models, are to be explored in greater depth.
163. The annual operating cost for administering the new assessment regime is estimated at approximately \$1,725 per student, based on 3,800 students. This includes all law societies except the Barreau du Québec and the Chambre des notaires du Québec, who are not participating. The per-student cost would depend on the number of participating law societies. The \$1,725 per student cost equates to an estimated annual operating budget of \$6.5 million.

Proposed Timing

164. The Proposal states that this timing would depend on when law societies are ready to proceed.

2016 – 2018: Phase One would be developed between 2016 and 2018, including the examination pilot test, and implementation of the first assessment.

2018 – 2020: Phases Two and Three would developed between 2018 and 2020.

Commentary and Critique

165. An overall advantage, consistent with national lawyer mobility, is that the proposed national assessments would introduce more uniformity in national admission standards than exists today.
166. One overall disadvantage is that the national assessments would not include provincial law and procedure. The knowledge competencies that would be tested include national aspects of Family, Corporate and Commercial, Wills and Estates, Evidence, Rules of Procedure (Civil and Criminal), and Real Estate, which cannot be assessed adequately without reference to provincial law, and are now covered through a combination of law school courses and the PLTC examinations. For example, how could a "national assessment" adequately assess students who practice in a Torrens land registration system? As rules of procedure and laws with respect to wills and estates different throughout Canada, how could they be examined nationally?
167. A second overall disadvantage is that PLTC already assesses, with only modest adjustments, what would be covered in the proposed assessments (all three phases) more effectively and with the advantage of including applied knowledge of

provincial law and procedure. The Committee is concerned that this Federation Proposal would drive the standards for bar admission down to the lowest common denominator, and concludes that the Law Society should not lower its standards simply in a quest for national standards or psychometric defensibility.

168. The Proposal speaks to the importance of the national assessments being psychometrically defensible, and asserts that in this way the national assessment will generally be superior to what exists today. Psychometrics is a field of study originally developed to apply statistical and mathematical analysis to psychological testing to ensure objective measurement. Currently it is often applied to other kinds of testing, including high stakes testing for professional qualification. Its purpose is to ensure testing instruments provide as objective a measurement as reasonably possible of the skills or knowledge being tested. Psychometrics recommends blueprinting testing instruments to align with competency statements, using guidelines for preparing quality, clear test questions, processes for assembling questions into a test including weighing degree of difficulty and response time, inter/intra class correlation (by statistical analysis), best practices for testing administration, and clear grading guidelines to eliminate or reduce bias or subjectivity.
169. PLTC has consulted a professional psychometrician to conduct a statistical analysis of PLTC's examinations and skills assessments, and to educate the legal professional staff about theory, processes and best practices for examination question and answer preparation, compilation, marking, and administration. PLTC's examinations and assessments were found to be satisfactory.
170. PLTC continues to follow best practices for setting and grading examinations and skills assessments. The format of the two examinations is short answer and essay. The skills assessments are necessarily more subjective.
171. The Committee has concluded that PLTC examinations and skills assessments meet the standard of psychometric defensibility.

Phase One Examination

172. The Phase One element of the proposal is unnecessary and needlessly expensive, as it largely duplicates the skills already approved for the law degree competencies and in PLTC (application of knowledge, including analytical reasoning, fact analysis, legal analysis and reasoning, problem solving). It would burden the admission process with a 6 to 7 hour multiple choice examination, a dominant new feature.

173. Although the knowledge competencies covered by the common law degree requirement would not be retested, the knowledge competencies that would be remain to be tested include national aspects of Family, Corporate and Commercial, Wills and Estates, Evidence, Rules of Procedure (Civil and Criminal), and Real Estate, which are now typically covered through a combination of law school courses and PLTC.

Phase Two Examination

174. The Phase Two online skills assessments requiring task completion (e.g., drafting an opinion, affidavit, pleading, or case analysis) and critique of recorded lawyer performances would have some merit, although they offer nothing much in addition to what PLTC offers.
175. There should be a thoughtful national discussion and consultation on why Phase Two would only be an online written assessment (a 5 to 7 hour examination), without any live performance testing (in person skills assessments) for the most highly rated competencies (such as advocacy, interviewing and dispute-resolution). Learning by doing is the best way to teach skills, and performance testing is the best way to assess skills. Committee members have concluded that for skills assessments, a quest for perfect psychometric defensibility should not be allowed to undercut the quality of what PLTC is achieving.

Phase Three Skills Assessment

176. A positive feature of the Phase Three proposal is that having articling principals assess student skills could enhance the educational quality of articling.
177. However, because articling principals would assess the competencies, there would be no defensible national standard for assessing the most highly rated skills, including no assurance of quality and no psychometric defensibility. An assessment that would replace evaluation by professional educators with evaluation by articling principals cannot be psychometrically defensible. Moreover, the possibility of bias, whether intended or not, could not be eliminated. Therefore it is inaccurate for the Proposal to state that it would “Ensure that candidates have demonstrated the required knowledge and skills ...”
178. Phase Three requires more deliberation and consultation, before deciding that in-person testing of performance skills would be too expensive and impractical. It is clear that PLTC assesses the skills proposed to be covered in Phase Three more comprehensively and reliably.

Professional Training Courses

179. The Proposal covers only student assessment and articling, and states that a national approach to professional training courses has been reserved for a later stage of the project [likely after 2020].

Costing

180. The significant per student cost does not take into account any continued law societies' training courses and local testing. The overall per student cost of a combination of national assessments, provincial assessments, provincial training courses, and administering articling would be higher than today for the law societies that continue some form of professional training course and local assessments.
181. Although the Proposal states: "Our goal is an assessment regime that will be cost neutral and that may also bring cost savings to local bar programs in the long term," such a cost impact cannot even be guessed at before the Federation develops proposals for the future of bar admission training. The timing of that important work is described as being at "a later stage of the project."

Consultations on the Federation Proposal

182. The Committee consulted with the BC Deans on September 24th, and has been following up with meetings at the law schools.
183. The Committee's deliberations have included two consultation meetings with Federation representatives.
184. The Committee has consulted informally with some law firms. Comments received include the following:
- Our firm would be against any form of national assessment proposal that does not involve live teaching as with PLTC. It is conceivable, that in the future, systems such as "telepresence" may prompt another look at online learning again.
 - Our firm would not support any national evaluation system that does not include provincial law.
 - We are not convinced that multiple-choice examinations are appropriate assessment tools, even if multiple-choice examinations make it easier for people to mark the examination.

- The Federation's proposal attempts to involve the student's principal in assessing interview/negotiation or other skills. Shortcomings include:
 - Evaluation by principals would not be as consistent within the firm or province-wide as it would be within PLTC.
 - Do not offload this to the law firms. They may do an inferior job of it or an inconsistent job of it (or both).
 - Evaluation is likely to be pushed down the chain to associates or junior partners.
- Lawyers are not professional educators.
- There would be too much room for bias and unfairness if this were performed within the law firms.
- There would be too much room for inconsistency if this were performed within the firm.
- Firms would rather have the skills assessments done by PLTC so the issues of bias and inconsistency can be avoided within the firm. PLTC has no bias toward or against a particular student.
- Having the principals or other members of the firm involve themselves in evaluation of students (normally done by PLTC), may add additional burdens to firms, particularly small firms, and they simply might not do it. And if they do it, they may not do it well. And, the burden may cause some smaller firms to rethink whether they should take on articling students.
- How can involving articling principals or other lawyers in the firm in the evaluation process be in any way psychometrically defensible given the potential problems with inconsistency and bias?
- Intuitively, a live, in person training program like PLTC has to be better than either no training or online training combined with examinations.
- How would it look if we simply eliminated PLTC and adopted the Federation's model just so we could save money by eliminating the teaching staff and being able to rent out the classroom space? Wouldn't that look like were abrogating our *Legal Profession Act* responsibilities?
- Why would we lower our standards to the lowest common denominator just because it is easier for mobility?

185. **Recommendation #19**

Urge the Federation to respond proactively to the Truth and Reconciliation Commission's Call to Action #27 by including a mechanism for its advancement in the National Admission Standards project.

Discussion and Analysis

186. The Proposal includes no mention of the Truth and Reconciliation Commission's Call to Action #27:

We call upon the Federation of Law Societies of Canada 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.

187. The National Admission Standards project presents the Federation with its first concrete opportunity to act.

188. **Recommendation #20**

Urge the Federation to collaborate proactively with law societies, the Council of Canadian Law Deans, and the profession to assess options for principled alternatives to the Federation's National Assessment Proposal, including:

- a. alternatives to the dominant focus on multiple-choice testing,**
- b. strengthening the testing of local law and practice,**
- c. lowering the significant costs,**
- d. establishing an overall vision, with considerable specificity, of the critically important and interrelated roles of bar admission training, articling, student assessment and law school education.**

Discussion and Analysis

189. If the Federation initiates a new round of broadened discussions as proposed by recommendation #20, the potential impact on the Admission Program would be subject to those discussions and further direction from the Benchers.
190. The Committee sees the major points of contention that have emerged as including:

- the absence of an opportunity to propose options outside the three phase assessment model advanced by the Steering Committee;
- the significant costs, which would be in addition to law society costs for administering an articling program, operating a bar admission training course, and testing provincial or territorial law and practice;
- the dominant focus on 10 to 12 hours of online testing, with an over emphasis on multiple-choice content;
- that important knowledge of provincial and territorial law and practice in several areas, such as Family, Commercial, Wills and Estates, Rules of Procedure, and Real Estate, is ignored, and cannot be assessed adequately without reference to provincial law and territorial law;
- that much of the Phase One testing duplicates the skills already required for the law degree competencies (application of knowledge, including analytical reasoning, fact analysis, legal analysis and reasoning, problem solving), and is therefore unnecessary and needlessly expensive;
- the inadequate assessment of the highest priority skills (e.g. advocacy, interviewing) by relegating them to articling online testing and to articling principals, who are not professional legal educators and where there would be no assurance of quality standards or psychometric defensibility;
- the lack of specificity about the critically important and interrelated roles of bar admission training, articling, student assessment and law school education. There is no anticipated timing for beginning work on national standards for bar admission training. The Proposal covers only student assessment and articling, and states that a national approach to professional training courses has been reserved for a later stage of the project, likely after 2020.

191. The Committee has identified other options that should be considered, including accrediting provincial and territorial bar admission programs on the basis of the national competencies, asking law societies to commit each in their own way to implementing the national competencies in their training and testing programs, or permitting law societies to opt in or out of components of the national assessments.

192. **Recommendation #21**

Urge the Federation to work with the Council of Canadian Law Deans in moving forward with National Admission Standards.

Discussion and Analysis

193. The Deans reasonably expect to be consulted, particularly as they are concerned about the impact of national admission standards on and the potential related changes to the law degree approval requirements. Time should be set aside for meaningful consultation.
194. In the interests of achieving a true national solution, the Law Society of BC should expect the Federation to work together with all law societies and the Council of Canadian Law Deans to consider options in addition to the three phase assessment model advanced by the Steering Committee. There is no reason why law societies are being required to make a commitment in a hurried manner. It would be very unfortunate if the Federation does not take the necessary time to collaborate on the critical next steps in the process, particularly with the Council of Canadian Law Deans.
195. Legal education from law school through to call to the bar and post-call CPD is a continuum. The Federation assessment proposal risks overwhelming and corrupting what is an excellent continuum of legal education in BC
196. **Recommendation #22**

Not endorse the Federation's current form of National Assessment Proposal.

Discussion and Analysis

197. Whether a law society is in or out on this proposal will not impact participation in national mobility. The National Mobility Agreement 2013 and the Territorial Mobility Agreement 2013 do not include provisions relating to admission standards, and law societies and the Federation have made commitments to the federal and provincial governments that law societies support lawyer mobility.
198. Although the Law Society of BC has been a proponent of effective national admission standards, and has been a participant on the National Admission Standards Steering Committee, the Lawyer Education Advisory Committee cannot endorse the current form of assessment proposal.
199. The Lawyer Education Advisory Committee has completed an extensive review of the Admission Program, and has asked itself the central question of how and why the Federation national proposal might be better for BC. Harmonizing national standards by way of online testing focused on federal law (effectively discounting the importance of provincial and territorial law), with such a significant use of multiple-

choice questions, and defending the assessment model on the grounds of psychometric validity are insufficient answers on their own.

200. Effectively, the Law Society of BC would be compromising what has been called a “gold standard” of Canadian legal skills training programs with an expensive and educationally inferior online testing model.
201. The Committee cannot recommend an approach to assessment that is inferior to our own. There must be more work done at the Federation level, which is why the Committee recommends that the Benchers not endorse the Federation proposal in its current form. The Committee is concerned that adopting the proposed Federation model would risk shortchanging the public interest, and be inconsistent with the Law Society’s obligations under section 3 of the *Legal Profession Act*.
202. The Federation and all law societies have a collective obligation to make every effort to seek consensus before even considering a process that would invite law societies to declare themselves in or out of the project.

APPENDIX A

RECOMMENDATIONS

The Lawyer Education Advisory Committee requests that the Benchers approve the following recommendations.

Admission Program Overall Recommendations

Recommendation #1

Adopt the following as the principles the Admission Program's articling and Professional Legal Training Course components are meant to achieve:

- a) Newly admitted lawyers are competent and of good character and fitness to begin the practice of law;
- b) The articling, PLTC and assessment components of the Admission Program:
 - provide an effective transition between law school and admission to the bar through supervised practical experience in articles and effective professional training;
 - teach and assess the how-to of the practice of law, including practical application of substantive law, procedure, skills, professional responsibility, loss prevention and practice management;
 - socialize students to their role in the profession and responsibility to the public, the profession and the administration of justice.

Recommendation # 2

Strengthen the practice management content of the Admission Program by:

- a) expanding the interweaving of practice management issues into components of the PLTC curriculum relating to specific practice areas, such as Business Law, Family, Residential Conveyances, and Wills,
- b) requiring all articling students, either during articles or PLTC, to successfully complete an online course modelled on the Small Firm Practice Course to be eligible for admission to the bar.

Recommendation #3

Engage regularly with BC's law schools, including by exploring potential synergies between the competencies taught in the PLTC and those taught in the law schools, to ensure that the system of legal education and training from law school to admission to the bar is forward thinking and practical in meeting the rapidly changing needs of the public, and the ability of lawyers and law firms to meet those needs.

Recommendation #4

Engage regularly with the legal profession to ensure that the system of legal education and training is forward thinking and practical in meeting the rapidly changing needs of the public, and the ability of lawyers and law firms to meet those needs.

Recommendation #5

Ensure that the Admission Program is subject to a structured process of systematic, regular review and enhancement to ensure it is forward thinking in meeting the needs of the public, the profession, and articling students, including through:

- a) regular review of the prescribed lawyering competencies,
- b) attention to new administrative, learning and practice technologies, including new developments in online education,
- c) ongoing updating and enhancement.

Professional Legal Training Course Recommendations

Recommendation #6

Continue the basic character of PLTC, including:

- a) a single stream mandatory curriculum,
- b) ten weeks in duration, including student assessments,
- c) a primary focus on lawyering skills and practical know how, professional responsibility, and practice management,
- d) primarily in-person delivery,
- e) an interactive small group workshop format in class sizes of 20 students,
- f) a full time professional teaching faculty with periodic volunteer practitioner guest instructors,
- g) restoring funding levels sufficient to achieve these recommendations, including in particular (e) and (f), and explore the possibility of creating an additional May session in Vancouver.

Recommendation #7

Align the PLTC curriculum with the competencies listed in the Federation of Law Societies' *Entry to Practice Competency Profile for Lawyers and Quebec Notaries*, approved by the Benchers on January 24, 2013, while accounting for those competencies mandated for law school graduates by the Federation's law degree approval requirements.

Recommendation #8

In relation to the Truth and Reconciliation Commission's Call to Action #27, strengthen the PLTC curriculum and assessments by enhancing cultural competency content and, in particular, awareness with respect to Aboriginal issues and the tragedy of residential schools, including integrating cultural competency into the curriculum in areas such as professional responsibility, interviewing and dispute resolution.

Recommendation #9

Implement measures to minimize instances where articling is disrupted by PLTC, including:

- a) PLTC placement policies that take into account articling location, law school location, and firm size, including priority placement preferences, where possible, for law firms to take on a single student,
- b) a communication plan aimed at students and small firms designed to assist them to avoid or minimize the disruption factor.

Recommendation #10

Continue to work with the Law Foundation in administering its funded PLTC Travel and Accommodation bursary program, which provides travel and accommodation bursaries for students who must travel from their place of residence and articles and pay for temporary accommodation while attending PLTC.

Recommendation #11

Continue to require students to secure articles before commencing PLTC.

Articling Recommendations

Recommendation #12

Continue the basic character of the articling requirement, including a nine month term, subject to:

- a) the Credentials Committee, governed by the Law Society Rules, continuing to have discretion to reduce an individual's articling requirement based on factors such as practice or articling experience in other jurisdictions, but not for summer articles,
- b) the Credentials Committee considering a revision to its process for assessing these articling reduction requests to permit reduction applications before an applicant has secured articles,
- c) articling credit for court clerkships continuing to be for up to five months of the articling requirement.

Recommendation #13

Strengthen Law Society support for the effectiveness of articling principals by publishing online video clips, guides, checklists and other resources on how to provide effective student supervision.

Recommendation #14

Continue the skills focus of the articling requirements, and revise the requirements to accord with Federation of Law Societies' *Entry to Practice Competency Profile*, while accounting for the competencies prescribed as PLTC requirements and those mandated for law school graduates by the Federation's law degree approval requirements.

Recommendation #15

Although it is premature to reach any conclusions on the four month work term placement in the Law Practice Program at Ryerson University and the University of Ottawa, and the work

placements in Lakehead University's integrated law degree – bar admission program, because these programs that are still in their infancy, the Law Society should:

- a) Assess the potential impact in BC of these programs as soon as reasonably possible;
- b) Not provide credit for these alternatives to articling at this time;
- c) Remain open to considering proposals from institutions, such as law schools, to offer programs that include alternatives to articling.

Recommendation #16

Monitor the availability of articling positions on an ongoing basis, and:

- a) Co-ordinate with and promote the work of law school career service offices as a means of assisting students to find articles suited to their career goals;
- b) Be current on an ongoing timely basis on whether the number of available articling positions is likely to meet the needs of students seeking articles, including out of province and National Committee on Accreditation (NCA) students, and be prepared to respond if a problem arises;
- c) Endeavour, in co-operation with the NCA, to ascertain the number of NCA qualified students who are seeking articles in BC, and consider appropriate support mechanisms;
- d) Encourage joint and shared articles.

Recommendation #17

That the Credentials Committee consider recommending to the Benchers that Rule 2-57 be amended to change the qualifications to serve as an articling principal from having engaged in the active practice of law for 5 years instead of 7 years.

Recommendation #18

- a) Actively encourage potential articling principals to provide remuneration that is reasonable according to the circumstances of the proposed articling placement.
- b) Continue to gather information on articling remuneration, and then determine whether to develop a policy on minimum articling remuneration.

Federation National Admission Standards Assessment Proposal

Recommendation #19

Urge the Federation to respond proactively to the Truth and Reconciliation Commission's Call to Action #27 by including a mechanism for its advancement in the National Admission Standards project.

Recommendation #20

Urge the Federation to collaborate proactively with law societies, the Council of Canadian Law Deans, and the profession to assess options for principled alternatives to the Federation's National Assessment Proposal, including

- a) alternatives to the dominant focus on multiple-choice testing,
- b) strengthening the testing of local law and practice,
- c) lowering the significant costs,
- d) establishing an overall vision, with considerable specificity, of the critically important and interrelated roles of bar admission training, articling, student assessment and law school education.

Recommendation #21

Urge the Federation to work with the Canadian Council of Law Deans in moving forward with National Admission Standards.

Recommendation #22

Not endorse the Federation's current form of National Assessment Proposal.



Appendix B

Admission and Certification Requirements for Entry to a Number of Professions and Trades in BC

September 29, 2015

Prepared for: The Lawyer Education Advisory Committee

Prepared by: Charlotte Ensminger

Purpose: For Information

THE PURPOSE OF THIS MEMORANDUM

1. The Chair of the Lawyer Education Advisory Committee has asked staff to prepare a summary of the admission and certification requirements for entry to a number of professions and trades in BC. This memorandum provides that summary, together with links directing the reader to more detailed information about the various professions and trades profiled in the summary.

PROFESSIONS

Accountants (Chartered, Certified General, Certified Management)

2. On June 24, 2015 the President/Chairs and CEOs of the Institute of Chartered Accountants of BC, Certified General Accountants Association of BC, and Certified Management Accountants Society of BC announced the establishment of a new body, the Chartered Professional Accountants of British Columbia (the “CPA”), unifying the three professional accounting bodies. The enabling legislation, the *Chartered Professional Accountants Act*, received royal assent on June 25, 2015.
3. A new CPA professional education program began in September 2013. Students who graduate from the program will receive the official designation of CPA. As a result of the merger, the CPA has more than 38,000 members and students in BC, and over 190,000 members across Canada who provide financial expertise to businesses in every sector of the economy.
4. To practice as a professional accountant in BC under the new CPA designation, a person must have:
 - Completed an undergraduate degree in any discipline along with required prerequisite courses as defined by the [subject area coverage](#).
 - Completed the CPA education program – this consists of a 24 month graduate-level program delivered on a part-time basis. The CPA Professional Education Program (PEP) provides candidates with greater flexibility and the ability to customize their training toward a specific industry or focus area.
 - Be employed full-time in relevant accounting or finance positions while completing CPA PEP. Using a blended learning model, CPA PEP combines online learning, self-study, and classroom learning.
 - Completed 30 months of practical, relevant work experience.

- Passed a final examination set by the national organization, CPA Canada. Candidates write the examination provincially, invigilated by CPA members. It is written over a three day period, typically Friday, Saturday, and Sunday.
5. Until June 2017, legacy CMA, CA, and CGA courses will be accepted for entry into a CPA Professional Education Program (“PEP”). Students must meet the prerequisite course requirements of only one of the legacy pathways, CA, CMA, or CGA, to be accepted for entry into the CPA PEP.

Additional information regarding CPA designation in British Columbia is available at: <https://www.bccpa.ca/>; <http://www.bccpa.ca/students/>; <http://www.bccpa.ca/become-a-cpa/home/>

For national information, see: <https://cpacanada.ca/en/become-a-cpa/pathways-to-becoming-a-cpa/national-education-resources/the-cpa-competency-map>

Architects

6. To practice architecture in BC, a person must be registered with the Architectural Institute of British Columbia (the “AIBC”). To qualify to register and receive a Certificate of Practice, an applicant must have:
 - A Masters level university degree (M.Arch) from a program accredited and/or recognized by the AIBC;
 - Acquired 5,600 hours of prescribed internship work experience;
 - Attended 6 mandatory professional development courses offered by the AIBC;
 - Passed an oral, peer review process; and
 - Written and passed a series of national examinations, either the Examination for Architects in Canada, or the Architectural Registration Examination offered through the National Council of Architectural Registration Boards.
7. In addition to individuals, all businesses/firms in the practice of architecture are required to be registered through the AIBC. An architectural firm is only permitted to offer or provide professional services under a valid Certificate of Practice.
8. The category of Intern Architect is the designation used for a person who has successfully completed a professional degree in architecture and is undertaking the domestic Internship in Architecture Program.

For more information, see: <http://www.aibc.ca/membersite/membership-registration/>

Dentists

9. The College of Dental Surgeons of British Columbia, the regulatory body for dentists, dental therapists, and certified dental assistants in BC, sets the requirements to practice dentistry in British Columbia.
10. There are 12 classes of registration available to dentists. These range from full registration to temporary and include such categories as academic, limited (research), limited (volunteer), among others. Most, but not all of these classes require, at minimum, a degree from an accredited general dentistry program and a National Dental Examining Board (NDEB) certificate, which confirms that the holder has passed the national examinations.
11. By way of example, dentists who wish to practice general dentistry must have:
 - A degree or equivalent qualification from an accredited general dentistry program or equivalent general dentistry program.
 - Successfully completed the National Dental Examining Board (NDEB) written and clinical examinations.
 - The Written Examination consists of two books, each with 150 multiple choice type questions. Each book is given in a 150 minute examination session. The sessions are held in the morning and afternoon of one day.
 - The OSCE is a station type examination comprised of a morning session and an afternoon session on the same day. The majority of the stations will have 2 questions and will require the candidate to review the information supplied (e.g. case history, dental charts, photographs, radiographs, casts, models) and answer extended match type questions.
 - Certification does not guarantee licensure. The provincial regulatory authorities may require additional documents and/or language proficiency testing for the purpose of licensure.
12. In addition to the 12 classes of registration, there are 11 dental specialties recognized in BC. To practice as a Certified Specialist the applicant must hold full registration as described above, plus:
 - A degree or equivalent qualification in a recognized specialty from an accredited specialty program or equivalent specialty; and
 - Successfully completed the National Dental Specialty Examination (NDSE)

For more information, see: <https://www.cdsbc.org/registration-renewal/dentists>

Engineers

13. The BC Association of Professional Engineers and Geoscientists (the “APEGBC”) is the regulatory body for engineers and geoscientists in British Columbia.
14. To work as an engineer or geoscientist, a person must be registered as a professional engineer or geoscientist in the province or territory in which s/he is working, or work under the direct supervision of someone who is registered as a professional engineer or geoscientist in the province in which s/he is working.
15. To apply for Professional Engineer status with APEGBC, applicants must meet certain academic, experience, law and ethics, language and good character requirements. Specifically, these are:
 - the equivalent of graduation from a four year full time bachelors program in applied science, engineering, geoscience, science or technology. This normally means that the applicant has a bachelor's degree in engineering from an accredited university program. (In certain limited circumstances, it is possible to obtain the designation of Professional Engineer without an undergraduate degree in engineering.)
 - a minimum of four years of [satisfactory engineering work experience](#). At least one of these years must be gained in a [Canadian Environment](#). If a person's work experience is in a different discipline from his or her academic qualifications, the individual will need to undergo an academic review and possible interview and/or examinations.
 - passed the national Professional Practice Examination. The exam is closed book, three and a half hours in length and consists of a two and a half hour, 110 question multiple-choice section followed by a one hour essay section. The exam tests knowledge of Canadian professional practice, law, and ethics. It is generally recommended that applicants have 24 months of engineering experience before they take the exam.
 - established their English Language Competence for Practice, which is evaluated through the Professional Practice Examination essay, comments of referees/validators, and the observations of interviewers (where an interview is required).
 - established their good character and reputation. Good character connotes moral and ethical strength and includes integrity, candor, honesty and trustworthiness. All APEGBC members are held accountable to a [Code of Ethics](#) that governs the way an individual practices his or her profession. APEGBC will review the information provided in an application to ensure that applicants meets these standards.

For more information see: <https://www.apeg.bc.ca/Become-a-Member> ;
<https://www.apeg.bc.ca/getmedia/c721f7d8-1fbf-4a6c-a06d-16d9227c4c13/APEGBC-Guidelines-for-Satisfactory-Experience-in-Engineering.pdf.aspx>

Occupational Therapists

16. The practice of occupational therapy in BC is regulated provincially through the College of Occupational Therapists of British Columbia. To practice as an occupational therapist in BC requires the following:

- confirmation of having met all requirements for graduating with a degree in occupational therapy, and confirmation of a conferred degree. This includes 1000 hours of supervised fieldwork.
- successful completion of a national examination called the National Occupational Therapy Certification Examination.
- a completed criminal records check.

For more information see: <http://cotbc.org/>

Pilots

17. To become a licensed pilot in BC, a person must meet national and/or international standards and requirements, depending on the type of license or permit one holds. Training is through a combination of ground school and flying school. The specific age, medical, ground training and flying school requirements depend on the category of license being applied for.

18. There are 5 categories of licences or permit:

- Student pilot permit
- Recreational pilot permit – allows the holder to fly family and friends for fun and transportation. This is a permit issued according to Canadian standards and is valid in Canada only. The holder of a permit is licensed to fly a four-seat or smaller (including ultra-light, single-engine, and multi-engine) aircraft during the day only.
- Private Pilot license – allows the holder to fly with family and friends for fun and transportation. The various classes of licences are issued in accordance with international standards and are recognized throughout the world.
- Commercial Pilot licence – allows the holder to fly professionally. It is valid throughout the world and includes flying large commercial jets, but not as a captain.
- Airline Transport Pilot licence – allows the holder to fly professionally. It is valid throughout the world and includes flying large commercial jets, including as captain.

19. The more limited permits and classes of licences can be upgraded through additional training and experience, and it is possible to add ratings and endorsements to a licence (such as a Multi-Engine Rating, Instrument Rating, Float Rating, Instructor Rating, among others). These also require additional training and examinations.
20. By way of example, the specific requirements for a commercial pilot licence are:
- Minimum age of 18 years
 - Category 1 Medical Certificate
 - Training as per Transport Canada requirements
 - A minimum of 80 hours ground school on subjects specified by Transport Canada
 - A minimum of 200 hours flight time experience, including 100 hours of pilot-in-command, and 20 hours of cross-country pilot-in-command
 - A total minimum of 65 hours flight training in the aircraft category (aeroplane, gyroplane, or helicopter) including no less than 35 hours dual with a flight instructor, and 30 hours solo practice
 - Of the 35 dual hours, 5 hours must be at night, including a 2 hour night cross-country, 5 hours must be cross-country, and 20 hours must be with reference only to flight instruments
 - Of the 30 solo hours, there must be a cross country flight to a point not less than 300 nautical miles from the point of departure, with three full-stop landings
 - The 30 solo hours must also include 5 hours by night and completion of 10 circuits
 - Successful completion of a flight test
21. A person applying for a pilot's licence must pass a regular medical examination. There are various classes of medical exams depending on the licence being applied for. The medical examination is conducted by a doctor specifically qualified by Transport Canada to conduct pilot medical exams. They have to be repeated as often as every six months, to once every five years depending on the type of licence held and the pilot's age.

Additional information is available at: <http://www.tc.gc.ca/eng/civilaviation/opssvs/general-flttrain-menu-1872.htm> ; <http://www.airfun.org/bap/>

Physicians

22. To qualify as a physician in Canada takes a minimum of 7 years. Canadian medical schools require two to four years of full-time undergraduate courses with a focus on subjects such as physics, chemistry and biology, as a precondition to medical studies. Most students entering medical school have an undergraduate degree.
23. Completing medical school generally takes three to four years. Practical training in a hospital, clinic or doctor's office occurs in the final year or two. This is followed by a residency of two to seven years, depending on specialty or area of focus, and a mandatory written examination.
24. The College of Physicians and Surgeons of British Columbia (the "College") regulates the practice of medicine in British Columbia. The legislation granting the College authority is the *Health Professions Act*. All physicians who wish to practice in BC must meet certain registration requirements in order to obtain a licence. The College reviews an applicant's education, training, and relevant experience, as well as character references, health status, and any outstanding investigations, disciplinary actions or practice restrictions from other jurisdictions prior to making a decision about whether to issue a licence.
25. The general registration and licensure requirements are set out in the Bylaws. These requirements include:
 - providing satisfactory evidence of identification, experience, good professional conduct and good character to the registration committee
 - providing a letter dated within 60 days from the date of the application, from the competent regulatory or licensing authority in each other jurisdiction where the applicant is or was, at any time, registered or licensed for the practice of medicine or another health profession
 - certifying that the applicant's entitlement to practise medicine or another health profession has not been cancelled, suspended, limited, restricted, or subject to conditions in that jurisdiction at any time, or specifying particulars of any such cancellation, suspension, limitation, restriction, or conditions, and
 - certifying that there is no investigation, review, or other proceeding underway in that jurisdiction which could result in the applicant's entitlement to practise medicine or another health profession being cancelled, suspended, limited, restricted, or subjected to conditions, or specifying particulars of any such investigation, review, or other proceeding
 - providing satisfactory evidence of currency in clinical practice

- having the ability to speak, read and write English to the satisfaction of the registration committee
 - providing documentary proof that the applicant meets all requirements of the registration class applied for
 - providing a signed criminal record check consent form
26. A registrant must practise medicine within the scope of his or her training and recent experience and must not engage in a medical practice that he or she is not competent to perform.
27. Certifications in a range of specialties are available through a number of bodies that set national standards for training and certification in various areas of specialization. Two examples follow.

The College of Family Physicians of Canada

28. The College of Family Physicians of Canada (the “CFPC”) is the body that establishes national standards for training and certification in family medicine in Canada.
<http://www.cfpc.ca/Home/>
29. Eligibility for certification in family medicine is granted by the CFPC to its members who have either completed approved residency training in family medicine or become eligible for certification through a combination of approved training and practice experience. Certification in family medicine is a special CFPC membership designation.
30. Once eligible, individuals may be granted certification either by successfully completing the [Certification Examination in Family Medicine](#) or through one of the following alternative pathways:
- [Alternative Route to Certification](#) (ARC) - a self-directed, computer-based, educational program which assists family physicians to critically review their own practice and does not include an examination component.
 - [Recognized Training and Certification in jurisdictions outside Canada](#) - a recently opened route to Certification (CCFP) without examination based on recognition of training and certification obtained in international jurisdictions.
 - [Academic Certification](#) - this program assists Canadian faculties of medicine and universities in the recruitment and retention of family medicine specialists as full-time, clinical faculty at the rank of full or associate professor. This program aims to facilitate the recruitment of clinician scientists and clinician educators.

31. Certificants of the CFPC may use the designation CCFP (Certificant of the College of Family Physicians), but must also be registered and licenced through their provincial College of Physicians and Surgeons in order to practice their specialty.
32. Maintaining a Certification in Family Medicine requires continuing membership in the CFPC and participating in a number of [continuing medical education/continuing professional development activities](#) independently or in groups (scientific meetings and other accredited group activities). Individuals must demonstrate they are keeping up with advances in the practice of family medicine by subscribing to an accredited program of continuing professional development.

Royal College of Physicians and Surgeons of Canada

33. The Royal College is the national professional association that oversees the medical education of specialists in Canada. It accredits the university programs that train resident physicians for their specialty practices, and it drafts and administers the examinations that residents must pass to become certified as specialists.

For more information see: <http://www.royalcollege.ca/portal/page/portal/rc/about/whatwedo>

Teachers

34. Any person wishing to teach kindergarten to grade 12 in BC's public school system generally must hold a teaching certificate (Certificate of Qualification) issued through the Teacher Regulation Branch of the Ministry of Education. To obtain a certificate, the applicant must establish that s/he has completed an undergraduate degree and a teacher education program.
35. Course requirements for the undergraduate degree are determined in part by the grades the prospective teacher wishes to teach. Grades are generally grouped as elementary, middle school, and secondary.
36. Teacher education training programs offered in BC range in length from one to two years and include both theoretical coursework and practical experience in schools.
37. An application for a Certificate of Qualification is evaluated on the basis of three areas:
 - Academic record, teaching education training and subject area studies
 - Relevant teaching experience

- Fitness, or suitability for working with children (which requires a criminal record check)
38. The applicant must establish that s/he meets certification standards, is of good moral character, and is otherwise fit and proper to be issued a certificate. (Section 30(1)(c) of the *Teachers Act* [RSBC 2011])
 39. There are 8 classes of certificates available, ranging from a Professional Certificate, which is essentially an unrestricted, non-expiring license, to the most restricted certificate, a School and Subject Restricted Certificate, which restricts the holder to teaching specific subjects only at a sponsoring authority seeking to employ the applicant.
 40. Teacher mobility is possible across Canada but still requires meeting BC standards for certification if a person wishes to teach in BC, and will likely require additional training and an examination: <https://www.bcteacherregulation.ca/Teacher/LabourMobility.aspx>

For more information generally, see:

<https://www.bcteacherregulation.ca/TeacherEducation/TeacherEducationOverview.aspx>

THE TRADES

41. Industry Training Authority BC is the body that manages over one hundred trade programs in BC, including carpentry, electrical, and plumbing: <http://www.itabc.ca/discover-apprenticeship-programs/search-programs>

Carpenters

42. In BC, an individual can become certified as a carpenter by completing the Carpenter program or by challenging the certification. Apprenticeship programs are for individuals who have an employer to sponsor them and challenge programs are for individuals who have extensive experience working in the occupation and wish to challenge the certification.
43. Youth can begin apprenticeship in high school through either the Secondary School Apprenticeship (SSA) program or the ACE IT program. The SSA Program is available for any trade if an employer is willing to sponsor the student. Trades offered through ACE IT vary by region.
44. Foundation programs, where available, provide adults and youth who do not have work experience nor employer sponsorship with an opportunity to gain the knowledge and skills

needed to enter the occupation. Individuals who wish to enroll in a Foundation program must register directly with the training provider.

45. There are no specific education prerequisites for the trade of carpenter, but Grade 10 or equivalent including English 10, Mathematics 10, and Science 10 are recommended.
46. In order to become a certified carpenter in British Columbia, an applicant must complete an apprenticeship process that involves both on-the-job training and in-school training, or apply through the Challenge Program.
47. The apprenticeship route requires that the apprentice complete a program that includes 6,480 workplace hours and 840 in-school hours of training completed in four levels. Each level runs for seven weeks. The program generally takes 4 years to complete. The apprentice is then issued a Certificate of Apprenticeship, a Certificate of Qualification, and if interprovincial standards are met, an Interprovincial Standard Endorsement known as a Red Seal.
48. Credentialing through the Challenge Program requires a total of 9,720 documented hours of directly related experience working in the trade, and completing the Interprovincial Red Seal Exam with a minimum mark of 70%.
49. Credentialing through the Foundation Program results in a Certificate of Completion (not a Certificate of Qualification), which is awarded upon successful completion of technical training and completing the ITA standardized written exam with a minimum mark of 70%. Credit for a Certificate of Completion can be applied toward the Carpenter apprenticeship program.
50. Jurisdictions each have their own laws about which trades are designated for apprenticeship training and certification within their borders. These are called “designated trades” and there are more than 400 across Canada.

Red Seal Designation

51. In Canada, because trades’ training and certification are the responsibility of the provinces and territories, the [Interprovincial Standards Red Seal Program](#) was established to help harmonize training and certification requirements across Canada. Over the years, the Red Seal has become the national standard of excellence for skilled trades in Canada.
52. Trades approved for Red Seal status are called “[designated Red Seal trades](#).” The Red Seal Program and the designation of trades as Red Seal is the responsibility of the [Canadian Council of Directors of Apprenticeship \(CCDA\)](#).

53. A trade may not have Red Seal status in each jurisdiction due to jurisdictional legislative differences in terms of the scope or definition of the trade. Red Seal designation is available to trades and occupations regardless of whether their workforces are unionized, non-unionized, or both.

Gold Seal Designation

54. The Canadian Construction Association offers an additional certification called the Gold Seal, which is a nationally recognized certification in the management of construction.
55. To qualify under the Examination Criteria, an individual must have a minimum of 5 years industry experience as a Project Manager, Superintendent, Estimator, Owner's Project Manager or Construction Safety Coordinator. Foreign experience can only qualify for 3 of the 5 years. Also, 2 of the 5 years can be in an assistant role (e.g. Project coordinator, Assistant Super, Jr. Estimator, etc.).
56. Challenging the gold seal exam requires a minimum of 25 education and training credits. A Technologist/Technician diploma or a related University degree will meet the minimum education/training requirements. In addition, Construction Management education (courses, workshops/seminars) would also be counted towards the required credits.

For more information see:

http://goldsealcertification.com/?page_id=118#sthash.128GFqUa.dpuf

Electricians

57. In BC, an individual can become certified as an electrician by completing the Electrician Program or by challenging the certification. Apprenticeship programs are for individuals who have an employer to sponsor them and the challenge program is for individuals who have extensive experience working in the trade and wish to challenge the certification.
58. Like the carpentry program, there are several pathways to certification and apprenticeship training to become an electrician can begin in high school.
59. While not a prerequisite, apprentices entering the program are encouraged to be recent Grade 12 graduates who have taken Principles of Mathematics 11, Physics 11, and English 12 or Communications 12, and demonstrated mechanical aptitude.
60. A total of 6000 hours of work-based training, and 1200 hours (over 4 levels) of technical training with a minimum 70% mark at each level, are required to obtain a Certificate of Qualification or Apprenticeship. The program generally takes 4 years to complete.

61. To qualify for a Red Seal designation as an electrician, a candidate must pass an interprovincial Red Seal exam.

Plumbers

62. Similar to other trades, an individual can become certified as an electrician by completing the Plumber program or by challenging the certification.
63. The recommended education level for apprentices entering the plumbing trade is Grade 12 or equivalent, and completion of English 12, Algebra 11 or Trade Mathematics 11, and Physics 11 or Science and Technology 11.
64. A total of 6,420 work based hours, and 780 hours of technical training with a minimum 70% mark on the exam at each level, are required to obtain a Certificate of Qualification or Apprenticeship. The program generally takes 4 years to complete. Plumbers are also eligible for a Red Seal designation on successfully passing an interprovincial Red Seal exam.

National Admission Standards Project



National Entry to Practice Competency Profile for Lawyers and Quebec Notaries

September, 2012



NATIONAL ENTRY TO PRACTICE COMPETENCY PROFILE FOR LAWYERS AND QUEBEC NOTARIES

1. SUBSTANTIVE LEGAL KNOWLEDGE

All applicants are required to demonstrate a general understanding of the core legal concepts applicable to the practice of law in Canada in the following areas:

1.1. Canadian Legal System

- (a) The constitutional law of Canada, including federalism and the distribution of legislative powers
- (b) The Charter of Rights and Freedoms
- (c) Human rights principles and the rights of Aboriginal peoples of Canada and in addition for candidates in Quebec, the Quebec Charter of Human Rights and Freedoms
- (d) For candidates in Canadian common law jurisdictions, key principles of common law and equity. For candidates in Quebec, key principles of civil law
- (e) Administration of the law in Canada, including the organization of the courts, tribunals, appeal processes and non-court dispute resolution systems
- (f) Legislative and regulatory system
- (g) Statutory construction and interpretation

1.2 Canadian Substantive Law

- (a) Contracts and in addition for candidates in Quebec: obligations and sureties
- (b) Property
- (c) Torts
- (d) Family, and in addition for lawyers and notaries in Quebec, the law of persons
- (e) Corporate and commercial
- (f) Wills and estates
- (g) Criminal, except for Quebec notary candidates
- (h) Administrative
- (i) Evidence (for Quebec notaries, only as applicable to uncontested proceedings)
- (j) Rules of procedure
 - i. Civil
 - ii. Criminal, except for Quebec notary candidates
 - iii. Administrative
 - iv. Alternative dispute resolution processes

- (k) Procedures applicable to the following types of transactions:
 - i. Commercial
 - ii. Real Estate
 - iii. Wills and estates

1.3 Ethics and Professionalism

- (a) Principles of ethics and professionalism applying to the practice of law in Canada

1.4 Practice Management

- (a) Client development
- (b) Time management
- (c) Task management

2. SKILLS

All applicants are required to demonstrate that they possess the following skills:

2.1 Ethics and Professionalism Skills

- (a) Identifying ethical issues and problems
- (b) Engaging in critical thinking about ethical issues
- (c) Making informed and reasoned decisions about ethical issues

2.2 Oral and Written Communication Skills

- (a) Communicating clearly in the English or French language, and in addition for candidates in Quebec, the ability to communicate in French as prescribed by law
- (b) Identifying the purpose of the proposed communication
- (c) Using correct grammar and spelling
- (d) Using language suitable to the purpose of the communication and the intended audience
- (e) Eliciting information from clients and others
- (f) Explaining the law in language appropriate to audience
- (g) Obtaining instructions
- (h) Effectively formulating and presenting well-reasoned and accurate legal argument, analysis, advice or submissions
- (i) Advocating in a manner appropriate to the legal and factual context. This item does not apply to applicants to the Chambre des notaires du Québec
- (j) Negotiating in a manner appropriate to the legal and factual context

2.3 Analytical Skills

- (a) Identifying client's goals and objectives
- (b) Identifying relevant facts, and legal, ethical, and practical issues
- (c) Analyzing the results of research
- (d) Identifying due diligence required
- (e) Applying the law to the legal and factual context
- (f) Assessing possible courses of action and range of likely outcomes
- (g) Identifying and evaluating the appropriateness of alternatives for resolution of the issue or dispute

2.4 Research Skills

- (a) Conducting factual research
- (b) Conducting legal research including:
 - i. Identifying legal issues
 - ii. Selecting relevant sources and methods
 - iii. Using techniques of legal reasoning and argument, such as case analysis and statutory interpretation, to analyze legal issues
 - iv. Identifying, interpreting and applying results of research
 - v. Effectively communicating the results of research
- (c) Conducting research on procedural issues

2.5 Client Relationship Management Skills

- (a) Managing client relationships (including establishing and maintaining client confidence and managing client expectations throughout the retainer)
- (b) Developing legal strategy and advising client in light of client's circumstances (for example, diversity, age, language, disability, socioeconomic, and cultural context)
- (c) Advising client in light of client's circumstances (for example, diversity, age, language, disability, socioeconomic, and cultural context)
- (d) Maintaining client communications
- (e) Documenting advice given to and instructions received from client

2.6 Practice Management Skills

- (a) Managing time (including prioritizing and managing tasks, tracking deadlines)
- (b) Delegating tasks and providing appropriate supervision
- (c) Managing files (including opening/closing files, checklist development, file storage/destruction)
- (d) Managing finances (including trust accounting)
- (e) Managing professional responsibilities (including ethical, licensing, and other professional responsibilities)

3. TASKS

All applicants are required to demonstrate that they can perform the following tasks:

3.1 GENERAL TASKS

3.1.1 Ethics, professionalism and practice management

- (a) Identify and resolve ethical issues
- (b) Use client conflict management systems
- (c) Identify need for independent legal advice
- (d) Use time tracking, limitation reminder, and bring forward systems
- (e) Use systems for trust accounting
- (f) Use systems for general accounting
- (g) Use systems for client records and files
- (h) Use practice checklists
- (i) Use billing and collection systems

3.1.2 Establishing client relationship

- (a) Interview potential client
- (b) Confirm who is being represented
- (c) Confirm client's identity pursuant to applicable standards/rules
- (d) Assess client's capacity and fitness
- (e) Confirm who will be providing instructions
- (f) Draft retainer/engagement letter
- (g) Document client consent/instructions
- (h) Discuss and set fees and retainer

3.1.3 Conducting matter

- (a) Gather facts through interviews, searches and other methods
- (b) Identify applicable areas of law
- (c) Seek additional expertise when necessary
- (d) Conduct legal research and analysis
- (e) Develop case strategy
- (f) Identify mode of dispute resolution
- (g) Conduct due diligence (including ensuring all relevant information has been obtained and reviewed)
- (h) Draft opinion letter
- (i) Draft demand letter
- (j) Draft affidavit/statutory declaration
- (k) Draft written submission
- (l) Draft simple contract/agreement
- (m) Draft legal accounting (for example, statement of adjustment, marital financial statement, estate division, bill of costs)
- (n) Impose, accept, or refuse trust condition or undertaking
- (o) Negotiate resolution of dispute or legal problem
- (p) Draft release
- (q) Review financial statements and income tax returns

3.1.4 Concluding Retainer

- (a) Address outstanding client concerns
- (b) Draft exit/reporting letter

3.2 ADJUDICATION/ALTERNATIVE DISPUTE RESOLUTION

3.2.1. All applicants, except for applicants for admission to the Chambre des notaires du Québec, are required to demonstrate that they can perform the following tasks:

- (a) Draft pleading
- (b) Draft court order
- (c) Prepare or respond to motion or application (civil or criminal)
- (d) Interview and brief witness
- (e) Conduct simple hearing or trial before an adjudicative body

3.2.2 All applicants are required to demonstrate that they can perform the following tasks:

- (a) Prepare list of documents or an affidavit of documents
- (b) Request and produce/disclose documents
- (c) Draft brief

3.3. TRANSACTIONAL/ADVISORY MATTERS

3.3.1 Applicants for admission to the Chambre des notaires du Québec are required to demonstrate that they can perform the following tasks:

- (a) Conduct basic commercial transaction
- (b) Conduct basic real property transaction
- (c) Incorporate company
- (d) Register partnership
- (e) Draft corporate resolution
- (f) Maintain corporate records
- (g) Draft basic will
- (h) Draft personal care directive
- (i) Draft powers of attorney

National Admission Standards Project



Assessing Candidates to
Ensure They Meet the
National Standard:
A Proposal for Moving
Forward

National Admission
Standards Project
Steering Committee

August 2015



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INTRODUCTION

Law societies across Canada have been working collaboratively to develop national admission standards since 2009. The primary driver for national admission standards is mobility.

Legal professionals can now move from one jurisdiction to another with relative ease and this makes differences in admission practices difficult to defend as being in the public interest. Enhanced mobility has propelled the need for greater consistency in admission practices across Canada.

In 2013, law societies adopted the National Competency Profile, which describes the competencies required of new lawyers and Quebec notaries. Law societies must now decide how best to assess whether applicants have demonstrated that they possess these competencies. This proposal sets out a plan for a national assessment regime that:

- recognizes the primacy of law societies' public protection mandate;
- adopts assessment best practices used by many other professions in Canada; and
- follows practical and realistic strategies from both a time and cost perspective.

This proposal provides a vision and structure for moving forward with the development and implementation of a national assessment regime. The assessment plan is practical; it will occur in phases and at a cost that is consistent with what most law societies spend on assessment now. The assessment regime envisaged involves written examinations in an online context and assessment of applicants in the experiential (articling) phase. Skills are the focus of assessment.

Our work has reached a critical juncture. Law societies are being asked to make a decision by the end of 2015 to commit to the direction for moving forward outlined in this proposal. We recognize that the timing will ultimately depend on when law societies are ready to move ahead.

As we take the next step toward implementing a national assessment regime, we will have to maintain flexibility. Our destination is a defensible national assessment program that is alive to the practical realities facing law societies; aligns with best practices, and fulfills our duty to protect the public interest. The proposal provides a road map for the journey. We expect that some adjustments will need to be made along the way as we learn from each step in the process and navigate the best route forward together.

Proposal Overview

1. This proposal describes the exciting next step in the National Admission Standards project – how to move forward with the assessment of the competencies in the National Competency Profile. The National Competency Profile lists the knowledge and skills that candidates must possess, and the tasks that they must be able to perform upon entry to the profession. Law Societies are being asked to decide how they will participate in this next phase of the project.
2. Having identified the necessary competencies, we are now focussing on how to assess whether applicants can demonstrate that they possess those competencies. We know there are two other important pieces of the admissions puzzle: professional training (e.g. bar admission programs) and experiential learning (e.g. articling and the Law Practice Program in Ontario). Articling is included in this proposal. A national approach to professional training, on the other hand, has been reserved for a later stage of our work to ensure that the project maintains momentum and that the necessary time and resources can be dedicated to a national dialogue on training.
3. The proposed assessment regime will focus on skills. The knowledge competencies in the National Competency Profile will provide the context for all assessment activities. Candidates will not be directly tested on those knowledge competencies in the National Competency Profile that are also included in the common law degree national requirement. The proposed national assessment is designed to be national in application, and to address the competencies of lawyers no matter where they practise in Canada. Law societies wanting to address local law or other specific issues can add a local assessment for their candidates.
4. This document is written specifically for law society leaders and other law society stakeholders with an interest in legal professional education. It is intended to provide the necessary information to assist law societies in determining whether they will participate in the national assessment regime. We expect that further dialogue is needed with individual law societies to work through the issues raised in the proposal.
5. We will meet with law societies throughout the fall of 2015 to discuss the proposal. Law societies are being asked to sign on to the proposal following this period of engagement and internal review in each jurisdiction. Our goal is to move forward by the end of 2015. We recognize that timing will depend on when law societies are ready to proceed.
6. This proposal is a pivotal step in our collaborative effort to develop National Admission Standards. It provides a strategy for building on law societies' long history and strong foundation in the preparation and assessment of candidates in order to achieve greater consistency, efficiency, accountability, and overall quality in how candidates are assessed for admission to practice law in Canada.

Why change how law societies assess candidates?

7. Presently, each law society has its own procedures for assessing candidates for admission to practice. A snapshot of admission practices across Canada is available at **Appendix 1**. Members of the legal profession in Canada today enjoy unprecedented mobility between jurisdictions and this has generated increased reflection about what law societies do and why. With admission as a lawyer in one jurisdiction effectively opening the door to admission in all jurisdictions in Canada, mobility makes different regulatory practices difficult to justify as being in the public interest.

8. Although considerable differences exist in how law societies train, prepare and assess candidates, there are also many similarities. With agreement on the entry level competencies described in the National Competency Profile, a harmonized assessment of the competencies will serve as a vehicle for bridging the different education and training practices that exist among law societies. This will give law societies greater confidence in the competence of their lawyers regardless of where they were admitted. Canadian consumers will also have enhanced confidence in the ability of lawyers to provide competent and ethical legal services.

9. A national assessment strategy will also take advantage of the latest theory and practice in assessment of competence at entry to practice. Training and assessment methodology and technology have evolved dramatically since many law societies developed their current bar admission courses. A national assessment would enable all law societies to benefit from the latest tools and best practices, many of which are employed by other professions in Canada.

10. Dramatic changes in legal education and training in Canada are taking place. Significant numbers of students now enter law society admission programs with a law degree from outside Canada. In 2014, Lakehead University adopted an Integrated Practice Curriculum (“IPC”) in which practice skills are integrated into the curriculum. In September, 2015, the University of Calgary will launch its new curriculum designed to offer students more opportunities to develop performance, deepen their competence and to be engaged in their learning, breaking down the separation between academic inquiry and practice. These new models of legal education may provide an indication of the law school curriculum of the future.

11. Preparation for professional practice occurs on a continuum and the law school academic phase and law society practical preparation phase are closely interconnected. The move to a nationally consistent, defensible competency assessment framework will facilitate the coordination and alignment of all facets of lawyer education and preparation, including the process for approving common law degree programs, and the assessment of internationally trained candidates through the National Committee on Accreditation (“NCA”). This alignment is critical to the regulator’s duty to protect the public.

12. The transition to a national assessment regime will:

- I. Deliver an appropriate degree of consistency between jurisdictions given the mobility of the legal profession.

- II. Align different facets of lawyer education and preparation, including the Canadian common law degree approval process and the NCA.
- III. Enhance the confidence in and accountability of assessments by employing best practices and drawing on the latest testing practices, resources and tools.
- IV. Improve the efficiency of assessment by pooling expertise and avoiding duplication of effort across the country.
- V. Ensure fairness for candidates through a standardized assessment.
- VI. Assist law societies to meet their public interest mandate through consistent, defensible and high standards for admission to the legal profession.
- VII. Ensure that candidates have demonstrated the required knowledge and skills for admission to the legal profession.

The Proposal

13. The Federation met with law societies in 2014 to discuss options for assessing the competencies in the National Competency Profile. The meetings revealed a broad consensus amongst the law societies that there is value in a defensible and nationally harmonized assessment regime.

14. The Steering Committee has identified a number of outcomes, or psychometric qualities, which must flow from a national assessment regime if all participants and stakeholders are to have confidence in its strength, quality and reliability. The assessment program should result in outcomes that are:

- Valid: it will assess what it says it does;
- Consistent: other assessors would make the same or comparable judgements on the basis of the same evidence;
- Fair: the assessment will allow all candidates to demonstrate their competence;
- Relevant: the assessment reflects real life scenarios and situations;
- Defensible: the assessment follows testing best practices, including the above principles.

15. The National Competency Profile will be used as the starting point for developing an assessment regime that is valid, consistent, fair, relevant and defensible. Before assessment methods can be chosen and specific assessment tools can be designed, the information (or evidence) that demonstrates a candidate is competent in relation to a given competency must first be identified. The process of identifying the evidence and developing an assessment program from the competencies in the National Competency Profile involves numerous steps.

16. It begins with describing what an applicant will be required to demonstrate in relation to each competency. This listing is then translated into discrete statements of performance. The survey data obtained to derive the profile, and the ratings of importance and frequency are then used to refine and define how the statements will be prioritized and organized for testing. This process helps determine the relative proportion that each competency area should represent in the assessment. This is known as the “blueprinting” process.

17. The blueprinting process began after law societies adopted the [National Competency Profile](#). This early work led to the development of options for assessment. The process will continue and will require further work with psychometricians and input from law societies, which will in turn guide the ultimate outcome or final assessment product. It is not possible to know what that outcome might be before the development process is completed. While we can describe the kinds of assessments that might be used, the final decisions will be based on the results of the blueprinting work.

18. With these limitations in mind, the Steering Committee has prepared a proposal that provides a vision and structure for moving forward with the development of a national qualifying assessment system for admission to the legal profession in Canada. The Steering Committee asked one of its members with the appropriate expertise, Diana Miles, to prepare a work-up of how the assessment regime might play out. The resulting Business and Implementation Plan (“Business Plan”) expands on the proposal and provides a model of what the assessment regime might look like in operation, including the specific assessment methods and tools. The Business Plan is intended to serve as a starting point for a collaborative discussion about the details of the national assessment regime among jurisdictions that commit to this proposal.

19. The Business Plan provides background on the purpose and objectives to be achieved, the reasons for undertaking each step of the development process, and the operational tasks that must be completed. The plan goes into extensive detail on all of these elements in an effort to provide a clearer understanding of what will be involved and the complexities of developing a national assessment system. It also provides more detail on a possible governance structure and funding. The Business Plan is available at **Appendix 2**.

20. The proposed assessment regime occurs in three core phases that build upon each other and that are phased in over time. In Phase One, candidates will demonstrate the ability to learn and apply practical legal knowledge and procedure. In Phase Two, candidates will apply skills to complete more complex legal work. The focus in Phases One and Two is on the assessment of skills and tasks in the context of substantive and procedural law – the knowledge competencies. The knowledge competencies contained in the common law degree national requirement would not be retested. It is proposed that Phases One and Two would rely exclusively on computer-based testing through designated testing facilities across the country.

21. Law societies told us that experiential training is an important component of preparation for legal practice. The proposed assessment regime acknowledges the central role of articling and its alternatives in Ontario, the Law Practice Program and the IPC through Lakehead University. Phase Three of the assessment regime will introduce performance measures for articling students. Law societies would continue to set the rules and general requirements of articling in their respective jurisdictions. Training and tools would be provided to articling principals to be able to assess students in a consistent manner. Phase Three would help to clarify training expectations through assessing and documenting students' achievement of specified learning outcomes.

22. A further two phases, Phase Four and Phase Five, will provide for coordination and alignment of the national qualifying assessment regime, the process for approving common law degree programs, and the National Committee on Accreditation.

23. The Business Plan elaborates an operational model of each phase in order to work through the policy and practical considerations involved. The table below provides a summary of what each phase might entail for illustration purposes. The left column lists what would be assessed in Phases One through Three. The right column lists the specific assessment methods and tools that might be used to accomplish each phase, and the rationale for their use.

A SNAPSHOT OF WHAT THE ASSESSMENT REGIME MIGHT INCLUDE:

WHAT IS ASSESSED	ASSESSMENT METHOD & RATIONALE
PHASE ONE	
<p>The focus is on assessing skills and the application of knowledge in a knowledge-based context. Cognitive and analytical reasoning and response, factual analysis, legal analysis and reasoning, problem solving, and identification and resolution of ethical dilemmas are assessed.</p>	<p>Assessment may include single multiple choice questions (“MCQ”) and case-based MCQs completed online. MCQs permit the examination of a wide range of content very efficiently and are highly reliable, objective and fair. MCQs provide an anchor for the assessment methods proposed for Phases Two and Three, which provide more in-depth assessment of select competencies (but less breadth of coverage).</p>
PHASE TWO	
<p>The focus is on assessing skills and tasks in a knowledge-based context. Phase Two introduces more complex skills and tasks including ability in problem solving and decision making; the identification and resolution of ethical dilemmas; legal research; written communication; client communication, and the organization and management of legal issues and tasks.</p>	<p>Test items may include questions requiring long answers using information supports provided online (e.g. facts, case law), through to skills assessment requiring task completion, e.g., drafting an opinion, affidavit, pleading, or case analysis. With the addition of interactive, audiovisual components, simulated practice scenarios will be used in which test takers must apply critical and analytical thinking skills. For example, candidates may view a series of short videos of a lawyer interviewing a client or undertaking a negotiation. They may be asked to analyze the performance of the lawyer and discuss how competencies or standards for the practice of law have or have not been demonstrated.</p>
PHASE THREE	
<p>The focus is on demonstrated experience in the workplace (articling) or alternative environment. Phase Three involves application of the skills and tasks outlined in Phases One and Two, and includes the ability to complete assigned tasks, engage in productive interaction and team work, exhibit improvement, develop personal growth strategies, and engage in self-reflection and feedback.</p>	<p>This phase may involve enhancements to articling and its alternatives, beginning with the creation of a framework of competencies that must be demonstrated and a set of performance criteria and ratings supporting the assessment of skills and tasks. By specifying learning outcomes based on standardized performance reporting, a degree of validity and defensibility is achieved. Needed flexibility is also maintained, given the diversity of workplace experiences common to articling.</p>

Adding to the National Assessment

24. The Proposal recognizes that some law societies may see the need for a separate assessment reflecting content considered relevant to its jurisdiction alone. Should a law society consider it necessary, it may choose to add (or keep) a local law exam. However, modifications to the national assessment to accommodate local content will not be possible.

Candidate Preparation

25. The assessment regime will integrate preparation materials and test simulation opportunities designed to assist candidates to be successful on the assessment. Preparation of test takers is considered critical for the validity of the examinations. Providing examinees with sample tests that mirror the test-taking environment will ensure that the testing format is not a factor in performance.

26. The proposed assessment regime does not address existing in-class instruction or formal training programs. It is anticipated that law societies will continue with their existing bar admission instruction courses and that they will adapt them to the National Competency Profile as they see fit.

Ongoing Evaluation of the Assessment Regime

27. The Business Plan provides for ongoing evaluation to ensure that the assessment regime is meeting its objectives and continues to be viable and current.

Other Assessment Models

28. The proposed assessment regime is the result of extensive consultations with law societies, the research and technical work carried out with our consultant ProExam and a team of advisors from the law societies (the Technical Advisory Committee), and input from the Steering Committee. It is a best estimate of the operational and policy dimensions of a future assessment regime based on our research about law societies' ability to support the project financially and otherwise. Some assumptions were necessary in order to provide an operational model. Assumptions will be tested with law societies as we meet to discuss the proposal.

29. From the outset, discussions with law societies about how the National Competency Profile will be assessed have included the possibility of performance-based assessment. Preliminary consideration has been given to whether Objective Structured Clinical Examinations ("OSCE") or OSCE-style assessment should form part of the national assessment program. OSCEs are commonly used in the health professions to assess candidates at entry to practice. They consist of a circuit of short stations in which candidates are examined on a particular task (e.g. examining a patient) with one or more examiners and typically an actor or real patient.

30. Developing and implementing an OSCE program across the country is resource intensive and would present significant challenges. Given the high cost and impracticality of OSCEs, and the ability to effectively test skills and tasks through other means (as outlined in Phases Two and Three), the Steering Committee is not proposing OSCE-style assessment.

31. The Proposal recognizes that face-to-face, performance-based assessment has deep roots in the culture of many bar admission programs, and that further consideration of this issue may be required as we delve into the details of the plan. One option for law societies is to add an OSCE-style performance-based assessment of candidates for high priority skills such as advocacy, interviewing and dispute-resolution in the context of Phase Three.

Who will be involved in the development of Phases One through Three?

32. The following groups will be involved in the development process:

- Practitioner subject matter experts from across the country
- Law society expert staff
- Psychometricians and other expert external providers (e.g. video production support)

33. Law society staff with the appropriate expertise will be asked to contribute their time and knowledge on the understanding that a formula will be developed to compensate law societies for such in-kind contributions.

34. Management costs for Phase One assume that one or more experienced law society administrators will be seconded into required roles to allow the development process to leverage existing knowledge and skill, avoid extensive staff training and begin development on a timely basis. The Proposal relies heavily on the extensive experience and resources of the law societies and leverages existing tools and expertise, including exam banks, reference materials and advances in online assessment.

35. An experienced, interim management and staff team is contemplated for Phase One. Toward the end of the Phase One development period, and with the benefit of greater insight into the national processes, a full-time staff complement will be hired and office space and other operational infrastructure will be established to sustain the new national assessment regime.

Transition Planning

36. Participation in the national assessment regime will require significant change to our existing business practices. Understandably, law societies are eager to hear the details about the transition plan. What will the move to a national assessment regime mean for current bar admission programs? The national assessment regime is designed to replace existing testing practices. Changes to existing teaching programs are not part of this proposal: law societies will

have to assess the impact of the national assessment program on their current bar courses, staffing, budget and overall operations.

37. Each law society's transition plan is an important aspect of the overall plan. Ultimately, each jurisdiction will determine how best to design and manage the transition process. We contemplate working with each law society to develop a transition plan tailored to its unique circumstances and responsive to local needs.

Funding and Costs

38. The estimated costs of the new assessment regime are divided into development costs and operating costs for the ongoing administration once the program is implemented. The projected capital development cost for creating Phases One, Two and Three, net of taxes, is approximately \$2.8 million.

39. Start-up funding will be needed to begin development of the assessment tools proposed. The Federation will contribute to the start-up development costs from its surplus fund. Funding options for the development stage, which may include a cost-sharing formula, a repayable loan, or other possible models, will be explored in greater depth with law societies.

40. The projected annual operating cost for administering the new assessment regime is approximately \$1,725 per candidate, based on the participation of 3800 candidates. This includes candidates of all law societies except the Barreau du Québec and the Chambre des notaires du Québec. The per-candidate cost is dependent on the number of law societies that ultimately participate in the assessment regime. The cost of \$1,725 per candidate equates to an annual operating budget of \$6.5 million, which we expect will be largely paid for by student fees.

41. This fee covers the cost of assessment only. Our analysis is that this is close to what individual programs across the country are now spending on assessment, although most programs bundle assessment in with other costs. How this will line up with current fees for bar admission programs that include both training and assessment will be worked out in consultation with each law society during transition planning. Our goal is an assessment regime that will be cost neutral and that may also bring cost savings to local bar programs in the long term.

42. The Barreau du Québec has a sophisticated and psychometrically defensible system to assess the competencies of future lawyers that is recognized as highly reliable. The Barreau du Québec supports the need for a National Competency Profile for future lawyers in order to protect the public, and views the national assessment as one of several possible measures that can be taken to ensure consistent application of the Competency Profile. In the circumstances, including the necessity of ensuring assessment of candidates meets the requirements of Quebec's statutes and regulations, the Barreau has decided not to participate in the national assessment regime.

43. The Chambre des notaires du Quebec has not yet adopted the National Competency Profile. The Chambre has not been in a position to fully participate in national admission standards due to its significant education-related reform in connection with Bill No. 17, *An Act to amend the Act respecting the Barreau du Québec, the Notaries Act and the Professional Code*. Given that the Chambre's new training program has just begun and that it must also ensure that assessment of applicants meets the requirements of Quebec's statutes and regulations, the Chambre will not participate in the project at this time.

Governance Structure

44. Phase One will require significant dedicated resources in a short time. This requires that the senior law society managers involved in developing Phase One be able to make decisions without the confines of a complex committee structure, yet with the appropriate oversight and policy direction from an oversight committee.

45. An interim governance model for Phase One might include modifications to the composition of the National Admission Standards Project Steering Committee, which oversees all aspects of the project. The exact model will be agreed upon with input from participating law societies. In the meantime, work on developing a permanent governance structure will begin. The permanent governance body should be independent and skills based. It would oversee the ongoing administration of the assessment regime once Phase One is ready to be implemented.

Looking Forward

46. Collectively, law societies have made a considerable investment in national admission standards through the development of the National Competency Profile and identification of assessment options. We are at a crucial stage of the project. Law societies are being asked to make a decision to commit to the direction for moving forward outlined in this proposal, and illustrated in more detail in the Business Plan. We want to build on the momentum and good will to move the project forward, while acknowledging that each law society will have to carefully consider the plan before deciding if they will participate.

47. Canada's legal regulators have been engaged in an incremental and open process of review and policy development in relation to the creation of National Admission Standards since 2009. The past steps in the National Admission Standards project are available at **Appendix 3**.

48. This project provides an opportunity to rethink how we prepare candidates for practice and to look ahead to the next generation of legal professionals. What does the state of the art in assessment tell us about how skills are acquired and assessed? What are the needs of tomorrow's candidates? These questions will be explored in our discussions with law societies.

Next Steps

49. Given the nature of this project, including both the financial requirements and the significant local changes it will create for some law societies, we are asking law societies to make a firm commitment to move forward with this proposal. The exact nature of the assessment tools and details of the program require further blueprinting work and involvement from law societies. At each stage of the process there will be opportunities for input so that law societies are comfortable with the plan as the project progresses.

50. It will be up to each law society to decide whether they are ready to commit to the proposed plan, and it may be that not all law societies will be ready to move forward at the same time. This is the case, for example, with the Barreau and the Chambre. Law societies that commit at the outset will have the opportunity to be involved in the development process. Some law societies may decide to take a wait and watch approach, and join at a later stage of implementation.

51. At this time, we anticipate moving forward with those jurisdictions that are ready to commit to the proposal. Law societies that are not in a position to sign on to the proposal may wish to align their bar admission programs to the National Competency Profile as some law societies have already begun to do.

52. We anticipate holding meetings (both in person and electronically, as appropriate) with law societies throughout the summer and fall to discuss this proposal and answer questions.

53. The meetings with law societies will give us a better sense of the time law societies need to reach a decision on participation. We are hopeful that we can meet an end-of-year timeframe. The ultimate timeline will be driven by law societies. A general timetable for the technical work required to develop the assessment program follows. It is premised on a start date of early 2016:

2016 - 2018 Phase One is developed between 2016 and 2018, including the examination pilot test, and implementation of the first assessment.

2018 - 2020 Phases Two and Three are developed between 2018 and 2020.

Conclusion

54. Law societies are being asked to share their resources and leverage their extensive knowledge in the preparation and assessment of candidates in order to develop a national assessment regime. The goal of the new assessment regime is to improve law societies' collective ability to protect the public interest.


55. The mobility of legal professionals in Canada has been the main driver for more consistent admission practices. Significant changes affecting law society admission processes

may also signal that the time is ripe to re-evaluate admission practices through a national lens and along the continuum of lawyer preparation, from law school through to articling. These changes include the marked increase in the number of internationally-trained applicants in recent years; the advent of new programs emphasizing practice skills at several Canadian law schools, and changes to experiential training requirements in Ontario. Creating a national assessment program will provide an opportunity for greater coherence in the preparation of future lawyers while also achieving greater consistency, efficiency, accountability, and overall quality in how candidates are assessed for admission to practice law in Canada.



Admission Landscape



- 
- BC, Que, NB – In-class Training, Skills Assessment, Written Test
 - AB, Sask, Man – In-class & Online Training, Online Assessment, Skills Assessment, Written Test
 - Ontario – Written Test
 - NS/PEI – In-class & Online Training, Online Assessment, Skills Assessment, Written Test (plus local test in PEI)
 - NFLD & Lab – In-class Training, Written Test
 - The North -- Bar Admission Course elsewhere, plus local test



APPENDIX 2

National Law Practice Qualifying Assessment Business and Implementation Plan

National Admission Standards Project Steering Committee

August 2015

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Executive Summary

This business and implementation plan provides a vision and structure to move forward with the development of a national law practice qualifying assessment system for admission to the legal profession in Canada. The plan of implementation begins with the National Admission Standards Competency Profile as approved by the members of the Federation of Law Societies of Canada (“Federation”). The Competency Profile will be used as the starting point for further development and implementation activities.

The plan also assumes that candidates who have completed a law degree from an accredited Canadian law school or received a Certificate of Qualification from the National Committee on Accreditation have been exposed to and assessed on sufficient substantive law information and analysis so that:

- a) Candidates need not be tested on the “why” of the legal system, or what may be referred to as “foundational law concepts” at the point of admission to practice;
- b) Candidate assessment will focus on proficiency related to determining what and how law should be applied in varied practising circumstances and must include sufficient and appropriate practice and procedural contexts to ensure that assessment activities address reasonable expectations of knowledge, skill, ability, attitude and judgment in a law practice environment at entry to the profession.

Qualifying Assessment Requirements

A skilled team of developers, working on behalf of the participating members of the Federation and what will eventually become a newly established independent assessment agency will be tasked with the responsibility of developing the plan for and implementing a progressive and defensible assessment regime for law practice. The qualifying assessment regime will be developed in phases and will include the following components.

Phase 1: National Law Practice Qualifying Examination

In this assessment component, the following assessment outcomes will be addressed:

- Ability to learn and apply practical legal knowledge and procedure by demonstrating ability in cognitive and analytical reasoning and response, factual analysis, legal analysis, reasoning, problem solving, identification and resolution of ethical dilemmas.

Phase 2: National Law Practice Qualifying Examination – Skills and Tasks

In this assessment component, the following assessment outcomes will be addressed:

- Application of skill to complete complex multi-dimensional legal work by demonstrating ability in problem solving, aptitude and decision making, identification and resolution of ethical dilemmas, legal research, written communication, client communication, organization and management of legal issues and tasks.

Phase 3: National Law Practice Qualifying Experiential Learning Requirement

In this assessment component, the following assessment outcomes will be addressed:

- Demonstrated experience in the legal workplace or alternative environments applying the skills and abilities outlined in phases 1 and 2 including the ability to complete assigned tasks, engage in productive interaction and team work, exhibit iterative improvement, develop personal growth strategies, engage in self-reflection and feedback activities.

In addition to the three components of assessment set out above, a further two phases of redevelopment related to pre-admission activities are recommended. Although the details of the development of these additional phases are outside of the scope of this plan, they are foundational components in the continuum of legal learning and should be a part of the change management dialogue to ensure that the overall national qualifying process is moving proactively toward defensibility in all aspects of the assessment regime.

Further validation on the scope and application of the competencies for entry level legal professional practice will occur during implementation of phases 1, 2 and 3 of the plan. This will assist in defining the need for and extent of the oversight, criteria and accreditation activities related to law degree accreditation and equivalencies testing for internationally trained law candidates. The following phases of development should then be addressed.

Phase 4: Canadian Law Degree Approval

In this learning and assessment component, the following training and assessment outcomes should be addressed:

- Demonstrated achievement in the instruction and assessment of foundational legal knowledge, including the provision of supports and resources necessary to ensure a comprehensive and progressive curriculum of legal learning.

Phase 5: Accreditation for Internationally Trained Law Candidates

In this assessment component, the following assessment outcomes will be addressed:

- Knowledge and ability at equivalence to the level of competency required at completion of a comprehensive law school curriculum, with an emphasis on foundational law competencies and also expanded to include competencies directly related to achieving success in the national law practice qualifying assessment process and the actual practice of law.

Plan of Implementation

The development process for establishing the national law practice qualifying assessment regime set out in phases 1, 2 and 3 of the plan is scheduled to commence as soon as practicable and will continue for four years. In the first two years of the development, phase 1 will be completed. In year three and four, phases 2 and 3, the skills and tasks assessment and the experiential training requirements, will be completed contiguously.

The work that must be completed in phase 1 of this implementation plan is critical to all components of the development process. Without a robust and exacting development process in phase 1, the components of the national process will not be achievable. Projected costs are more significant in phase 1 as the development process lays down all of the ground work to ensure standardized, consistent, fair and defensible assessment processes.

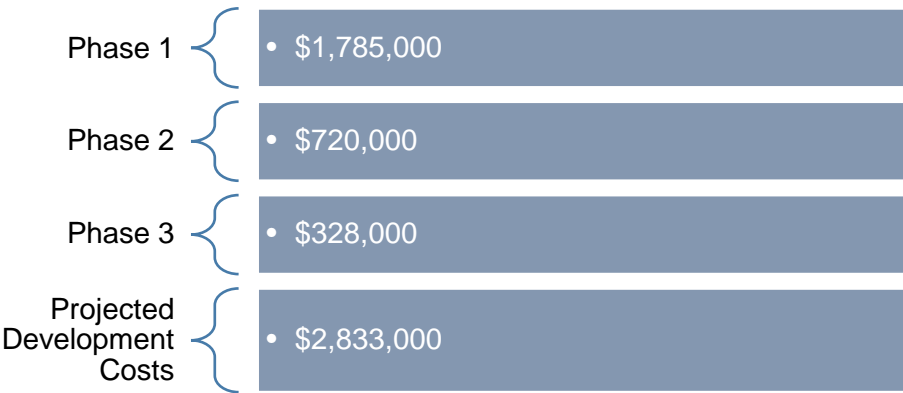
Process of Development

The business and implementation plan provides information on how a defensible system of licensure is developed. It provides background on the purpose and objectives to be achieved, the reasons for undertaking each step of the development process, and the actual operational tasks that must be completed. The plan goes into extensive detail on all of these elements, in an effort to provide a clearer understanding of why each step must be taken and the complexities of such a development.

Cost Projections

The estimated costs for each phase of the plan are based on actual experiences with similar systems of development and operations. At this early stage in the planning, it is not possible to determine if cost savings may be achieved through economies of scale or leveraging of existing admission assessment content. Where it was reasonable to make such assumptions, those have been made. Otherwise, the cost analysis assumes a significant level of grassroots development will be required to achieve the level of defensibility necessary to support internationally accepted standards of licensure.

The projected costs for the development phases set out in this plan, with all costs calculated net of taxes, are:



Governance

The discussion of governance for the model of oversight that will be employed to support the operations of a new national assessment system has been left to the end of the report. The choice of governance structure will be informed by the extent of the ongoing development and operational activities outlined in this plan.



Business and Implementation Plan Overview

Purpose of National Law Practice Qualifying Assessment Process

Assessment in the context of law practice admission is a high stakes activity. Such an assessment system should support the legal regulatory mandate to protect the public interest by assuring competence at entry to the profession. It should also be acceptable to the profession as relevant and defensible, and should be acceptable to the test takers as a process that is valid, fair, and consistent.

An assessment system for professional licensure must take into account what is assessed, how it is assessed, and the assessment's usefulness in fostering ongoing learning. By the time candidates for admission to the legal profession apply for licensing to respective law societies across Canada, they have engaged in a lengthy and high quality academic experience. They have been exposed to significant legal issues and applications and, in some cases, practical legal experiences either through law school courses or on-the-job opportunities.

Candidates arrive at the law practice admission gate knowing why the law has been developed and applied. For admission to the profession, the law societies that regulate entry are obligated to assure that each candidate has the requisite knowledge, skill and ability to understand what and how legal concepts should be applied to competently serve clients.

In addition to the need to protect the public by denying entry to the profession to those candidates who are not able to overcome entry level competency deficiencies, the desired outcomes of a high stakes qualifying assessment regime include:

- Fostering learning
- Inspiring confidence in the candidate
- Enhancing the candidate's understanding of their strengths and weaknesses
- Enhancing the candidate's ability to self-monitor and drive personal improvement and ongoing learning and skills development.

Competence is an inferred quality. In the legal profession it builds upon a foundation of basic legal skills, legal knowledge, and ethical development. It includes a cognitive component – acquiring and using knowledge to solve real life legal problems; an integrative function – using information and learning in legal reasoning activities; and a relational function – communicating effectively with clients and colleagues.

Professional competence is also developmental, impermanent and context-dependent. It follows that a qualifying assessment process for lawyers is a point-in-time assessment only and it should be developed and applied with the objective of gaining reasonable assurance that a candidate for admission is capable of providing competent legal services at entry to the profession.

Implementing a valid, fair and defensible national law practice qualifying assessment regime will assist law societies to obtain that reasonable assurance.

Objectives of Development Process

The critical objective of a national qualifying assessment system is to achieve a level of uniformity in the application of testing criteria to all admission candidates. To support the assessments in phase 1, 2 and 3, significant additional psychometric development is required to clarify and enhance the competency profile work that has already been conducted. The additional work will have to be completed in phase 1 to support continuity of outcomes in the assessment process as a whole. This ensures alignment between all competencies and test formats throughout the entirety of the national process.

The focus of the national assessment regime will be on assuring entry level comprehension and analytical ability related predominantly to skills competencies. Knowledge, ability and judgment in the application of skills can be effectively and validly assessed in a written format and is being tested in this manner in numerous professional environments in Canada and internationally. However, it is not possible to undertake such testing of skills competencies without placing the assessment questions in context.

Learning can be greatly enhanced by summative assessment, but only when that assessment is relevant to the learner. Relevance is most reliably achieved when the assessment reflects real life scenarios and situations within which the learner is required to apply their knowledge or skill. Therefore, a key premise of the national qualifying assessment regime will be that knowledge and enabling skills and abilities will only be effectively assessed through the use of context-specific situations.

Scope of the Development Process

The focus of phase 1 will be on skills and tasks competencies assessed by integrating them into knowledge-based issues that have strong cross-representation in participating jurisdictions and that support the achievement of practising law competencies, specifically.

Most Canadian law societies currently engage in admission testing that is supported by robust knowledge-based study or preparation materials for candidates. These materials are relatively consistent across the country, as should be expected given the similar practice competencies applied by law societies and the history of information exchange and dialogue between law society admission groups.

For purposes of defining the relevant and contextually appropriate knowledge competencies within which the skills and tasks will be assessed, law society expert staff from the participating jurisdictions will be asked to work with psychometricians to develop a framework of the core practising law competency categories and contexts.

The cross-representational competency categories will then be validated by practitioner subject matter expert work that will be undertaken to derive the assessments, as discussed later in this plan.

Expectations of the Development Process

A word about an ongoing concern that has frustrated the timely development of a national law practice qualifying assessment system – the need for “local testing”.

At its best, a well-defined national assessment would potentially eliminate the need for testing on “local” law and issues – placing the focus on the underlying competencies achievements in the practice of law, and not on the particulars of statutory or other legal nuances. It is not unreasonable to assume that candidates who have completed a law degree and then have also successfully applied their cognitive and analytical abilities to manage the higher-level assessment processes proposed in this plan, are capable of applying themselves to the task of developing practice strategies to deal with unique jurisdictional laws and policies as they begin to apply them. Having proven mastery of entry level competencies, a candidate’s next obligation is to develop growth strategies for maintaining and enhancing competence in law practice.

If further or other proof of law practice ability is required, it would more logically come after the new entrant has selected an area of legal expertise – at which time a more directed assessment that focuses on measures of success in a specific practice area might be a consideration, in the public interest.

But it is acknowledged that proof of concept will take time. As is the case with all new national regulatory processes, the development of the qualifying assessment system will occur in stages, will be iterative and regulatory participants will have to acquire a level of comfort with the outcomes at each stage.

In the interim, participating law societies may continue to feel the need to engage their candidates in further assessment focusing specifically on the unique law and/or circumstances of serving clients in their particular jurisdiction. That need is to be respected as an additional opportunity to enhance the training of candidates.

Ideally, any law society deeming it necessary to engage in further assessment of local legal knowledge would consider availing themselves of the use of the new national law practice qualifying agency, its skills, staff and expert providers such as psychometricians. In doing so, individual law societies could begin to follow a similar path of re-development, supporting consistency in the application and testing of competencies across the country regardless of the form that any additional testing may take.

Schedule of Development Process

Based on the development activities outlined in this plan, the following general timetable of events is anticipated.

National Law Practice Qualifying Examination

Phase 1

- **2016 to 2018**
- Phase 1 Development Begins: January 2016
- Blueprinting and Content Development: January 2016 to August 2016
- Item/Test Question Development: August 2016 to June 2017
- Development/Organization of Testing Platform (online): July 2016 to June, 2017
- Examination pilot test: August 2017 to September 2017
- Completion of first test form: September 2017 to October 2017
- Qualifying Assessment Part 1 begins: 2018

National Law Practice Qualifying Examination – Skills and Tasks

Phase 2

- **2018 to 2020**
- Phase 2 Development Begins: January 2018
- Content/Test Question Development: January 2018 to September 2018
- Production of Content: October 2018 to June 2019
- Completion of Test Form: July 2019 to October 2019
- Qualifying Assessment Part 2 begins: 2010

National Law Practice Qualifying Experiential Learning Requirement

Phase 3

- **2018 to 2020**
- Phase 3 Development Begins: January 2018
- Performance Measures and Resource Development: January 2018 to January 2019
- Completion of Performance Assessment Guidelines and Forms: February 2019 to December 2019
- Qualifying Assessment Experiential Training Performance Assessment Begins: 2020

The Plan

With this as the background for the national law practice qualifying assessment process, the business and implementation plan that follows will provide the explanation of and particulars for the development process, supports and costs.

PHASE 1

National Law Practice Qualifying Assessment Project Development Plan

National Law Practice Qualifying Examination

In the development of the phase 1 qualifying examination, focus will be on the following components:

- A. Defining the scope of the examination
- B. Development of examination content
- C. Format of the examination
- D. Assuring validity of the examination

A. Defining the Scope of the Examination

The first step to building a technically sound and legally defensible licensure examination is the completion of a practice analysis. The practice analysis provides a way to evaluate the knowledge, skills and tasks required of lawyers entering the profession. It determines the feasibility and resources required for assessment, and also supports the development of an assessment blueprint documenting the content, length, time allotment and other requirements of the examination.

Key to the development of any competency profile derived from such a practice analysis and used for assessment in licensure is to ensure that the competencies to be assessed by the test are those that:

- Have the most direct impact on public protection
- Influence effective and ethical practice
- Can be measured reliably and validly by the assessment format used by the examination.

Under the oversight of the Federation's National Admission Standards Steering Group, the first step in this practice analysis has been completed. The national competency profile articulates the knowledge, skills and tasks required of entry level lawyers.

However, the current competency profile sets out the general competencies required for entry only at the highest competency category level. Those categories have yet to be distilled to set out the specific demonstration of knowledge and skill required in each. Attaining this level of clarity will require further meetings of subject matter experts to define the scope of achievements in each of the categories. A lack of clarity in these categories could result in the inadvertent expansion of the scope of the assessments outside of the boundaries of entry level competency, and cause developers and subject matter experts to struggle with the determination of how to most accurately assess the required level of achievement.

From this additional competency definition activity, an assessment blueprint will begin to form setting out the particulars of the assessment – breadth and depth. An assessment blueprint is essentially the key specifications document that will be used to develop and administer all national assessments. Specifications of the blueprint will be applied to every examination or other test format and will ensure consistency and fairness in all assessment outcomes. The framework for a blueprint applicable to a national law practice qualifying examination is attached to this plan as Addendum A.

Once the competencies have been revisited by subject matter experts and distilled into targeted requirements of achievement, test questions will be developed. The parameters in the blueprint form the basis for content validity and legal defensibility of the assessment tool and its test items.

B. Development of Examination Content

The development of the phase 1 national law practice examination will include the following steps:

- i) Define knowledge and skills eligible for assessment
- ii) Determine structure of assessment
- iii) Define the examinable content
- iv) Develop test items/questions
- v) Pilot test questions
- vi) Construct the official test form
- vii) Develop feedback mechanisms for test takers.

- i) Define the knowledge and skills eligible for assessment

The starting point for defining the scope of the phase 1 examination begins with the existing competency profile. A process of further development will result in a lengthier and more robust listing of the expected demonstrated knowledge, skill and task activities expected in the practice repertoire of candidates seeking admission to the legal profession.

This review of the competencies and their breakdown into more discrete and manageable statements of achievement will be supported by psychometricians who will facilitate subject matter expert legal practitioners through the process.

The subject matter experts will draft a set of statements that clarify the knowledge, skills and tasks required for entry level lawyers under each category set out in the competency profile. The supporting survey data obtained to derive the profile, and the ratings of relevance, importance and frequency, will assist this group to clarify, refine and then define how the statements will be prioritized and organized for testing. They will also determine the relative proportion that each competency area should represent on the examination. This is known as the “blueprinting” process.

ii) Determine structure of the assessments

For purposes of this process, the blueprint will be developed for the assessment of all components of the national system to ensure consistency in approach. Some skills and tasks may not be capable of assessment in the phase 1 examination and will become the primary focus of phase 2. The phase 1 examination is likely to be comprised of multiple choice, single question and case-based multiple question formats.

Multiple choice testing offers the opportunity for breadth of coverage of subject areas which cannot be duplicated using only essay questions or performance tests. Multiple choice can also be scored objectively and fairly, and the results are capable of being scaled to ensure adjustments for difficulty. This assures comparability between test administrations and consistent applications of difficulty as between tests and candidates regardless of the test taken.

As the first stage of assessment in a new national system of assessment, multiple choice testing will provide an anchor for other more subjective skills testing and assessment.

iii) Define examinable content

Using the completed blueprint, the examinable content will be mapped against the competency requirements. The first step in this process will be to review the pre-existing and robust reference materials currently used by the law societies, leveraging the wealth of high quality law admission content and assessment work. Experienced law society admission staff will assist to establish the practising categories and develop a set of limited, but critical, cross-representational competencies for each. These will form the contexts and background for the entire assessment process.

The second step will then refine the existing, and/or develop new, reference materials to match the competencies requirements that will be set out in the profile and blueprint. The materials will be the source of study for all candidates. They should hold within them all relevant information or referrals to such information as is necessary for the test taker to prepare to be successful on the examination. Practitioner subject matter experts chosen for their breadth and depth of knowledge and skill in the relevant competency category will be selected to assist with that content matching process.

iv) Develop test items/questions

Using the blueprint and the reference materials, test question or “item” development will begin. Item writers will require specific training on the art of writing test questions. Lawyers will be recruited to draft test questions. Each question is created with the assistance of psychometricians to confirm the match to specifications, accuracy, and relevance.

In the development of multiple choice test questions, the distractors (incorrect answers) provided in the selection of possible answers are equally important as and often far more onerous to develop than the correct answer. All multiple choice options may be correct, but only one choice will be optimal in the circumstances and context of the question. On average, a high quality multiple choice item development process will see only 25 to 30 draft test questions produced in a full day of item development by a team of six to eight subject matter experts.

Following further assessment of the questions, perhaps 20 of those will be judged adequate to support the assessment process without having to be significantly rewritten.

Questions will also be reviewed by staff developers and psychometricians for editorial quality to ensure they meet test development guidelines for the construction of questions, for example, avoiding cultural or other biases in the creation of the item.

Once formed, questions will go to item assessors who are a different group of subject matter expert practitioners. They will review for accuracy, relevance, match to specifications and other criteria. Item assessors may choose to approve, propose revisions for, or reject a test question. Proposed revisions will be returned and reconsidered by item writers, revised if necessary, and sent out to other item assessors for confirmation. A rejected item will be returned to item writers for reconstruction.

Before commencing the administration of the very first national law practice examination, a minimum number of items will be required for the databank. The number of initial items will be determined by the blueprint which will set out the length of the examination based on the need to assure assessment of the competencies in proportion to their importance and frequency.

As an example, a full day or six to seven hour examination, taken in two parts of approximately three or more hours each, is likely to require 200 to 250 test questions. To ensure that the examination item bank has effectively covered all competencies, and taking into account the need to hold more than one administration of the examination in any given year, it is likely that the initial item databank will require a minimum of approximately 750 operational items.

How will the test items be developed for the first administration of the examination?

In order to formulate the first national qualifying examination in accordance with the schedule of development set out in this plan, it is proposed that the development process should look to the participating law societies for contributions, saving on time and cost by leveraging existing test question content and databanks.

Participating law societies with applicable test item content will be requested to submit items relevant to the competencies that have been validated through the blueprinting process. Experienced law society staff will review their item banks with the assistance of a framework developed by psychometricians and with a view to matching questions as closely as possible to the new competency profile and blueprint.

The test items that align with the competencies profile will be submitted for further analysis on an anonymous basis. The items will be put through the review processes without attribution to ensure an objective review of applicability. Only the most aligned items will be accepted for purposes of the examination system, regardless of origin, and will then be revised as necessary by item writers to meet the specifications.

v) Pilot test questions

Pilot testing the law practice examination questions is an important requirement in the development process and complements all of the subject matter expert reviews that have already been completed to this point.

Using newly licensed lawyers from across Canada (fewer than two years of practice), a pilot examination will be formed and administered in an environment that as closely as possible resembles a true examination administration. The results of the pretest will be analyzed with specific reference to:

- Item difficulty – did the percentage of candidates expected to get the answer right, actually get the answer right?
- Distribution of responses – are there any areas of the test that performed better or worse than other areas of the test?
- Item to test correlation – how did the performance on each question compare to the performance on other questions?

Questions that do not achieve the performance specifications set out in the blueprint will go back for review to item writers to determine if they will be deleted, or revised and accepted for future use.

In addition, pilot tester commentary on the format and experience of the test will assist to inform policies and administration improvements in preparation for the first formal examination.

Test item development is an ongoing process and will be regularly scheduled throughout each year. All test items developed following the first official administration of the examination will be pretested by being included as “experimental” items in each test. Items that are experimental are items that have not yet been pretested. A certain percentage of questions in each examination administration will be experimental and will not be included in the final calculation of the candidate scores. Instead, the results of the responses to each question will be assessed and analyzed by psychometricians and subject matter experts and if the question performed adequately, will be made “operational” and become a permanent part of the item bank for use in future examinations.

vi) Construct official test form

The construction, or particulars, of the examination will have been set out in the blueprint. The first test form, and all test forms thereafter, will be organized to meet the blueprint specifications on a variety of dimensions. The goal is to have test versions that are comparable to each other. They must be fair to all candidates, regardless of which version of the test is taken.

Content specifications for the examination describe how many questions of each type will be included. This includes the format of the questions – single or case-based multiple question – and the distribution of the questions, or percentage of questions in each competency category.

Once the test is formed, it is again reviewed based on a variety of criteria by the psychometricians and an appointed subject matter expert advisory group, in preparation for

formal test administration. This process of assessing the test form will occur before every sitting of every examination that is held.

Following administration of the examination, it will be scored and put through a psychometric analysis. The results will be returned to the appointed advisory group for review.

Once the advisory group and psychometricians are satisfied that all questions fairly and accurately assess for entry level competence, the examination will be finalized and candidates will receive their results.

vii) Develop feedback mechanisms for test takers

Candidates who fail the examination must receive input and direction on their areas of weakness. A profile of their results, as compared to the rest of the test taking group, will be provided to support their iterative improvement in anticipation of rewriting the examination. The results profile information and format must also be determined and derived during the development process.

C. Format of the Assessments

Implementing a robust national law practice qualifying assessment system that will serve thousands of candidates every year will require a significant shift in thinking about the modalities to be used for the testing environment.

Given the size of the cohort and the need to ensure multiple test taking opportunities and geographic locations for test takers, it is highly recommended that the national assessment system be enabled through computer based testing (“CBT”).

CBT has many practical advantages and it also has the ability to facilitate enhanced validity for assessments. It has been shown to be generally popular with examination takers and efficient for delivery and marking. It is ideal for a large number of test takers, with benefits including greater efficiency, lower costs, provision of a level playing field (standardization), delivery convenience and flexibility, without compromising examination integrity.

CBT can be delivered anywhere via a secure computer network and is increasingly invigilated at commercial computer-based assessment centres located across the country. These test centres are usually some distance from the test source, but invariably closer to the test taker to provide greater convenience, flexibility and ease of scheduling. Test centres have closely monitored testing rooms with partitioned cubicles and use audio and video surveillance.

In-person invigilation continues to be an accepted requirement for assessments that are high-stakes and summative in nature. The national law practice qualifying assessment is such a high stakes effort. It is anticipated that any CBT environment used to support law practice testing will apply stringent security and administrative policies including robust invigilation. The benefit of CBT enabled systems is that test taking activities, facilities, and provision of invigilation and security can be outsourced to providers of such high stakes services, decreasing overall costs for participants – regulators and candidates alike.

CBT Process

The law practice assessment process will utilize an external provider of CBT systems. That provider will support registration and scheduling for individual assessments, delivery of the assessment, transfer of scores, and candidate management as required.

Based on a review of potential CBT providers, it is anticipated that this will allow candidate access to real-time scheduling on a 24/7 basis, provide an online test site and appointment locator, appointment confirmations and rescheduling. These services will allow participating law societies to reduce their administration costs by outsourcing what can be a very labour intensive process of managing candidate examination registration and processing.

The CBT provider will be required to have a robust system for and broad experience in the provision of accommodation for candidates requiring specialized assessment supports and services. Their approach to test accommodation must increase accessibility and create a high quality testing experience for candidates. The CBT provider will be expected to have significant experience in the application of adaptive systems to support self-service access and create consistency in the authorization, notification, delivery and tracking of testing accommodations.

Finally, the CBT provider must be fully able to provide all facets of their examination, including invigilation, scheduling and support services in both English and French.

Given the large cohort of candidates moving through the processes, windows of opportunity will be scheduled for the taking of assessment(s). Although still to be determined through the blueprinting process, it is likely that there will be one to two week windows of opportunity, three times per year. During those periods, candidates may schedule themselves directly with the CBT provider for their assessment in accordance with their personal scheduling needs. As there will be candidates writing the same examination throughout each window, albeit in different versions, it will be critical to ensure strict and high quality security services are enabled for the assessment processes.

In addition to essential test services, a variety of security measures are highly recommended to ensure that the assessment process is not compromised. Standardized security measures that can be provided by the CBT service may include fingerprint collection and comparison or palm printing identification, wand and emptying of pockets, surveillance as required, diligent proctoring of the testing room at all times, monitoring and reporting of suspicious behaviour. Services should also include dedicated hardware and software, data encryption throughout the testing lifecycle, encrypted virtual private network connections, and intrusion protection systems during testing sessions.

It is also recommended that the law practice assessment process consider engaging an external provider of specialized fraud and audit services to conduct forensic data review during all assessment cycles. Such a service would reach out into the internet and monitor online exchanges for test content dissemination, and other security breaches. Such services may also be able to locate and advise on the individual who may be engaging in a breach of the

confidentiality of the examination. This is an important risk mitigation tool supporting the efficacy and defensibility of the testing system, and may provide information on a candidate's professionalism and future governability.

D. Assuring Validity of the Examination

To ensure that the assessment system is fair in its application, there must be an alignment between learning and testing. An assessment is most reliable when the format of the examination is not a factor in performance. This means that test takers should have had prior exposure to, and preferably actual experience with, the test format.

For this reason, practice tests will be developed and provided for use by candidates in their preparation activities. These supports will be offered in the same format and through the same modality as the official assessment, providing candidates with an opportunity to experience the testing platform and learn how to navigate the system prior to the test.

In addition, the newly defined competency profile with all competency achievement statements and expectations will be publicly available so that candidates may fully understand the extent of the anticipated testing in advance of registering for admission to the profession.

It is recommended that the new law practice qualifying assessment agency engage in the active provision of assessment preparatory supports for candidates. The preparatory activities would be directly aligned with the actual content, items and modalities of the national assessment making the use of the preparatory package directly supportive of candidate success on the test. This is unlike “bar admission prep” courses that have developed in Canada and market themselves as support systems to prepare for law societies’ current examinations. A review of those third party preparatory courses shows a lack of alignment and applicability to the actual examinations – providing limited or no benefit to the test taker for an often high cost of time and money.

The preparatory package that is offered by the national assessment agency would be computer enabled and supported through the same CBT provider platform. It would utilize test questions that are actually derived during the item writing activities, and would support enhanced learning of the content and the actual test taking environment.

In the case of the phase 1 multiple choice testing, the preparatory package will allow candidates access to the CBT system that will be used in their actual assessment, providing the opportunity to engage with the software and systems as they answer practice test questions. It is recommended that there would be no additional cost to candidates for this access, as it is a natural extension of the testing platform and included in the development specifications. For the phase 2 case-based skills testing, a comprehensive package of preparatory supports that would serve both as a practice test and a formative learning opportunity might be offered as part of the assessment package or as a value-added support for a nominal fee.

Phase 1 Development Costs

Assumptions for Development of Phase 1

The following assumptions have been made to determine the development activities and estimate costs of the system of assessment that is described in this plan:

- Phase 1 written test will be multiple choice and approximately 6 to 7 hours in length
- Assessment will be supported by computer-based testing
- Psychometricians will be placed on retainer for all relevant ongoing competency profile, blueprint and item development and redevelopment
- Subject matter expert (“SME”) practitioners will be paid an honorarium to recognize the contribution made to supporting defensibility of law practice entry assessment
- Law society subject matter expert participation will be in-kind
- All costs are calculated net of taxes.

Development Process and Costs

1

- Confirm scope of competencies for assessment

Psychometrician and law society SME review of competency achievements in law practice contexts.

- 5 to 8 law society (staff) SMEs
- Minimum 2 day meeting
- Psychometricians – 4 day prep + 2 days facilitation
- Cost \$15,000

2

- Refine competency framework and clarify competencies for blueprinting and test item writing

Practitioner SME teams, from across the participating jurisdictions, working with Psychometricians and staff to clarify competency achievement, by category.

- 12 practitioner SMEs x 2 key competency categories (advocacy and transactional)
- 2 sessions of 4 full days each
- SME honorarium of \$250 each
- Psychometricians – 2 days prep + 8 days facilitation
- Cost \$75,000

3

- Develop content specifications for assessment reference materials and derive content

Given the wealth of high quality reference materials available in law societies, and general consensus on scope of competencies that will be achieved in step 2, content will be developed and validated through group work with law society/staff SMEs and practitioner SMEs.

- Law society SMEs
- Assumes a minimum of 20 practitioner SMEs
- Honorarium to practitioner SMEs revise existing and/or develop new content to support the testing of the underlying competencies
- Honorarium = \$2000 per practitioner SME
- Cost \$40,000

4

- Validation of competencies

External SME teams working with Psychometricians and staff to ensure that the competencies are progressive, practical and relevant to today's entry level lawyer practitioner market.

- 8 practitioner SMEs x 2 key competency categories (advocacy and transactional)
- 1 session of 2 days each
- Honorarium of \$250 per day
- Psychometricians – 1 day prep + 4 days facilitation
- Cost \$20,000

5

- Map competencies to reference materials

Law Society SMEs and a select group of SME practitioners review all competencies and content to ensure appropriate coverage in accordance with profile and blueprint.

- 3 – 5 Law Society SMEs
- 5 practitioner SMEs x 2 key competency categories
- 1 session of 2 days each
- Honorarium of \$250 per day
- Psychometricians – 2 days prep + 4 days facilitation
- Cost \$20,000

6

- Finalize competencies and test specifications for the assessment process

Same group as in step 2 will come back together to do a final review of the competencies and will assess the scope and depth of testing, refining the blueprint and finalizing the criteria for administration of each assessment.

- 12 SMEs x 2 key competency categories (advocacy and transactional)
- 1 session of 2 days each
- Honorarium of \$250 per day
- Psychometricians – 2 days prep + 4 days facilitation
- Cost \$24,000

7

- Develop test items: Leverage existing content

Item, or question, development will begin once the blueprinting is finalized and will include:

- a) Receipt and review of all items from participating law societies and mapping to the blueprinted competencies
 - b) Revision of currently existing databank items from various jurisdictions to support the new competency profile.
- Minimum of 8 SMEs x 2 key competency categories (advocacy and transactional)
 - 2 sessions per category of 3 days each
 - Honorarium of \$500 per day
 - Psychometricians – 2 days prep + 12 days facilitation
 - Cost \$85,000

8

- Develop test items: Create new test items

Practitioner SME development of originating items to ensure sufficient items available to adequately test every competency category and articulated practice achievements.

- 8 SMEs x 2 competency categories (advocacy and transactional)
- 3 sessions per category of 3 days each
- Honorarium of \$500 per day
- Psychometricians – 6 days prep + 18 days facilitation
- Cost \$135,000

9

- Conduct pilot test

Psychometricians will derive a test format approximating the anticipated standardized test, based on the blueprint. The pilot is the opportunity to measure test results against blueprint metrics, such as length, difficulty, validity of items. The test taker group will be randomly selected lawyers, newly called to the bar.

- 50 to 100 test takers
- Honorarium of \$250 per test taker
- Psychometricians – derive pilot test, complete analysis of results and reporting
- Cost \$35,000

10

- Form Advisory Groups and Approve First Test Form for Administration

At this point in the process, it is advisable that the oversight entity be constituted. Membership on the Advisory Groups/skills-based committees should be established and participants should receive training to provide ongoing analysis of assessments and setting of scores. They will train and then process the first examination form. For purposes of the first assessment administration only, the following will apply:

- 10 SMEs per Advisor group, 2 competency categories (advocacy and transactional)
- 1 session per category for 3 days each
- Honorarium of \$500 per day
- Psychometricians – 4 days prep + 6 days facilitation
- Cost \$56,000

Costs for phase 1 related to development of content and test items by subject matter expert practitioners and providers, for the period from early 2016 through to and including the completion and approval of the first examination form for test administration in early 2018, are projected at \$505,000.

There are also associated costs for SME travel, meals and accommodation expenses and for potential facilities rental and catering for meetings. See *Table 1.1* on the following page for all projected costs.

Table 1.1

Activity	Cost
<i>Development Process</i>	
Confirm scope of competencies for assessment	15,000
Refine competency framework and clarify competencies for blueprinting and test item writing	75,000
Develop content specifications for assessment reference materials and derive content	40,000
Validation of competencies	20,000
Map competencies to reference materials	20,000
Finalize competencies and test specifications for the assessment process	24,000
Develop test items: Leverage existing test items	85,000
Develop test items: Create new test items	135,000
Conduct pilot testing	35,000
Form Advisory Groups/Approve first test form	56,000
	\$ 505,000
<i>Additional Associated Costs</i>	
SME travel, meals and accommodation expenses	200,000
Facilities rental and catering for meetings	80,000
	\$ 280,000
Total	\$ 785,000

Phase 1 Management and Operations Costs

To advance planning for the implementation of a high quality national law practice qualifying assessment regime as set out in this plan, it will be necessary to appoint an experienced management and staff team.

At a minimum, it is anticipated that the personnel supports and operational supports set out in *Table 1.2* will be required. Expenditures are spread across the full development cycle for phase 1, or two full years from early 2016 to early 2018. In 2018, an oversight agency will have been established with full-time staff and operational controls. See Governance discussion.

Management costs for phase 1 assume that one or more experienced law society administrators will be seconded into required roles. This will allow the national development process to leverage existing knowledge and skill, avoid extensive staff training, and begin development on a timelier basis. It also avoids full-time employment agreement commitments in advance of establishing a viable system of national assessments.

Operational costs for phase 1 assume that the seconded, contracted or employed staff will be able to work virtually, in many instances, and that seconded staff will be invited to continue to work out of their offices in their respective law societies. For this reason, the projected costs for seconded staff will likely be provided to the law societies as a contribution toward the salary of those individuals, in recognition for the law society's willingness to allow the secondment.

Toward the end of the phase 1 development period, and with the benefit of greater insight into the national processes, a full-time staff complement will be hired and office space and other operational infrastructure will be established to sustain the new national law practice qualifying assessment services.

Table 1.2 sets out the project costs for management and operations for the phase 1 development.

Table 1.2

Expense Category	Cost (two years)
<i>Management and Staffing</i>	
Interim Executive Director (secondment – contribution to the home jurisdiction)	200,000
<ul style="list-style-type: none"> Hands-on leadership in the development including oversight of all components of the process through to implementation of phase 1 	
Team Leader – Psychometrics (secondment – contribution to home jurisdiction)	150,000
<ul style="list-style-type: none"> Senior manager with experience in the development of competency regimes and test items, adult learning designation preferred 	
Coordinator x 2 (secondments if possible, otherwise term contracts)	200,000
Provision for Additional Staff (contract or secondment)	100,000
	\$ 650,000
<i>Operations</i>	
Technology Development	200,000
<ul style="list-style-type: none"> Retainers to develop programming, systems and tracking, assessment results, secure/encrypted information exchange 	
Office Expenses	150,000
<ul style="list-style-type: none"> Telephony/technology use contributions to home jurisdictions, courier, print production, translation, staff travel, other 	
	\$ 350,000
Total	\$ 1,000,000

Phase 1 Development Costs and Funding Model

Total costs including all phase 1 examination development, management and staffing will be approximately \$1,800,000 across a two-year period that commences in early 2016. Assuming that the costs will be spread across the entirety of 2018, providing law societies with additional time to plan for monetary commitments, the estimated phase 1 development and operational cost commitment will be:



Funding Model

The availability of sufficient funding for the development of the new national law practice qualifying assessment process will be critical in achieving completion of a high quality, psychometrically sound, and acceptable test system. It is important that ample funding be readily available to meet scheduling and quality targets.

There are a variety of options for financing the development process by law societies. Two potential models are set out here, but with limited detail. *Further exploration of options for the funding model should be undertaken with the assistance of a financial advisor.*

Included in the options could be a request for contributions from each participating law society that is derived based on a cost sharing model that may consider the number of full-time equivalent members, the number of candidates registered in the jurisdiction, or another agreed formula. Contributions would be placed into a fund from which monies will be drawn as required.

The cost sharing formula is likely to require modification to acknowledge the contributions of participating law societies to the provision of foundational content that will be used in the system.

It is generally accepted in the licensure arena that the cost of deriving just one multiple-choice examination question is in the range of \$5000 to \$6000. Managers of the development process will be required to track the usage of content received from law societies. This contribution by individual law societies may greatly reduce both the development and ongoing operational costs of the new system and that value should be attributed accordingly. Until development begins and the activities set out in phase 1, activities 1 through 7 of this plan (pages 21 – 23) are completed, it is not possible to estimate the value of these potential contributions.

It is feasible that a system of funding that includes a repayable loan model could be established. Participating law societies might contribute to the financing of the development process, or an

independent loan arranged with a financial institution, and the new assessment agency will be required to achieve a modest annual income used to pay down the loan over time.

In such a funding model, any income should only be derived from ancillary revenue sources. New candidates into the admission system should not pay for original development costs which are an investment in the future of competency assessment for the Canadian legal profession generally. Opportunities for income may come from revenues generated from the preparatory supports that will be provided for phase 2 of the assessment process, or a percentage of revenues generated from the payment of the assessment fees for rewriting the examinations.

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PHASE 2

National Law Practice Qualifying Assessment Project Development Plan

National Law Practice Qualifying Examination – Skills and Tasks

In phase 2 of the project, development will begin on an enhanced online assessment that includes interactive components. Candidates will complete test items requiring constructed responses.

A constructed response may range from questions requiring long answers using information supports provided online, through to skills assessment using task completion. With the addition of audiovisual components, simulated practice scenarios will also be incorporated to enhance the opportunity for test takers to apply critical and analytical thinking skills, make judgments and draw conclusions – higher level competencies that form an integral part of an entry level lawyer's repertoire.

The skills based segment of the assessment regime will require extensive examination infrastructure. The development process will hope to avail itself of existing content developed by participating law societies and then refine and expand as necessary in accordance with the new competency profile and blueprint.

Without predetermining the outcomes of the blueprinting process, and based on existing skills and tasks competency requirements in participating law societies and the current competency profile, it is quite feasible to suggest the following outline as a sample full-day assessment developed in phase 2 of this plan:

- Test Component 1: candidates for assessment are provided with a statement of facts and access to legal databases or static legal information (both relevant and irrelevant in the circumstances) and are required to draft an opinion letter for the client or memorandum to a senior partner – 60 minutes
- Test Component 2: candidates for assessment are provided with a statement of facts, client interview information or abbreviated transcripts, and are required to draft an affidavit or a short pleading – 90 minutes
- Test Component 3: candidates for assessment are provided with two or three ethical scenarios and access to relevant online documentation and are required to draft an analysis of the situations – 60 minutes
- Test Component 4: candidates for assessment view a series of three short videos of a lawyer interviewing a client, undertaking a negotiation, or other examples of professional interactions, and are required to analyze the performance and discuss how competencies/standards for the practice of law have or have not been demonstrated – 90 - 120 minutes

In the same manner as the blueprint that was developed during phase 1 is then applied to the phase 1 assessment questions, the blueprint will be applied to the development of cases and questions for phase 2 testing.

Phase 2 will also require additional test items to be developed to ensure an accumulation of content prior to launching the assessment. It is recommended that a minimum development of three completed segments for every one assessment be produced in advance of the first iteration of the phase 2 examination. In essence, accumulating the equivalent of a minimum of one full year of test items prior to implementation.

The development will include practitioner subject matter expert assistance with case development, script development and validation along with expert external providers to support video production support. Psychometric supports will be required to ensure that the achievement of the outcomes aligns appropriately with the competency profile and that test versions meet the expectations of the blueprint.

In addition to developing the first iteration of the phase 2 examination content, significant work must be completed on the development of scoring rubrics for those examination components. Constructed response and task completion questions will be manually scored by legal practitioners. This will require the development of training plans and formal training sessions for a significant number of practitioner assessors who will be requested to assist in the scoring activities. It will also require psychometric support to align all of the scoring rubric requirements with the competency profile and blueprint, ensuring validity and fairness in their application.

In the phase 2 national law practice qualifying examination creation, the focus will be on the same components of development as in phase 1:

- A. Defining the scope of the examination
- B. Development of examination content
- C. Format of the examination
- D. Assuring validity of the examination

A. Defining the Scope of the Examination

The preliminary practice analysis for the skills and tasks examination components was completed under the oversight of the National Admission Standards Steering Group. The skills and tasks categories will be further distilled to set out the specific demonstration of competency required in each. The new competency profile and the blueprint derived in phase 1 will complete all of this work, including a review by subject matter expert practitioners to ensure that there are targeted requirements of achievement against which to develop case-based scenarios for skills testing.

B. Development of Examination Content

The process of development of examination content will be very similar in nature to phase 1 activities, except that the content for phase 2 test questions will require a different level of creative application of experienced subject matter expert knowledge. The derivation of long form, case-based, questions that will meet the targeted competency requirements must be a carefully managed process including multiple levels of development, review and validation.

During this component of development, the structure of the assessment must also be defined to ensure that the skills and tasks competencies will be validly assessed. The structure of phase 2 testing will require increased candidate interactivity with the test modality if it is going to reliably assess skills and tasks competencies.

The examinable content will be mapped against the competency requirements and will be developed by practitioner subject matter experts chosen for their breadth and depth of experience in the application of skills in the relevant practice contexts within which the skill or task will be integrated.

Test question development in this phase will include an increased emphasis on the application of adult learning assessment techniques applied by experienced administrators or others retained for this purpose. The art of creating case-based assessment questions is as complicated and exacting as creating multiple-choice distractor options, but with the added requirement of ensuring a logical flow of expanded content through scenario building. Case question developers must be trained to assist with this work.

C. Format of the Assessments

The phase 2 assessment system will rely on CBT to effectively and efficiently serve the number of candidates moving through the qualifying examinations.

A significant benefit of using a CBT environment for the national law practice qualifying examination components will be in its application to phase 2 where more interactive test forms will be integrated.

The types of assessment forms provided through CBT may be substantially enhanced through the application of multimedia. In particular, test questions may be made dynamic by adding video and audio and will allow for a broader set of critical and interpretive skills to be assessed than would be feasible using a paper-based testing method. A multimedia task may measure important elements of professional competency that more conventional assessment modalities may not.

Simulations are increasingly used for authentic formative assessments and also for summative assessments. Simulations can combine audiovisual and data resources to create realistic client situations, and the test taker can interact with the simulation by completing tasks, making judgments and observations, and drawing conclusions.

In performance-based CBT, test takers are assessed by having them perform tasks similar to what would be required “on-the-job” rather than simply asking them a series of questions about those tasks and then inferring from their answers that they know how to do those tasks.

Given the high cost of engaging in performance based testing in the legal profession – testing that approximates Objective Structured Clinical Examinations used in some of the healthcare professions – the use of innovative applications of CBT are a viable and cost effective way to assess legal skills competencies at entry to the profession.

D. Assuring Validity of the Examination

The provision of preparatory supports for candidates taking the phase 2 testing will be particularly important as it is likely that many will not have had prior exposure to skills-based testing. In most cases, candidates in the process will have just completed law school and will not have encountered this type of modularized online testing requiring the completion of tasks and the use of audiovisual enabled testing content.

Validity will be enhanced by providing the opportunity to experience the assessment format in advance of formal testing. Consideration should be given to the development of an extended preparatory package that will reflect the actual types of case scenarios and response activities that the test taker will be presented at the time of formal assessment. Developing and providing a more robust preparatory package will reduce or eliminate concerns about lack of exposure to the test content and the test taking environment which in turn will improve the defensibility of the outcomes.

Phase 2 Development Costs

Assumptions for Estimating Costs of Development in Phase 2

The following assumptions have been made to determine the development activities and estimate costs of the system of assessment that is described in this plan:

- Phase 2 written test will be case-based, focused on skills and tasks and approximately 5 to 7 hours in length
- Assessment will be supported by CBT
- Psychometricians will be placed on retainer for all relevant ongoing competency profile, blueprint and item development and redevelopment
- Subject matter expert practitioners will be paid an honorarium to recognize the contribution made to supporting defensibility of law practice entry assessment
- Law society subject matter expert participation will be in-kind
- All costs are calculated net of taxes.

Case-based Skills and Tasks Content and Item Development Process and Costs

1

- Develop cases for Components 1, 2 and 3

Practitioner SMEs working with law society SMEs and the development team will derive a series of case-based scenarios that address required competencies as set out in the profile and blueprint.

- 2 practitioner SMEs per item x 3 components with multiple items, along with developer (staff) SMEs
- 3 cases for every one item required in each of the components (approximately 9 independent items, 3 case versions = 27 items)
- Average of 3 days development per item
- Honorarium of \$500 per day
- Psychometricians – 3 days prep + 3 day case review to align competencies with profile and blueprint
- Cost \$95,000

2

- Validate cases for Components 1, 2 and 3

Practitioner SMEs review, revise and validate the content of each case item to be used in the test components. Psychometrician and developer SME review thereafter and integration of further adult-learning requirements.

- Validation by 2 practitioner SMEs per each item in each component
- Average of 1 day validation per item, for 27 items
- Honorarium of \$500 per day
- Psychometricians – 3 day review to finalize validation of case competencies
- Cost \$35,000

3

- Develop content and scripts for videos in Component 4

Assumes three videos will be used in Component 4. Developer SMEs will work with practitioner SMEs to derive content and produce a supporting script to enable video creation. Practitioner SMEs will also act as quality control during video production.

- 9 videos (3 per item x 3 items in the bank) in English and French = 18 videos
- 2 Practitioner SMEs per video = 36 SMEs
- Average of 2 day development per video outline and script = 72 days
- Honorarium of \$500 per day
- Psychometricians – 9 days script validation to align competencies with profile and blueprint
- Cost \$60,000

4

- Validate content and scripts for videos in Component 4

Practitioner SMEs review, revise and validate the content of each video. Psychometrician and developer SME review thereafter and integration of further adult-learning requirements.

- 3 Practitioner SMEs to review each script, two English and one French
- 1 day to review each script
- 18 scripts - 9 each in English(2) and French(1) = 27 SMEs
- Honorarium of \$500 per day
- Psychometricians – 2 day review of overall validation results with SME developers
- Cost \$20,000

5

• Produce Component 4 videos

Production outsourced to video production company.

- Script training of actors, including SME participation – minimum of 1 practitioner SME from above present during video shooting to ensure authenticity
- ½ to 1 day video shoot per video = 5 to 9 days of shooting
- For purposes of estimating cost, assume 1 day shoot x 18 videos (English and French) x 2 SMEs
- Honorarium of \$500 per day
- Video production by production provider: casting (actor and union fees), facilities, production requirements, editing
- Cost \$320,000

6

• Develop of Scoring Rubrics for all Components

Case-based skills testing will require manual scoring. Key to assuring the validity of the assessment format is the reliable application of the assessment rubrics for marking.

- SME participation in development and validation of rubrics
- 4 to 6 SMEs per component = 24 SMEs
- Average of 2 days of development for each component
- Honorarium of \$500 per day
- Psychometrician facilitation – 2 days prep + 8 days facilitation
- Cost \$50,000

7

• Validate Scoring Rubrics for all Components

Review and confirmation that rubrics align with competency requirements.

- 2 new SMES per component = 8 SMEs
- 1 day for validation per component
- Honorarium of \$500 per day
- Psychometrician facilitation – 1 day prep + 4 days
- Cost \$20,000

Costs for phase 2 related to development of content and test items by subject matter expert practitioners and providers, for the period from early 2018 through to and including the completion and approval of the first examination form for test administration in the latter half of 2019, are projected at \$600,000.

There are also associated costs for SME travel, meals and accommodation expenses and for potential facilities rental and catering for meetings. See *Table 2.1* below for all projected costs.

Table 2.1

Activity	Cost
<i>Development Process</i>	
Develop cases for Components 1, 2 and 3	95,000
Validate cases for Components 1, 2 and 3	35,000
Develop content and scripts for videos in Component 4	60,000
Validate content and scripts for videos in Component 4	20,000
Produce Component 4 videos	320,000
Develop Scoring Rubrics for all Components	50,000
Validate Scoring Rubrics for all Components	20,000
	\$ 600,000
<i>Additional Associated Costs</i>	
SME travel, meals and accommodation expenses	70,000
Facilities Rental and catering for meetings	50,000
	\$ 120,000
Total	\$ 720,000

Phase 2 Development Costs and Funding Model

At this point in the development process, it is assumed that the new national law practice qualifying assessment agency will have been formally constituted. Ongoing operational costs including management and staffing, as distinct from assessment development costs, will have been integrated into budgeting activities and will be supported by revenues generated from phase 1 examination fees, on a cost recovery basis.

Development costs for phase 2 are comparable to phase 1 but predominantly relate to provider services for production activity as opposed to subject matter expert participation. Some activities such as script writing and video production management will be supported by existing administrators or contracted out to expert providers such as accredited adult educators, skilled in the development of case-based scenarios used in testing environments. The most significant cost will be in video production to create an accumulation of content for a full year of testing.

Funding of this segment of the development process would mirror the financing structure chosen for phase 1 development.

These decisions will be taken in 2017 in preparation for establishing the 2018 budget for the national law practice qualifying assessment system.

PHASE 3

National Law Practice Qualifying Assessment Project Development Plan

National Law Practice Qualifying Experiential Learning Requirement

A significant component of law admission processes for law societies is the experiential learning requirement. Articling programs or their alternatives in each jurisdiction vary somewhat in form and length, but overall the expected learning outcomes – the skills and tasks achievements – are the same.

As the requirement of the admission process that depends on support of the profession to meet its objectives, regulatory control over learning outcomes in articling is significantly more challenging. However, greater clarity in training expectations and increased focus on documenting achievement of validated learning outcomes will assist all law societies to confirm appropriate entry level skills achievement prior to admission.

Redefining Experiential Learning

For purposes of the national law practice qualifying assessments, the activity of articling or its alternatives would remain the domain of each participating law society. To validate articling or alternatives as an appropriate experiential learning activity in preparation for admission to the legal profession, law societies would move forward with an agreement to support increased accountability, and therefore increased integrity and defensibility, of this component.

The experiential learning activities of the admission process become even more important in light of the outcomes of the national competency profile. It is clear from the foundational competency development work undertaken under the oversight of the National Admission Standards Steering Group, that articling or some other form of experiential learning continues to be a foundational expectation of training for new lawyers. It is the only component capable of supporting hands-on formative learning. But it must be acknowledged that articling systems across the country lack consistency, validated performance targets, and a sufficient level of regulatory oversight and accountability to serve as a defensible component of qualifying assessment.

One method of overcoming the perceived deficiencies of current experiential training programs is to develop, and require the application of, specified learning outcomes based on standardized performance reporting. It is quite feasible to do so while still recognizing that there must be sufficient flexibility in the application of learning outcomes to accommodate a myriad of experiential opportunities – not all workplace experiences are created alike.

This plan proposes the development of a framework of standardized competencies achievements during experiential learning including a formal set of performance criteria and performance ratings supporting the assessment of those skills and tasks. In this way, regulators,

supervisors and candidates will be in a better position to meet and confirm expectations for entry level competence.

Those skills and tasks have been articulated in the competency profile and the criteria for demonstration of appropriate performance can and should be included in the competencies validation and blueprinting process that will take place during phase 1 development. This will ensure that all law practice assessment processes are aligned and delegated to the appropriate component of the law practice assessment activities.

Development Process for Phase 3

In the development of the experiential component of the qualifying assessments required by law societies, focus will be on the following components:

- A. Defining the scope of experiential assessment
- B. Development of experiential assessment performance criteria and rating systems
- C. Creation of formal documentation and reporting requirements for experiential assessments

A. Defining the scope of experiential assessment

The national law practice qualifying assessment development team will be in a position, with assistance from retained psychometricians, to develop a performance assessment framework and then assist participating law societies to integrate the learning requirements into formal reporting procedures.

The objective of validating experiential learning requirements will be to move toward a standardized assessment rubric for practical experience requirements regardless of the format of the articling program or alternatives. This phase of assessment must recognize that the disparity in the size of candidate groups across the country may make complete consistency of form for experiential learning an unreasonable expectation, but that consistency in the function of the experiential assessment requirement can and should be defined and measured.

Fundamentally, the defensibility of articling programs can only be enhanced if the legal profession accepts the notion that there is a need to improve the performance achievements during that process and to more consistently evaluate candidates.

By re-validating experiential learning through a psychometric review of skills and tasks requirements, the experiential training becomes more consistent and candidate entry level competency is enhanced.

B. Development of experiential assessment performance criteria and rating systems

Following the psychometric development of skills and tasks competencies achievement in a viable and defensible articling placement, a standardized set of performance criteria will be established with the assistance of practitioner subject matter experts. This process will acknowledge the tremendous diversity of professional environments within which a candidate may undertake experiential learning. It will integrate flexibility in the definition of the core skills and tasks competencies that will become the standardized expectations of achievement.

The criteria will support the creation of a performance rating system that can be applied consistently by all supervisors to assess candidate skills and tasks achievements. The criteria will be translated into appropriate competency achievement statements and a performance management process will be created to support assessments and feedback. This system of rating will utilize behaviourally anchored statements of achievement and will provide supervisors with a means and consistent prompts to score the articling candidate and provide feedback and reasons for that scoring.

Candidates for admission will participate actively in the performance rating exercises. They will improve their learning and development receiving appropriate feedback that is channeled to focus on core competencies leading to effective and ethical entry level practice.

C. Creation of formal documentation and reporting requirements for experiential assessment

The final development activity in phase 3 will be to create formal and consistent reporting mechanisms for supervisors and candidates. Guidelines and resources will be provided to enhance the performance management experience.

It is often assumed that members of the profession will be less likely to support an articling placement if the reporting obligations are increased. A recent experience in Ontario appears to dispel that notion.

The work of Ontario's Articling Task Force elicited input from the profession that there was concern for the fact that articling experiences are not equivalent, calling the defensibility of articling into question. Many respondents in the consultation process indicated that the experiential learning component would benefit from greater definition. When this translated into new performance evaluation requirements, increasing the amount of time and effort that would be required to oversee an articling candidate, supervisors accepted the challenge and fulfilled all new obligations willingly and at a high level of quality.

In Ontario, significantly more onerous documentation and tracking requirements have initially been met with a 96% completion rate. Input indicates that providing supervisors with criteria and tools for use in performance review and feedback allows them to participate more meaningfully in entry level lawyer competence assurance, and they appear to be embracing this enhanced obligation.



Phase 3 Development Costs

Assumptions for Estimating Costs of Development in Phase 3

The following assumptions have been made to determine the development activities and estimate costs of the system of assessment that is described in this plan:

- Phase 3 competency assessment will be focused on skills and tasks achieved in an articling placement or alternative skills environment
- Assessment will be supported by performance criteria and rating systems
- Psychometricians will be retained to develop defensible criteria and behaviorally anchored rating scales
- Subject matter expert practitioners will be paid an honorarium to recognize the contribution made to supporting defensibility of law practice entry assessment
- Any law society subject matter expert participation will be in-kind
- All costs are calculated net of taxes.

Development Process and Costs

1

- Confirm scope of experiential learning competencies assessment

Practitioner SME teams, from across participating jurisdictions, working with Psychometricians to clarify skills and tasks achievements in articling placements.

- 12 SMEs
- 1 session of 3 days
- Honorarium of \$250 per day
- Psychometricians – 2 days prep + 3 days facilitation
- Cost \$22,000

2

- Develop performance criteria and rating scales

Practitioner SMEs and Psychometricians define the performance expectations in each skill or task.

- 12 SMEs
- 2 session of 2 days
- Honorarium of \$250 per day
- Psychometricians – 1 day prep + 2 days facilitation
- Cost \$20,000

3

- Validate performance criteria and rating scales

Different group of practitioner SMEs and Psychometricians review, refine, and validate.

- 12 SMEs
- 1 session of 2 days
- Honorarium of \$250
- Psychometricians – 1 day prep + 2 day facilitation + 5 days final compilation into rating system
- Cost \$26,000

Costs for phase 3 related to development of performance measures and rating systems by subject matter expert practitioners and providers, for the period from early 2018 through to and including the completion and approval of the first administration of the new articling performance standards in the latter half of 2019, are projected at \$68,000.

There are also associated costs for technical development related to developing and providing the supporting reporting forms and materials in an online format for greater efficiency of use by supervisors and candidates. Other ancillary costs include SME travel, meals and accommodation expenses and for potential facilities rental and catering for meetings. See *Table 3.1* on the following page for all projected costs.

Table 2.1

Activity	Cost
<i>Development Process</i>	
Confirm scope of experiential learning competencies assessment	22,000
Develop performance criteria and rating scales	20,000
Validate performance criteria and rating scales	26,000
	\$ 68,000
<i>Additional Associated Costs</i>	
Technical supports for standardized forms and reporting	150,000
SME travel, meals and accommodation expenses	60,000
Facilities Rental and catering for meetings	50,000
	\$ 260,000
Total	\$ 328,000

Phase 3 Development Costs and Funding Model

Phase 3 development will occur contiguously with phase 2. As these expenditures will be required during the same schedule as phase 2, the costs will be incorporated into the ongoing operational budget for the new assessment agency with decisions on funding taken in 2017 in preparation for establishing the 2018 budget of the new agency.

National Law Practice Qualifying Assessment Annual Operation

Once the test formats have been developed and validated, the system will be ready to administer the admission examinations. The full day multiple choice examination is scheduled to commence after January 2018, the full day skills and tasks examination after January 2020. Annual operational costs set out in this section of the plan relate to anticipated expenditures to support all components thereafter.

The estimates of cost for the development of the process set out in the previous sections of this business and implementation plan included some investment in future development; for instance, the development of additional test questions or skills-based cases to ensure a sufficient accumulation of content and test items as the process moves forward. This will assist administrators to effectively manage the very first and next administration of assessments in the new regime, particularly in light of the rather aggressive time frames set out in this plan.

This section of the plan sets out the anticipated ongoing annual administration costs following completion of the development and implementation of phases 1, 2 and 3.

Assessment Development Expenditures

The system will benefit from input of practitioner subject matter experts who will act as ongoing advisors in this effort. In particular, a highly skilled and trained group of legal practitioners will be required to work with staff and psychometricians to support a variety of validation activities, including: reviewing all versions of the examinations; confirming passing scores for all test items; validating scoring rubrics for cases; assessing examination outcomes against expected results; and generally confirming that all aspects of the competency profile and blueprint are being adequately supported in accordance with internationally accepted norms for licensure.

Item writing for the full-day multiple choice examination will be undertaken, at a minimum, three times per year, for three days per session in each competency category. This assumes there will be a sufficient accumulation of test items banked after participating law societies contribute their item content. If not, then additional item writing sessions will be required for a few years. Case development for the full-day skills and tasks examination will also be undertaken, at a minimum, three times per year, for two days per session.

Content for the supporting reference materials will require review, revision, editorial and production annually, once again by practitioner subject matter experts and supporting staff. All test items must also be 'tagged' to the materials to ensure that the assessable competencies are integrated in accordance with the blueprint requirements.

In each activity, from participation on subject matter expert advisory groups through to subject matter expert content development, exemplary practitioners will be recruited to assist. It is proposed that they will be paid an honorarium of \$500 per day.

Psychometricians will be placed on retainer to work with various subject matter expert groups as they continue to develop test questions and cases, monitor the application of the competency profile and blueprint to all aspects of the assessment system, and evolve the testing platform accordingly.

Anticipated costs related to ongoing development and psychometric defensibility is anticipated to be in the range of \$1,200,000 annually beginning in 2020.

Assessment Format Expenditures

The estimated cost of providing a full-day examination through CBT, based on discussions with providers, will be in the range of \$225 per candidate. For purposes of this business plan, it is estimated that there will be approximately 3800 test takers completing the two day examination for the first time. It is further estimated that approximately 25% of test takers will be required to retake the examinations one or more times. This results in an estimated 4750 or more candidates moving through the test taking environment per year.

For 4750 candidates, the CBT provider cost for one full day of testing is estimated to be \$1,100,000 per annum.

Once the phase 2 skills-based assessment is added, the cost of CBT provision will increase to support admission testing serving 9500 or more test takers. For purposes of estimating ongoing operational expenses, and *factoring some cost reduction recognizing economies of scale* achieved through negotiation with the provider, this plan estimates annual CBT services in the range of \$1,900,000 annually.

Assessment Scoring Expenditures

The phase 1 full day multiple choice examination will be scored electronically. Individual test results will be communicated via secure channels back to the national assessment agency. The appointed subject matter expert group will work with psychometricians to confirm final pass scores. The agency will then forward results to the participating law societies, also via secure channels, for integration into their respective candidate record keeping systems. As a result, significant technology and database systems development will be required to support phases 1 and 2.

The phase 2 case-based skills testing will require additional administration and costs related to scoring, including the need to have trained practitioner assessors manually score the results based on an established rubric. It may be possible to automate this scoring activity to the extent that in-person scoring sessions will not be required, saving significant time and facilities costs. The secure exchange of candidate test responses with trained practitioner assessors will be further explored, but for purposes of this plan, it is assumed to be achievable.

To assure the fairness and validity of phase 2 outcomes, significant investment must be made in the development of the scoring rubrics and the training of large numbers of qualified assessors.

To support this cost analysis, it is assumed each of the four components of the phase 2 assessment will require an average of 30 minutes to score – or two hours of assessor time to score one complete examination. This is equivalent to 9500 hours of scoring for 4750 candidates (3800 plus 25% rewrite) per year.

It is also necessary to allow for secondary scoring, in the event that a candidate receives a failed grade on the examination. All failed examinations must be evaluated by a different assessor to validate the results.

Rather than paying assessors at a daily rate, it would be more effective and economical to address the value of their contribution on a production model, by the number of examinations scored or re-evaluated. It is recommended that assessors receive \$100 for each examination scored, and \$50 for each examination re-scored.

Assuming two hours of time required to score one examination, or approximately three examinations “per day”, that would require approximately 1700 to 1900 “days” of effort during each calendar year to complete original scoring and re-scoring activities. Further assuming that assessors would be willing to commit 10 days of their time throughout the year to complete this work, the system will require at least 190 practitioners trained to support the effort.

Assessor training is a critical component of defensible licensure systems. Prior to each scoring session, a review of scoring protocols, rubrics and test samples will be required. This plan proposes that at least one-half of a day will be required from each assessor to undertake that training in advance of every scoring session. It is proposed that assessors will receive \$250 for each training session.

The anticipated costs related to phase 2 scoring activities, per annum, consisting of the provision of honoraria to practitioner assessors for training and scoring time will be in the range of \$650,000.

While it is feasible to rely on the good will of the profession and seek to have them participate as assessors free of charge, adding a value to the work emphasizes the importance of this activity in the public interest. These assessors will be guided through a valid and defensible process for vetting the competencies achievement of new candidates and should have their time and dedication to that task acknowledged. This small monetary recognition is reasonable in the circumstances, and represents a critical investment in and commitment to the profession’s acceptance of the process, by those who regulate it. It also acknowledges that subject matter expert participants are being paid for the provision of a service that is governed by the regulator, and they accept the protocols and apply them as required.

Operational Expenditures

The national law practice qualifying assessment entity will require a highly skilled full-time staff complement. A number of the management and staff of the organization must be formally accredited and/or highly experienced adult educators with expertise in licensure and assessment.

It is anticipated that a minimum of 12 – 15 full-time staff will be required to support the ongoing administration of the assessment system outlined in this plan. Estimated salary and benefits will be in the range of \$1.5 million per year.

General program and office expenses are estimated in the range of \$1.2 million and include various categories of fixed and variable expenses required to support the system.

Table 3.1 sets out anticipated annual expenditures for a fully operational national law practice assessment system.

Operating Costs for Ongoing Administration

This cost projection is based on an anticipated candidate cohort of 3800, assumes full cost recovery through the application of examination fees, and is calculated net of taxes. The projected candidate fee is for the first attempt of both examination days. Additional fees for further attempts at each examination will be derived on the basis of a cost recovery model.

Table 3.1

Expense Category	Annual Cost (2019 and beyond)
<i>Assessment Activities</i>	
Ongoing Development of Items, Cases, Reference Materials, Review and Analysis (SME Honoraria and Psychometrician Retainers)	1,200,000
CBT Provision and Services	1,900,000
SME Assessor Scoring Honoraria	650,000
	\$ 3,750,000
<i>Operations</i>	
Salaries and Benefits	1,500,000
Program, and Other Consulting/Skilled Provider Contracts	200,000
Production, development, supports and services	300,000
Travel, accommodation, catering, facilities	200,000
Office Expenses, Technology Systems, Human Resources, Communications, Finance, Legal, Leasehold, other	500,000
	\$ 2,700,000
<i>Governance</i>	
Board, Committee, Law Society liaison	100,000
Total	\$ 6,550,000
Cost per Candidate (first writing, both test days, not including taxes)	\$ 1,724

Governance

Interim Oversight for Development Process

During the transition process, which is defined as the period of time and activities up to and including the completion of all aspects of phase 1 of this plan, it is proposed that interim reporting be established under the oversight of the National Admission Standards Project Steering Committee of the Federation. Consideration will be given to modifying the composition of the Steering Committee for this purpose. The governance model for the transition process will be agreed upon with input from participating law societies.

In phase 1 of the development process, it is proposed that an interim Executive Director be appointed to implement the plan, as approved. Given the aggressive timelines for development of phase 1, the Executive Director should be able to focus on the hands-on development activities without the encumbrance of a complex committee structure. Managing a significant governance implementation at the same time as deriving the foundational assessment process is likely to be detrimental to meeting scheduled milestones. An oversight committee such as the Steering Committee can provide the appropriate oversight and policy direction.

Following phase 1 development, it is recommended that the participating law societies create an independent entity for purposes of continuing the implementation and fulfilling obligations of the national law practice qualifying assessment system.

New Governance Entity

The new permanent governance entity would be responsible for providing participating law societies with access to valid and defensible assessments for candidates seeking entry to the legal profession in Canada.

The new entity will require independence from the law societies to ensure that its activities and assessment processes remain consistent, fair and defensible, avoiding any suggestion of preferential treatment, bias or influence. The assessment results must stand for themselves as demonstrating the highest quality and defensibility of assessment processes, applied consistently and fairly, and supporting recognized international standards in professional licensure.

The permanent governance body should also be skills based. While further work is required to flesh out the details of the new governance entity, the intent is for participating law societies to determine how the body will be structured and constituted.

Addendum A

Blueprint Purpose and Development

A competency-based blueprint serves the following purposes:

- ensures the relevance of the assessment/examination by indicating links to the competency profile for entry level lawyer professionals
- maximizes the functional equivalence of alternative versions of the examination
- provides direction for content developers when writing new items for the examinations
- facilitates evaluations of the appropriateness and effectiveness of the examination by content experts and other stakeholders.

The competency-based blueprint advances these purposes by definitively stating what is assessed, for what purpose, to what extent, with what types of items, in what contexts, to what standards and provides documentation of the processes leading to each of these decisions.

A comprehensive blueprint development identifies key assessment information including the process, content, structure, context and scoring of the examination.

The blueprint will establish all of the following specifications for use in the assessment activities:

Process

- a clear statement of the purpose of the examination
- a definition of the candidate target population
- the methodology employed for all key blueprint activities
- a list of the content experts involved in the blueprint development process

Content

- competencies related to the purpose of the examination
- entry level lawyer competency weightings (the extent to which they will be represented on the examination)
- entry level lawyer competency categories (used to organize competencies to support provision of feedback to test takers – each category must be assessed by a sufficiently high number of examination items to provide reliable results)
- cognitive domain weightings of the examination (ensures competencies are measured at different levels of cognitive ability – knowledge/comprehension, application, and critical thinking)

Structure

- item format of the examination
- item presentation of the examination (individual, case, multiple response)
- response format of the examination (selected, constructed, written, computerized)
- examination length, duration and breaks
- assessment aids permitted for writing the examination
- percentage of 'new' content to appear on new versions of the examination

- number of experimental items to be assessed on each administration of the examination
- number of forms of the examination (versions)

Context

- client type specified in the examination (individual, family, population, community)
- client age and gender specified in the examination
- client legal situation specified in the examination
- client culture included in the examination

Scoring

- standard setting method(s) employed for the examination
- an overview of the scoring procedures of the examination
- acceptable statistical item characteristics.





APPENDIX 3

THE NATIONAL ADMISSION STANDARDS PROJECT

BACKGROUND SUMMARY

1. In 2009, the CEOs of the law societies and the Council of the Federation identified the need to develop national standards for admission to practice and the National Admission Standards project was launched. The project reflects an important strategic priority identified by the Council of the Federation: the development and implementation of high, consistent and transparent national standards for the regulation of the legal profession.

2. General oversight of the project is provided by a Steering Committee. The members of the committee are:
 Don Thompson, Q.C., Executive Director, Law Society of Alberta, Committee Chair
 Tim McGee, Q.C., CEO, Law Society of British Columbia
 Alan Treleaven, Director, Education and Practice, Law Society of British Columbia
 Jeff Hirsch, Thompson Dorfman Sweatman LLP, Council Vice-President and President-elect, and past president, Law Society of Manitoba
 Allan Fineblit, Q.C., Thompson Dorfman Sweatman LLP and former CEO, Law Society of Manitoba
 Laurie Pawlitz, Council member and past Treasurer, Law Society of Upper Canada
 Robert Lapper, CEO, Law Society of Upper Canada
 Diana Miles, Executive Director, Organizational Strategy / Professional Development and Competence, Law Society of Upper Canada
 Lise Tremblay, CEO, Barreau du Quebec
 Bâtonnier Bernard Synnott, former Bâtonnier, Barreau du Quebec
 Darrel Pink, Executive Director, Nova Scotia Barristers' Society
 Bâtonnière Marie-Claude Bélanger-Richard, Q.C., Federation past president and former Bâtonnière, Law Society of New Brunswick
 Jonathan Herman, Federation CEO
 Support to the Steering Committee is provided by Federation personnel as follows:
 Frederica Wilson, Senior Director, Regulatory and Public Affairs
 Stephanie Spiers, Director, Regulatory Affairs and project manager
 Daphne Keevil-Harrold, Policy Counsel

3. The first phase of the project had two goals: the development of a profile of the competencies required upon entry to the profession, and a standard for ensuring that applicants meet the requirement to be of good character. Law societies have agreed on the benchmark for entry-level competence through the National Competency Profile, which has been adopted by 13 law societies on the understanding that adoption is subject to the development and approval of a plan for implementation.

Development of the National Competency Profile

4. The Federation engaged a consultant with expertise in credentialing, Professional Examination Services (ProExam) to ensure that The National Entry-Level Competency Profile for Lawyers and Quebec Notaries ("National Competency Profile") was developed in accordance with best practices. ProExam guided work on the profile and senior admissions staff from five law societies played a critical role as members of a Technical Advisory Committee ("TAC").

5. The TAC drew from the various competency profiles in use by law societies across the country as their starting point, creating an outline that organized the competencies into substantive knowledge, skills, and tasks categories. A Competency Development Task Force comprised of 11 practitioners in their first 10 years of practice from every region in the country then fleshed out the profile. Members of the task force drafted a profile intended to reflect the tasks actually performed and the knowledge and skills actually required of general practitioners at the point of admission to the profession.

6. This draft was then reviewed by 30 practitioners identified and recruited with the assistance of law societies. The draft profile was also reviewed by a small working group of representatives of the Barreau du Québec and the Chambre des notaires du Québec to ensure that it is reflective of the nature of legal practice in Quebec.

7. In accordance with best practices, the revised draft profile was then validated through a survey of entry-level lawyers and Quebec notaries. Survey respondents were asked to rate each individual competency on two scales: how frequently they performed or used the competency; and how serious the consequences would be if an entry-level practitioner in their area of practice did not possess or was unable to perform the competency. Information was also gathered on the respondents' practice area, practice setting and year of call to the bar. The data from the survey was used to refine the competency profile to ensure that it accurately reflected the competencies required of new practitioners today.

8. The work on the National Competency Profile was carried about between 2010 and 2012. The Council of the Federation approved the National Competency Profile in 2012. Between 2012 and 2013, thirteen law societies adopted the National Competency Profile.

Development of a National Good Character (suitability to practise) Standard

9. As part of the National Admissions Standards Project, the Federation has worked on developing a common good character standard. A Working Group comprised of staff from various law societies was established to develop a draft good character standard based on the principle that the standard must be clear, consistent, fair and defensible.

10. In July 2013, the Working Group presented its preliminary views in a Consultation Report and sought input from law societies and other interested stakeholders.

11. The Working Group received responses from most law societies, as well as from the Canadian Bar Association, several law professors and law students. Responses raised both policy considerations and operational concerns. Work on the good character standard is on hold while we focus on the assessment plan, and is expected to resume in due course.

Implementing National Admission Standards

12. The second phase of the project is focused on how law societies will assess the competencies in the National Competency Profile. Identification and assessment of the competencies required of applicants, appropriately focused professional training, and experiential learning are all important elements of national admission standards.

13. The Federation engaged ProExam to identify a range of options for assessment of the competencies in the National Competency Profile. ProExam's work was informed by advice from a newly composed seven-member Technical Advisory Committee (TAC) comprised of law society senior admission staff. The TAC and ProExam worked together throughout the spring and summer of 2013.

14. In the fall of 2013, the Federation circulated a Discussion Paper and a report prepared by ProExam that reviewed a range of possible methods for assessing the competencies.

15. Meetings were held with ten law societies in 2014 to consider ProExam's report and discuss options for assessment, including the need for a high level of consistency in assessment. The feedback from law societies provided direction on areas of common agreement.

16. The National Admission Standards Project Steering Committee drew from the feedback provided by law societies in developing a proposal on assessment and a detailed Business Plan.

17. The proposal and Business Plan will be shared with law societies in the summer of 2015. The goal is to discuss the proposal with each law society in the fall and winter of 2015, so that law societies are in a position to decide whether they will sign on to the plan by early 2016, recognizing that the timing will ultimately depend on when law societies are ready to move forward.

Engaging with Law Societies

18. Throughout the project, law societies have been kept informed about progress through various means including: targeted written communiqués; the Federation e-Briefing (electronic newsletter); teleconferences with admissions staff and CEOs, in-person meetings with elected leaders, staff, CEOs and other law society volunteers, and presentations to law society groups. Reports, papers and project updates have been distributed by email and made available on the Federation intranet. Some project documents are also available on the Federation's public website.



Memo

To: Benchers
From: Governance Committee
Date: February 23, 2016
Subject: 2015 Benchers and Committee Evaluation

Background

1. The 2012 governance review recommended that the Benchers ensure there is a process in place for an annual evaluation of the Benchers, committees, task forces and working groups. In 2013, the Committee recommended forms of evaluations to be conducted annually in December and that evaluations should be delivered and completed online.
2. The Governance Committee has responsibility for reviewing and compiling an annual report of the evaluation responses for the Benchers.
3. The Governance Committee met on January 28 and considered the 2015 results. The Committee's recommendations arising from its review can be found at the conclusion of this memorandum.

Responses

4. In late November 2015, all of the Benchers and all the members of the 2015 committees and task forces were provided with links to online evaluation forms and asked to complete the forms by December 18, 2015.
5. By the end of business on December 18, 24 of 29 possible respondents (83%) had completed their evaluations. Last year, 55% (17/31) of the Benchers responded. The responses to each statement are attached as Appendix A.
6. By the end of business on December 18, 63% (79/125) of members of committees and task forces had completed their evaluations. Last year the response rate was 76% (117/153). Results for each of the committees and task forces are attached as Appendix B.
7. The response rates for individual committees and task forces ranged from 36% to 100%. Last year the range was from 62% to 100%.

Analysis

Benchers

8. Looking at the Bencher evaluations, overall there was considerable agreement from most respondents on the 39 statements included in the evaluation form. Nearly 67% of the statements elicited agreement and strong agreement, while 23% were ranked as neutral. Just over 8% resulted in disagreement and less than 1% of the responses indicated strong disagreement.
9. Of the 27 Bencher evaluation statements, the five with the most agreement in 2015 were:

Statement	2015	2014	2013
<i>The Benchers respect the CEO's role in managing the organization.</i>	92%	88%	100%
<i>Meeting materials are received in sufficient time to allow for adequate preparation.</i>	92%	100%	88%
<i>The Benchers receive sufficient information on financial performance.</i>	92%	71%	80%
<i>The Benchers know what is expected of them.</i>	92%	94%	92%
<i>Benchers come to meetings prepared.</i>	92%	94%	92%

10. Of the top five statements, the most significant change over 2014 was the increase in the number of Benchers who strongly agreed with the statement “*The Benchers respect the CEO's role in managing the organization.*” In 2014, only two Benchers strongly agreed with this statement compared with 12 in 2015.
11. The other significant change among the top five statements is the notable increase in the number of Benchers who agreed and strongly agreed with the statement “*The Benchers receive sufficient information on financial performance.*” In 2014, just over 70% of the Benchers agreed with this statement and it ranked 21st in terms of agreement. For 2015, the statement garnered 92% agreement and ranked 2nd in a tie with “*Meeting materials are received in sufficient time to allow for adequate preparation.*” While the Committee hesitates to attribute improved perception of any statement to a particular cause, it should be noted that the Chair of the Finance and Audit Committee made a particular effort to provide the Benchers with information about financial performance in 2015.

12. In addition to the quantitative responses to the evaluation statements, the Committee noted that several Benchers provided positive comments in the evaluation.

13. At the other end of the range, the five statements that elicited the lowest level of agreement were:

Statements	2015	2014	2013
<i>The Benchers spend sufficient time to get to know each other and build trust in one another.</i>	63%	65%	100%
<i>The right things are placed on the agenda.</i>	63%	71%	71%
<i>The Benchers take advantage of education/developmental opportunities to improve governance capabilities.</i>	57%	35%	64%
<i>Evaluation of the CEO's performance is appropriate.¹</i>	54%	35%	75%
<i>The Benchers are up to date with latest developments in the market for legal services.²</i>	29%	59%	60%

14. “*The Benchers are up to date with latest developments in the market for legal services.*” received the lowest level of agreement of the 27 statements and the highest level of neutrals, with only 29% of Benchers agreeing with this statement. However, in previous surveys, this statement was combined with a reference to the regulatory environment. In 2015 the Committee concluded that we should separate “the market for legal services” from “regulatory environment” to make two statements. So while the “market for legal services” statement received a low level of agreement and high neutrals, the companion statement “*The Benchers are up to date with latest developments in the regulatory environment.*” received 79% agreement and no disagreement. The result indicates it was appropriate to separate the previous statement into two, as the responses suggest that if we think Bencher knowledge of the latest developments in the market for legal services is important, more effort needs to be made to make this information available to Benchers. The Committee thought the Benchers should consider whether knowledge of the market for legal services is an area about which they should be more informed.

15. The statement “*Evaluation of the CEO's performance is appropriate.*” elicited 54% agreement and 33% neutral responses. It was also the only statement this year that elicited a “strongly disagree” response. As the statement was changed from 2013 – 2014, some of the

¹ In 2013 and 2014, the statement was “*Evaluation of the CEO's performance is appropriate and well understood.*”

² In 2013 and 2014 the question was broader “*The Benchers are up to date with latest developments in the regulatory environment and the market for legal services.*”

change in the degree of agreement may reflect the change in language. On the other hand, the high neutral response may indicate that the evaluation of the CEO's performance remains not well understood by a number of Benchers. The Committee noted that there is a comprehensive written annual performance evaluation process for the CEO conducted in by the past President and the Executive Committee. The Committee believes it may be that knowledge of the process and results is the issue rather than any concern about the process itself.

16. The responses to the statement "*The Benchers take advantage of education/developmental opportunities to improve governance capabilities.*" elicited just over half the Benchers agreeing with the statement but also just over 1/3 providing a neutral response. It may be that for a number of Benchers, expectations and opportunities for education about governance may not be well communicated. The Committee believes the Benchers should give some consideration to whether governance education ought to be more of a priority and more formalized.
17. The statement "*The right things are placed on the agenda*" elicited slightly lower agreement in 2015 than in 2013 and 2014 and a fairly high proportion of neutral responses but no disagreement. There was a suggestion that motions made during meetings might not be accompanied by sufficient information to permit proper evaluation and that tabling motions during the meeting did not provide sufficient time to consider the implications. There were also comments about the number of presentations and whether summaries of the material provided would be better. While the absence of disagreement this year marks an improvement over 2013 and 2014, the Committee believes the Executive Committee should give some consideration to the comments around this statement.
18. The statement "*The Benchers spend sufficient time to get to know each other and build trust in one another.*" generated almost exactly the same level of agreement in 2015 as it did in 2014. Exactly 1/3 of the Benchers provided a neutral response to this question and only one response disagreed with the statement, compared with 24% of responses in 2014. However, the results in 2015 and 2014 contrast markedly with the results from 2013, where every Bencher who responded agreed with this statement. Given the 8 new Benchers at the table and the contentious TWU issue in 2014, the results are not entirely surprising. The reduction in the level of disagreement in 2015 likely reflects these factors as well.
19. In addition to the comments in connection with the particular statements noted above, there were some comments about dissent (or the lack thereof) at the Bencher table. The comments suggested that the emphasis on consensus constrained the expression of contrary views and that the table did not always seem to embrace dissent. The Committee thought that the Benchers should give consideration to observations underlying these two comments and whether there is a need to provide a more inclusive environment at the Bencher table.

20. There were also comments about the creation of our strategic plans, suggesting that the preliminary work did not necessarily translate well into the strategic plan and that the process for developing the strategic plan could benefit from more time and consideration by the Benchers.

Committees/Task Forces

21. As noted above, in total there were 77 individual responses to the committee and task force evaluations.
22. Of the 914 individual answers to the evaluation statements, there were only 15 instances (or just under 2%) where respondents disagreed with the statements and no instances where anyone strongly disagreed with any of the statements. In total, 7 respondents of the 77 expressed disagreement with one or more of the statements regarding their respective committees.
23. The statement with the highest level of agreement across all committees was *“Meetings allow for candid, constructive discussion and critical questioning.”* followed by *“Discussion is open, meaningful and respectful.”* And *“Pre-meeting materials provide appropriate context and background information to support informed discussion and decision-making.”* 92% of the respondents agreed with these statements.
24. Overall, the most common disagreement was with the statement *“The right things are placed on the agenda.”* The Committee with the highest level of disagreement with the statements was Access to Legal Services Advisory Committee followed by the Practice Standards Committee, though in both cases the disagreement represented 8% or less of the overall responses.

Recommendations

25. The Committee recommends that the Benchers reflect on the relatively low agreement with the statement *“The Benchers are up to date with latest developments in the market for legal services.”* and consider whether this is knowledge the Benchers would like to have in their role as governors of the legal profession.
26. As the statement *“Evaluation of the CEO’s performance is appropriate.”* elicited a relatively low level of overall agreement, the Committee recommends that the Executive Committee ensure that the Benchers are made aware of the general criteria used in connection with the annual CEO evaluation and the process for evaluating the CEO.
27. The Committee noted the limited agreement with the statement *“The Benchers take advantage of education/developmental opportunities to improve governance capabilities.”*

The Committee recommends that the Benchers consider whether they would benefit from more governance training opportunities and if so, whether that training should be provided collectively or through opportunities for individual training.

28. The Committee recommends that the Executive Committee review the responses to the statement “*The right things are placed on the agenda.*” and the related comments in this report and consider how they might address this in setting the Bencher agenda and the inclusion of items on that agenda.
29. The Committee recommends that the Benchers reflect on the sentiment about dissent and Bencher willingness to express contrary views and consider whether there is a need to provide a more open and inclusive environment at the Bencher table.

2015 Benchers

The Benchers have an effective role in the strategic planning process.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Benchers have an effective role in the strategic planning process. 	3 12.5%	14 58.3%	5 20.8%	2 8.3%	0 0.0%	Total: 24

The Benchers are up to date with latest developments in the regulatory environment.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Benchers are up to date with latest developments in the regulatory environment. 	2 8.3%	17 70.8%	5 20.8%	0 0.0%	0 0.0%	Total: 24

The Benchers are up to date with latest developments in the market for legal services.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Benchers are up to date with latest developments in the market for legal services. 	1 4.2%	6 25.0%	15 62.5%	2 8.3%	0 0.0%	Total: 24

The Benchers receive sufficient information on organizational performance.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Benchers receive sufficient information on organizational performance. 	5 21.7%	11 47.8%	6 26.1%	1 4.3%	0 0.0%	Total: 23

The Benchers receive sufficient information on financial performance.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Benchers receive sufficient information on financial performance. 	10 41.7%	12 50.0%	1 4.2%	1 4.2%	0 0.0%	<i>Total: 24</i>

The Benchers receive sufficient information on about progress on the strategic goals.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Benchers receive sufficient information on about progress on the strategic goals. 	5 21.7%	16 69.6%	2 8.7%	0 0.0%	0 0.0%	<i>Total: 23</i>

As part of the discussion around every major decision, the Benchers analyze the potential risks arising from the decision.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
As part of the discussion around every major decision, the Benchers analyze the potential risks arising from the decision. 	4 16.7%	13 54.2%	6 25.0%	1 4.2%	0 0.0%	<i>Total: 24</i>

The Benchers receive adequate briefings on the principal risks of the organization, and on its systems for identifying, managing and monitoring such risks.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Benchers receive adequate briefings on the principal risks of the organization, and on its systems for identifying, managing and monitoring such risks. 	4 16.7%	14 58.3%	4 16.7%	2 8.3%	0 0.0%	<i>Total: 24</i>

Meeting materials are received in sufficient time to allow for adequate preparation.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Meeting materials are received in sufficient time to allow for adequate preparation. 	10 41.7%	12 50.0%	1 4.2%	1 4.2%	0 0.0%	<i>Total: 24</i>

Meeting materials provide appropriate context and background information to support informed decision-making.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Meeting materials provide appropriate context and background information to support informed decision-making. 	7 29.2%	14 58.3%	3 12.5%	0 0.0%	0 0.0%	<i>Total: 24</i>

Presentations to the Benchers are generally of appropriate length and content.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Presentations to the Benchers are generally of appropriate length and content. 	5 20.8%	13 54.2%	4 16.7%	2 8.3%	0 0.0%	<i>Total: 24</i>

Bencher meetings allow for candid, constructive discussion and critical questioning.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Bencher meetings allow for candid, constructive discussion and critical questioning. 	3 12.5%	14 58.3%	6 25.0%	1 4.2%	0 0.0%	<i>Total: 24</i>

The right things are placed on the agenda.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The right things are placed on the agenda. 	3 12.5%	12 50.0%	9 37.5%	0 0.0%	0 0.0%	<i>Total: 24</i>

There is adequate time for discussion of agenda items during Bencher meetings.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
There is adequate time for discussion of agenda items during Bencher meetings. 	4 17.4%	15 65.2%	4 17.4%	0 0.0%	0 0.0%	Total: 23

Benchers come to meetings prepared.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Benchers come to meetings prepared. 	5 20.8%	17 70.8%	2 8.3%	0 0.0%	0 0.0%	Total: 24

Benchers use the meeting time effectively and efficiently.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Benchers use the meeting time effectively and efficiently. 	7 29.2%	12 50.0%	3 12.5%	2 8.3%	0 0.0%	Total: 24

The Benchers know what is expected of them.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Benchers know what is expected of them. 	6 25.0%	16 66.7%	1 4.2%	1 4.2%	0 0.0%	Total: 24

Bencher discussions are open, meaningful and respectful.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Bencher discussions are open, meaningful and respectful. 	7 29.2%	14 58.3%	3 12.5%	0 0.0%	0 0.0%	Total: 24

Benchers have no hesitation raising issues in Bencher meetings.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Benchers have no hesitation raising issues in Bencher meetings. 	5 21.7%	12 52.2%	4 17.4%	2 8.7%	0 0.0%	Total: 23

The Benchers are actively engaged with each other and with management on issues.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Benchers are actively engaged with each other and with management on issues. 	5 20.8%	11 45.8%	6 25.0%	2 8.3%	0 0.0%	Total: 24

The Benchers spend sufficient time to get to know each other and build trust in one another.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Benchers spend sufficient time to get to know each other and build trust in one another. 	4 16.7%	11 45.8%	8 33.3%	1 4.2%	0 0.0%	Total: 24

The Benchers take advantage of education/developmental opportunities to improve governance capabilities.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Benchers take advantage of education/developmental opportunities to improve governance capabilities. 	4 17.4%	9 39.1%	8 34.8%	2 8.7%	0 0.0%	Total: 23

The roles of the Benchers and the CEO are well understood.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The roles of the Benchers and the CEO are well understood. 	8 33.3%	11 45.8%	3 12.5%	2 8.3%	0 0.0%	Total: 24

The Benchers respect the CEO's in managing the organization.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Benchers respect the CEO's in managing the organization. 	12 50.0%	10 41.7%	1 4.2%	1 4.2%	0 0.0%	Total: 24

Evaluation of the CEO's performance is appropriate.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Evaluation of the CEO's performance is appropriate. 	9 37.5%	4 16.7%	8 33.3%	2 8.3%	1 4.2%	Total: 24

The Benchers provide adequate direction and support to the CEO.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Benchers provide adequate direction and support to the CEO. 	5 20.8%	12 50.0%	6 25.0%	1 4.2%	0 0.0%	Total: 24

The Benchers seek and obtain sufficient input from management and staff to support effective decision-making.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Benchers seek and obtain sufficient input from management and staff to support effective decision-making. 	12 54.5%	6 27.3%	2 9.1%	2 9.1%	0 0.0%	Total: 22

2015 Access to Legal Services Advisory Committee

Members understand and act within the mandate of the committee.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Members understand and act within the mandate of the committee. 	0 0.0%	3 60.0%	1 20.0%	1 20.0%	0 0.0%	Total: 5

Members are aware of what is expected of them.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Members are aware of what is expected of them. 	0 0.0%	4 80.0%	0 0.0%	1 20.0%	0 0.0%	Total: 5

Meeting agendas and supporting materials are received in sufficient time to allow for adequate preparation.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Meeting agendas and supporting materials are received in sufficient time to allow for adequate preparation. 	2 40.0%	2 40.0%	1 20.0%	0 0.0%	0 0.0%	Total: 5

Pre-meeting materials provide appropriate context and background information to support informed discussion and decision-making.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Pre-meeting materials provide appropriate context and background information to support informed discussion and decision-making. 	1 20.0%	3 60.0%	0 0.0%	1 20.0%	0 0.0%	Total: 5

The right things are placed on the agenda.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The right things are placed on the agenda. 	0 0.0%	2 40.0%	1 20.0%	2 40.0%	0 0.0%	Total: 5

Everyone comes to meetings prepared.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Everyone comes to meetings prepared. 	0 0.0%	2 40.0%	3 60.0%	0 0.0%	0 0.0%	Total: 5

Presentations are generally of the appropriate length and content.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Presentations are generally of the appropriate length and content. 	0 0.0%	4 80.0%	1 20.0%	0 0.0%	0 0.0%	Total: 5

Meetings allow for candid, constructive discussion and critical questioning.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Meetings allow for candid, constructive discussion and critical questioning. 	1 20.0%	4 80.0%	0 0.0%	0 0.0%	0 0.0%	Total: 5

Discussion is open, meaningful and respectful.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Discussion is open, meaningful and respectful. 	1 20.0%	4 80.0%	0 0.0%	0 0.0%	0 0.0%	Total: 5

The Chair ensures that all agenda items are covered during the meetings.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair ensures that all agenda items are covered during the meetings. 	0 0.0%	5 100.0%	0 0.0%	0 0.0%	0 0.0%	Total: 5

The Chair ensures that meeting time is used effectively and efficiently.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair ensures that meeting time is used effectively and efficiently. 	0 0.0%	3 60.0%	2 40.0%	0 0.0%	0 0.0%	Total: 5

The Chair effectively manages dissent and works constructively towards arriving at decisions and achieving consensus.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair effectively manages dissent and works constructively towards arriving at decisions and achieving consensus. 	0 0.0%	3 60.0%	2 40.0%	0 0.0%	0 0.0%	Total: 5

2015 Act and Rules Committee

Members understand and act within the mandate of the committee.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Members understand and act within the mandate of the committee. 	3 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	Total: 3

Members are aware of what is expected of them.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Members are aware of what is expected of them. 	3 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	Total: 3

Meeting agendas and supporting materials are received in sufficient time to allow for adequate preparation.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Meeting agendas and supporting materials are received in sufficient time to allow for adequate preparation. 	3 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	Total: 3

Pre-meeting materials provide appropriate context and background information to support informed discussion and decision-making.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Pre-meeting materials provide appropriate context and background information to support informed discussion and decision-making. 	3 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	Total: 3

The right things are placed on the agenda.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The right things are placed on the agenda. 	3 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	Total: 3

Everyone comes to meetings prepared.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Everyone comes to meetings prepared. 	3 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	Total: 3

Presentations are generally of the appropriate length and content.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Presentations are generally of the appropriate length and content. 	2 66.7%	1 33.3%	0 0.0%	0 0.0%	0 0.0%	Total: 3

Meetings allow for candid, constructive discussion and critical questioning.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Meetings allow for candid, constructive discussion and critical questioning. 	3 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	Total: 3

Discussion is open, meaningful and respectful.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Discussion is open, meaningful and respectful. 	3 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	Total: 3

The Chair ensures that all agenda items are covered during the meetings.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair ensures that all agenda items are covered during the meetings. 	2 66.7%	1 33.3%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 3</i>

The Chair ensures that meeting time is used effectively and efficiently.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair ensures that meeting time is used effectively and efficiently. 	2 66.7%	1 33.3%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 3</i>

The Chair effectively manages dissent and works constructively towards arriving at decisions and achieving consensus.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair effectively manages dissent and works constructively towards arriving at decisions and achieving consensus. 	2 66.7%	1 33.3%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 3</i>

2015 Access to Legal Services Advisory Committee

Members understand and act within the mandate of the committee.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Members understand and act within the mandate of the committee. 	0 0.0%	3 60.0%	1 20.0%	1 20.0%	0 0.0%	<i>Total: 5</i>

Members are aware of what is expected of them.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Members are aware of what is expected of them. 	0 0.0%	4 80.0%	0 0.0%	1 20.0%	0 0.0%	<i>Total: 5</i>

Meeting agendas and supporting materials are received in sufficient time to allow for adequate preparation.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Meeting agendas and supporting materials are received in sufficient time to allow for adequate preparation. 	2 40.0%	2 40.0%	1 20.0%	0 0.0%	0 0.0%	<i>Total: 5</i>

Pre-meeting materials provide appropriate context and background information to support informed discussion and decision-making.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Pre-meeting materials provide appropriate context and background information to support informed discussion and decision-making. 	1 20.0%	3 60.0%	0 0.0%	1 20.0%	0 0.0%	<i>Total: 5</i>

The right things are placed on the agenda.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The right things are placed on the agenda. 	0 0.0%	2 40.0%	1 20.0%	2 40.0%	0 0.0%	Total: 5

Everyone comes to meetings prepared.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Everyone comes to meetings prepared. 	0 0.0%	2 40.0%	3 60.0%	0 0.0%	0 0.0%	Total: 5

Presentations are generally of the appropriate length and content.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Presentations are generally of the appropriate length and content. 	0 0.0%	4 80.0%	1 20.0%	0 0.0%	0 0.0%	Total: 5

Meetings allow for candid, constructive discussion and critical questioning.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Meetings allow for candid, constructive discussion and critical questioning. 	1 20.0%	4 80.0%	0 0.0%	0 0.0%	0 0.0%	Total: 5

Discussion is open, meaningful and respectful.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Discussion is open, meaningful and respectful. 	1 20.0%	4 80.0%	0 0.0%	0 0.0%	0 0.0%	Total: 5

The Chair ensures that all agenda items are covered during the meetings.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair ensures that all agenda items are covered during the meetings. 	0 0.0%	5 100.0%	0 0.0%	0 0.0%	0 0.0%	Total: 5

The Chair ensures that meeting time is used effectively and efficiently.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair ensures that meeting time is used effectively and efficiently. 	0 0.0%	3 60.0%	2 40.0%	0 0.0%	0 0.0%	Total: 5

The Chair effectively manages dissent and works constructively towards arriving at decisions and achieving consensus.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair effectively manages dissent and works constructively towards arriving at decisions and achieving consensus. 	0 0.0%	3 60.0%	2 40.0%	0 0.0%	0 0.0%	Total: 5

2015 Complainants Review Committee

Members understand and act within the mandate of the committee.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Members understand and act within the mandate of the committee. 	1 16.7%	5 83.3%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 6</i>

Members are aware of what is expected of them.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Members are aware of what is expected of them. 	3 50.0%	3 50.0%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 6</i>

Meeting agendas and supporting materials are received in sufficient time to allow for adequate preparation.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Meeting agendas and supporting materials are received in sufficient time to allow for adequate preparation. 	2 33.3%	4 66.7%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 6</i>

Pre-meeting materials provide appropriate context and background information to support informed discussion and decision-making.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Pre-meeting materials provide appropriate context and background information to support informed discussion and decision-making. 	3 50.0%	3 50.0%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 6</i>

The right things are placed on the agenda.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The right things are placed on the agenda. 	3 50.0%	3 50.0%	0 0.0%	0 0.0%	0 0.0%	Total: 6

Everyone comes to meetings prepared.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Everyone comes to meetings prepared. 	5 83.3%	1 16.7%	0 0.0%	0 0.0%	0 0.0%	Total: 6

Presentations are generally of the appropriate length and content.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Presentations are generally of the appropriate length and content. 	1 20.0%	3 60.0%	1 20.0%	0 0.0%	0 0.0%	Total: 5

Meetings allow for candid, constructive discussion and critical questioning.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Meetings allow for candid, constructive discussion and critical questioning. 	5 83.3%	1 16.7%	0 0.0%	0 0.0%	0 0.0%	Total: 6

Discussion is open, meaningful and respectful.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Discussion is open, meaningful and respectful. 	5 83.3%	1 16.7%	0 0.0%	0 0.0%	0 0.0%	Total: 6

The Chair ensures that all agenda items are covered during the meetings.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair ensures that all agenda items are covered during the meetings. 	5 83.3%	1 16.7%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 6</i>

The Chair ensures that meeting time is used effectively and efficiently.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair ensures that meeting time is used effectively and efficiently. 	4 80.0%	1 20.0%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 5</i>

The Chair effectively manages dissent and works constructively towards arriving at decisions and achieving consensus.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair effectively manages dissent and works constructively towards arriving at decisions and achieving consensus. 	4 80.0%	1 20.0%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 5</i>

2015 Credentials Committee

Members understand and act within the mandate of the committee.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Members understand and act within the mandate of the committee. 	5 71.4%	2 28.6%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 7</i>

Members are aware of what is expected of them.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Members are aware of what is expected of them. 	5 71.4%	2 28.6%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 7</i>

Meeting agendas and supporting materials are received in sufficient time to allow for adequate preparation.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Meeting agendas and supporting materials are received in sufficient time to allow for adequate preparation. 	3 50.0%	2 33.3%	1 16.7%	0 0.0%	0 0.0%	<i>Total: 6</i>

Pre-meeting materials provide appropriate context and background information to support informed discussion and decision-making.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Pre-meeting materials provide appropriate context and background information to support informed discussion and decision-making. 	5 71.4%	1 14.3%	1 14.3%	0 0.0%	0 0.0%	<i>Total: 7</i>

The right things are placed on the agenda.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The right things are placed on the agenda. 	4 66.7%	1 16.7%	0 0.0%	1 16.7%	0 0.0%	Total: 6

Everyone comes to meetings prepared.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Everyone comes to meetings prepared. 	4 57.1%	2 28.6%	1 14.3%	0 0.0%	0 0.0%	Total: 7

Presentations are generally of the appropriate length and content.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Presentations are generally of the appropriate length and content. 	4 57.1%	3 42.9%	0 0.0%	0 0.0%	0 0.0%	Total: 7

Meetings allow for candid, constructive discussion and critical questioning.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Meetings allow for candid, constructive discussion and critical questioning. 	5 83.3%	1 16.7%	0 0.0%	0 0.0%	0 0.0%	Total: 6

Discussion is open, meaningful and respectful.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Discussion is open, meaningful and respectful. 	5 71.4%	2 28.6%	0 0.0%	0 0.0%	0 0.0%	Total: 7

The Chair ensures that all agenda items are covered during the meetings.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair ensures that all agenda items are covered during the meetings. 	4 80.0%	1 20.0%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 5</i>

The Chair ensures that meeting time is used effectively and efficiently.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair ensures that meeting time is used effectively and efficiently. 	4 57.1%	3 42.9%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 7</i>

The Chair effectively manages dissent and works constructively towards arriving at decisions and achieving consensus.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair effectively manages dissent and works constructively towards arriving at decisions and achieving consensus. 	5 71.4%	2 28.6%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 7</i>

2015 Discipline Committee

Members understand and act within the mandate of the committee.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Members understand and act within the mandate of the committee. 	4 80.0%	1 20.0%	0 0.0%	0 0.0%	0 0.0%	Total: 5

Members are aware of what is expected of them.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Members are aware of what is expected of them. 	4 80.0%	1 20.0%	0 0.0%	0 0.0%	0 0.0%	Total: 5

Meeting agendas and supporting materials are received in sufficient time to allow for adequate preparation.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Meeting agendas and supporting materials are received in sufficient time to allow for adequate preparation. 	4 80.0%	1 20.0%	0 0.0%	0 0.0%	0 0.0%	Total: 5

Pre-meeting materials provide appropriate context and background information to support informed discussion and decision-making.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Pre-meeting materials provide appropriate context and background information to support informed discussion and decision-making. 	5 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	Total: 5

The right things are placed on the agenda.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The right things are placed on the agenda. 	4 80.0%	1 20.0%	0 0.0%	0 0.0%	0 0.0%	Total: 5

Everyone comes to meetings prepared.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Everyone comes to meetings prepared. 	3 60.0%	2 40.0%	0 0.0%	0 0.0%	0 0.0%	Total: 5

Presentations are generally of the appropriate length and content.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Presentations are generally of the appropriate length and content. 	4 80.0%	1 20.0%	0 0.0%	0 0.0%	0 0.0%	Total: 5

Meetings allow for candid, constructive discussion and critical questioning.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Meetings allow for candid, constructive discussion and critical questioning. 	5 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	Total: 5

Discussion is open, meaningful and respectful.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Discussion is open, meaningful and respectful. 	5 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	Total: 5

The Chair ensures that all agenda items are covered during the meetings.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair ensures that all agenda items are covered during the meetings. 	4 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	Total: 4

The Chair ensures that meeting time is used effectively and efficiently.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair ensures that meeting time is used effectively and efficiently. 	4 80.0%	1 20.0%	0 0.0%	0 0.0%	0 0.0%	Total: 5

The Chair effectively manages dissent and works constructively towards arriving at decisions and achieving consensus.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair effectively manages dissent and works constructively towards arriving at decisions and achieving consensus. 	3 75.0%	1 25.0%	0 0.0%	0 0.0%	0 0.0%	Total: 4

2015 Equity and Diversity Advisory Committee

Members understand and act within the mandate of the committee.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Members understand and act within the mandate of the committee. 	3 75.0%	1 25.0%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 4</i>

Members are aware of what is expected of them.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Members are aware of what is expected of them. 	2 50.0%	2 50.0%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 4</i>

Meeting agendas and supporting materials are received in sufficient time to allow for adequate preparation.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Meeting agendas and supporting materials are received in sufficient time to allow for adequate preparation. 	4 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 4</i>

Pre-meeting materials provide appropriate context and background information to support informed discussion and decision-making.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Pre-meeting materials provide appropriate context and background information to support informed discussion and decision-making. 	3 75.0%	1 25.0%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 4</i>

The right things are placed on the agenda.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The right things are placed on the agenda. 	3 75.0%	0 0.0%	1 25.0%	0 0.0%	0 0.0%	Total: 4

Everyone comes to meetings prepared.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Everyone comes to meetings prepared. 	1 25.0%	1 25.0%	1 25.0%	1 25.0%	0 0.0%	Total: 4

Presentations are generally of the appropriate length and content.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Presentations are generally of the appropriate length and content. 	3 75.0%	0 0.0%	1 25.0%	0 0.0%	0 0.0%	Total: 4

Meetings allow for candid, constructive discussion and critical questioning.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Meetings allow for candid, constructive discussion and critical questioning. 	3 75.0%	1 25.0%	0 0.0%	0 0.0%	0 0.0%	Total: 4

Discussion is open, meaningful and respectful.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Discussion is open, meaningful and respectful. 	4 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	Total: 4

The Chair ensures that all agenda items are covered during the meetings.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair ensures that all agenda items are covered during the meetings. 	2 66.7%	1 33.3%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 3</i>

The Chair ensures that meeting time is used effectively and efficiently.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair ensures that meeting time is used effectively and efficiently. 	4 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 4</i>

The Chair effectively manages dissent and works constructively towards arriving at decisions and achieving consensus.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair effectively manages dissent and works constructively towards arriving at decisions and achieving consensus. 	3 75.0%	1 25.0%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 4</i>

2015 Ethics Committee

Members understand and act within the mandate of the committee.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Members understand and act within the mandate of the committee. 	1 20.0%	4 80.0%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 5</i>

Members are aware of what is expected of them.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Members are aware of what is expected of them. 	1 20.0%	4 80.0%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 5</i>

Meeting agendas and supporting materials are received in sufficient time to allow for adequate preparation.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Meeting agendas and supporting materials are received in sufficient time to allow for adequate preparation. 	2 40.0%	2 40.0%	0 0.0%	1 20.0%	0 0.0%	<i>Total: 5</i>

Pre-meeting materials provide appropriate context and background information to support informed discussion and decision-making.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Pre-meeting materials provide appropriate context and background information to support informed discussion and decision-making. 	2 40.0%	2 40.0%	0 0.0%	1 20.0%	0 0.0%	<i>Total: 5</i>

The right things are placed on the agenda.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The right things are placed on the agenda. 	2 40.0%	3 60.0%	0 0.0%	0 0.0%	0 0.0%	Total: 5

Everyone comes to meetings prepared.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Everyone comes to meetings prepared. 	1 20.0%	2 40.0%	2 40.0%	0 0.0%	0 0.0%	Total: 5

Presentations are generally of the appropriate length and content.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Presentations are generally of the appropriate length and content. 	1 20.0%	4 80.0%	0 0.0%	0 0.0%	0 0.0%	Total: 5

Meetings allow for candid, constructive discussion and critical questioning.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Meetings allow for candid, constructive discussion and critical questioning. 	3 60.0%	2 40.0%	0 0.0%	0 0.0%	0 0.0%	Total: 5

Discussion is open, meaningful and respectful.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Discussion is open, meaningful and respectful. 	2 40.0%	3 60.0%	0 0.0%	0 0.0%	0 0.0%	Total: 5

The Chair ensures that all agenda items are covered during the meetings.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair ensures that all agenda items are covered during the meetings. 	2 40.0%	3 60.0%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 5</i>

The Chair ensures that meeting time is used effectively and efficiently.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair ensures that meeting time is used effectively and efficiently. 	3 60.0%	2 40.0%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 5</i>

The Chair effectively manages dissent and works constructively towards arriving at decisions and achieving consensus.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair effectively manages dissent and works constructively towards arriving at decisions and achieving consensus. 	3 60.0%	2 40.0%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 5</i>

2015 Executive Committee

Members understand and act within the mandate of the committee.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Members understand and act within the mandate of the committee. 	3 60.0%	2 40.0%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 5</i>

Members are aware of what is expected of them.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Members are aware of what is expected of them. 	3 60.0%	2 40.0%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 5</i>

Meeting agendas and supporting materials are received in sufficient time to allow for adequate preparation.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Meeting agendas and supporting materials are received in sufficient time to allow for adequate preparation. 	2 50.0%	2 50.0%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 4</i>

Pre-meeting materials provide appropriate context and background information to support informed discussion and decision-making.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Pre-meeting materials provide appropriate context and background information to support informed discussion and decision-making. 	2 40.0%	3 60.0%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 5</i>

The right things are placed on the agenda.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The right things are placed on the agenda. 	1 20.0%	3 60.0%	1 20.0%	0 0.0%	0 0.0%	Total: 5

Everyone comes to meetings prepared.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Everyone comes to meetings prepared. 	3 60.0%	1 20.0%	1 20.0%	0 0.0%	0 0.0%	Total: 5

Presentations are generally of the appropriate length and content.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Presentations are generally of the appropriate length and content. 	2 40.0%	2 40.0%	0 0.0%	1 20.0%	0 0.0%	Total: 5

Meetings allow for candid, constructive discussion and critical questioning.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Meetings allow for candid, constructive discussion and critical questioning. 	2 40.0%	2 40.0%	1 20.0%	0 0.0%	0 0.0%	Total: 5

Discussion is open, meaningful and respectful.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Discussion is open, meaningful and respectful. 	3 60.0%	1 20.0%	1 20.0%	0 0.0%	0 0.0%	Total: 5

The Chair ensures that all agenda items are covered during the meetings.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair ensures that all agenda items are covered during the meetings. 	2 40.0%	3 60.0%	0 0.0%	0 0.0%	0 0.0%	Total: 5

The Chair ensures that meeting time is used effectively and efficiently.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair ensures that meeting time is used effectively and efficiently. 	1 20.0%	3 60.0%	1 20.0%	0 0.0%	0 0.0%	Total: 5

The Chair effectively manages dissent and works constructively towards arriving at decisions and achieving consensus.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair effectively manages dissent and works constructively towards arriving at decisions and achieving consensus. 	1 20.0%	4 80.0%	0 0.0%	0 0.0%	0 0.0%	Total: 5

2015 Finance and Audit Committee

Members understand and act within the mandate of the committee.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Members understand and act within the mandate of the committee. 	4 66.7%	2 33.3%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 6</i>

Members are aware of what is expected of them.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Members are aware of what is expected of them. 	3 50.0%	2 33.3%	1 16.7%	0 0.0%	0 0.0%	<i>Total: 6</i>

Meeting agendas and supporting materials are received in sufficient time to allow for adequate preparation.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Meeting agendas and supporting materials are received in sufficient time to allow for adequate preparation. 	3 50.0%	3 50.0%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 6</i>

Pre-meeting materials provide appropriate context and background information to support informed discussion and decision-making.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Pre-meeting materials provide appropriate context and background information to support informed discussion and decision-making. 	5 83.3%	1 16.7%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 6</i>

The right things are placed on the agenda.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The right things are placed on the agenda. 	5 83.3%	0 0.0%	1 16.7%	0 0.0%	0 0.0%	Total: 6

Everyone comes to meetings prepared.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Everyone comes to meetings prepared. 	4 66.7%	1 16.7%	1 16.7%	0 0.0%	0 0.0%	Total: 6

Presentations are generally of the appropriate length and content.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Presentations are generally of the appropriate length and content. 	4 66.7%	2 33.3%	0 0.0%	0 0.0%	0 0.0%	Total: 6

Meetings allow for candid, constructive discussion and critical questioning.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Meetings allow for candid, constructive discussion and critical questioning. 	4 66.7%	2 33.3%	0 0.0%	0 0.0%	0 0.0%	Total: 6

Discussion is open, meaningful and respectful.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Discussion is open, meaningful and respectful. 	4 66.7%	1 16.7%	1 16.7%	0 0.0%	0 0.0%	Total: 6

The Chair ensures that all agenda items are covered during the meetings.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair ensures that all agenda items are covered during the meetings. 	3 50.0%	3 50.0%	0 0.0%	0 0.0%	0 0.0%	Total: 6

The Chair ensures that meeting time is used effectively and efficiently.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair ensures that meeting time is used effectively and efficiently. 	4 80.0%	1 20.0%	0 0.0%	0 0.0%	0 0.0%	Total: 5

The Chair effectively manages dissent and works constructively towards arriving at decisions and achieving consensus.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair effectively manages dissent and works constructively towards arriving at decisions and achieving consensus. 	4 66.7%	2 33.3%	0 0.0%	0 0.0%	0 0.0%	Total: 6

2015 Governance Committee

Members understand and act within the mandate of the committee.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Members understand and act within the mandate of the committee. 	1 16.7%	5 83.3%	0 0.0%	0 0.0%	0 0.0%	Total: 6

Members are aware of what is expected of them.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Members are aware of what is expected of them. 	1 16.7%	5 83.3%	0 0.0%	0 0.0%	0 0.0%	Total: 6

Meeting agendas and supporting materials are received in sufficient time to allow for adequate preparation.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Meeting agendas and supporting materials are received in sufficient time to allow for adequate preparation. 	2 33.3%	3 50.0%	0 0.0%	1 16.7%	0 0.0%	Total: 6

Pre-meeting materials provide appropriate context and background information to support informed discussion and decision-making.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Pre-meeting materials provide appropriate context and background information to support informed discussion and decision-making. 	2 33.3%	2 33.3%	2 33.3%	0 0.0%	0 0.0%	Total: 6

The right things are placed on the agenda.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The right things are placed on the agenda. 	2 33.3%	3 50.0%	1 16.7%	0 0.0%	0 0.0%	Total: 6

Everyone comes to meetings prepared.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Everyone comes to meetings prepared. 	1 25.0%	3 75.0%	0 0.0%	0 0.0%	0 0.0%	Total: 4

Presentations are generally of the appropriate length and content.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Presentations are generally of the appropriate length and content. 	2 33.3%	4 66.7%	0 0.0%	0 0.0%	0 0.0%	Total: 6

Meetings allow for candid, constructive discussion and critical questioning.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Meetings allow for candid, constructive discussion and critical questioning. 	5 83.3%	0 0.0%	1 16.7%	0 0.0%	0 0.0%	Total: 6

Discussion is open, meaningful and respectful.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Discussion is open, meaningful and respectful. 	3 60.0%	0 0.0%	2 40.0%	0 0.0%	0 0.0%	Total: 5

The Chair ensures that all agenda items are covered during the meetings.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair ensures that all agenda items are covered during the meetings. 	3 60.0%	1 20.0%	1 20.0%	0 0.0%	0 0.0%	Total: 5

The Chair ensures that meeting time is used effectively and efficiently.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair ensures that meeting time is used effectively and efficiently. 	2 40.0%	1 20.0%	2 40.0%	0 0.0%	0 0.0%	Total: 5

The Chair effectively manages dissent and works constructively towards arriving at decisions and achieving consensus.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair effectively manages dissent and works constructively towards arriving at decisions and achieving consensus. 	2 33.3%	2 33.3%	2 33.3%	0 0.0%	0 0.0%	Total: 6

2015 Law Firm Regulation Task Force

Members understand and act within the mandate of the task force.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Members understand and act within the mandate of the task force. 	2 50.0%	2 50.0%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 4</i>

Members are aware of what is expected of them.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Members are aware of what is expected of them. 	1 25.0%	2 50.0%	1 25.0%	0 0.0%	0 0.0%	<i>Total: 4</i>

Meeting agendas and supporting materials are received in sufficient time to allow for adequate preparation.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Meeting agendas and supporting materials are received in sufficient time to allow for adequate preparation. 	2 50.0%	2 50.0%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 4</i>

Pre-meeting materials provide appropriate context and background information to support informed discussion and decision-making.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Pre-meeting materials provide appropriate context and background information to support informed discussion and decision-making. 	3 75.0%	1 25.0%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 4</i>

The right things are placed on the agenda.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The right things are placed on the agenda. 	0 0.0%	3 100.0%	0 0.0%	0 0.0%	0 0.0%	Total: 3

Everyone comes to meetings prepared.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Everyone comes to meetings prepared. 	2 50.0%	2 50.0%	0 0.0%	0 0.0%	0 0.0%	Total: 4

Presentations are generally of the appropriate length and content.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Presentations are generally of the appropriate length and content. 	2 50.0%	1 25.0%	1 25.0%	0 0.0%	0 0.0%	Total: 4

Meetings allow for candid, constructive discussion and critical questioning.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Meetings allow for candid, constructive discussion and critical questioning. 	4 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	Total: 4

Discussion is open, meaningful and respectful.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Discussion is open, meaningful and respectful. 	3 75.0%	0 0.0%	1 25.0%	0 0.0%	0 0.0%	Total: 4

The Chair ensures that all agenda items are covered during the meetings.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair ensures that all agenda items are covered during the meetings. 	4 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	Total: 4

The Chair ensures that meeting time is used effectively and efficiently.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair ensures that meeting time is used effectively and efficiently. 	4 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	Total: 4

The Chair effectively manages dissent and works constructively towards arriving at decisions and achieving consensus.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair effectively manages dissent and works constructively towards arriving at decisions and achieving consensus. 	3 75.0%	0 0.0%	1 25.0%	0 0.0%	0 0.0%	Total: 4

2015 Lawyer Education Advisory Committee

Members understand and act within the mandate of the committee.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Members understand and act within the mandate of the committee. 	3 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	Total: 3

Members are aware of what is expected of them.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Members are aware of what is expected of them. 	3 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	Total: 3

Meeting agendas and supporting materials are received in sufficient time to allow for adequate preparation.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Meeting agendas and supporting materials are received in sufficient time to allow for adequate preparation. 	1 33.3%	1 33.3%	1 33.3%	0 0.0%	0 0.0%	Total: 3

Pre-meeting materials provide appropriate context and background information to support informed discussion and decision-making.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Pre-meeting materials provide appropriate context and background information to support informed discussion and decision-making. 	2 66.7%	1 33.3%	0 0.0%	0 0.0%	0 0.0%	Total: 3

The right things are placed on the agenda.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The right things are placed on the agenda. 	1 33.3%	2 66.7%	0 0.0%	0 0.0%	0 0.0%	Total: 3

Everyone comes to meetings prepared.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Everyone comes to meetings prepared. 	1 33.3%	2 66.7%	0 0.0%	0 0.0%	0 0.0%	Total: 3

Presentations are generally of the appropriate length and content.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Presentations are generally of the appropriate length and content. 	2 66.7%	0 0.0%	1 33.3%	0 0.0%	0 0.0%	Total: 3

Meetings allow for candid, constructive discussion and critical questioning.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Meetings allow for candid, constructive discussion and critical questioning. 	2 66.7%	0 0.0%	1 33.3%	0 0.0%	0 0.0%	Total: 3

Discussion is open, meaningful and respectful.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Discussion is open, meaningful and respectful. 	2 66.7%	1 33.3%	0 0.0%	0 0.0%	0 0.0%	Total: 3

The Chair ensures that all agenda items are covered during the meetings.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair ensures that all agenda items are covered during the meetings. 	2 66.7%	0 0.0%	1 33.3%	0 0.0%	0 0.0%	<i>Total: 3</i>

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Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
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The Chair effectively manages dissent and works constructively towards arriving at decisions and achieving consensus.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair effectively manages dissent and works constructively towards arriving at decisions and achieving consensus. 	2 66.7%	0 0.0%	1 33.3%	0 0.0%	0 0.0%	<i>Total: 3</i>

2015 Practice Standards Committee

Members understand and act within the mandate of the committee.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Members understand and act within the mandate of the committee. 	4 66.7%	2 33.3%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 6</i>

Members are aware of what is expected of them.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Members are aware of what is expected of them. 	4 66.7%	2 33.3%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 6</i>

Meeting agendas and supporting materials are received in sufficient time to allow for adequate preparation.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Meeting agendas and supporting materials are received in sufficient time to allow for adequate preparation. 	2 33.3%	4 66.7%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 6</i>

Pre-meeting materials provide appropriate context and background information to support informed discussion and decision-making.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Pre-meeting materials provide appropriate context and background information to support informed discussion and decision-making. 	3 50.0%	3 50.0%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 6</i>

The right things are placed on the agenda.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The right things are placed on the agenda. 	1 20.0%	2 40.0%	1 20.0%	1 20.0%	0 0.0%	Total: 5

Everyone comes to meetings prepared.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Everyone comes to meetings prepared. 	2 33.3%	3 50.0%	1 16.7%	0 0.0%	0 0.0%	Total: 6

Presentations are generally of the appropriate length and content.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Presentations are generally of the appropriate length and content. 	0 0.0%	5 83.3%	1 16.7%	0 0.0%	0 0.0%	Total: 6

Meetings allow for candid, constructive discussion and critical questioning.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
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Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The Chair effectively manages dissent and works constructively towards arriving at decisions and achieving consensus. 	2 33.3%	3 50.0%	0 0.0%	1 16.7%	0 0.0%	<i>Total: 6</i>

2015 Rule of Law Advisory Committee

Members understand and act within the mandate of the committee.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Members understand and act within the mandate of the committee. 	3 75.0%	1 25.0%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 4</i>

Members are aware of what is expected of them.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Members are aware of what is expected of them. 	3 75.0%	1 25.0%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 4</i>

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The right things are placed on the agenda.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
The right things are placed on the agenda. 	3 75.0%	1 25.0%	0 0.0%	0 0.0%	0 0.0%	Total: 4

Everyone comes to meetings prepared.

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The Chair effectively manages dissent and works constructively towards arriving at decisions and achieving consensus. 	4 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	Total: 4

2015 Unauthorized Practice Committee

Members understand and act within the mandate of the committee.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Members understand and act within the mandate of the committee. 	1 20.0%	4 80.0%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 5</i>

Members are aware of what is expected of them.

Variable	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	
Members are aware of what is expected of them. 	1 20.0%	3 60.0%	1 20.0%	0 0.0%	0 0.0%	<i>Total: 5</i>

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The Chair effectively manages dissent and works constructively towards arriving at decisions and achieving consensus. 	2 40.0%	3 60.0%	0 0.0%	0 0.0%	0 0.0%	<i>Total: 5</i>



Financial Report

December 31, 2015

Prepared for: Finance and Audit Committee Meeting - Feb 18th, 2016
Bencher Meeting - Mar 4th, 2016

Prepared by: Jeanette McPhee, CFO & Director Trust Regulation

Financial Report – To December 31, 2015

Attached are the draft 2015 financial results to budget for the year ended December 31, 2015. The final 2015 audited financial statements will be reviewed and recommended for approval at the February 18th Finance and Audit Committee meeting and approved by the Benchers at the March 4th Benchers meeting.

General Fund

General Fund (excluding capital and TAF)

The 2015 General Fund operations finished the year with a positive variance of \$640,000, including reserve funded items, due to revenue being over budget.

Revenue

Revenue was \$21,725,000, a positive budget variance of \$640,000 (3%) due to:

- Membership numbers were 68 above budget - practicing membership at 11,378 members, compared to a budget of 11,310 - budget overage of \$102,000
- Additional discipline related recoveries received - positive variance of \$180,000
- Electronic filing transactions increased 18% - revenue over budget \$163,000
- PLTC enrolment revenue – 490 students - positive variance of \$39,000
- Received Law Foundation grant related to the delivery of PLTC at TRU

Operating Expenses

Operating expenses (excluding planned Benchers approved use of reserve items of \$116,000) were \$20,969,000, a positive variance of \$116,000 (1%).

There were operating expense savings relating to:

- Planned reduction in operating expenses to offset additional external counsel fees incurred - \$190,000
- External forensic accounting fees below budget due to the number and timing of files - \$180,000
- Building occupancy costs lower due to reduced property taxes and property management fees - \$85,000
- Reduction in PLTC room rental costs and printing costs - \$70,000
- Other miscellaneous savings in various areas - \$147,000

Offsetting these savings were additional costs relating to:

- External counsel fees \$556,000 higher than budget due to an increase in the complexity of files for the investigations, discipline, legal defence and credentials areas, along with an increase in the number of reviews and hearing days.

The Benchers approved use of reserve items totaled \$116,000, as follows:

- 2015 CBA REAL funding - \$45,000
- Articling student program - \$30,000
- Practice Standards program review/on-line courses update - \$41,000

Net Assets

The General Fund net asset balance (before capital allocation and TAF) is \$10.3 million, which is mainly invested in capital assets, including the 845 Cambie Street building.

The net assets also includes \$2.0 million in capital funding for planned capital projects related to the 845 Cambie building and workspace improvements for Law Society operations.

TAF-related Revenue and Expenses

TAF results were over budget, with a positive budget variance of \$878,000 for the year. TAF revenue was \$4,049,000, \$801,000 over budget, with an increase in the number of TAF transactions. In 2015, BC real estate unit sales increased 22% from 2014.

In addition, there were operating expense savings of \$77,000 in 2015, primarily related to travel costs.

The TAF net assets balance has increased to \$2,650,000 at the end of 2015, which is at the recommended reserve level for the TAF program. The TAF fee level will be reviewed during the 2017 fee setting process later this year.

Special Compensation Fund

The Special Compensation Fund net assets are \$1.35 million at December 31, 2015. After any remaining recoveries are concluded, the Special Compensation Fund reserve will be transferred to the Lawyers Insurance Fund as required by the Legal Profession Amendment Act, 2012.

Lawyers Insurance Fund (LIF)

LIF assessment revenues were \$14.5 million, \$198,000 (1.4%) over budget. Operating expenses (excluding the claims provision) were \$6.3 million, \$647,000 (9.3%) below budget. The expense savings are a result of staff vacancies, as well as lower travel, insurance and professional fees.

The provision for claims liability is \$58.2 million at year end, an increase of \$6.9 million from 2014. The increase in the provision is mainly due to an increase in the frequency of claims, along with a reduction in payments, due to timing.

The LIF investment portfolio earned a return of 6.0%, compared to a benchmark of 5.3%. Also, LIF's investment in the 750 Cambie building was sold, which resulted in a book gain of \$10.7 million. The sale proceeds were reinvested into real estate and mortgage funds through the LIF long term investment portfolio. At the end of 2015, the market value of the LIF long term investment portfolio was \$147.6 million.

The LIF net assets are \$75.9 million at December 31, 2015, which includes \$17.5 million internally restricted for Part B claims, leaving \$58.4 million in unrestricted net assets.

Summary of Financial Highlights - December 2015
(\$000's)

2015 General Fund Results - YTD December 2015 (Excluding Capital Allocation & Depreciation)

	Actual*	Budget	\$ Var	% Var
Revenue (excluding Capital)				
Membership fees	16,809	16,683	126	1%
PLTC and enrolment fees	1,288	1,249	39	3%
Electronic filing revenue	857	694	163	23%
Interest income	378	322	56	17%
Credentials & membership services	559	512	47	9%
Fines, penalties & recoveries	558	397	161	41%
Other revenue	150	87	63	72%
Building revenue & tenant cost recoveries	1,126	1,141	(15)	-1%
	21,725	21,085	640	3%
Expenses (excl. dep'n)	20,969	21,085	116	1%
Results before spending on reserve items	756	-	756	
Approved spending from Reserves	116	-	116	
	640	-	640	

* Note: Actuals include \$116,000 in costs related to Benchers approved items to be funded from the reserve

2015 General Fund Year End Forecast (Excluding Capital Allocation & Depreciation)

	Avg # of Members	
Practice Fee Revenue		
2011 Actual	10,564	
2012 Actual	10,746	
2013 Actual	10,985	
2014 Actual	11,114	
2015 Budget	11,310	
2015 Actual	11,378	
		Actual Variance
Revenue		
Membership revenue - 68 members above budget		126
Recoveries		180
Electronic filing		163
Interest Income		56
PLTC fees & PLTC program cost recoveries		99
Miscellaneous		16
		640
Expenses		
External Counsel Fees - Regulation, legal defence & credentials		(556)
Forensic Accounting Fees - fewer files		180
PLTC room rental & printing		70
Travel, meetings, events & PD		190
Building cost savings		85
Miscellaneous savings - various areas		147
		116
2015 General Fund Variance (excl. reserve funded items)		756

Reserve funded amounts (Benchers approved):

	Approved	Spent
2015 - CBA REAL contribution (\$50K approved - \$45K spent - \$5K remaining)	50	45
2015 - Year 2 - Articling student (\$58K approved - \$30K spent - \$28K remaining)	58	30
2015 - Practice standards program review (\$65K approved - \$36K spent - \$29K remaining - won't be spent)	65	36
2014 - Update to on-line courses (\$80K approved - \$55K spent - \$25K remaining - won't be spent)	30	5
2014 - Knowledge Management program costs - (\$235K approved - \$nil spent - \$235K remaining)	235	-
	438	116

Trust Assurance Program Actual

	2015 Actual	2015 Budget	Variance	% Var
TAF Revenue	4,049	3,248	801	24.7%
Trust Assurance Department	2,436	2,513	77	3.1%
Net Trust Assurance Program	1,613	735	878	

2015 Lawyers Insurance Fund Long Term Investments - YTD December 2015 Before investment management fees

Performance	6.0%
Benchmark Performance	5.3%

The Law Society of British Columbia
General Fund
Results for the 12 Months ended December 31, 2015
(\$000's)

	2015 Actual	2015 Budget	\$ Variance	% Variance
Revenue				
Membership fees (1)	18,810	18,674		
PLTC and enrolment fees	1,288	1,249		
Electronic filing revenue	857	694		
Interest income	378	322		
Credentials & membership services	559	512		
Fines, penalties & recoveries	558	397		
Other revenue	150	87		
Building revenue & tenant cost recoveries	1,126	1,141		
Total Revenues	23,726	23,076	650	2.8%
Expenses				
Bencher governance	734	766		
Regulation	7,481	7,568		
Education and practice	3,611	3,524		
Corporate services	2,957	3,043		
Communications, IS and executive support	2,130	2,099		
Policy and legal services	2,443	2,273		
Occupancy costs	2,303	2,391		
Depreciation	355	318		
Total Expenses	22,014	21,982	(32)	-0.1%
General Fund Results before TAP	1,712	1,094	618	
Trust Administration Program (TAP)				
TAF revenues	4,049	3,248	801	
TAP expenses	2,436	2,513	77	
TAP Results	1,613	735	878	
General Fund Results including TAP	3,325	1,829	1,496	

(1) Membership fees include capital allocation of \$2.0m (Capital allocation budget = \$1.99m)

The Law Society of British Columbia
General Fund - Balance Sheet
As at December 31, 2015
(\$000's)

	Dec 31 2015	Dec 31 2014
Assets		
Current assets		
Cash and cash equivalents	82	111
Unclaimed trust funds	1,709	1,781
Accounts receivable and prepaid expenses	1,711	1,494
B.C. Courthouse Library Fund	676	569
Due from Lawyers Insurance Fund	28,065	24,127
	<u>32,243</u>	<u>28,080</u>
Property, plant and equipment		
Cambie Street property	12,810	12,691
Other - net	1,221	1,331
	<u>46,273</u>	<u>42,103</u>
Liabilities		
Current liabilities		
Accounts payable and accrued liabilities	5,657	5,670
Liability for unclaimed trust funds	1,709	1,781
Current portion of building loan payable	500	500
Deferred revenue	20,142	18,807
Deferred capital contributions	23	34
B.C. Courthouse Library Grant	676	569
Deposits	27	28
	<u>28,734</u>	<u>27,388</u>
Building loan payable	<u>2,600</u>	<u>3,100</u>
	<u>31,334</u>	<u>30,488</u>
Net assets		
Capital Allocation	2,011	1,841
Unrestricted Net Assets	12,928	9,774
	<u>14,939</u>	<u>11,614</u>
	<u>46,273</u>	<u>42,103</u>

The Law Society of British Columbia
General Fund - Statement of Changes in Net Assets
Results for the 12 Months ended December 31, 2015
(\$000's)

	<i>Invested in Capital</i> \$	<i>Working Capital</i> \$	Unrestricted Net Assets \$	Trust Assurance \$	Capital Allocation \$	2015 Total \$	2014 Total \$
Net assets - At Beginning of Year	10,422	(1,687)	8,735	1,037	1,841	11,614	9,908
Net (deficiency) excess of revenue over expense for the period	(1,323)	1,034	(289)	1,612	2,002	3,325	1,706
Repayment of building loan	500	-	500	-	(500)	-	-
Purchase of capital assets:						-	-
LSBC Operations	331	-	331	-	(331)	-	-
845 Cambie	1,001	-	1,001	-	(1,001)	-	-
Net assets - At End of Period	10,931	(653)	10,278	2,649	2,011	14,939	11,614

The Law Society of British Columbia
Special Compensation Fund
Results for the 12 Months ended December 31, 2015
(\$000's)

	2015 Actual	2015 Budget	\$ Variance
Revenue			
Annual assessment	-	-	
Recoveries	-	-	
Interest income	-	-	
Other income	-	-	
Total Revenues	-	-	-
Expenses			
Claims and costs, net of recoveries	10	-	
Administrative and general costs	0	-	
Loan interest expense	(28)	-	
Total Expenses	(17)	-	(17)
Special Compensation Fund Results	17	-	17

The Law Society of British Columbia
Special Compensation Fund - Balance Sheet
As at December 31, 2015
(\$000's)

	Dec 31 2015	Dec 31 2014
Assets		
Current assets		
Cash and cash equivalents	1	1
Accounts receivable		
Due from General Fund		
Due from Lawyers Insurance Fund	1,352	1,335
	<u>1,352</u>	<u>1,335</u>
	<u>1,352</u>	<u>1,335</u>
Liabilities		
Current liabilities		
Accounts payable and accrued liabilities		
Deferred revenue		
	<u> </u>	<u> </u>
	<u> </u>	<u> </u>
Net assets		
Unrestricted net assets	1,352	1,335
	<u>1,352</u>	<u>1,335</u>
	<u>1,352</u>	<u>1,335</u>

The Law Society of British Columbia
Special Compensation Fund - Statement of Changes in Net Assets
Results for the 12 Months ended December 31, 2015
 (\$000's)

	Actual \$	Budget \$
Unrestricted Net assets - At Beginning of Year	1,335	1,287
Net excess of revenue over expense for the period	<u>17</u>	<u>48</u>
Unrestricted Net assets - At End of Period	<u><u>1,352</u></u>	<u><u>1,335</u></u>

The Law Society of British Columbia
Lawyers Insurance Fund
Results for the 12 Months ended December 31, 2015
(\$000's)

	2015 Actual	2015 Budget	\$ Variance	% Variance
Revenue				
Annual assessment	14,453	14,255		
Investment income*	18,458	7,228		
Other income	70	70		
Total Revenues	32,981	21,553	11,428	53.0%
Expenses				
Insurance Expense				
Provision for settlement of claims	15,914	14,703		
Provision for ULAE	689	-		
Salaries and benefits	2,455	2,955		
Contribution to program and administrative costs of General Fund	1,350	1,398		
Insurance	393	431		
Office	348	429		
Actuaries, consultants and investment brokers' fees	568	528		
Allocated office rent	246	246		
Premium taxes	9	8		
Income taxes	6	6		
	21,978	20,704		
Loss Prevention Expense				
Contribution to co-sponsored program costs of General Fund	925	946		
Total Expenses	22,903	21,650	(1,253)	-5.8%
Lawyers Insurance Fund Results	10,078	(97)	10,175	

*Investment income includes the book gain on the sale of the 750 Cambie Street building of \$10.7M

***The Law Society of British Columbia
Lawyers Insurance Fund - Balance Sheet
As at December 31, 2015
(\$000's)***

	Dec 31 2015	Dec 31 2014
Assets		
Cash and cash equivalents	28,216	26,984
Accounts receivable and prepaid expenses	169	745
Prepaid Taxes	4,131	1,087
Due from members	159	107
General Fund building loan	3,100	3,600
Investments	144,174	126,301
	<u>179,949</u>	<u>158,824</u>
Liabilities		
Accounts payable and accrued liabilities	1,154	1,755
Deferred revenue	7,331	7,198
Due to General Fund	28,065	24,127
Due to Special Compensation Fund	1,352	1,335
Provision for claims	58,240	51,368
Provision for ULAE	7,920	7,231
	<u>104,060</u>	<u>93,013</u>
Net assets		
Unrestricted net assets	17,500	17,500
Internally restricted net assets	58,389	48,311
	<u>75,889</u>	<u>65,811</u>
	<u>179,949</u>	<u>158,824</u>

The Law Society of British Columbia
Lawyers Insurance Fund - Statement of Changes in Net Assets
Results for the 12 Months ended December 31, 2015
(\$000's)

	Unrestricted \$	Internally Restricted \$	2015 Total \$	2014 Total \$
Net assets - At Beginning of Year	48,311	17,500	65,811	59,429
Net excess of revenue over expense for the period	10,078	-	10,078	6,382
Net assets - At End of Period	58,389	17,500	75,889	65,811



To Benchers
From Finance and Audit Committee
Date February 24, 2016
Subject **Benchers Approval of the 2015 Audited Financial Statements**

The annual audited financial statements are to be reviewed and recommended for approval by the Finance and Audit committee, and approved by the Benchers.

Attached are the 2015 audited financial statements for the General and Special Compensation Fund, and the consolidated Lawyers Insurance Fund. These statements were reviewed by the Finance and Audit Committee at the February 18, 2016 meeting.

The Finance and Audit Committee recommends the following resolution for approval by the Benchers:

BE IT RESOLVED to approve the Law Society's 2015 Combined Financial Statements for the General & Special Compensation Fund, and the 2015 Consolidated Financial Statements for the Lawyers Insurance Fund.

The Law Society of British Columbia - General and Special Compensation Funds

Combined Financial Statements
December 31, 2015

DRAFT

**FOR DISCUSSION WITH MANAGEMENT ONLY – SUBJECT TO AMENDMENT
NOT TO BE FURTHER COMMUNICATED**

_____, 2016

Independent Auditor's Report

**To the Members of
The Law Society of British Columbia**

Insert text here.

Chartered Professional Accountants

The Law Society of British Columbia - General and Special Compensation Funds

Combined Statement of Financial Position

As at December 31, 2015

	2015		2014
	General Fund \$	Special Compensation Fund \$	Total \$
Assets			
Current assets			
Cash (note 2)	82,354	500	82,854
Unclaimed trust funds (note 2)	1,708,661	-	1,708,661
Accounts receivable and prepaid expenses (note 3)	1,710,747	-	1,710,747
Courthouse Libraries BC Fund (note 2)	676,415	-	676,415
Due from Lawyers Insurance Fund (note 8)	28,064,711	1,351,787	29,416,498
	32,242,888	1,352,287	35,595,175
Non-current assets			
Cambie Street property - net (note 4(a))	12,809,633	-	12,809,633
Other property and equipment - net (note 4(b))	815,034	-	815,034
Intangible assets - net (note 4(c))	405,745	-	405,745
	46,273,300	1,352,287	47,625,587
Liabilities			
Current liabilities			
Accounts payable and accrued liabilities (notes 2 and 5)	5,626,115	-	5,626,115
Liability for unclaimed trust funds (note 2)	1,708,661	-	1,708,661
Current portion of building loan payable (note 7)	500,000	-	500,000
Deferred revenue (note 2)	20,141,888	-	20,141,888
Deferred capital contributions	23,421	-	23,421
Courthouse Libraries BC Fund (note 2)	676,415	-	676,415
Deposits	57,605	-	57,605
	28,734,105	-	28,734,105
Building loan payable (notes 7 and 8)	2,600,000	-	2,600,000
	31,334,105	-	31,334,105
Net assets			
Unrestricted (note 6)	14,939,195	1,352,287	16,291,482
	46,273,300	1,352,287	47,625,587
Commitments (note 13)			

Approved by

____ President _____ Chair of Finance and Audit Committee

The accompanying notes are an integral part of these combined financial statements.

**FOR DISCUSSION WITH MANAGEMENT ONLY – SUBJECT TO AMENDMENT
NOT TO BE FURTHER COMMUNICATED**

The Law Society of British Columbia - General and Special Compensation Funds

Combined Statement of Changes in Net Assets

For the year ended December 31, 2015

	2015		2014	
	General Fund - Unrestricted \$	Special Compensation Fund - Unrestricted \$	Total \$	Total \$
Net assets - Beginning of year	11,614,308	1,335,051	12,949,359	11,195,529
Net excess of revenue over expenses for the year	3,324,887	17,236	3,342,123	1,753,830
Net assets - End of year (note 6)	14,939,195	1,352,287	16,291,482	12,949,359

The accompanying notes are an integral part of these combined financial statements.

**FOR DISCUSSION WITH MANAGEMENT ONLY – SUBJECT TO AMENDMENT
NOT TO BE FURTHER COMMUNICATED**

The Law Society of British Columbia - General and Special Compensation Funds

Combined Statement of Revenue and Expenses

For the year ended December 31, 2015

	2015		2014
	General Fund \$	Special Compensation Fund \$	Total \$
Revenue			
Practice fees	18,810,372	-	18,810,372
Trust administration fees	4,048,565	-	4,048,565
Enrolment fees	1,278,150	-	1,278,150
Interest and other income (note 8)	747,046	-	747,046
E-filing revenue	857,162	-	857,162
Fines, penalties and recoveries	422,529	-	422,529
Application fees	484,065	-	484,065
Rental revenue	874,171	-	874,171
	27,522,060	-	27,522,060
			26,035,987
Expenses			
Benchers Governance			
Bencher, AGM and other committees	992,531	-	992,531
Communication, Executive Support and Information Services			
Communications and Executive Support	1,186,460	-	1,186,460
Information services	1,331,343	-	1,331,343
Education and Practice			
Credentials	776,473	-	776,473
Ethics	8,457	-	8,457
Member services	736,228	-	736,228
Membership assistance programs	226,668	-	226,668
Practice advice	700,851	-	700,851
Practice standards	586,450	-	586,450
Professional Legal Training Course and Education	1,637,013	-	1,637,013
General and Administrative			
Finance	1,033,784	-	1,033,784
Amortization of other property and equipment	441,216	-	441,216
General administration	1,295,515	-	1,295,515
Human resources	880,718	-	880,718
Records management and library	277,821	-	277,821
Policy and Legal Services			
Policy and tribunal counsel	1,734,553	-	1,734,553
External litigation and interventions	581,049	-	581,049
Unauthorized practice	299,667	-	299,667
Regulation			
Custodianship costs	1,388,499	-	1,388,499
Discipline	1,357,355	-	1,357,355
Professional conduct - intake and investigations	4,232,764	-	4,232,764
Forensic accounting	501,956	-	501,956
Trust assurance	2,078,965	-	2,078,965
Occupancy costs, net of tenant recoveries	2,183,746	-	2,183,746
			2,201,609
Carried forward	26,470,082	-	26,470,082
			26,456,553

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The accompanying notes are an integral part of these combined financial statements.

FOR DISCUSSION WITH MANAGEMENT ONLY – SUBJECT TO AMENDMENT

NOT TO BE FURTHER COMMUNICATED

The Law Society of British Columbia - General and Special Compensation Funds

Combined Statement of Revenue and Expenses ...continued

For the year ended December 31, 2015

	2015		2014	
	General Fund \$	Special Compensation Fund \$	Total \$	Total \$
Brought forward	26,470,082	-	26,470,082	26,456,553
Special Compensation Fund				
Recoveries	-	-	-	(22,131)
General and administrative costs	-	10,628	10,628	6,412
Loan interest income from Lawyers Insurance Fund (note 8)	-	(27,864)	(27,864)	(32,090)
	26,470,082	(17,236)	26,452,846	26,408,744
Costs recovered from Special Compensation and Lawyers Insurance Funds				
Co-sponsored program costs	(925,039)	-	(925,039)	(828,975)
Program and administrative costs	(1,347,870)	-	(1,347,870)	(1,297,612)
	(2,272,909)	-	(2,272,909)	(2,126,587)
	24,197,173	(17,236)	24,179,937	24,282,157
Net excess of revenue over expenses for the year	3,324,887	17,236	3,342,123	1,753,830

The accompanying notes are an integral part of these combined financial statements.

**FOR DISCUSSION WITH MANAGEMENT ONLY – SUBJECT TO AMENDMENT
NOT TO BE FURTHER COMMUNICATED**

The Law Society of British Columbia - General and Special Compensation Funds

Combined Statement of Cash Flows

For the year ended December 31, 2015

	2015	2014		
	General Fund \$	Special Compensation Fund \$	Total \$	Total \$
Cash flows from operating activities				
Net excess of revenue over expenses for the year	3,324,887	17,236	3,342,123	1,753,830
Items not affecting cash				
Amortization of Cambie Street building and tenant improvements	882,500	-	882,500	776,062
Amortization of other property and equipment	259,515	-	259,515	271,512
Amortization of intangible assets	181,701	-	181,701	184,692
Amortization of deferred capital contributions	(10,970)	-	(10,970)	(12,604)
Loss on disposal of other property and equipment	26	-	26	1,259
	4,637,659	17,236	4,654,895	2,974,751
(Increase) decrease in current assets				
Unclaimed trust funds	72,206	-	72,206	27,189
Accounts receivable and prepaid expenses	(217,018)	-	(217,017)	(388,449)
Courthouse Libraries BC Fund	(107,848)	-	(107,848)	(63,704)
Increase (decrease) in current liabilities				
Accounts payable and accrued liabilities	(12,436)	-	(12,436)	49,282
Liability for unclaimed trust funds	(72,206)	-	(72,206)	(27,189)
Deferred revenue	1,335,017	-	1,335,016	826,937
Courthouse Libraries BC Fund	107,848	-	107,848	63,704
Deposits	(1,600)	-	(1,600)	26,997
	5,741,622	17,236	5,758,858	3,489,518
Cash flows from financing activities				
Decrease in building loan payable	(500,000)	-	(500,000)	(500,000)
Cash flows from investing activities				
Purchase of property and equipment	(1,282,819)	-	(1,282,819)	(918,597)
Purchase of intangible assets	(48,999)	-	(48,999)	(178,215)
	(1,331,818)	-	(1,331,818)	(1,096,812)
Interfund transfers	(3,938,101)	(17,236)	(3,955,337)	(1,960,845)
Decrease in cash	(28,297)	-	(28,297)	(68,139)
Cash - Beginning of year	110,651	500	111,151	179,290
Cash - End of year	82,354	500	82,854	111,151
Supplementary cash flow information				
Interest paid	64,900	-	64,900	88,086
Interest income received	377,798	32,090	409,888	364,895

The accompanying notes are an integral part of these combined financial statements.

**FOR DISCUSSION WITH MANAGEMENT ONLY – SUBJECT TO AMENDMENT
NOT TO BE FURTHER COMMUNICATED**

The Law Society of British Columbia - General and Special Compensation Funds

Notes to Combined Financial Statements

December 31, 2015

1 Nature of operations

The Law Society of British Columbia (the Society) regulates the legal profession in British Columbia, protecting public interest in the administration of justice by setting and enforcing standards of professional conduct for lawyers.

The General Fund comprises the assets, liabilities, net assets, revenue and expenses of the operations of the Society other than those designated to the statutory Special Compensation Fund and the Lawyers Insurance Fund (including its wholly owned subsidiary, LSBC Captive Insurance Company Ltd.).

The Special Compensation Fund is maintained by the Society pursuant to Section 31 of the Legal Profession Act (LPA). The Special Compensation Fund claims are recorded net of recoveries from the Special Compensation Fund's insurers when they have been approved for payment by the Special Compensation Fund Committee as delegated by the Benchers and the settlement has been accepted by the claimant. The LPA provides that the assets of the Special Compensation Fund are not subject to process of seizure or attachment by creditors of the Society.

Effective January 1, 2013, the Legal Profession Amendment Act, 2012 repealed Section 31 of the LPA. The legislation was changed pursuant to Section 50 of the Legal Profession Amendment Act, 2012 (SBC 2012, C16), to initiate the transfer of unused reserves that remain within the Special Compensation Fund, after all recoveries are received and expenses and claims are paid, to be used in the Lawyers Insurance Fund. Additionally, Section 23 of the LPA was amended to remove the requirement that practising lawyers pay the Special Compensation Fund assessment. Accordingly, for 2015, the per member Special Compensation Fund assessment remained at \$nil (2014 - \$nil).

Effective May 1, 2004, Part B to the B.C. Lawyers' Compulsory Professional Liability Insurance Policy provides defined insurance coverage for dishonest appropriation of money or other property entrusted to and received by insured lawyers in their capacity as barrister and solicitor and in relation to the provision of professional services. Part B (Trust Protection Coverage) is recorded in the Lawyers Insurance Fund.

The Society is a not-for-profit organization and the Funds are considered to be non-assessable under current income tax legislation.

Separate consolidated financial statements have been prepared for the Lawyers Insurance Fund, including LSBC Captive Insurance Company Ltd.

**FOR DISCUSSION WITH MANAGEMENT ONLY – SUBJECT TO AMENDMENT
NOT TO BE FURTHER COMMUNICATED**

The Law Society of British Columbia - General and Special Compensation Funds

Notes to Combined Financial Statements

December 31, 2015

2 Significant accounting policies

These combined financial statements are prepared in accordance with Canadian accounting standards for not-for-profit organizations (ASNPO) as issued by the Canadian Accounting Standards Board.

Allocated administrative expenses

Administrative expenses are recovered by the General Fund from both the Lawyers Insurance and Special Compensation Funds. Recoveries are based on amounts derived either on percentage of use, the proportion of the Lawyers Insurance Fund's staff compared to the Society's total staff costs, or a set amount.

Courthouse Libraries BC Fund

The Society administers funds held on behalf of the Courthouse Libraries BC. Such funds are held in trust and the use of the funds is not recorded in the combined statement of revenue and expenses of the General Fund. The Society collects fees for the Courthouse Libraries BC through its fees per lawyer assessments.

Cash

Cash comprises cash on hand and held with a Canadian chartered bank.

Claims liabilities

In accordance with the absolute discretionary nature of the Special Compensation Fund arrangements, the claims become a liability only when approved by the Special Compensation Fund Committee and accepted by the claimant.

Deferred capital contributions

Contributions restricted for the purchase of capital assets are deferred and recognized as revenue on the same basis as the capital assets are amortized.

Fair value of financial instruments

The fair values of cash, accounts receivable and prepaid expenses and accounts payable and accrued liabilities correspond to their carrying values due to their short-term nature.

**FOR DISCUSSION WITH MANAGEMENT ONLY – SUBJECT TO AMENDMENT
NOT TO BE FURTHER COMMUNICATED**

The Law Society of British Columbia - General and Special Compensation Funds

Notes to Combined Financial Statements

December 31, 2015

Intangible assets

Intangible assets comprise computer software. Software is recorded at cost and amortized on a straight-line basis at 10% - 20% per annum.

Property and equipment

Property and equipment, including leasehold improvements, are recorded at cost less accumulated amortization.

The Society provides for amortization on a straight-line basis as follows:

Buildings	40 years from purchase date
Computer hardware	10% - 20% per annum
Furniture and fixtures	10% per annum
Leasehold improvements	10% per annum
Building improvements and equipment	10% per annum
Tenant improvements	over lease period

The Society recognizes a full year's amortization expense in the year of acquisition, with the exception of building improvements and equipment and leasehold improvements which are amortized from their date of completion.

Revenue recognition

The Society follows the deferral method of accounting for annual fees and assessments. Fees and assessments are billed and received in advance on a calendar-year basis. Accordingly, fees and assessments for the next fiscal year received prior to December 31 have been recorded as deferred revenue for financial reporting purposes and will be recognized as revenue in the next calendar year. Revenue will be recognized on a monthly basis as earned. Surplus funds are invested in the Lawyers Insurance Fund's investment portfolio.

All other revenues are recognized when earned if the amount to be received can be reasonably estimated and collection is reasonably assured.

Unclaimed trust funds

The General Fund recognizes unclaimed trust funds as an asset as well as a corresponding liability on the statement of financial position. If these funds are claimed, the owner of the trust fund balance is entitled to the principal balance plus interest at prime rate minus 2%. Due to the historically low collection rates on these balances, the General Fund does not accrue for any interest owing on the trust fund amounts held and recognizes income earned from the unclaimed trust fund investments in the combined statement of revenue and expenses. Unclaimed funds outstanding for more than five years are transferred to the Law Foundation of British Columbia.

**FOR DISCUSSION WITH MANAGEMENT ONLY – SUBJECT TO AMENDMENT
NOT TO BE FURTHER COMMUNICATED**

The Law Society of British Columbia - General and Special Compensation Funds

Notes to Combined Financial Statements

December 31, 2015

Use of estimates

The preparation of combined financial statements in accordance with ASNPO requires management to make estimates and assumptions that affect the reported amounts of certain assets and liabilities and disclosure of contingent assets and liabilities at the date of the combined financial statements and the reported amounts of certain revenues and expenses during the year. Actual results could differ from these estimates.

3 Accounts receivable and prepaid expenses

Accounts receivable are presented net of the allowance for doubtful accounts of \$827,024 (2014 - \$615,722).

4 Property, equipment and intangible assets

a) 845 Cambie Street property

	2015		
	Cost \$	Accumulated amortization \$	Net \$
Land	4,189,450	-	4,189,450
Buildings and equipment	14,702,890	7,511,650	7,191,240
Leasehold improvements	6,559,576	5,456,422	1,103,154
Tenant improvements	826,619	500,830	325,789
	<u>26,278,535</u>	<u>13,468,902</u>	<u>12,809,633</u>
	2014		
	Cost \$	Accumulated amortization \$	Net \$
Land	4,189,450	-	4,189,450
Buildings and equipment	14,124,190	6,952,946	7,171,244
Leasehold improvements	6,137,256	5,201,425	935,831
Tenant improvements	826,619	432,031	394,588
	<u>25,277,515</u>	<u>12,586,402</u>	<u>12,691,113</u>

**FOR DISCUSSION WITH MANAGEMENT ONLY – SUBJECT TO AMENDMENT
NOT TO BE FURTHER COMMUNICATED**

The Law Society of British Columbia - General and Special Compensation Funds

Notes to Combined Financial Statements

December 31, 2015

b) Other property and equipment

	2015		
	Cost \$	Accumulated amortization \$	Net \$
Furniture and fixtures	2,576,056	2,018,612	557,444
Computer hardware	1,210,609	956,775	253,834
Artwork and collectibles	49,160	45,405	3,755
Law libraries - at nominal value	1	-	1
	<u>3,835,826</u>	<u>3,020,792</u>	<u>815,034</u>
	2014		
	Cost \$	Accumulated amortization \$	Net \$
Furniture and fixtures	2,463,649	1,892,907	570,742
Computer hardware	1,058,420	840,141	218,279
Artwork and collectibles	49,159	45,405	3,754
Law libraries - at nominal value	1	-	1
	<u>3,571,229</u>	<u>2,778,453</u>	<u>792,776</u>

c) Intangible assets

	2015		
	Cost \$	Accumulated amortization \$	Net \$
Computer software	1,506,496	1,100,751	405,745
	2014		
	Cost \$	Accumulated amortization \$	Net \$
Computer software	1,457,497	919,050	538,447

In 2015, intangible assets, consisting entirely of computer software, with an aggregate amount of \$48,999 (2014 - \$178,215) were purchased.

**FOR DISCUSSION WITH MANAGEMENT ONLY – SUBJECT TO AMENDMENT
NOT TO BE FURTHER COMMUNICATED**

The Law Society of British Columbia - General and Special Compensation Funds

Notes to Combined Financial Statements

December 31, 2015

5 Accounts payable and accrued liabilities

Accounts payable and accrued liabilities include the following amounts collected on behalf of external organizations, but not yet paid.

	2015 \$	2014 \$
Advocate	378,066	367,304
Courthouse Libraries BC	2,206,527	2,150,574
Lawyers Assistance Program	769,215	752,824
Pro bono	336,731	331,620
CanLII	449,474	407,961
Federation of Law Societies	277,435	330,958
Rural Education and Access to Lawyers	49,228	-

6 Unrestricted net assets

The General Fund unrestricted net assets include \$2,011,184 (2014 - \$1,840,532) which has been allocated to capital expenditures in accordance with the capital plan.

The General Fund unrestricted net assets also include \$2,650,025 (2014 - net assets of \$1,037,804) which has been appropriated for contribution to future trust administration fee related expenses. During the year, \$4,048,565 (2014 - \$3,500,090) in trust administration fee revenue was collected, and \$2,436,344 (2014 - \$2,423,686) in trust administration fee expenses were incurred.

The remaining General Fund net assets represent amounts invested in capital assets.

7 Building loan payable

In 1992, the Benchers authorized the borrowing of monies from the Lawyers Insurance Fund to fund the capital development of the Society's buildings at 845 Cambie Street, Vancouver, BC. The loan is secured by the buildings, has no fixed repayment terms and bears interest calculated monthly at a rate equal to the stated monthly bond yield to maturity earned on the Lawyers Insurance Fund investment portfolio. Interest paid on the building loan is disclosed in note 8. The outstanding building loan balance at the end of the 2015 year is \$3.1 million (2014 - \$3.6 million). It is the intention of the Benchers to require the General Fund to repay a minimum of \$500,000 of the principal each year. During 2015, principal of \$500,000 (2014 - \$500,000) was repaid. The loan will be paid off in total by 2022.

	2015 %	2014 %
Weighted average rate of interest	2.07	2.43

**FOR DISCUSSION WITH MANAGEMENT ONLY – SUBJECT TO AMENDMENT
NOT TO BE FURTHER COMMUNICATED**

The Law Society of British Columbia - General and Special Compensation Funds

Notes to Combined Financial Statements

December 31, 2015

8 Interfund transactions

The operations of the General, Lawyers Insurance and Special Compensation Funds are controlled by the management of the Society. Balances between the funds generally arise from transactions of an operating nature and are recorded at the exchange amount at the dates of the transactions. Surplus funds are invested in the Lawyers Insurance Fund's investment portfolio.

Amounts due to and from the Lawyers Insurance Fund are due on demand and have no fixed terms of repayment. The Lawyers Insurance Fund has authorized a loan facility of up to \$1 million, of which \$nil has been drawn down at December 31, 2015 (2014 - \$nil), to the General Fund to fund capital expenditures in accordance with the capital plan. The Lawyers Insurance Fund has also authorized a loan facility of up to \$8 million, of which \$nil has been drawn down at December 31, 2015 (2014 - \$nil), to the Special Compensation Fund.

Monthly interest on the Lawyers Insurance Fund's net loan position with the General and Special Compensation Funds is earned at the rate equal to the stated monthly bond yield to maturity earned on the Lawyers Insurance Fund investment portfolio. The average bond yield for 2015 was 2.07% (2014 - average bond yield - 2.43%). The General Fund's net loan position includes the General Fund's building loan and other operating balances with the Lawyers Insurance Fund. The net loan position fluctuates during the year as amounts are transferred between the General Fund, the Special Compensation Fund and the Lawyers Insurance Fund to finance ongoing operations.

During 2015, interest of \$64,900 was paid on the building loan and interest revenue of \$309,540 was received from General Fund cash balances held by the Lawyers Insurance Fund and \$27,864 was received from Special Compensation Fund cash balances held by the Lawyers Insurance Fund for a net interest income of \$272,504.

During 2014, interest of \$88,086 was paid on the building loan and interest revenue of \$300,715 was received from General Fund cash balances held by the Lawyers Insurance Fund and \$32,090 was received from Special Compensation Fund cash balances held by the Lawyers Insurance Fund for a net interest income of \$244,719.

Other interfund transactions are disclosed elsewhere in these combined financial statements.

9 Special Compensation Fund claims and program changes

a) Outstanding claims

Pursuant to section 31(6) of the Legal Profession Act, the payment of Special Compensation Fund claims is at the discretion of the Special Compensation Fund Committee as delegated by the Benchers. As at December 31, 2015, there were no remaining claims for which statutory declarations had been received. All claims for which statutory declarations were received have been reviewed by the Special Compensation Fund Committee.

**FOR DISCUSSION WITH MANAGEMENT ONLY – SUBJECT TO AMENDMENT
NOT TO BE FURTHER COMMUNICATED**

The Law Society of British Columbia - General and Special Compensation Funds

Notes to Combined Financial Statements

December 31, 2015

For claims reported prior to May 1, 2004, the insurance bond provided that total claims attributable to the period in excess of \$2,500,000 were 100% reimbursed by a commercial insurer up to a maximum of \$15,000,000 for claims against one lawyer and in total, other than as noted in note 9(b). As set out in note 1, claims reported after May 1, 2004, are subject to Part B coverage by the Lawyers Insurance Fund.

b) Wirick case

In May 2002, the Discipline Committee ordered an audit investigation, pursuant to Rule 4-43, of Martin Keith Wirick's practice.

At December 31, 2015, there were no remaining claims still under consideration.

Until May 1, 2004, the Special Compensation Fund carried insurance of \$15,000,000 for each bond period (\$17,500,000 total coverage with a deductible of \$2,500,000). The bond period is defined as the year in which the Society becomes aware of evidence indicating a member may have been guilty of an act or acts of misappropriation or wrongful conversion. All claims concerning Mr. Wirick fell into the 2002 bond period and, as such, the Special Compensation Fund had claims greater than its level of insurance. In early 2005, the final proof of loss that reached this limit was filed. In 2002, the Benchers agreed to allow the Special Compensation Fund Committee to exceed the \$17,500,000 cap they had imposed in the Society rules.

In 2006, the Benchers approved a payment of \$7,543,528 to be paid to claimants over four years commencing in fiscal 2007 at \$1,885,882 per year. The final payment was made in 2010.

In December, 2012, the Benchers approved a further payment of \$162,399 that was paid to claimants in 2013.

In 2015, the Special Compensation Fund recovered \$nil (2014 - \$400) related to the Wirick case.

10 Related parties

The elected Benchers include members drawn from law firms across the province. These law firms may at times be engaged by the Society in the normal course of business. During the year ended December 31, 2015, expenses of \$232,515 (2014 - \$215,208) recorded at carrying amount were incurred by the General Fund during the normal course of business with these law firms.

11 Capital management

The Society defines its capital as the amounts included in its unrestricted net assets. Its objective when managing capital is to safeguard its ability to continue as a going concern so that it can continue to fulfil its objectives and meet its requirements.

**FOR DISCUSSION WITH MANAGEMENT ONLY – SUBJECT TO AMENDMENT
NOT TO BE FURTHER COMMUNICATED**

The Law Society of British Columbia - General and Special Compensation Funds

Notes to Combined Financial Statements

December 31, 2015

12 Financial instruments

The General and Special Compensation Funds' financial instruments consist of cash, accounts receivable and prepaid expenses and accounts payable and accrued liabilities.

The significant financial risks to which the Society is exposed are credit risk and liquidity risk.

a) Credit risk

Cash and accounts receivable expose the Funds to credit risk.

The maximum exposure to credit risk arising from the above-noted items is \$1,575,255 (2014 - \$1,400,734). Credit risk arises from the possibility that a counterparty to an instrument fails to meet its obligations.

b) Liquidity risk

Liquidity risk is the risk that the Funds will not be able to meet all cash outflow requirements. Financial instruments held by the Society are limited to cash, accounts receivable and accounts payable and accrued liabilities and, therefore, bear no significant liquidity risk.

13 Obligations and commitments under operating leases

The Society has committed to payments under certain operating leases relating to vehicle costs. Future minimum lease payments required in each of the next four fiscal years and thereafter are:

	\$
For the year ended December 31	
2016	23,961
2017	8,715
2018	6,804
2019	3,402
	<hr/>
Total future minimum lease payments	42,882
	<hr/>

For the year ended December 31, 2015, an amount of \$24,927 representing payments under operating leases was expensed (2014 - \$24,399).

**FOR DISCUSSION WITH MANAGEMENT ONLY – SUBJECT TO AMENDMENT
NOT TO BE FURTHER COMMUNICATED**

The Law Society of British Columbia - Lawyers Insurance Fund

**Consolidated Financial Statements
December 31, 2015**

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**FOR DISCUSSION WITH MANAGEMENT ONLY – SUBJECT TO AMENDMENT
NOT TO BE FURTHER COMMUNICATED**

_____, 2016

Independent Auditor's Report

**To the Members of
The Law Society of British Columbia**

Chartered Professional Accountants

**FOR DISCUSSION WITH MANAGEMENT ONLY – SUBJECT TO AMENDMENT
NOT TO BE FURTHER COMMUNICATED**

The Law Society of British Columbia - Lawyers Insurance Fund

Consolidated Statement of Financial Position

As at December 31, 2015

	2015 \$	2014 \$
Assets		
Cash	24,279,287	23,763,120
Accounts receivable - net of allowance (note 3)	4,421,970	1,425,353
Prepaid expenses	47,441	513,801
Short-term investments (note 5)	3,936,524	3,220,686
Members' share of provision for claims	1,248,555	1,191,735
General Fund building loan (note 7)	3,100,000	3,600,000
Investments (note 6)	144,173,568	126,300,946
	<u>181,207,345</u>	<u>160,015,641</u>
Liabilities		
Accounts payable and accrued liabilities (notes 4 and 8)	1,163,740	1,754,951
Deferred revenue	7,330,710	7,198,328
Due to General Fund (note 10)	28,064,711	24,126,610
Due to Special Compensation Fund (note 10)	1,351,787	1,334,551
Provision for claims (note 9)	59,488,074	52,559,565
Provision for ULAE (note 9)	7,920,000	7,231,000
	<u>105,319,022</u>	<u>94,205,005</u>
Net assets		
Unrestricted net assets	58,388,323	48,310,636
Internally restricted net assets (note 11)	17,500,000	17,500,000
	<u>75,888,323</u>	<u>65,810,636</u>
	<u>181,207,345</u>	<u>160,015,641</u>
Commitments (note 10)		
Contingencies (note 14)		

Approved by

_____ President _____ Chair of Finance and Audit Committee

The accompanying notes are an integral part of these consolidated financial statements.

**FOR DISCUSSION WITH MANAGEMENT ONLY – SUBJECT TO AMENDMENT
NOT TO BE FURTHER COMMUNICATED**

The Law Society of British Columbia - Lawyers Insurance Fund

Consolidated Statement of Changes in Net Assets

For the year ended December 31, 2015

	2015		2014
	Unrestricted \$	Internally restricted \$	Total \$
Net assets - Beginning of year	48,310,636	17,500,000	65,810,636
Excess of revenue over expenses for the year	10,077,687	-	10,077,687
Net assets - End of year	58,388,323	17,500,000	75,888,323

The accompanying notes are an integral part of these consolidated financial statements.

**FOR DISCUSSION WITH MANAGEMENT ONLY – SUBJECT TO AMENDMENT
NOT TO BE FURTHER COMMUNICATED**

The Law Society of British Columbia - Lawyers Insurance Fund

Consolidated Statement of Revenue and Expenses

For the year ended December 31, 2015

	2015 \$	2014 \$
Revenue		
Annual assessments	14,452,561	14,142,918
Investment income (note 6)	4,655,494	5,722,793
Other income	68,999	98,000
	<u>19,177,054</u>	<u>19,963,711</u>
Insurance expenses		
Actuary, consultant and investment manager fees	568,406	459,036
Allocated office rent from General Fund	246,271	211,294
Contribution to program and administrative costs of General Fund	1,349,551	1,298,910
Insurance	393,142	384,074
Office	347,922	391,554
Premium taxes	8,605	9,396
Provision for settlement of claims (note 9)	15,913,668	12,575,235
Provision for ULAE (note 9)	689,000	186,000
Salaries, wages and benefits	<u>2,454,744</u>	<u>2,562,048</u>
	21,971,309	18,077,547
Loss prevention expenses		
Contribution to co-sponsored program costs of General Fund	<u>925,039</u>	<u>828,975</u>
	22,896,348	18,906,522
(Deficiency) excess of revenue over expenses before the following	(3,719,294)	1,057,189
Fair value changes in investments (note 6)	<u>13,802,978</u>	<u>5,330,829</u>
	10,083,684	6,388,018
Provision for income taxes	<u>5,997</u>	<u>6,170</u>
Excess of revenue over expenses for the year	<u>10,077,687</u>	<u>6,381,848</u>

The accompanying notes are an integral part of these consolidated financial statements.

**FOR DISCUSSION WITH MANAGEMENT ONLY – SUBJECT TO AMENDMENT
NOT TO BE FURTHER COMMUNICATED**

The Law Society of British Columbia - Lawyers Insurance Fund

Consolidated Statement of Cash Flows

For the year ended December 31, 2015

	2015 \$	2014 \$
Cash flows from operating activities		
Excess of revenue over expenses for the year	10,077,687	6,381,848
Items not affecting cash		
Unrealized gain on investments	(1,469,755)	(2,784,630)
Realized gain on disposal of investments	(12,534,845)	(2,546,199)
Pooled distributions from investments	(4,737,893)	(5,646,853)
Amortization of 750 Cambie Street building	26,708	439,188
Amortization of deferred tenant inducement	34,423	38,487
	(8,603,675)	(4,118,159)
Decrease (increase) in assets		
Accounts receivable	(2,996,617)	(892,524)
Prepaid expenses	466,360	(116,467)
Short-term investments	(715,838)	1,898,877
Members' share of provision for claims	(56,820)	(157,097)
Increase (decrease) in liabilities		
Accounts payable and accrued liabilities	(591,211)	259,926
Deferred revenue	132,382	133,623
Provision for claims	6,928,509	(715,201)
Provision for ULAE	689,000	186,000
	(4,747,910)	(3,521,022)
Cash flows from investing activities		
Decrease in General Fund building loan	500,000	500,000
Purchase of investments	(33,255,953)	(5,267,400)
Proceeds from disposal of investments	34,064,693	10,770,400
	1,308,740	6,003,000
Cash flows from financing activities		
Interfund transfers (note 10)	3,955,337	1,960,845
Increase in cash	516,167	4,442,823
Cash - Beginning of year	23,763,120	19,320,297
Cash - End of year	24,279,287	23,763,120
Supplementary cash flow information		
Interest paid	337,404	332,805
Interest income received	64,900	88,086

The accompanying notes are an integral part of these consolidated financial statements.

**FOR DISCUSSION WITH MANAGEMENT ONLY – SUBJECT TO AMENDMENT
NOT TO BE FURTHER COMMUNICATED**

The Law Society of British Columbia - Lawyers Insurance Fund

Notes to Consolidated Financial Statements

December 31, 2015

1 Nature of operations

The Lawyers Insurance Fund (the Fund) is maintained by The Law Society of British Columbia (the Society) pursuant to Section 30 of the Legal Profession Act. The Society is a not-for-profit organization, and only the subsidiary, LSBC Captive Insurance Company Ltd. (the Captive), is considered assessable for income tax under current legislation. The Captive is subject to regulation by the Financial Institutions Commission (FICOM). Effective January 1, 1990. The Fund underwrites the program by which errors and omissions insurance is provided to members of the Society.

Part A

The Society's members have limits of coverage for claims and potential claims arising from negligent acts, errors or omissions under Part A of the B.C. Lawyers' Compulsory Professional Liability Insurance Policy (the Policy) as follows:

	\$	\$
The Fund	995,000 or	990,000
Deductible - applicable to indemnity payments only	5,000 or	10,000
Limit per error or related errors		<u>1,000,000</u>
Annual aggregate limit for all errors per member		<u>2,000,000</u>

The amount of the member deductible is \$5,000 for each initial claim resulting in the payment of damages and \$10,000 for each additional claim within a three-year period resulting in the payment of damages.

For claims reported between 1990 and 1996, the Captive entered into reinsurance contracts under which all claim payments above a per claim limit and in excess of inner aggregate retentions were ceded to reinsurers. Reinsurance does not relieve the Captive of primary liability as the originating insurer. All losses on claims since 1997 are fully reimbursed by the Fund on behalf of the Society under agreement.

For the 2015 and 2014 policy years, the Society and the Captive have obtained stop-loss reinsurance in the amount of \$12,000,000 to cover aggregate payments over \$25,000,000 for Parts A and C of the Policy. This limit is co-insured 80/20 with the reinsurer paying 80% of losses over \$25,000,000 to a maximum of \$12,000,000 and the Fund paying 20%.

Part B

Effective May 1, 2004, Part B of the Policy provides defined insurance coverage for dishonest appropriation of money or other property entrusted to and received by insured lawyers in their capacity as barristers and solicitors and in relation to the provision of professional services.

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(1)

The Law Society of British Columbia - Lawyers Insurance Fund

Notes to Consolidated Financial Statements

December 31, 2015

For the 2015 and 2014 policy years, there is a \$300,000 per claim limit and a \$17,500,000 profession-wide annual aggregate limit. The Society and the Captive have obtained insurance in the amount of \$5,000,000 to cover a portion of the annual aggregate limit. There is no deductible payable by the member. This insurance is subject to a \$3,000,000 group deductible and is co-insured 80/20 with the insurer paying 80% of losses over \$3,000,000, to a maximum of \$5,000,000, and the Fund paying 20%.

Part C

Effective January 1, 2012, Part C of the Policy provides defined insurance coverage for trust shortages suffered by insured lawyers as a result of relying on fraudulent certified cheques.

For the 2015 and 2014 policy years, there is a limit of \$500,000 per claim, and per lawyer and firm annually, a profession-wide annual aggregate of \$2 million, and a deductible of 35% of the client trust fund shortage (reduced by the amount of any overdraft paid). Coverage is contingent upon compliance with the Society's client identification and verification rules.

2 Significant accounting policies

These consolidated financial statements are prepared in accordance with Canadian accounting standards for not-for-profit organizations (ASNPO) as issued by the Canadian Accounting Standards Board.

Basis of consolidation

These consolidated financial statements include the accounts of the Fund and the Captive, a wholly owned subsidiary.

Separate combined financial statements have been prepared for the Society's General Fund and Special Compensation Fund.

Allocated administrative expenses

Administrative expenses are recovered by the General Fund of the Society from the Fund. Recoveries are based on amounts derived either on percentage of use or the proportion of the Fund's staff compared to the Society's total staff cost, or a set amount.

Cash

Cash comprises cash on hand and held with a Canadian chartered bank.

The Law Society of British Columbia - Lawyers Insurance Fund

Notes to Consolidated Financial Statements

December 31, 2015

Deferred tenant inducements

In 2006, the Fund provided one of its tenants in the 750 Cambie Street building with free gross rent of \$384,868 at the start of the lease. This free gross rent is amortized over the term of the lease. The balance of the deferred tenant inducements of \$49,357 was written off when the property was sold during the year.

Fair value of financial instruments

The fair values of cash, accounts receivable, short-term investments and accounts payable and accrued liabilities correspond to their carrying values due to their short-term nature.

The fair values of the provision for claims payable correspond to their carrying values because they are discounted.

The interfund balances including the building loan receivable and other interfund transactions are recorded at their carrying amounts which approximate their exchange amounts.

Short-term investments

Short-term investments consist of pooled money market funds, whose investments have original maturities of <90 days, and the carrying amount approximates the fair value at the reporting date due to their short-term maturities.

Investments

The Fund's investments consist of units in pooled equity, bond, real estate and mortgage funds and are initially and subsequently measured at fair value. Changes in fair value are recognized in the consolidated statement of revenue and expenses in the year incurred. Transaction costs that are directly attributable to the acquisition of these investments are recognized in the consolidated statement of revenue and expenses in the period incurred.

In addition, the 750 Cambie Street building is a property that was held as an investment for the Fund. The property was recognized at cost. Amortization was provided on a straight-line basis as follows:

Building - 750 Cambie Street	2-1/2% per annum
Base building improvements	2-1/2% per annum
Tenant improvements	over lease period
Deferred tenant inducements	over lease period

Investment income

Investment income and pooled fund distributions are recorded on an accrual basis. Dividends are recorded on the date of record. Gains and losses realized on the disposal of investments are taken into income on the date of disposal.

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**FOR DISCUSSION WITH MANAGEMENT ONLY – SUBJECT TO AMENDMENT
NOT TO BE FURTHER COMMUNICATED**

(3)

The Law Society of British Columbia - Lawyers Insurance Fund

Notes to Consolidated Financial Statements

December 31, 2015

Provision for claims

The provision for claims and unallocated loss adjustment expenses (ULAE) represent an estimate for all external costs of investigating and settling claims and potential claims reported prior to the date of the consolidated statement of financial position. The provision is adjusted as additional information on the estimated amounts becomes known during the course of claims settlement. All changes in estimates are expensed in the current period. The Fund presents its claims on a discounted basis.

Revenue recognition

The Fund follows the deferral method of accounting for annual assessments. Assessments are billed and received in advance on a calendar-year basis. Accordingly, assessments for the next fiscal year received prior to December 31 have been recorded as deferred revenue for financial reporting purposes and will be recognized as revenue in the next calendar year.

All other revenues are recognized when receivable if the amount to be received can be reasonably estimated and collection is reasonably assured.

Use of estimates

The preparation of financial statements in conformity with ASNPO requires management to make estimates and assumptions which affect the reported amounts of assets and liabilities and the disclosure of contingent assets and liabilities at the date of the financial statements and revenues and expenses for the period reported. The determination of the provision for claims and ULAE and the reinsurers' share of the provision for claims, and the fair value of the investment property, involves significant estimation. Actual results could differ from those estimates and the differences could be material.

Financial instruments

The Fund's financial instruments consist of cash, accounts receivable, short-term investments, investments and accounts payable and accrued liabilities.

The significant financial risks to which the Fund is exposed are credit risk, market risk, price risk, and liquidity risk.

Credit risk

Cash, accounts receivable, members' share of provision for claims, bond pooled funds and the investment in real estate mortgage indirectly expose the Fund to credit risk.

The maximum exposure to credit risk arising from the above-noted items is \$98,296,244 (2014 - \$71,297,599).

Credit risk arises from the possibility that a counterparty to an instrument fails to meet its obligations.

The Law Society of British Columbia - Lawyers Insurance Fund

Notes to Consolidated Financial Statements

December 31, 2015

The cash deposits are held only with Schedule I banks. The accounts receivable balances are spread across the broad membership base with no significant exposure to any one individual. The investment guidelines mitigate credit risk by ensuring the investments in the bond pooled funds have an adequate minimum credit rating and well-diversified portfolios.

Market risk

Market risk is the potential for loss to the Fund from changes in the value of its financial instruments due to changes in interest rates, foreign exchange rates or equity prices.

The Fund manages market risk by diversifying investments within the various asset classes and investing in pooled funds as set out in the guidelines of the Society's statement of investment policies and procedures (SIPP).

Price risk

Price risk is the risk that the fair value of the Society's investments will fluctuate due to changes in the market prices whether these changes are caused by factors specific to the individual financial instrument, its issuer, or factors affecting all similar financial instruments traded in the market. It arises primarily on pooled equity, bond, real estate and mortgage fund investments.

To manage price risk, the Society has guidelines on the diversification and weighting of investments within pooled funds which are set and monitored against the Society's SIPP.

As at December 31, 2015, if pooled fund prices increased or decreased by 10% with all other factors remaining constant, net assets would have increased or decreased by approximately \$14.4 million (2014 - \$11.6 million).

Liquidity risk

Liquidity risk is the risk that the Fund will not be able to meet all cash outflow requirements. At December 31, 2015, the sum of the Fund's cash, short-term investments and pooled fund investments, at fair value, which are available to settle the liabilities of the Society as they come due, exceeded the sum of the liabilities by \$67.07 million, or 64% (2014 - \$48.4 million, or 51%).

The Law Society of British Columbia - Lawyers Insurance Fund

Notes to Consolidated Financial Statements

December 31, 2015

3 Accounts receivable

	2015 \$	2014 \$
Member deductibles	432,897	360,078
Allowance for doubtful accounts	(264,097)	(252,604)
Receivable for premium taxes under appeal (note 14)	4,131,398	1,087,025
Straight line rent receivable	-	57,475
GST/HST receivable	106,533	169,970
Other receivables	15,239	3,409
	<u>4,421,970</u>	<u>1,425,353</u>

4 Government remittances

The following government remittances are included in accounts payable:

	2015 \$	2014 \$
Ministry of Finance - PST	813	362
Receiver General - corporate income tax	969	6,171
Ministry of Finance - premium tax	8,374	9,396
	<u>10,156</u>	<u>15,929</u>

5 Short-term investments

Short-term investments comprise pooled money market funds with the following balances:

	2015 \$	2014 \$
Money market funds	<u>3,936,524</u>	<u>3,220,686</u>

6 Investments

	2015 \$	2014 \$
Investments - at fair value	144,173,568	115,670,106
750 Cambie Street Building	-	10,630,840
	<u>144,173,568</u>	<u>126,300,946</u>

In February 2015, the fund sold its investment in the 750 Cambie Street building, realizing a gain of \$10,728,670 on the sale. The proceeds were reinvested in the pooled real estate and mortgage funds.

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**FOR DISCUSSION WITH MANAGEMENT ONLY – SUBJECT TO AMENDMENT
NOT TO BE FURTHER COMMUNICATED**

(6)

The Law Society of British Columbia - Lawyers Insurance Fund

Notes to Consolidated Financial Statements

December 31, 2015

2015				
	Carrying cost \$	Gross unrealized gains \$	Gross unrealized losses \$	Estimated fair value \$
Bonds				
Pooled Funds	39,179,020	-	(13,998)	39,165,022
Equities				
Canadian Pooled Funds	19,022,670	10,079,833	-	29,102,503
International Pooled Funds	30,825,615	15,831,672	-	46,657,287
	49,848,285	25,911,505	-	75,759,790
Real Estate & Mortgage				
Real Estate Fund	14,508,072	76,102	-	14,584,174
Mortgage Fund	14,673,319	-	(8,737)	14,664,582
	29,181,391	76,102	(8,737)	29,248,756
	118,208,696	25,987,607	(22,735)	144,173,568
2014				
	Carrying cost \$	Gross unrealized gains \$	Gross unrealized losses \$	Estimated fair value \$
Bonds				
Pooled Funds	44,609,012	308,379	-	44,917,391
Equities				
Canadian Pooled Funds	16,225,301	11,813,739	-	28,039,040
International Pooled Funds	30,340,676	12,372,999	-	42,713,675
	46,565,977	24,186,738	-	70,752,715
	91,174,989	24,495,117	-	115,670,106

The effective yield on the Bond, Mortgage and Equities portion of the investment portfolio was 2.34% (2014 - 2.25%).

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The Law Society of British Columbia - Lawyers Insurance Fund

Notes to Consolidated Financial Statements

December 31, 2015

Investment risk management

The Society has adopted policies which establish the guidelines for all investment activities. These guidelines apply to the investment funds controlled by the Fund.

The Society's overall investment philosophy is to maximize the long-term real rate of return subject to an acceptable degree of risk.

The Society's long-term funding requirements and relatively low level of liquidity dictate a portfolio with a mix of fixed income, equities, as well as real estate and mortgages. The Society invests in bonds, equities, real estate and mortgages through pooled funds.

Investment income

	2015 \$	2014 \$
Interest on cash	151,091	4,932
Pooled distributions	4,799,721	5,693,074
Net interfund loan interest expense (note 10)	(272,504)	(244,719)
Building income - 750 Cambie Street (revenue of \$172,427 (2014 - \$1,793,451); net of expenses of \$195,241 (2014 - \$1,523,945))	(22,814)	269,506
Investment income	4,655,494	5,722,793

Fair value changes in investments

	2015 \$	2014 \$
Realized gain on disposal of investments	12,333,223	2,546,199
Unrealized gain on investments measured at fair value	1,469,755	2,784,630
Fair value changes in investments	13,802,978	5,330,829

The realized gain on disposal of investments includes the sale of 750 Cambie building. The portion of the realized gain related to this sale was \$10,728,670.

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The Law Society of British Columbia - Lawyers Insurance Fund

Notes to Consolidated Financial Statements

December 31, 2015

750 Cambie Street building

The 750 Cambie Street building was held as an investment for the Fund. During the year, the building was sold. The proceeds were invested into the pooled investment portfolio, into real estate and mortgage pooled funds.

	2015		2014	
	Cost \$	Accumulated amortization \$	Net \$	Net \$
Land	-	-	-	4,299,850
Building	-	-	-	3,652,910
Base building improvements	-	-	-	2,399,548
Tenant improvements	-	-	-	240,045
Deferred tenant inducements	-	-	-	38,487
	-	-	-	10,630,840

7 General Fund building loan

In 1992, the Benchers authorized the lending of monies from the Fund to support the capital development of the Society's buildings at 845 Cambie Street, Vancouver, BC. The loan has no fixed repayment terms and bears interest calculated monthly at a rate equal to the stated monthly bond yield to maturity earned on the Fund's investment portfolio. It is the intention of the Benchers to require the General Fund to repay a minimum of \$500,000 of the principal each year. During 2015, principal of \$500,000 (2014 - \$500,000) was repaid.

	2015 %	2014 %
Weighted average rate of return	2.07	2.43

8 Accounts payable and accrued liabilities

	2015 %	2014 %
Trade payables	823,736	1,245,174
Accrued trade expenses	329,952	489,850
Taxes payable	709	1,310
Premium taxes payable	8,374	9,396
Income taxes payable	969	6,171
Security deposit	-	3,050
	1,163,740	1,754,951

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(9)

The Law Society of British Columbia - Lawyers Insurance Fund

Notes to Consolidated Financial Statements

December 31, 2015

9 Provision for claims and unallocated loss adjustment expenses (ULAE)

The changes in unpaid claims recorded in the consolidated statement of financial position are as follows:

	2015 \$	2014 \$
Part A and Part C Insurance Coverage		
Provision for claims - Beginning of year	51,997,565	53,203,597
Provision for losses and expenses for claims occurring in the current year	16,208,000	13,649,000
Decrease in estimated losses and expenses for losses occurring in prior years	(279,000)	(1,656,000)
Provision for claims liability	67,926,565	65,196,597
Less:		
Payments on claims incurred in the current year	(947,153)	(919,445)
Payments on claims incurred in prior years	(8,054,034)	(12,754,419)
Recoveries on claims	79,876	317,735
Change in due to (from) members	56,820	157,097
Claim payments - net of recoveries	(8,864,491)	(13,199,032)
Provision for claims - End of year	59,062,074	51,997,565
Part B Insurance Coverage	426,000	562,000
Total provision for Parts A, B and C Insurance Coverage	59,488,074	52,559,565

The determination of the provision for unpaid claims and adjustment expenses require the estimation of two major variables or quanta, being development of claims and the effects of discounting, to establish a best estimate of the value of the respective liability or asset.

The provision for unpaid claims and adjustment expenses is an estimate subject to variability, and the variability, as with any insurance company, could be material in the near term. The variability arises because all events affecting the ultimate settlement of claims have not taken place and may not take place for some time. Variability can be caused by receipt of additional claim information, changes in judicial interpretation of contracts, significant changes in severity of claims from historical trends, the timing of claims payments and future rates of investment return. The estimates are principally based on the Fund's historical experience. Methods of estimation have been used that the Society believes produce reasonable results given current information.

The provision for ULAE is an actuarially determined estimate of the Fund's future costs relating to the administration of claims and potential claims reported up to the consolidated statement of financial position date.

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(10)

The Law Society of British Columbia - Lawyers Insurance Fund

Notes to Consolidated Financial Statements

December 31, 2015

The Fund discounts its best estimate of claims provisions at a rate of interest of 2.50% (2014 - 2.52%). The Fund determines the discount rate based upon the expected return on its investment portfolio of assets with appropriate assumptions for interest rates relating to reinvestment of maturing investments.

A 1% increase in the discount rate will have a favourable impact on the discounted claims liability of \$1.914 million (2014 - \$1.746 million) and a 1% decrease in the discount rate will have an unfavourable impact on the discounted claims liability of \$2.049 million (2014 - \$1.868 million).

To recognize the uncertainty in establishing these best estimates, to allow for possible deterioration in experience, and to provide greater comfort that the actuarial liabilities are adequate to pay future benefits, the Fund includes a Provision for Adverse Deviations (PFAD) in some assumptions relating to claims development and future investment income. The PFAD is selected based on guidance from the Canadian Institute of Actuaries.

The effects of discounting and the application of PFAD are as follows (in thousands of dollars):

	2015 \$	2014 \$
Undiscounted	60,825	53,982
Effect of present value	(4,479)	(4,117)
PFADs	9,814	8,736
Discounted	66,160	58,601

The Law Society of British Columbia - Lawyers Insurance Fund

Notes to Consolidated Financial Statements

December 31, 2015

Claims development tables

A review of the historical development of the Fund's insurance estimates provides a measure of the Fund's ability to estimate the ultimate value of claims. The top half of the following tables illustrates how the Fund's estimate of total undiscounted claims costs for each year has changed at successive year-ends. The bottom half of the tables reconcile the cumulative claims to the amount appearing in the consolidated statement of financial position.

Part A (and C, from 2012 onwards) insurance claims (in thousands of dollars)

Claims year	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	Total
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Estimate of undiscounted ultimate claims costs											
At end of claims year	12,260	13,580	13,670	11,520	13,650	14,560	13,390	15,230	12,690	15,090	
One year later	12,770	14,980	13,230	11,310	12,990	13,550	13,080	15,100	12,390		
Two years later	11,530	15,250	13,470	11,500	12,610	11,570	11,970	17,780			
Three years later	9,960	14,940	13,360	13,470	13,210	10,920	10,690				
Four years later	9,650	14,820	13,170	13,960	13,920	11,100					
Five years later	8,960	14,610	13,060	14,540	15,190						
Six years later	8,560	16,190	12,780	14,240							
Seven years later	7,770	16,400	13,070								
Eight years later	7,970	16,190									
Nine years later	7,760										
Current estimate of cumulative claims	7,760	16,190	13,070	14,240	15,190	11,100	10,690	17,780	12,390	15,090	133,500
Cumulative payments to date	(7,158)	(15,795)	(11,297)	(12,459)	(11,638)	(7,633)	(5,281)	(7,976)	(2,381)	(995)	(82,613)
Undiscounted unpaid liability	602	395	1,773	1,781	3,552	3,467	5,409	9,804	10,009	14,095	50,887
Undiscounted unpaid liability in respect of 2004 and prior years											2,257
Undiscounted unallocated loss adjustment expense reserve											7,284
Total undiscounted unpaid claims liability											60,428
Discounting adjustment (includes Claim PFAD)											5,306
Total discounted unpaid claims liability											65,734

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**FOR DISCUSSION WITH MANAGEMENT ONLY – SUBJECT TO AMENDMENT
NOT TO BE FURTHER COMMUNICATED**

(12)

The Law Society of British Columbia - Lawyers Insurance Fund

Notes to Consolidated Financial Statements

December 31, 2015

Part B insurance claims (in thousands of dollars)

Claims year	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	Total
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Estimate of undiscounted ultimate claims costs											
At end of claims year	189	251	8	107	23	28	18	53	562	41	
One year later	229	250	7	196	19	24	13	82	500		
Two years later	222	274	9	197	22	23	12	100			
Three years later	221	322	9	197	26	23	13				
Four years later	279	353	9	197	26	23					
Five years later	297	375	9	197	26						
Six years later	336	121	9	197							
Seven years later	342	124	9								
Eight years later	351	124									
Nine years later	352										
Current estimate of cumulative claims	352	124	9	197	26	23	13	100	500	41	1,385
Cumulative payments to date	(352)	(122)	(9)	(197)	(26)	(23)	-	(100)	(157)	(2)	(988)
Undiscounted unpaid liability	-	2	-	-	-	-	13	-	343	39	397
Undiscounted unpaid liability in respect of 2005 and prior years											-
Undiscounted unallocated loss adjustment expense reserve											-
Total undiscounted unpaid claims liability											397
Discounting adjustment (includes Claim PFAD)											29
Total discounted unpaid claims liability											426

The expected maturity of the unpaid claims provision is analyzed below (undiscounted and gross of reinsurance):

(in thousands of dollars)	Less than one year \$	One to two years \$	Two to three years \$	Three to four years \$	Four to five years \$	Over five years \$	Total \$
December 31, 2015	15,759	11,390	9,785	6,862	5,011	12,018	60,825
December 31, 2014	13,589	10,303	8,476	5,603	4,120	11,891	53,982

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**FOR DISCUSSION WITH MANAGEMENT ONLY – SUBJECT TO AMENDMENT
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(13)

The Law Society of British Columbia - Lawyers Insurance Fund

Notes to Consolidated Financial Statements

December 31, 2015

Role of the actuary

The actuary is appointed to fulfill reporting requirements pursuant to the Insurance (Captive Company) Act of B.C. With respect to preparation of these consolidated financial statements, the actuary is required to carry out a valuation of the Fund's policy liabilities and to provide an opinion regarding their appropriateness at the date of the consolidated statement of financial position. The factors and techniques used in the valuation are in accordance with accepted actuarial practice, applicable legislation and associated regulations. The scope of the valuation encompasses the policy liabilities as well as any other matter specified in any direction that may be made by the regulatory authorities. The policy liabilities consist of a provision for unpaid claims and adjustment expenses. In performing the valuation of the liabilities for these contingent future events, which are by their very nature inherently variable, the actuary makes assumptions as to future loss ratios, trends, expenses and other contingencies, taking into consideration the circumstances of the Fund and the nature of the insurance policies.

The valuation is based on projections for settlement of reported claims and claim adjustment expenses. It is certain that actual claims and claim adjustment expenses will not develop exactly as projected and may, in fact, vary significantly from the projections.

The actuary relies on data and related information prepared by the Fund. The actuary also analyzes the Fund's assets for their ability to support the amount of policy liabilities.

10 Interfund transactions

The operations of the Fund, the General Fund and the Special Compensation Fund are administered by the management of the Society. Balances between the funds arise from transactions of an operating nature and are recorded at exchange amounts at the dates of the transactions. Surplus funds are invested in the Fund's investment portfolio.

Amounts due to and from the General Fund and the Special Compensation Fund are due on demand and have no fixed terms of repayment. The Fund has authorized a loan facility of up to \$1 million to the General Fund to fund capital expenditures in accordance with the 10-year capital plan. The Fund has also authorized a loan facility of up to \$8 million to the Special Compensation Fund. As of December 31, 2015, no amounts have been drawn on the facilities (2014 - \$nil).

Monthly interest on the Fund's net loan position with the General Fund and Special Compensation Fund is paid to the Fund at a rate equal to the stated monthly bond yield to maturity earned on the Fund's investment portfolio. The average bond yield for 2015 was 2.07% (2014 average rate - 2.43%). The Fund's net loan position of \$26,316,498 (2014 - \$21,861,161) includes the General Fund building loan, other operating balances with the General Fund and the loan with the Special Compensation Fund. This net loan position fluctuates during the year as amounts are transferred between the General Fund, the Special Compensation Fund and the Fund to finance ongoing operations.

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**FOR DISCUSSION WITH MANAGEMENT ONLY – SUBJECT TO AMENDMENT
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(14)

The Law Society of British Columbia - Lawyers Insurance Fund

Notes to Consolidated Financial Statements

December 31, 2015

During 2015, interest revenue of \$64,900 (2014 - \$88,086) was received on the General Fund building loan and interest of \$309,540 (2014 - \$300,715) was paid on General Fund cash balances held by the Fund and \$27,864 (2014 - \$32,090) was paid on the Special Compensation Fund cash balances held by the Fund for a net interest expense of \$272,504 (2014 - \$244,719).

Other interfund transactions are disclosed elsewhere in these consolidated financial statements.

11 Internally restricted net assets

The Benchers have allocated \$17,500,000 (2014 - \$17,500,000) of the net assets to the Part B coverage for dishonest appropriation of trust funds or property.

12 Regulatory requirements and capital management

The Captive is required to maintain a minimum of \$200,000 in shareholder's equity and \$100,000 in reserves under the regulations of the Insurance (Captive Company) Act of B.C. The Captive was in compliance with these regulations throughout the year and as at December 31, 2015.

13 Related parties

The elected Benchers include members drawn from law firms across the province. These law firms may at times be engaged by the Society in the normal course of business. During the year ended December 31, 2015, expenses of \$125,414 (2014 - \$275,196) were incurred by the Fund with these law firms.

14 Contingencies

During the 2011 year, the Ministry of Finance (the Ministry) informed the Captive that the Ministry contended that the annual assessments contributed by members to the Fund constituted premiums payable to the Captive for purposes of the Insurance Premium Tax Act and the Ministry proposed to adjust the Captive's net taxable premiums from 2005 to 2009 to reflect this. The Captive maintained that it is liable for premium tax only on amounts received by it from the Fund as a reimbursement of reinsurance premiums and general and administrative costs, and that premium tax has been paid in full. The Captive disputed the Ministry's proposal in 2011.

During the 2014, the Ministry sent a notice of Revised Assessment to the Captive assessing it for premium taxes for 2008 to 2009, in the amount of \$1.087 million, which the Captive appealed. In 2015, the Ministry sent notices of Revised Assessment to the Captive assessing it for premium taxes for 2010 to 2014, amounting to a total of \$3.044 million. The Captive has appealed all revised assessments. The Captive has accounted for this matter using the contingent liability method, whereby a provision is established only when it is considered likely that a liability will be incurred. The Captive does not consider the liability likely and a decision on the appeals has not yet been made. Accordingly, the payment of the revised assessments has been posted to accounts receivable as they are expected to be refunded. If the appeals are unsuccessful, the \$4.131 million in payments will be reversed from accounts receivable and expensed through the statement of earnings. If any amounts become due, the Fund will reimburse the Captive.

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**FOR DISCUSSION WITH MANAGEMENT ONLY – SUBJECT TO AMENDMENT
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(15)

Management Discussion and Analysis

The Law Society of British Columbia accounts for its financial activities through three separate funds: the General Fund, the Special Compensation Fund and the Lawyers Insurance Fund (LIF). Society management has the responsibility for assisting the Benchers in fulfilling the Society's mandate, while ensuring that operating expenditures are closely controlled and that appropriate accounting and internal controls are maintained. The 2015 audited financial statements for the three funds are set out in this report. The statements are presented in accordance with the presentation and disclosure standards of the Chartered Professional Accountants of Canada.

During 2015, in addition to the general oversight by the Benchers, the Finance and Audit Committee assisted the Benchers in ensuring that management and staff properly managed and reported on the financial affairs of the Society. The oversight by the Benchers and the Finance and Audit Committee included:

- Reviewing periodic financial statements of the General, Special Compensation and Consolidated Lawyers Insurance Fund
- Reviewing investment performance as managed by the appointed investment managers
- Reviewing with the Law Society's auditors their approach, scope and audit results
- Reviewing the annual Audit Report prepared by the Law Society auditors
- Recommending the 2016 practice fees and assessments, and reviewing corresponding budgets

General Fund

Overview

Overall, the 2015 results for the General Fund resulted in an operating surplus of \$3.3 million. Revenues were higher than expected, particularly in the areas of practice fees, trust administration and electronic filing revenues, while operating expenses were very similar to the prior year.

Revenues

General Fund revenue was \$27.5 million, \$1.5 million higher than 2014 with growth in the number of lawyers and an increase in the 2015 practice fee. During 2015, net growth in the number of full-time equivalent practicing lawyers was 2.4% resulting in a total of 11,378 full fee paying equivalent lawyers for the year, compared to 11,114 in 2014. The increase in the 2015 practice fee provided for market-based staff salary adjustments, along with additional staff support in regulation and practice advice. The trust administration fee revenue increased 16% due to an increase in the number of TAF-related transactions during 2015. Professional Legal Training Course (PLTC) enrolment revenue was higher in 2015, with 490 PLTC students attending during the year. Also, the PLTC student training fee increased from \$2,250 to \$2,500, effective September, 2015. Interest and other income decreased due to a drop in the average interest rate during the year and a reduction in the PLTC grant revenue received. Electronic filing revenues increased due an increase in the number of transactions. Fines

and penalties revenue increased as a result of higher discipline and custodianship recoveries. Application fees decreased, resulting from an increase in call and admission fees, and transfer application fees, offset by a decrease in incorporation fees. Rental revenue increased due to a new building lease during 2014.

The Lawyers Insurance Fund contributed \$2.3 million to the General Fund for co-sponsored programs and for general program and administrative expenses attributable to operations.

Expenses

The 2015 General Fund expenses increased very slightly, by \$14,000 (0.1%) to \$26.47 million, compared to \$26.46 million in 2014.

Benchers Governance expenses decreased by \$221,000 compared to 2014. The 2014 expenses include costs related to the meetings held regarding the Trinity Western University law school application process.

Communication, Executive Services and Information Services costs increased by \$221,000 over 2014, due to market based staff salary adjustments, and knowledge management related project costs.

Education and Practice expenses were lower than 2014 by \$65,000, with savings in the PLTC program offsetting market based staff salary adjustments and an increase in credentials external counsel fees.

General and administration costs decreased \$74,000 from 2014 with a reduction in recruiting, stationery, supplies and subscription costs, offsetting increases for market based staff salary adjustments.

Policy and Legal Services expenses increased \$257,000 over 2014, due to market based staff salary adjustments, additional staffing support and external counsel fees for legal defence cases.

The Regulation operating expenses decreased \$86,000 from 2014, due lower external fees in the areas of discipline, professional conduct, custodianships, and forensic accounting. These savings offset market based staff salary adjustments.

Net Assets

Overall, the General Fund continues to remain financially sound. As of December 31, 2015, net assets in the General fund were \$14.9 million. The net assets balance includes \$2.0 million in capital funding for planned capital projects related to the 845 Cambie Street building and workspace improvements for Law Society operations. In addition, the net assets balance includes \$2.65 million of trust administration reserves in accordance with approved reserve policies. The remaining General Fund net assets balance (excluding capital and TAF) is \$10.3 million, which is mainly invested in capital assets, including the 845 Cambie Street building.

Special Compensation Fund

Overview

Previously, the Special Compensation Fund was maintained pursuant to Section 31 of the *Legal Profession Act*, was financed by members' annual assessments, and claims were recorded net of recoveries when they had been approved for payment. In 2012, the *Legal Profession Amendment Act*, 2012 repealed section 31 of the *Legal Profession Act*. In addition, Section 23 of the *Legal Profession Act* was amended to remove the requirement that practising lawyers pay the Special Compensation Fund assessment. Section 50 of the *Legal Profession Amendment Act*, 2012 provides for the transfer of unused reserves that remain within the Special Compensation Fund to the Lawyers Insurance Fund for the purposes of the insurance program, which will occur when all recoveries are received. Effective May 1, 2004, Part B of the BC Lawyers' Compulsory Professional Liability Insurance Policy provides defined insurance coverage for dishonest appropriation of money or other property entrusted to and received by insured lawyers.

Revenues

The Special Compensation Fund assessment has not been charged since 2013.

Expenses

Since 2004, the Lawyers Insurance Fund has been providing coverage for dishonest appropriation of funds by lawyers. There were no claims costs in 2015. During the year, external counsel costs of \$10,000 were incurred, offset by \$28,000 in interest income.

Net Assets

At the end of 2015, the Special Compensation Fund net assets were \$1.35 million. Once all recoveries are concluded, the unused reserve will be transferred to the Lawyers Insurance Fund.

Lawyers Insurance Fund

Overview

The Lawyers Insurance Fund (LIF) remains in a strong financial position at the end of 2015. Annual assessments were slightly higher due to additional insured members, and overall investment returns were above the benchmark.

Revenues

The 2015 insurance assessment remained at \$1,750 per insured member, resulting in total revenue of \$14.5 million, compared to \$14.1 million in 2014.

During 2015, the long term investment portfolio performed above expectations, earning a return of 6.0%, compared to a benchmark return of 5.3%. All increases in the market value of the investment portfolio have been recognized through the statement of revenue and expenses in accordance with

Canadian accounting standards for not-for-profit organizations. Additionally, the investment in the 750 Cambie building was sold, which resulted in a realized book gain of \$10.7 million.

Expenses

In 2015, LIF general operating costs, including the \$2.3 million contribution to the General Fund, but excluding claims payments and unallocated loss adjustment expenses (ULAE), were \$6.3 million, compared to \$6.2 million in 2014.

The net actuarial provision for settlement of claims in 2015 was \$16.6 million, an increase from \$12.8 million in 2014, based on claims experience during the year.

The provision for claims liability on the balance sheet at the end of 2015 was \$59.5 million, compared to \$52.6 million in 2014. The increase in the provision is mainly due to an increase in the frequency of claims, along with a reduction in payments, due to timing.

Net Assets

As of December 31, 2015, the LIF net assets were \$75.9 million, which includes \$17.5 million internally restricted for Part B claims, leaving \$58.4 million in unrestricted net assets.

Other Matters

During the 2014 year, the Law Society received inquiries from the Financial Institutions Commission ("FICOM") regarding insurance licensing issues pursuant to the Financial Institutions Act (British Columbia) and the Insurance (Captive Company) Act. Following discussions with FICOM, it was decided that the Law Society would pursue an exemption from certain statutory requirements. The exemption request to the Minister of Finance is proceeding and no decision has been made yet. It is our view that the outcome is likely to be favorable. In addition, discussions have continued with FICOM regarding structure options. The Law Society also has sought an exemption from the Insurance Premium Tax Act. On February 23, 2016, Bill 14 – 2016: Finance Statutes Amendment Act, 2016, First Reading, was tabled in the Legislative Assembly of the Province of British Columbia, which in Section 28 proposes an amendment to the Insurance Premium Tax Act to exempt members of the Law Society of British Columbia from premium taxes in respect of an insurance fee set under Section 30 (3) (a) of the Legal Profession Act. See note 14 of the Lawyers Insurance Fund financial statements for additional information regarding premium tax. The FICOM inquiry does not affect the provision of insurance through the Lawyers Insurance Fund.



Memo

To: Benchers
From: Jeffrey G. Hoskins, QC
Date: February 22, 2016
Subject: **Rules relating to the roles of President and Executive Director in hearings**

1. This memorandum is intended to ask the Benchers to consider in principle proposed changes to the Rules relating to two areas in the Law Society's tribunal function:
 - a. a re-assignment of the current function of setting a date for a hearing unilaterally when the parties cannot agree from the Executive Director to the President;
 - b. a change in the procedure for making an application for a decision so that the application can be made directly to the President, rather than to the Executive Director who then is required to refer it to the President for decision.

Setting hearing date

2. In the Law Society Rules on discipline and credentials hearings and reviews, both the President and the Executive Director are assigned functions. For example, the President appoints hearing panels and review boards to hear matters that need adjudication. The Executive Director issues discipline citations and appoints discipline counsel to conduct the prosecution of them.
3. Generally, the functions assigned to the President facilitate the adjudication of matters by the Law Society tribunal, and the functions assigned to the Executive Director facilitate the representation of the regulatory side of the Law Society before the Law Society tribunal. This is consistent with the principle accepted by the Benchers that there should be an actual and apparent separation between the prosecutorial and adjudicatory functions of the Law Society.

4. However, there is one area where the current rules appear to have assigned a function of an adjudicative nature to the Executive Director. When the parties to a discipline matter are unable to agree on a date to begin a hearing, a date can be set by the Executive Director or by a Bencher presiding at a prehearing conference.
5. This is the relevant part of the provisions of the Rule:

Notice of hearing

4-32(1) The date, time and place for the hearing to begin must be set

- (a) by agreement between discipline counsel and the respondent, or
 - (b) failing agreement, by the Executive Director or by the Bencher presiding at a prehearing conference.
6. The timing of a prehearing conference sometimes allows that option to prevail, but often a party who is reluctant to go to a hearing is also uncooperative in respect to prehearing conferences. When the option of the Executive Director setting the date is used, it has the appearance of one party acting unilaterally, possibly to its advantage.
7. This provision was first enacted in 1988, before any serious consideration was given to the issue of separating the adjudicatory and prosecutorial functions of the Law Society. Since that time, numerous adjudicatory functions have been assigned to the President to decide or designate another Bencher to decide. In my view, it would be more consistent with the scheme of the rules to assign this function to the President or the President's designate rather than the Executive Director.
8. The question for the Benchers is whether should be referred to the Act and Rules Committee to recommend amendments to give effect to the proposed change.
9. There are no equivalent procedural rules pertaining to credentials hearings or to reviews on the record. It may also be appropriate to ask the Act and Rules Committee to recommend rule amendment to provide for setting hearing or review dates in the absence of agreement of the parties.

Applications

10. In the rules relating to credentials and discipline hearings and reviews on the record, there are numerous provisions for a party to make a motion or application for the resolution of an issue

in advance of the hearing of the application, citation or review. The procedure in each case is similar to the following example:

Preliminary questions

- 4-36**(1) Before a hearing begins, the respondent or discipline counsel may apply for the determination of a question relevant to the hearing by delivering to the Executive Director and to the other party written notice setting out the substance of the application and the grounds for it,
- (2) The Executive Director must promptly notify the President of an application under subrule (1).
- (3) When an application is made under subrule (1), the President must do one of the following as appears to the President to be appropriate:
- (a) appoint a panel to determine the question;
 - (b) refer the question to a prehearing conference;
 - (c) refer the question to the panel at the hearing of the citation.
- (4) The President may designate another Benchers to exercise the discretion under subrule (3).
- (5) A panel appointed under subrule (3) (a) is not seized of the citation or any question pertaining to the citation other than that referred under that provision.
11. The process whereby the party makes an application to the Executive Director who then must “promptly notify” the President who then must adjudicate or designate another Benchers to do so appears unnecessarily convoluted. It also has the effect of blurring the separation of prosecutorial and adjudicative functions.
12. That procedure was developed many years ago to avoid problems with parties and counsel corresponding with the President at the President’s law office and not through the Law Society business offices. There was a time when that was necessary before there was dedicated apparatus and staff available at the Law Society. Now it confuses some parties and staff and potentially slows the processing of applications as they come in and are re-routed to the eventual destination.
13. In my view, it would be appropriate to amend each of the pre-hearing provisions to eliminate the involvement of the Executive Director and require applications and motions to be made directly to the President, with copies to the opposing party. It may be prudent to add a rule that requires that all applications addressed to the President must be delivered in paper or electronic form to the Law Society business offices.

14. Again, the question for the Benchers is should the question of simplifying the rules be referred to the Act and Rules Committee to propose the actual rule amendments to give effect to the change.

JGH



*Lawyers
Insurance
Fund*

Lawyers Insurance Fund

2015 Year End Report

Program Report Roadmap

- Drivers: Who we are and what we do
- Places of Interest: Part A
- Wonders of the World: Part B
- Signposts: Who we serve and what they think

Who We Are



Su Forbes QC
Director of Insurance



Margrett George
Deputy Director of Insurance



Murray Patterson
Claims Manager



Megan
Swail



Kate
McLean



Leanne
Wood



Surindar
Nijjar



Marlon
Song



Coran Cooper-
Stephenson



Richard
Panton



Maryanne
Prohl



Lamour
Afonso



Greg
Sexton

Claims Counsel

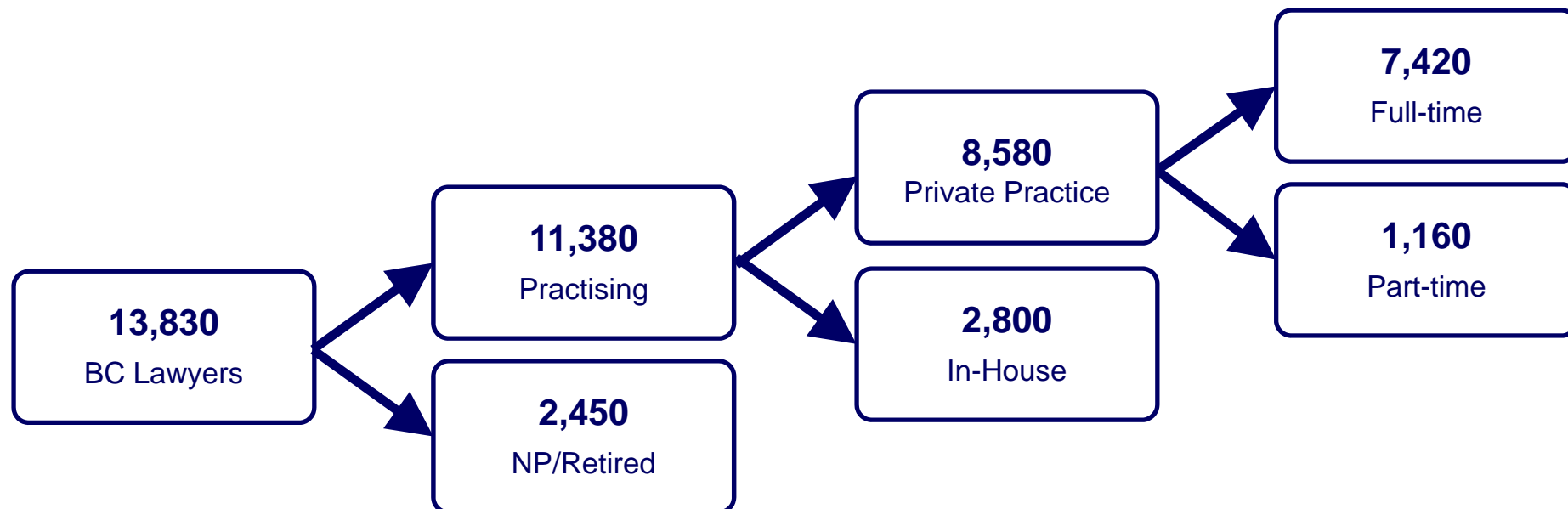
What We Do



Program Report Roadmap

- Drivers: Who we are and what we do
- **Places of Interest: Part A**
- Wonders of the World: Part B
- Signposts: Who we serve and what they think

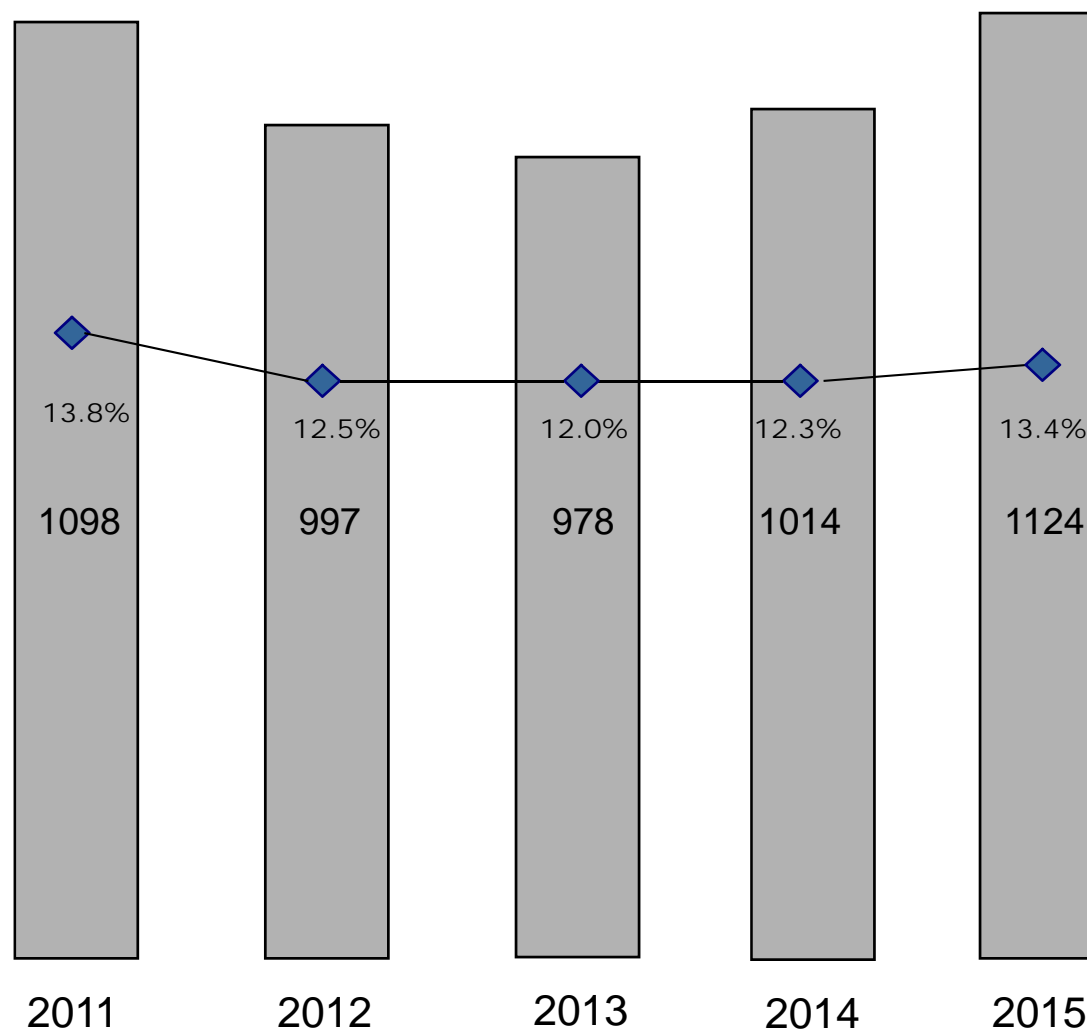
BC Lawyers



Number and Frequency of Reports

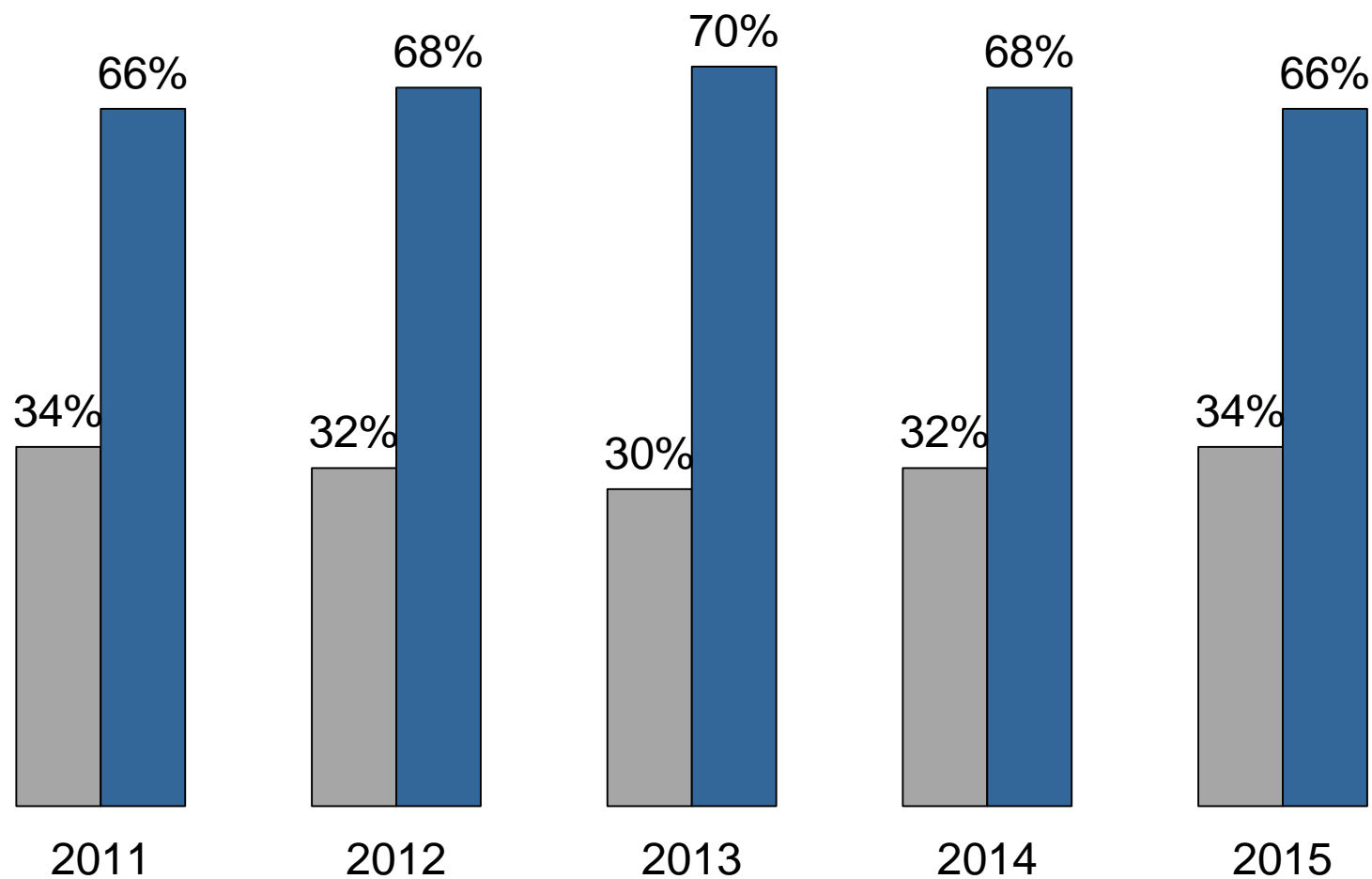
■ Number of Reports

◆ Frequency of Reports



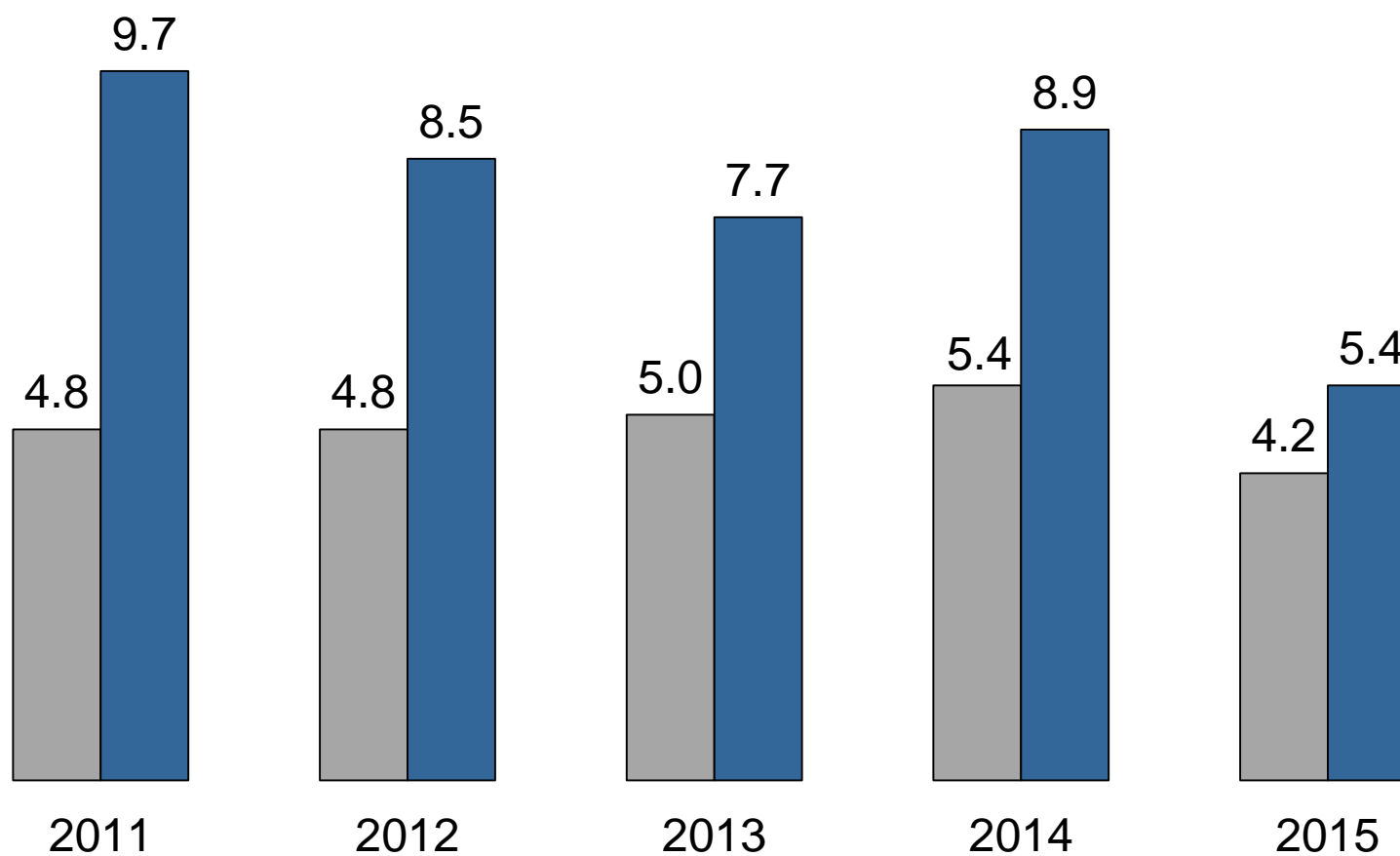
Claims and Incidents

Incidents
Claims

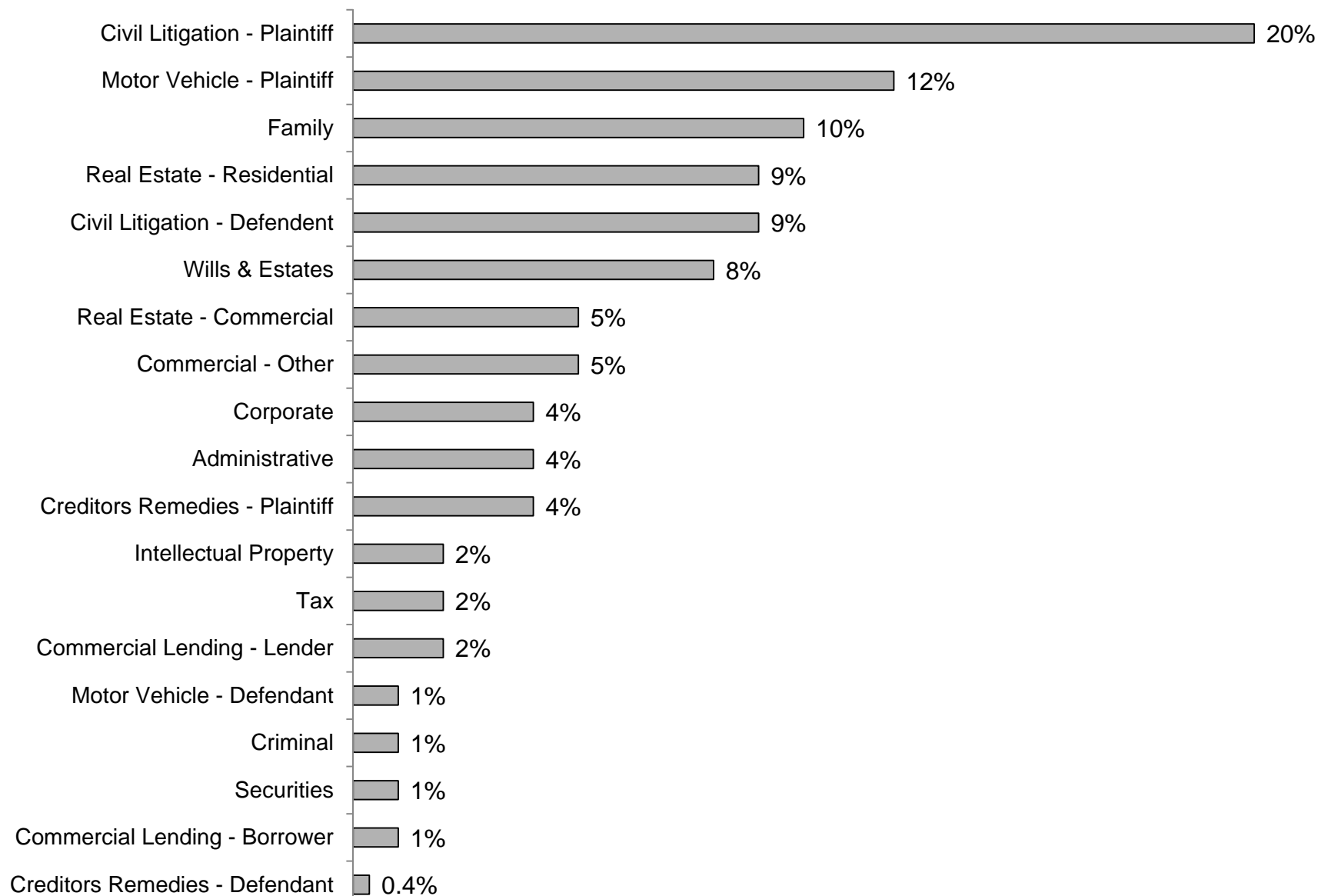


Claim Payments

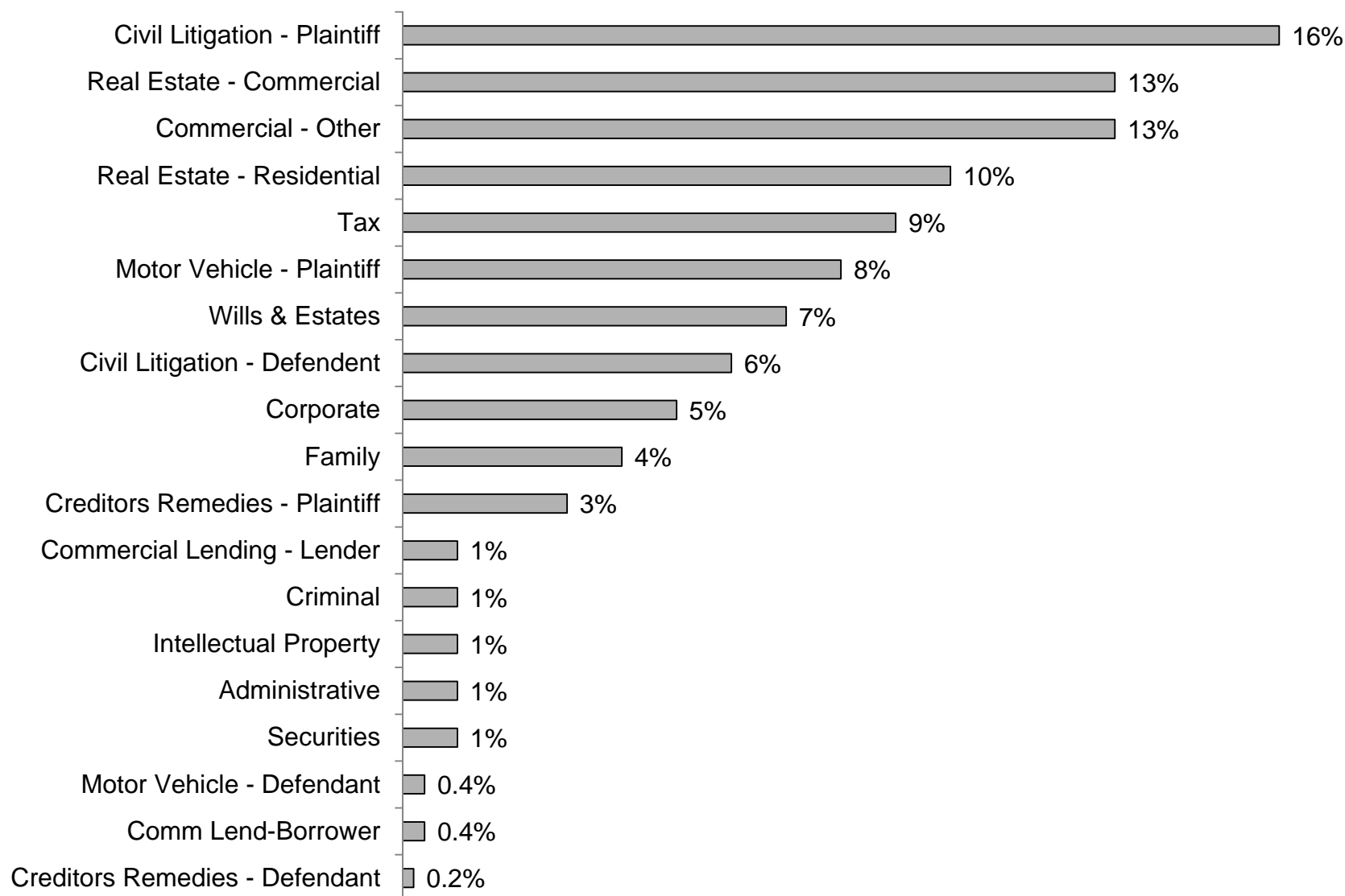
Expense
Indemnity



Frequency by Area of Practice

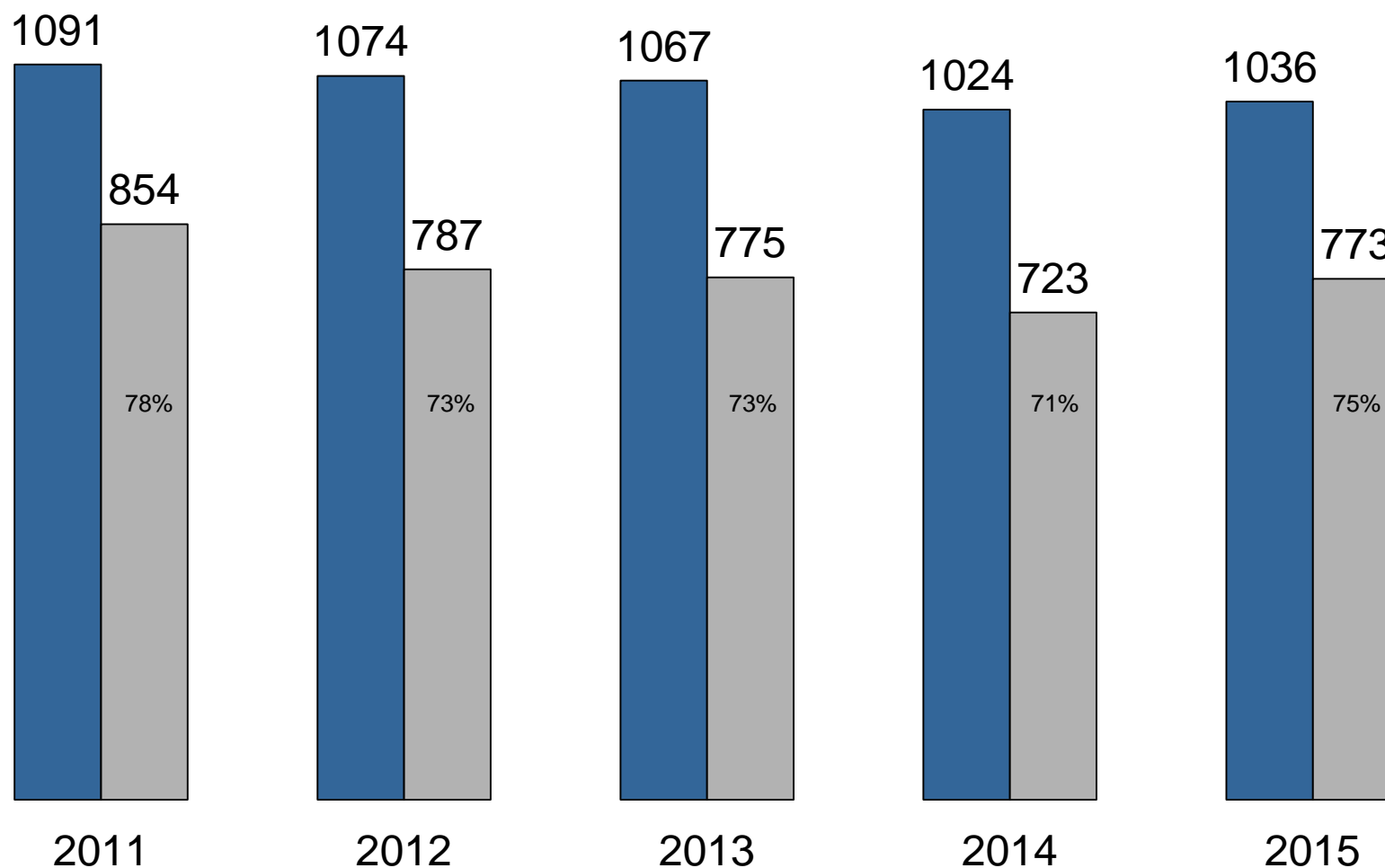


Severity by Area of Practice

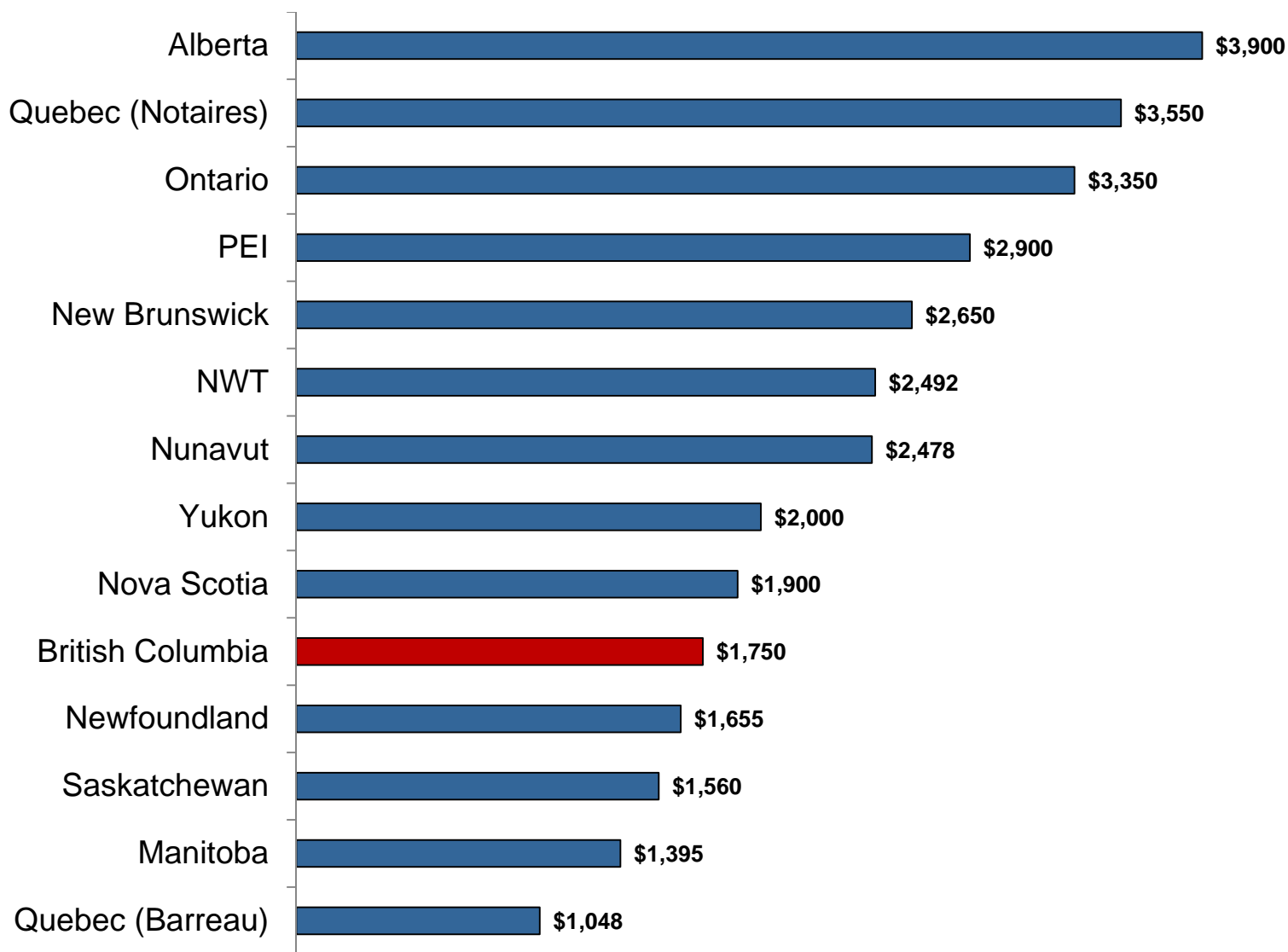


Closed Reports with No Payment

■ Total Reports Closed
■ Reports Closed with No Payment



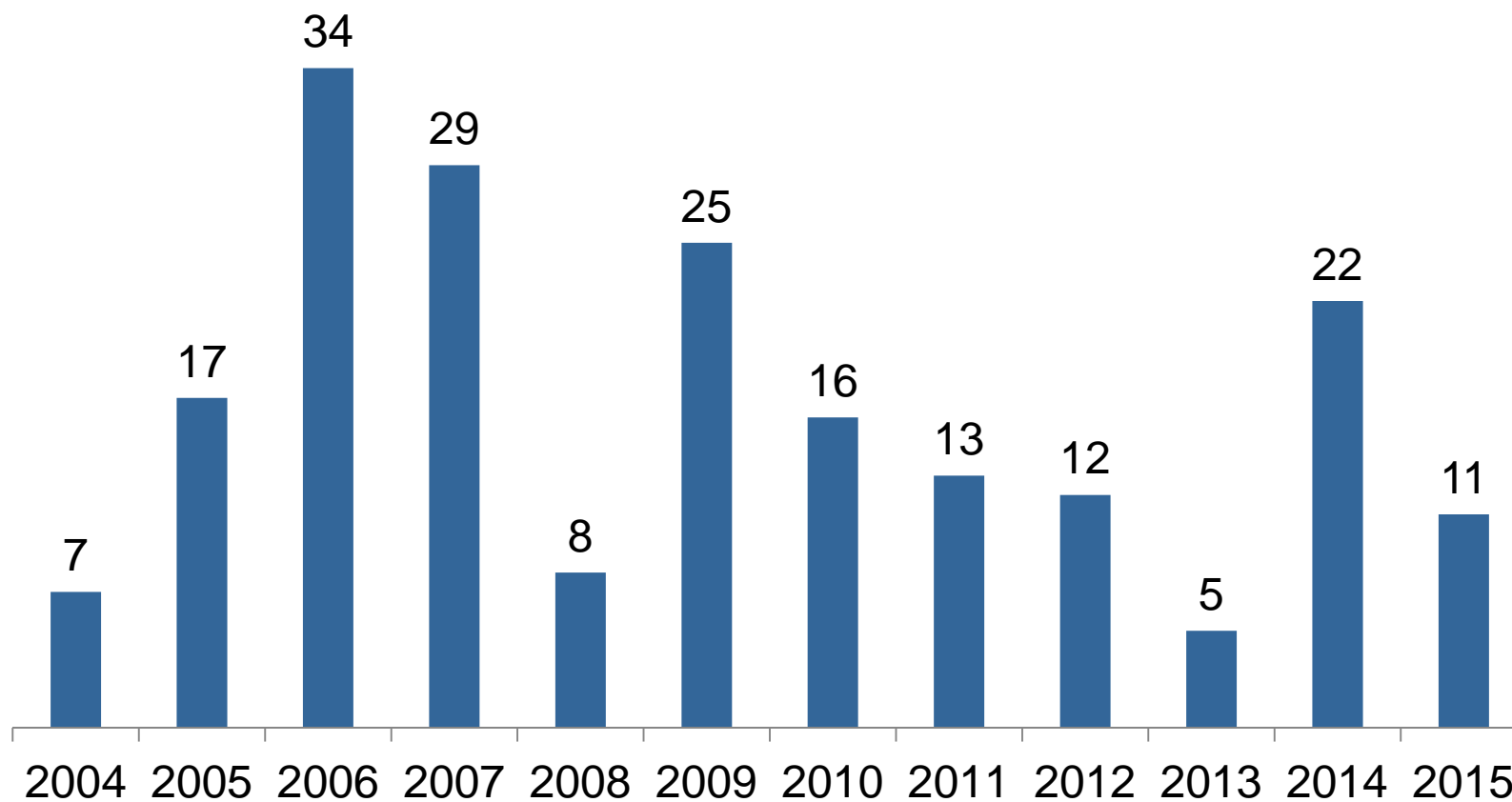
Insurance Fee Comparison



Program Report Roadmap

- Drivers: Who we are and what we do
- Places of Interest: Part A
- **Wonders of the World: Part B**
- Signposts: Who we serve and what they think

Part B Claims: 2004 - 2015



Program Report Roadmap

- Drivers: Who we are and what we do
- Places of Interest: Part A
- Wonders of the World: Part B
- **Signposts: Who we serve and what they think**

Part B: Feedback from Claimants

“From the first call to the LSBC I felt like I was not being dismissed. I was then passed to claims counsel, who I feel and felt as a very professional and caring person, not only to me but to the insured lawyer. He made very clear his role and the role of his office so the time and effort came from his dedication to a positive profession. Thank you, thank you, thank you. I am so grateful for the work and caring of this man. The result not what I expected – thank goodness for that. I expected either to be passed to a costly lawyer or nothing the Law Society could do about a lawyer who closed her practice and pulled her license before returning unused retainer fees for over 1.5 years.”

Service Evaluation Forms: Part A



Kudos (good) – 191



Grumbles (bad) – 6

Part A: Feedback from Insureds

“Claims counsel was amazing. He found the exact case that related to my (seemingly obscure) issue promptly and put my mind at ease (for the most part) about the claim. He was also incredibly pleasant to deal with and I just feel that he was the perfect person to assist me in this matter.

Part A: Feedback from Insureds

“Very professional and thorough. Very fair process. No judgment. Can’t say enough really. LIF and claims counsel in particular are stars when it comes to proactive queries.”

Part A: Feedback from Insureds

“I thought claims counsel was succinct and balanced in how he presented his views. I appreciated his candor.”

Part A: Feedback from Insureds

“Claims counsel provided exceptional service, demonstrating knowledge, skill and experience which instilled confidence and was exceptionally good with “bedside manner” in terms of how she dealt with me.”

Part A: Feedback from Insureds

“Claims counsel was the calm in my storm. I am used to providing support, not needing it. It was immensely helpful to be able to run my thoughts by him and receive lucid, practical advice.”

Part A: Feedback from Insureds

“The independent investigation and analysis of the facts and issues and the high professionalism in the response.”

Part A: Feedback from Insureds

“It is a terrible process to go through, making a mistake for a client that is actionable. All counsel provided excellent guidance and a clear understanding of the process and the need for same. LIF is in good hands, and thank you.”

Part A: Feedback from Insureds

“Claims counsel was most proactive in her role and very considerate of and sensitive to the depth of distress that I experienced.”

Part A: Feedback from Insureds

“Claims counsel handled the matter with outstanding professionalism. Beyond that, he showed compassion and sensitivity for my situation. He communicated well throughout the period, and I always felt well serviced by his advice and interest.”

Part A: Feedback from Insureds

“The speediness of response, the quick absorption of the facts and core issue, and practicality of response. I could not have asked for more or better assistance.”

Part A: Feedback from Insureds

“I sincerely appreciated claims counsel’s approach. She was very understanding of the situation. I never felt she was “judging” me. She helped me to analyze the situation, and to develop a “going forward” means of dealing with the matter. She was most helpful in assisting me in disclosing the problem to the client without admitting fault of liability. I am grateful that lawyers have counsel like claims counsel who truly serve the best interests of the public and BC lawyers.”

Part A: Feedback from Insureds

“Claims counsel is the ideal person to support a distressed practitioner when a potential claim is made by a client. She is gracious, knowledgeable, encouraging and forthright. I really appreciated her style, approach and guidance.”

Part A: Feedback from Insureds

“I most appreciated knowing that claims counsel had my back. She promptly had opposing counsel back down from adding my name to a claim against the former husband of my client. She was wonderful and I was so lucky to have her in my corner.”

Part A: Feedback from Insureds

“The excellent legal analysis done by claims counsel and conveyed to the other side’s lawyer put a halt to the claim before it got going. I am most pleased with claims counsel’s effective presentation of my case.”

Part A: Feedback from Insureds

“Claims counsel showed competence and professionalism throughout the process, asserting a strong position on my behalf while treating the lay claimant (not my client) with respect and courtesy. I felt that he made the effort to include me in his ‘strategy’ and welcomed my input. As soon as claims counsel took this on, I felt I was in good hands. Great job all around.”

Part A: Feedback from Insureds

“Whenever a lawyer is faced with a claim it triggers some measure of introspection and self-doubt which sometimes clouds a lawyer’s judgment about what happened, why it occurred and most importantly how to resolve it. Claims counsel was supportive, hard working and creative throughout the process, enlisting outside help as needed, and managed to get the PTT tax authority to reverse its position thereby eliminating the claim. I am truly respectful and appreciative of Claims counsel’s talents and problem solving skills.”

Lawyer feedback chart

2001

2015

How satisfied were you on the handling of your claim?

93%

98%

How satisfied overall were you with the services provided by defence counsel?

91%

95%

How satisfied were you on the outcome of your claims?

95%

98%

How satisfied overall were you with the services provided by claims counsel?

96%

98%



*Lawyers
Insurance
Fund*

Thank you



ACTION COMMITTEE ANNUAL MEETING 2016

MEMBER QUESTIONNAIRE

Justice Development Goals: Where Are We Now?

In 2008, Rt. Honourable Chief Justice Beverley McLachlin convened the Action Committee on Access to Justice in Civil and Family Matters based on the recognition of an increasing failure to provide a justice system that is accessible, responsive and citizen focused. Placed under the leadership of the Honourable Justice Thomas A. Cromwell, and composed of leaders in the civil and family justice communities and the public, the Action Committee was tasked with the mandate to develop consensus and priorities around improving access to justice and to encourage cooperation and collaboration between all stakeholders in the justice system.

The Action Committee is focused on fostering engagement, pursuing a strategic approach to reforms and coordinating the efforts of all participants concerned with civil and family justice. In 2013, the Action Committee published its Final Report, [Access to Civil and Family Justice: A Roadmap for Change](#), which contained 9 Justice Development Goals (i.e. a roadmap for addressing Canada's access to justice challenges) (attached). The questions produced in this survey map onto these justice development goals as set out in the Action Committee Final Report.

The purpose of this survey is to help inform a national status report on the state of access to justice in Canada, which will be published by the Action Committee and will be publically available. Responses will also be shared with the attendees of the March meeting of the Provincial and Territorial Access Groups. It may also be made available publically.

Please return your completed survey to: <mailto:ActionCommitteeSecre@justice.gc.ca> no later than **Tuesday February 16, 2016**.

It is recognized that some of the questions in this survey may not apply to your group. Please answer the questions that speak to your organizational mandate.

General Information

Name of organization or P/T A2J Group: Access to Justice BC

Mandate:

The mandate of Access to Justice BC includes:

1. to make justice more accessible for British Columbians,
2. to constitute itself with a broad, multi-sectoral membership representative of the diverse stakeholders in the justice system,¹
3. to convene this membership and, through convening, enable consultation and coordination respecting justice sector planning, priorities, program design, implementation and monitoring activities,
4. to facilitate open communication and collaborative working relationships between the stakeholders,
5. to provide advice to government and other justice system stakeholders,
6. to be action oriented and to motivate, energize and exhort to action those who can make fundamental change.

What Access to Justice BC does not do:

- the Committee's role is not operational. It is not a funder, nor is it a provider of services. Rather its role is to provide leadership, direction, advice and coordination,
- while not forever precluded, there is no need for more access reports or studies at this time,
- the Committee will not make its deliberations public, will have no public advocacy role and it will not take public positions on justice issues,
- the Committee will not be involved in advocacy for stakeholders, for programs or for specific initiatives.

It is recognized that there will likely be a communications and public engagement role for Access to Justice BC.

(Note: This statement of mandate is from an "Initial Terms of Reference" document created in April 2015. The vision of how Access to Justice BC will do its work has changed somewhat since this document was written. However it is still a reasonably accurate statement of the group's mandate.)

¹ See part 8 (Governance) for a discussion of the proposed "representative" capacity of members.

Primary contact information: Jane Morley, QC, Access to Justice BC Strategic Coordinator, jane@janemorley.com, 604-319-8427.

Website: In progress

Social media: In progress.

Membership & Progress Update

1. Please list the members of your provincial/territorial access to justice group: List appended.
 - a. To what extent does the public play a central role in your governance and activities?

Members of the 26 member Leadership Group include a self-represented litigant, and several representatives from groups representing the public such as the Executive Director of MOSAIC, an organization that provides services to the Immigrant and Multicultural Community, the Executive Director of Disability Alliance of BC, a Legal Advocate from Terrace and District Community Services Society, an Aboriginal lawyer working with parents involved in child protection litigation, a manager from the BC Chamber of Commerce, a mayor from the Union of British Columbia Municipalities. The self-represented litigant is on the Executive Committee and Chair of the Communications Committee. Any initiatives that are associated with Access to Justice BC will be expected to engage the user perspective and act in partnership with the users of the justice system.

2. Please provide a short paragraph updating the progress of your group since last year.

Over the last year, significant progress has been made. The initial terms of reference, mandate, vision, values, members and governance for the group was developed (April 2015). Three meetings have been held of the Leadership Group (June, September 2015, February 2016). A unique Framework for Action has been developed as to how Access to Justice BC will approach its work. (See attachment and answer to question 17.) At the recent Leadership Group meeting, 10 possible collaborative, innovative initiatives were identified.

3. Describe your group's areas of priority. Please identify any changes in these areas since last year.

The scope of Access to Justice BC's work is civil and family justice. In September the Leadership Group agreed to make Family Law the first area of priority. Serving BC's Aboriginal population was also identified as a priority.

4. Please identify one or two significant achievements experienced in the past year.

1. Access to Justice BC has succeeded in creating a forum for the top leadership of all major BC justice system stakeholders, and a diverse selection of representatives across sectors and reflective of those whom the justice system intended to serve, to come together not just to talk about justice issues but to develop and support collaborative and innovative initiatives aimed at improving the family and civil justice system in BC.
2. Access to Justice BC has also developed a Framework for Action that borrows from the US-based Institute for Healthcare Improvement and adapts it to the BC context. (See attachment and answer to question 17.) It will be the foundation for Access to Justice BC's innovative and system-changing work.

5. Please identify one or two significant challenges experienced in the past year.

1. Access to Justice BC has done an enormous amount of work with very little infrastructure funding. The Law Foundation of BC provided a grant of \$40,000, and significant progress has been made possible by the generous contribution of time by many very busy people, but the lack of infrastructure funding has slowed down the work of Access to Justice BC, and is of concern for the future.
2. Another challenge for Access to Justice BC has been figuring out how to approach justice reform differently in order to inspire collaborative and innovative collective action in a culture and system that is not experienced in working together or taking the risks involved in innovation.

Innovation

Access to Justice BC membership organizations have independently initiated innovative initiatives that we assume will be reported on independently from this report. We have not filled out the sub-questions in this section because Access to Justice BC has only recently identified the initiatives that it will potentially pursue. The initiatives fall under three domains: out-of-court dispute resolution; front-end, collateral family services; and judicial processes, including self-represented litigants. While each identified initiative has influential champions who are members of the Leadership Group, the ability to pursue them will depend on resources from member organizations and funding yet to be obtained. Innovation is central to Access to Justice BC's Framework for Action. Initiatives under Access to Justice BC's umbrella will be expected to adopt "an

‘improvement approach’ that engages user’s perspective, is multi-disciplinary, experimental and recognizes that users of the system are partners in improving it.”

6. Does your organizational mandate include a commitment to providing access to legal information? If so, what initiatives has your group undertaken to coordinate and promote access to legal information?

See above

7. Has your group engaged in any initiatives focused on (if so, please explain):

- Education & prevention
- Early dispute resolution
- Creating/promoting front end services

See above

8. Has your group created or been involved in any initiatives that offer new and innovative ways to deliver legal services? Please identify and explain.

- a. Please identify any successes and challenges you have experienced in expanding the legal service sector.

See above

9. a. In what ways has your group worked to promote access to justice as a central aspect of the profession?
- b. Has your group worked with any law schools or your respective law society this year to bring access to justice at the forefront of discussions on professionalism? If so, please explain.

One of the elements of Access to Justice BC's Framework for Action is "to create a network of organizations and individuals (including judges, lawyers, academics, public policy practitioners, users of the system and the general public) committed to access to justice system improvement."

The President of the Law Society of BC, and the UVIC Chair in Law and Public Policy and founder of UVic's Access to Justice Centre for Excellence are both members of the Leadership Group and the Executive Committee of Access to Justice BC. The Law Society will be directly involved in some of the identified initiatives of Access to Justice BC. Some of the research work undertaken by UVic's Access to Justice Centre for Excellence is expected to support the work being done by Access to Justice BC.

10. In what ways has your group worked to provide services and supports to self-represented litigants?

See above

11. Describe and identify any innovative family law initiatives your group as undertaken to increase the range of family law services.
- a. How have the initiatives worked to promote progressive values, such as conflict minimization, collaboration, consensual approaches to dispute resolution, etc.?
- b. Please identify any successes and challenges of the initiatives.

See above

Institution & Structure

12. In what ways has your group worked to promote legal education?

- a. Has the group undertaken any initiatives to promote teaching “justice” in primary, secondary and post-secondary education? Please identify and explain.

This is not currently within the scope of Access to Justice BC.

13. Has your group worked on any projects aimed at increasing the innovation capacity of the civil and family justice system? Please identify.

- a. In what specific ways have your projects worked to improve innovation?
- b. Please identify any particular innovative methods in program design and delivery.

Access to Justice BC is itself a project to increase the innovation capacity of the civil and family justice system. Its Framework for Action is designed to create a practical framework for the justice system to be innovative. As initiatives proceed, every one of them will be an experiment in justice system innovation.

Research and Funding:

14. In what ways has your group collaborated on initiatives at a national level?

Access to Justice BC keeps in contact with initiatives at the national level and two members of the Action Committee are on the Executive of Access to Justice BC.

- a. Has your group collaborated on any initiatives with members outside of the justice sector, such as social scientists, economists, healthcare professionals, etc.? If so, what were they?

The Leadership Group has members from outside the justice sector. “Multi-disciplinary” is one of the elements of Access to Justice BC’s “improvement approach”. As initiatives develop they will be expected to engage people outside the justice sector.

15. How is your group measuring the success of your programs?

- a. Do you collect data or other metrics on your programs? If so, please explain.

One of the elements of Access to Justice BC’s Framework for Action is “the creation of practical common outcome measures that test policies, programs and innovation in terms of Access to Justice BC’s Triple Aim”. (See the answer to question 17 for more about the Triple Aim concept.)

- b. Is the data you collect made available to the public?

The data collected will be made available to the public.

General

16. To what extent has the work of your group been guided the 9 Justice Development Goals (i.e. the roadmap presented in the Action Committee Final Report, [Access to Civil and Family Justice: A Roadmap for Change, p. 17](#))?

Access to Justice BC's existence was inspired by the Roadmap for Change. Its overall goal is a sustainable civil and family justice system in which justice is accessible to British Columbians. Its commitment to "engaging the user's perspective" is intended to refocus the justice system to reflect and address everyday legal problems, and make needed multi-disciplinary family services available to families involved in the justice system. Its "improvement approach" is designed to enhance the innovation capacity of the Family and Justice System, and to promote and practice evidenced-based policymaking.

- 17.** Is there anything else your organization has been doing that we have not asked about? If so, please tell us below.

Reference has been made above to Access to Justice BC's Framework for Action. Time has been spent on developing this Framework in recognition that implementation of the Justice Development Goals would not happen unless a fundamentally different approach was taken to system's change than has been pursued in the past by the justice system in BC. The Framework borrows the Triple Aim concept from the health sector, in particular from the US based Institute for Healthcare Improvement (IHI). Attached is a one-page summary of the IHI Triple Aim approach. Access to Justice BC sees its Framework as taking the Action Committee's Justice Development Goals one step further, and answering the question: **how** will they be implemented in BC? The emphasis is on setting a common improvement aim that has three interrelated measurable elements that need to be balanced – user experience, population outcomes and cost – and on finding practical common ways to measure success against that aim. It also assumes an experimental, multi-disciplinary, user-focused approach for any improvement initiatives.

Thank you!



ACTION COMMITTEE ON ACCESS TO JUSTICE IN CIVIL AND FAMILY MATTERS

JUSTICE DEVELOPMENT GOALS

A. INNOVATION GOALS

1. Refocus the Justice System to Reflect and Address Everyday Legal Problems
2. Make Essential Legal Services Available to Everyone
3. Make Courts and Tribunals Fully Accessible Multi-Service Centres for Public Dispute Resolution
4. Make Coordinated and Appropriate Multidisciplinary Family Services Easily Accessible

B. INSTITUTIONAL AND STRUCTURAL GOALS

5. Create Local and National Access to Justice Implementation Mechanisms
6. Promote a Sustainable, Accessible and Integrated Justice Agenda through Legal Education
7. Enhance the Innovation Capacity of the Civil and Family Justice System

C. RESEARCH AND FUNDING GOALS

8. Support Access to Justice Research to Promote Evidence-Based Policy Making
9. Promote Coherent, Integrated and Sustained Funding Strategies

BC Access to Justice Committee

Members – February, 2016

<u>Name</u>	<u>Title</u>	<u>Affiliation</u>
Robert Bauman	Chief Justice	Court of Appeal
Austin Cullen	Associate Chief Justice	Supreme Court
Peter Voith	Judge	Supreme Court
Thomas Crabtree	Chief Judge	Provincial Court
Richard Fyfe, QC	Deputy Attorney General	Ministry of Justice
James Deitch	Acting Assistant Deputy Minister	Ministry of Justice
David Crossin, QC	President	Law Society of BC
Jennifer Chow	President	Canadian Bar Association, BC Branch
Mark Benton, QC	Executive Director	Legal Services Society
Wayne Robertson, QC	Executive Director	Law Foundation of BC
Johanne Blenkin	Chief Executive Officer	Courthouse Libraries BC
Jamie Maclaren	Executive Director	Access Pro Bono
Jerry McHale, QC	Lam Chair in Law and Public Policy	UVic, Faculty of Law
Rick Craig	Executive Director, Justice Education Society	PLEI
Katrina Harry	Lawyer, Parents Legal Centre LSS	Aboriginal
Cheryl Vickers	Chair – Property Assessment Appeal Board	Administrative Law
Jennifer Muller	Self-Represented Litigant	Public
Kari Boyle	Director of Strategic Initiatives, Mediate BC	Mediators
Eyob Naizghi	Executive Director, MOSAIC	Immigrant and Multicultural Community
Rose Singh	Paralegal	Paralegals
Jane Dyson	Executive Director, Disability Alliance of BC	Community Advocates
Wayne Braid	Executive Director, BC Notaries	Notaries
Mary Mouat, QC	Family Lawyer, Quadra Legal Centre	Family Law
Stacey Tyers	Legal Advocate, Terrace and District Community Services Society	Low Income and Marginalized Communities
Allan Seckel, QC	Chief Executive Officer, Doctors of BC	Health
Dan Baxter	Manager, BC Chamber of Commerce	Small Business
Nils Jensen	Mayor, Oak Bay	Union of British Columbia Municipalities

Core Elements of Access to Justice BC's ("A2JBC"s) Framework for Action
(Feb 11, 2016 Version)

- 1. Commitment to a sustainable civil and family justice system in which justice is accessible to British Columbians**
- 2. A Triple Aim that is supported system-wide and balances improved user experience, improved justice outcomes for the population, and per capita costs**
- 3. An "improvement approach" that engages the user's perspective, is multi-disciplinary, experimental and recognizes that users of the system are partners in improving it**
- 4. Collaborative and innovative initiatives that:**
 - a) Are developed and implemented by individuals, organizations and groups of organizations, associated with Access to Justice BC**
 - b) Are designed to contribute to the Triple Aim**
 - c) Are measured against their contribution to the Triple Aim, and**
 - d) Use an "improvement approach" in their development and implementation.**
- 5. The creation of practical common outcome measures that test policies, programs and innovations in terms of their contribution to the Triple Aim**
- 6. A forum for sharing knowledge gained through improvement experience and exploring mutually reinforcing activities**
- 7. A network of organizations and individuals (including judges, lawyers, academics, public policy practitioners, users of the system and the general public) committed to access to justice system improvement**



Memo

To: The Benchers
From: Deborah Armour, Chief Legal Officer
Date: February 10, 2016
Subject: National Discipline Standards

Background

1. The National Discipline Standards were developed as a Federation of Law Societies of Canada initiative to create uniformly high standards for all stages of the processing of complaints and disciplinary matters in law societies. The Benchers approved the adoption and implementation of the National Discipline Standards at its meeting on June, 13 2014. All law societies in Canada have adopted the standards.
2. The standards address timeliness, openness, public participation, transparency, accessibility and training of adjudicators and investigators.
3. The standards are aspirational. To date, only one law society in Canada has met all of the standards.
4. Standard 9 requires me to report to you annually. I provide that report below.

Report on LSBC Progress

5. LSBC progress on each of the standards is found in Attachment 1.
6. Our results year over year have slipped. When I reported last January, we were meeting 17 of the 21 standards. As of 2015 year-end, we are meeting 15.
7. Where we fall short:
 - a. Written complaints are acknowledged in writing within three business days (Standard 2) – The standard is 100% and we met it in the past but did not meet it this year (we achieved 99.8%) due to an administrative oversight.

- b. Commencement of hearings within 9 months of authorization of a citation (Standard 7) - The standard is 75% and we are at 65% (up from 62% last January).
- c. Hearing panel decisions rendered within 90 days of last submissions of parties (Standard 8) – The standard is 90% and we are at 55% (down from 71% last January).
- d. Ability to share information about lawyers with other law societies *in a manner that protects solicitor/client privilege* (Standard 16) – Rule 2-24 requires us to provide information to another law society investigating one of our members, but it is not clear that solicitor/client privileged information must be protected in the hands of the recipient. We are seeking a rule amendment to make that clear.
- e. Easily accessible information on disciplinary history (Standard 19) – It is not easy to access any but the most recent disciplinary history on members. The staff Lawyer Lookup Working Group has made recommendations to Leadership Council for changes which, if implemented, would bring LSBC into compliance with this standard. An implementation working group is being struck.
- f. Ongoing mandatory training for all adjudicators (Standard 20) – All adjudicators have taken a basic course on the principles of administrative law, Law Society procedures and decision-writing. All lawyer adjudicators have taken an advanced workshop on decision writing and, before chairing a panel or review board, an advanced workshop on hearing skills. Annual refresher training was over a year from the previous session, and a few adjudicators did not attend.

ATTACHMENT 1

NATIONAL DISCIPLINE STANDARDS

ANNUAL REPORT ON LSBC STATUS AS AT DECEMBER 31, 2015

STANDARD		CURRENT STATUS
Timeliness		
1.	<p><i>Telephone inquiries:</i></p> <p>75% of telephone inquiries are acknowledged within one business day and 100% within two business days.</p>	MET
2.	<p><i>Written complaints:</i></p> <p>100% of written complaints are acknowledged in writing within three business days.</p>	<p>NOT MET</p> <p>99.8% were acknowledged within three days</p>
3.	<p><i>Timeline to resolve or refer complaint:</i></p> <p>80% of all complaints are resolved or referred for a disciplinary or remedial response within 12 months.</p> <p>90% of all complaints are resolved or referred for a disciplinary or remedial response within 18 months.</p>	<p>MET</p> <p>91% were closed within one year</p> <p>MET</p> <p>97% were closed within 18 months</p>
4.	<p><i>Contact with complainant:</i></p> <p>For 90% of open complaints there is contact with the complainant at least once every 90 days during the investigation stage.</p>	MET
5.	<p><i>Contact with lawyer or Québec notary:</i></p> <p>For 90% of open complaints there is contact with the lawyer or Québec notary at least once every 90 days during the investigation stage.</p>	MET

STANDARD		CURRENT STATUS
Hearings		
6.	<p>75% of citations or notices of hearings are issued and served upon the lawyer or Québec notary within 60 days of authorization.</p> <p>95% of citations or notices of hearings are issued and served upon the lawyer or Québec notary within 90 days of authorization.</p>	<p>MET 100% of citations issued and served in this reporting period were issued and served within 60 days of authorization.</p> <p>MET</p>
7.	<p>75% of all hearings commence within 9 months of authorization.</p> <p>90% of all hearings commence within 12 months of authorization.</p>	<p>NOT MET 65% of hearings commenced in this reporting period were commenced within 9 months. Last year's results were 62 %.</p> <p>MET 91% of hearings commenced in this reporting period were commenced within 12 months. Last year's results were 86%.</p>
8.	Reasons for 90% of all decisions are rendered within 90 days from the last date the panel receives submissions.	NOT MET 55% of all decisions were rendered within 90 days of the last date the panel received submissions. Last year's results were 71 %.
9.	Each law society will report annually to its governing body on the status of the standards.	MET
Public Participation		
10.	There is public participation at every stage of discipline; i.e. on all hearing panels of three or more; at least one public representative; on the charging committee, at least one public representative.	<p>MET There is one public representative on every disciplinary panel, at least two public representatives on every review board and currently a public representative on our charging body (Discipline Committee).</p>

STANDARD		CURRENT STATUS
11.	There is a complaints review process in which there is public participation for complaints that are disposed of without going to a charging committee.	MET Our Complainants' Review Committee has 2 public members. One public member sits on each panel.
Transparency		
12.	Hearings are open to the public.	MET Hearings are open to the public unless the panel exercises its discretion under Rule 5-8 to exclude some or all members of the public.
13.	Reasons are provided for any decision to close hearings.	MET Rule 5-8 (5) requires panels to give written reasons for orders to exclude the public or to require non-disclosure of information.
14.	Notices of charge or citation are published promptly after a date for the hearing has been set.	MET In all cases, we publish the fact that a citation has been authorized as soon as the respondent has been informed and the content of the citation when the respondent has been served.
15.	Notices of hearing dates are published at least 60 days prior to the hearing, or such shorter time as the pre-hearing process permits.	MET In all cases, we publish dates of hearings as soon as they are set.
16.	There is an ability to share information about a lawyer or Québec notary who is a member of another law society with that other law society when an investigation is underway in a manner that protects solicitor-client privilege, or there is an obligation on the lawyer or Québec notary to disclose to all law societies of which he/she is a member that there is an investigation underway.	NOT MET Rule 2-24 requires us to provide information to another law society investigating one of our members, but it is not clear that solicitor/client privileged information must be protected in the hands of the recipient. We are seeking a rule amendment to make that clear.

STANDARD		CURRENT STATUS
17.	There is an ability to report to police about criminal activity in a manner that protects solicitor/client privilege.	MET Rule 3-3(5) allows the Discipline Committee to consent to delivery of such information to a law enforcement agency. Rule 3-3(6) indicates we cannot share privileged material.
Accessibility		
18.	A complaint help form is available to complainants.	MET We have web based material that assists those wishing to make complaints, as well as paper brochures that discuss our complaints processes and jurisdiction.
19.	There is a directory available with status information on each lawyer or Québec notary, including easily accessible information on discipline history.	NOT MET Currently most discipline information is available although it is not all easy to access. The staff Lawyer Lookup Working Group has made recommendations to Leadership Council for changes, which, if implemented, would bring the Law Society into compliance with this standard. An implementation working group is being struck.
Qualification of Adjudicators and Volunteers		
20.	There is ongoing mandatory training for all adjudicators, including training on decision writing, with refresher training no less often than once a year and the curriculum for mandatory training will comply with the national curriculum if and when it is available.	NOT MET All adjudicators have taken a basic course on the principles of administrative law, Law Society procedures and decision-writing. All lawyer adjudicators have taken an advanced workshop on decision writing and, before chairing a panel or review board, an advanced workshop on hearing skills. Annual refresher training was over a year from the previous session, and a few adjudicators did not attend.
21.	There is mandatory orientation for all volunteers involved in conducting investigations or in the charging process to ensure that they are equipped with the knowledge and skills to do the job.	MET We provide orientation to all new members of the Discipline Committee.

The Law Society of British Columbia
Employee Survey 2015
LEX - Employee Data Report

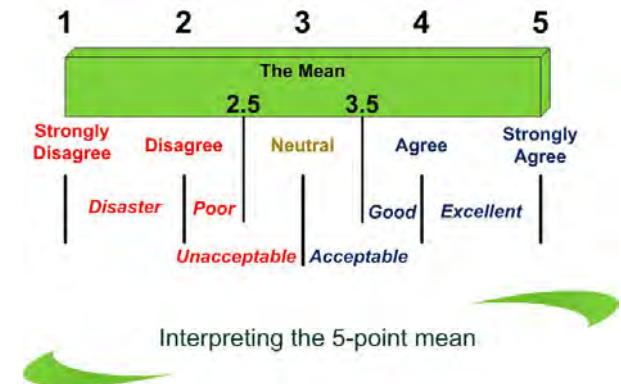
Data Report Guide

Interpreting the Data

There are a variety of ways of looking at the data, but the two primary measures used are the mean and the percent (%) of agreement.

1. The mean is the most reliable single measure that describes the total picture of an individual item or question.
2. The percent agreement can be interpreted as an indicator of the degree of strength when high or an opportunity for improvement when low.

To determine what your data suggests, we recommend an initial focus on the mean scores and then use the percentage of agreement scales as a supplementary source to further illustrate a particular finding. To ensure there is a common interpretation of what a mean score actually means, we suggest the following reference guide.



Report Legend

Overall Summary: The overall summary is the aggregate of all questions in the survey using the five-point Likert agreement scale. The graph displays the agreement categories as a percentage (image below).

Strongly disagree/Disagree	Neutral	Agree/Strongly Agree
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Top Three/Bottom Three: The top and bottom three questions based on the relative mean score. The graph displays the agreement categories as a percentage.

Detailed Section Reporting: All questions listed in the order they were asked.

All Items Ranked by Mean: All questions ranked in order by the relative mean score (highest to lowest).

Trending: Each question from this year compared with the previous year's data.







**This significance test simply compares the first filter with any other filter in the report. It looks at the difference between the means and percentage points and draws a conclusion as to whether or not the differences are significant or insignificant. If it sees a significant difference, the program places an asterisk (*) next to the number in question. The significance is impacted by the number of individuals responding.*

The Law Society of British Columbia Employee Survey 2015 Employee Data Report





The Law Society's 2015 Employee Survey was conducted from Monday, November 2, 2015 - Tuesday, November 24, 2015. It consisted of 28 scaled items, three demographic items and three open-ended items. The survey generated 155 responses for a response rate of 82%. This response yields data accurate to within +/- 3.39% at a 95% confidence level.

Who Responded




Department

Response	Frequency	Percent	0	20	40	60	80	100
Lawyers Insurance Fund	17	11.0%						
Credentials/Education: Member	20	12.9%						
Professional Regulation: Intake & Early	47	30.3%						
Trust Regulation/Corporate Services:	35	22.6%						
Information & Planning: Information	22	14.2%						
No Response	14	9.0%						




Years of service

Response	Frequency	Percent	0	20	40	60	80	100
0 to 5 years	68	43.9%						
6 to 10 years	44	28.4%						
11 years and over	29	18.7%						
No Response	14	9.0%						

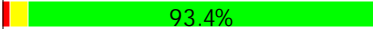
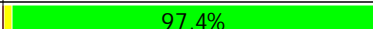
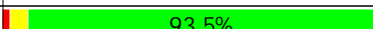
Do you have management responsibilities?

Response	Frequency	Percent	0	20	40	60	80	100
Yes	28	18.1%						
No	122	78.7%						
No Response	5	3.2%						




Overall Summary

Groups	Data Filter	Mean	Category Percentages	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
			0 20 40 60 80 100					
OVERALL SUMMARY	All Data 2015	3.86		2.5%	8.2%	18.0%	43.5%	27.8%
	All Data 2013	3.96		1.6%	5.8%	17.1%	45.5%	30.0%
	All Data 2012	3.91		2.0%	6.2%	19.1%	44.7%	28.0%















Top Three Items

Questions	Mean	Category Percentages	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
		0 20 40 60 80 100					
4. I have a good understanding how my department works	4.55		0.0%	2.0%	4.6%	29.6%	63.8%
1. I understand the Law Society mandate	4.48		0.0%	0.6%	1.9%	46.5%	51.0%
3. I understand how my work contributes to the success of the Law Society	4.47		0.0%	2.0%	4.6%	37.9%	55.6%

Bottom Three Items



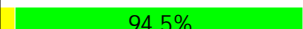

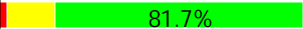
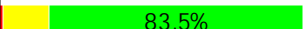

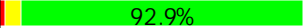

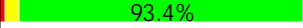










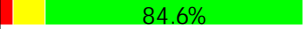






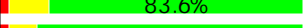


Questions	Mean	Category Percentages	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
		0 20 40 60 80 100					
8. Overall, I am satisfied with my salary and benefits at the Law Society	3.28		8.4%	17.4%	24.5%	36.8%	12.9%
9. I am satisfied with the resources I have to do my job	3.39		2.6%	20.9%	24.2%	39.9%	12.4%
16. I have the opportunity to provide input on decisions that will affect me	3.43		7.1%	14.2%	22.6%	41.3%	14.8%






















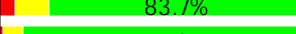
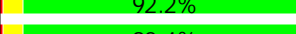
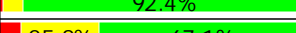



Items Ranked by Mean

Questions	Mean	Mean as a percent of possible score	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
		0 20 40 60 80 100					
4. I have a good understanding how my department works	4.55	 89%	0.0%	2.0%	4.6%	29.6%	63.8%
1. I understand the Law Society mandate	4.48	 87%	0.0%	0.6%	1.9%	46.5%	51.0%
3. I understand how my work contributes to the success of the Law Society	4.47	 87%	0.0%	2.0%	4.6%	37.9%	55.6%
18. I get the cooperation and assistance I need from my work unit	4.12	 78%	0.7%	4.6%	11.1%	49.0%	34.6%
2. Our mandate inspires me to do my job	4.10	 78%	0.0%	3.9%	15.5%	47.1%	33.5%
10. I am able to do meaningful work that makes a difference	4.10	 78%	0.7%	2.6%	13.2%	53.3%	30.3%
13. My manager recognizes and appreciates good performance	4.08	 77%	1.9%	5.8%	11.0%	45.2%	36.1%
7. The challenges of my job make good use of my skills and knowledge	4.05	 76%	0.6%	4.5%	14.8%	49.7%	30.3%
17. My ideas and suggestions are welcomed	3.84	 71%	2.6%	3.2%	22.1%	51.3%	20.8%
19. I get the cooperation and assistance I need from other work units	3.79	 70%	0.0%	7.1%	25.8%	48.4%	18.7%
11. Management encourages trust and respect	3.78	 70%	5.3%	7.9%	18.4%	40.8%	27.6%
12. My manager discusses opportunities for my career development with me	3.68	 67%	5.8%	9.7%	22.7%	34.4%	27.3%
5. I have a good understanding of how other departments work within the organization	3.61	 65%	0.6%	14.8%	24.5%	43.2%	16.8%
6. I am aware of our organization's progress towards its strategic goals	3.58	 65%	1.3%	9.0%	34.2%	41.3%	14.2%

Questions	Mean	Mean as a percent of possible score	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
		0 20 40 60 80 100					
15. I feel well informed about changes at the Law Society	3.55	64%	4.5%	12.9%	20.0%	48.4%	14.2%
14. The Law Society provides opportunities for job development and enrichment	3.48	62%	5.2%	11.6%	27.1%	42.6%	13.5%
16. I have the opportunity to provide input on decisions that will affect me	3.43	61%	7.1%	14.2%	22.6%	41.3%	14.8%
9. I am satisfied with the resources I have to do my job	3.39	60%	2.6%	20.9%	24.2%	39.9%	12.4%
8. Overall, I am satisfied with my salary and benefits at the Law Society	3.28	57%	8.4%	17.4%	24.5%	36.8%	12.9%

Trend Reporting

Questions	Data Filter	Mean	Category Percentages	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	Count
			0 20 40 60 80 100						
1. I understand the Law Society mandate	All Data 2015	4.48		0.0%	0.6%	1.9%	46.5%	51.0%	155
	All Data 2013	4.47		1.3%	0.0%	3.9%	39.6%	55.2%	154
	All Data 2012	4.50		0.0%	0.0%	5.5%	39.3%	55.2%	145
2. Our mandate inspires me to do my job	All Data 2015	4.10		0.0%	3.9%	15.5%	47.1%	33.5%	155
	All Data 2013	4.13		0.0%	2.6%	15.7%	47.7%	34.0%	153
	All Data 2012	4.18		0.0%	1.4%	15.2%	47.6%	35.9%	145
3. I understand how my work contributes to the success of the Law Society	All Data 2015	4.47		0.0%	2.0%	4.6%	37.9%	55.6%	153
	All Data 2013	4.44		0.6%	1.3%	5.2%	39.0%	53.9%	154
	All Data 2012	4.53		0.0%	0.0%	4.2%	38.2%	57.6%	144
4. I have a good understanding how my department works	All Data 2015	4.55		0.0%	2.0%	4.6%	29.6%	63.8%	152
	All Data 2013	4.61		0.0%	0.0%	3.3%	32.0%	64.7%	153
	All Data 2012	4.63		0.0%	0.0%	2.1%	32.6%	65.3%	144
5. I have a good understanding of how other departments work within the organization	All Data 2015	3.61		0.6%	14.8%	24.5%	43.2%	16.8%	155
	All Data 2013	3.69		2.6%	9.7%	23.4%	44.8%	19.5%	154
	All Data 2012	3.63		0.7%	14.6%	23.6%	43.8%	17.4%	144
6. I am aware of our organization's progress towards its strategic goals	All Data 2015	3.58		1.3%	9.0%	34.2%	41.3%	14.2%	155
	All Data 2013	3.60		0.6%	9.7%	31.2%	46.1%	12.3%	154
	All Data 2012	3.57		0.7%	11.0%	31.0%	45.5%	11.7%	145
7. The challenges of my job make good use of my skills and knowledge	All Data 2015	4.05		0.6%	4.5%	14.8%	49.7%	30.3%	155
	All Data 2013	4.15		1.3%	3.2%	11.7%	46.8%	37.0%	154
	All Data 2012	4.13		0.0%	4.9%	10.5%	51.0%	33.6%	143
8. Overall, I am satisfied with my salary and benefits at the Law Society	All Data 2015	3.28		8.4%	17.4%	24.5%	36.8%	12.9%	155
	All Data 2013	3.40		6.5%	16.2%	20.8%	44.2%	12.3%	154
	All Data 2012	3.37		8.3%	11.1%	26.4%	43.8%	10.4%	144
9. I am satisfied with the resources I have to do my job	All Data 2015	3.39		2.6%	20.9%	24.2%	39.9%	12.4%	153
	All Data 2013	3.71 *		1.3%	10.4%	22.1%	48.1%	18.2%	154
	All Data 2012	3.77 *		2.1%	8.3%	17.9%	54.5%	17.2%	145
10. I am able to do meaningful work that makes a difference	All Data 2015	4.10		0.7%	2.6%	13.2%	53.3%	30.3%	152
	All Data 2013	4.21		0.6%	2.6%	9.1%	50.6%	37.0%	154
	All Data 2012	4.10		0.0%	3.5%	13.2%	53.5%	29.9%	144

Questions	Data Filter	Mean	Category Percentages	Strongly disagree	Disagree	Neutral	Agree	Strongly agree	Count
			0 20 40 60 80 100						
11. Management encourages trust and respect	All Data 2015	3.78		5.3%	7.9%	18.4%	40.8%	27.6%	152
	All Data 2013	3.80		3.3%	6.5%	22.2%	43.1%	24.8%	153
	All Data 2012	3.60 *		3.4%	11.7%	25.5%	40.0%	19.3%	145
12. My manager discusses opportunities for my career development with me	All Data 2015	3.68		5.8%	9.7%	22.7%	34.4%	27.3%	154
	All Data 2013	3.74		3.9%	5.3%	27.6%	39.5%	23.7%	152
	All Data 2012	3.56		5.5%	7.6%	31.0%	37.2%	18.6%	145
13. My manager recognizes and appreciates good performance	All Data 2015	4.08		1.9%	5.8%	11.0%	45.2%	36.1%	155
	All Data 2013	4.17		1.3%	3.3%	10.5%	46.7%	38.2%	152
	All Data 2012	4.15		1.4%	3.5%	10.4%	47.9%	36.8%	144
14. The Law Society provides opportunities for job development and enrichment	All Data 2015	3.48		5.2%	11.6%	27.1%	42.6%	13.5%	155
	All Data 2013	3.73 *		0.7%	8.5%	25.5%	48.4%	17.0%	153
	All Data 2012	3.45		2.8%	11.1%	36.1%	38.2%	11.8%	144
15. I feel well informed about changes at the Law Society	All Data 2015	3.55		4.5%	12.9%	20.0%	48.4%	14.2%	155
	All Data 2013	3.75 *		0.6%	8.4%	24.0%	49.4%	17.5%	154
	All Data 2012	3.65		2.8%	7.6%	28.5%	44.4%	16.7%	144
16. I have the opportunity to provide input on decisions that will affect me	All Data 2015	3.43		7.1%	14.2%	22.6%	41.3%	14.8%	155
	All Data 2013	3.56		3.9%	11.8%	24.3%	44.1%	15.8%	152
	All Data 2012	3.50		5.6%	11.1%	27.8%	38.9%	16.7%	144
17. My ideas and suggestions are welcomed	All Data 2015	3.84		2.6%	3.2%	22.1%	51.3%	20.8%	154
	All Data 2013	3.98		0.7%	6.5%	15.0%	49.7%	28.1%	153
	All Data 2012	3.83		2.8%	3.5%	21.5%	52.8%	19.4%	144
18. I get the cooperation and assistance I need from my work unit	All Data 2015	4.12		0.7%	4.6%	11.1%	49.0%	34.6%	153
	All Data 2013	4.31 *		0.7%	0.7%	6.5%	51.0%	41.2%	153
	All Data 2012	4.31 *		0.7%	0.7%	6.3%	51.4%	41.0%	144
19. I get the cooperation and assistance I need from other work units	All Data 2015	3.79		0.0%	7.1%	25.8%	48.4%	18.7%	155
	All Data 2013	3.88		0.6%	3.9%	22.1%	53.2%	20.1%	154
	All Data 2012	3.75		1.4%	6.3%	26.4%	47.9%	18.1%	144

Skills Development

How often do you use:

Questions	Mean	Category Percentages					Never	Rarely	Sometimes	Often	Always
		0	20	40	60	80					
22. Outlook	4.92	100.0%					0.0%	0.0%	0.0%	8.5%	91.5%
24. Word	4.37	81.7%					0.7%	6.5%	11.1%	18.3%	63.4%
26. Excel	3.22	32.7% 22.9% 44.4%					11.8%	20.9%	22.9%	22.9%	21.6%
28. PowerPoint	2.04	64.1% 29.4%					39.9%	24.2%	29.4%	5.2%	1.3%

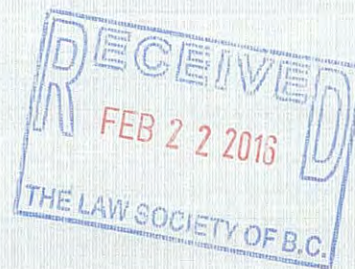
What is your current application skill level in regards to using

Questions	Mean	Category Percentages					Limited	Developing	Average	Above average	Advanced
		0	20	40	60	80					
23. Outlook:	3.68	42.2% 55.8%					0.0%	1.9%	42.2%	41.6%	14.3%
25. Word:	3.63	39.0% 54.6%					1.3%	5.2%	39.0%	38.3%	16.2%
27. Excel:	2.80	37.0% 34.4% 28.6%					19.5%	17.5%	34.4%	20.8%	7.8%
29. PowerPoint:	2.42	49.4% 33.8% 16.9%					29.2%	20.1%	33.8%	13.0%	3.9%

Questions	Mean	Category Percentages					Strongly disagree	Disagree	Neutral	Agree	Strongly agree
		0	20	40	60	80					
30. The Law Society has provided adequate training to adapt technologies and applications to my work	3.68	30.0% 64.7%					0.0%	5.3%	30.0%	56.0%	8.7%



1340-605 Robson Street, Vancouver,
British Columbia, V6B 5J3 Canada
FAX 604/688-4586 • Phone 604/688-2337



February 16, 2016

Mr. Tim McGee, QC
CEO and Executive Director
Law Society of BC
845 Cambie Street
Vancouver, BC V6B 4Z9

Dear Mr. McGee:

Re: Pro Bono Law in British Columbia

As you know, the Law Foundation has, since 2001, been funding pro bono activities of the legal profession in the province. It has supported, together with the Law Society and the Canadian Bar Association, the development of Pro Bono Law BC, which in 2010 merged with the Western Canada Society to Access Justice to become the Access Pro Bono Society of British Columbia. As you will recall, at our Board's March 2012 meeting, Access Pro Bono was made a continuing program of the Law Foundation.

At the Benchers meeting of November 10, 2006, the Benchers of the Law Society passed a motion authorizing an annual payment to the Law Foundation of 1% of the general fund portion of the annual practice fee to be distributed to organizations offering pro bono services to the public. This amount was generously increased by the Law Society in 2014 to \$340,000 per year, \$60,000 of which is for access to justice initiatives and \$48,380 of which is "flow through" money for Access Pro Bono's lease with the Law Society, and the balance to pro bono initiatives funded by the Law Foundation.

Prior to 2006, the Law Foundation had funded a total of approximately \$200,000 per year towards pro bono activities and committed to continuing to fund at least this amount out of its own, non-Law Society funds, in the future.

I am pleased to report to you that in 2015, with support from the Law Society, the Law Foundation was able to provide funding totalling \$583,880 to pro bono organizations (if you include the Law Students Legal Assistance Program at UBC (LSLAP) and the Law Centre at the University of Victoria (UVic) the figure grows to over \$1,000,000). Breakdowns of funding to pro bono organizations in 2015 are attached.

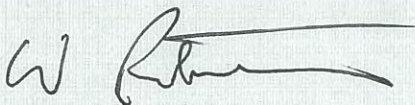
Included in these figures is the \$60,000 access to justice grant to Mediate BC Society for the Family Unbundled Legal Services Project.

There are a significant number of lawyers and law students involved in pro bono activities in the province, and a significant number of clients served. As you will see from the statistics when they are released in March 2016, the profession can be proud of the pro bono contribution its members make.

On behalf of the Law Foundation, I want to thank you and the Benchers of the Law Society for your support of this important initiative.

I trust you will find the above in order. If you have any questions or comments, I can be reached at wrobertson@lawfoundationbc.org 604-688-7360.

Yours truly,

A handwritten signature in black ink, appearing to read 'W Robertson', with a long horizontal flourish extending to the right.

Wayne Robertson, QC
Executive Director

cc: Renee Collins Gault, Manager, Executive Support
Aaron Griffith, Controller

Pro Bono Projects and Programs funded by the Law Foundation in 2015:

Access Pro Bono Society of BC:

- \$415,000 Major Programs Grant
- \$48,380 Rent Subsidy from Law Society

Multiple Sclerosis Society:

- \$55,000 Volunteer Legal Advocacy Program

Pro Bono Students Canada - UBC:

- \$35,000 Community Placement Program

Pro Bono Students Canada – UVic:

- \$30,000 Student Placement Program
- \$500 Translation Costs

Total: \$583,880

Of this total, \$280,000 was provided to the Law Foundation by the Law Society for pro bono activities as part of the \$340,000 grant set out in the letter dated February 14, 2015

The \$60,000 access to justice portion of the Law Society grant was allocated as follows:

- \$60,000 to Mediate BC Society for the Family Unbundled Legal Services Project

A notional allocation of the pro bono portion of the Law Society grant might be:

- Access Pro Bono: \$240,000
- MS Society: \$20,000
- Pro Bono Students Canada (UBC): \$10,000
- Pro Bono Students Canada (UVic): \$10,000