



Law Society
of Ontario

Barreau
de l'Ontario

Tab 7

Federation of Law Societies of Canada

Report on the Federation Meetings, October 14 – 16, 2020

November 27, 2020

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Table of Contents

Issue 2

Background 2

Information on the Council Meeting 2

Issue

The Federation of Law Societies of Canada (the “Federation”) is the national coordinating body for Canada’s 14 law societies. The Federation engages in a number of national initiatives through various committees and other groups from which reports are received at its Council meetings. The Federation also operates the National Committee on Accreditation (“NCA”), a Standing Committee at the Federation whose primary mandate is to assess the legal education and professional experience of persons whose education and experience were obtained outside of Canadian common law jurisdictions and who wish to be licensed to practice law in Canada.

More information about the Federation can be found on its website at www.flsc.ca/.

Background

The Federation typically meets in person twice a year (spring and fall) to conduct business and other meetings for Council members, presidents and law society management. The fall meeting usually includes a conference on a topic relevant to the legal regulators. Given the COVID-19 pandemic meeting and other restrictions, the Federation’s October 2020 meetings were held virtually. This included a Council meeting and a two-day virtual conference that preceded Council.¹

Council member Jacqueline Horvat attended the Council meeting on October 16, 2020.

Information on the Council Meeting

The Council dealt with certain decision items, received reports from the Federation’s President and the Federation’s CEO and addressed a range of Federation matters. The following provides a summary of the major reports for information and decision.

Appointments and the Election of Executive Officers

¹ The topic of the conference was “Pandemic Pivot: Lessons Learned and New Possibilities for Legal Regulation”. The conference included an exploration of the lessons learned, a look toward the future and discussion on the possibilities that exist for strengthening legal regulation for a different tomorrow.

Between meetings of Council, oversight of the Federation is delegated to an Executive Committee consisting of the President, the Vice-President and President-Elect, and a second Vice President. Members of the Executive serve for a one year term and are selected on the basis of a pre-established rotation from all regions of Canada.

The following were elected as executive officers for the annual term beginning November 15, 2020:

- Stephen G. Raby, Q.C. (Alberta), President
- Nicolas Plourde (Barreau du Quebec), Vice-President and President Elect
- Jill Perry (Nova Scotia), 2nd Vice-President
- Morgan C. Cooper (Newfoundland and Labrador), Past President
- Nathalie Ghuman, Director, Finance and Administration (Federation Office)

Report of the Anti-Money Laundering and Terrorist Financing Working Group²

The Working Group continues its work on anti-money laundering rules and educational materials to assist members of the profession in recognizing potential money laundering risks.

A sub-group of the Working Group is continuing its review of the model anti-money laundering rules. New resource materials on use of an agent and monitoring obligations were released in July³ and preliminary work is now underway on the development of online education modules.

The Working Group's Co-Chair Frederica Wilson will be testifying before the Commission of Inquiry into Money Laundering in British Columbia ("Cullen Commission")⁴ on November 16, 2020.

The Joint Federation-Government of Canada Working Group⁵ met on June 25, 2020. Another meeting of the Joint Working Group is expected to be held before the end of 2020.

² LSO representative: Jim Varro, Co-Chair

³ The materials can be accessed through the Federation website [here](#).

⁴ The terms of reference for the Cullen Commission's inquiry may be accessed [here](#).

⁵ The joint working group is part of a national response to combat money laundering and terrorist financing in Canada and support awareness and effective management of risk in sectors vulnerable to money laundering, including the legal profession. The goal is to ensure that Canada collectively remains

NCA Assessment Modernization Committee Information Update⁶

The National Committee on Accreditation (NCA) is responsible for assessing the credentials of internationally trained lawyers and graduates. The Federation is undertaking a comprehensive review of the mandate, structure, policies and activities of the NCA through the NCA Assessment Modernization Committee (the Committee).

Based on its work plan, the Committee undertook a comprehensive analysis of the gaps between NCA candidates and graduates of Canadian law school programs in the law society bar admissions/licensing programs. The gap analysis is to be followed by the creation of an entry to licensing competency profile.

The Committee met in spring 2020 to formulate the scope of work for a Request for Proposal (RFP) for a consultant to develop and validate a competency profile for NCA candidates. The selected consultant started work in September and had a first meeting with the committee in early October. The project to develop the NCA competency profile will be the main focus of the Committee over the coming 18 months. It will culminate in the development of benchmarks identifying the level of competence required at each stage of the legal education and training process (graduation from law school, entry to bar admission process, licensing) with a particular focus on entry to bar admission/licensing processes.

Information Update from the Truth and Reconciliation Commission Calls to Action Advisory Committee⁷

effective in the global fight against money laundering and terrorist financing. The joint working group brings government officials and the representatives of the Federation together in a collaborative effort, with a focus on addressing the inherent risks of money laundering and other illicit activity that may arise in the practice of law.

⁶ LSO Representatives: Malcolm Mercer and Priya Bhatia, Committee members. An appointment will be proposed to the Federation's December 2020 Council meeting to replace Mr. Mercer on the National Committee on Accreditation (NCA), which will determine a replacement for Mr. Mercer on the NCA Assessment Modernization Committee.

⁷ LSO representative: Dianne Corbiere, Committee member

The Advisory Committee is tasked with developing recommendations on Calls to Action 27 and 28 of the report of the Truth and Reconciliation Commission (TRC) as a first priority.

A series of Advisory Committee recommendations to Council were approved in June 2020. The recommendations call for the adoption of a framework to apply to all aspects of the Federation's work. Key elements of the framework are the adoption of a formal statement of commitment and accompanying Guiding Principles, positioning the Federation as a national information hub for sharing TRC-related initiatives, and building relationships with Indigenous stakeholders.

There was a consensus at the June Council meeting that developing a formal statement of commitment to reconciliation with Indigenous peoples should be an immediate priority. The development of this statement is currently underway.

Update on the National Well-Being Study

Using the November 2019 conference program topic on well-being in the profession as the impetus, in June 2020, Council formally approved moving forward with the National Well-Being Study and a Memorandum of Understanding between the Federation and the Canadian Bar Association.

Council also established the National Well-Being Study Steering Committee in accordance with draft Terms of Reference. In August 2020, the membership of the Steering Committee was confirmed by Council.⁸

The Federation is in the process of finalizing an agreement with the Université de Sherbrooke that sets out the terms for carrying out the study which involves a national survey on the well-being of legal professionals in Canada. The Université de Sherbrooke, under the direction of lead researcher Dr. Nathalie Cadieux, has been preparing the groundwork to launch the study once all formal steps are complete. The Steering Committee had its first meeting in October to establish its work plan.

Annual Activity Plan - 2020-2021 Update

⁸ LSO representative: Cara-Marie O'Hagan, Committee member.

Council received an update on the status of the Federation's Activity Plan, approved in June 2020, including details on the strategic objectives, the strategies to support the work on the objectives, and timeframes within which matters are to be completed and reported.

The 2020-2021 Activity Plan presented to Council was annotated to indicate the status of the tasks set for the Federation since the plan was adopted by Council in June. A report was also provided on the Federation's overall compliance with its Governance Policies and proposed updates, together with a draft planning calendar for Council meetings over the next year

Report of the Finance and Audit Committee⁹

On the recommendation of the Committee, Council approved the draft audited financial statements of the Federation for the financial year ending June 30, 2020.

An information report on budget plans for the 2021-2022 financial year was also provided. The Committee's Chair advised that the effect of the pandemic on expenditures in the General Fund will likely result in savings of \$600,000 to \$700,000 for 2020-2021 due to the cancellation of in-person meetings, conferences and other travel. He noted that the budgeting exercise will take these current year's savings into account, as well as possible changes in the type and frequency of in-person meetings once the pandemic is over.

With respect to CanLII, its financial year runs on a calendar year schedule. The CanLII Board's draft budget for the 2021 financial year will be considered by the Finance and Audit Committee this fall in preparation for a recommendation to Council on the proposed law society fees required to fund CanLII in the coming year.

2019-2020 Annual Report of the National Committee on Accreditation (NCA)¹⁰

As noted earlier, the NCA, a standing committee of the Federation, is responsible for the program for the assessment of the legal training and professional experience of internationally trained lawyers and students and graduates of Canadian civil law programs who wish to enter

⁹ LSO representative: Teresa Donnelly, Committee member

¹⁰ LSO representative: Malcolm Mercer, Committee member. An appointment will be proposed to the Federation's December 2020 Council meeting to replace Mr. Mercer on this Committee.

the bar admission/licensing program in any of the Canadian common law jurisdictions. The Committee provided its annual report to Council describing its activities and initiatives over the past year.

2019-2020 Annual Report of the Canadian Common Law Program Approval Committee¹¹

The Canadian Common Law Program Approval Committee (the “Approval Committee”) determines law school program compliance with the National Requirement¹² for the purpose of entry of Canadian common law school graduates to Canadian law society admission or licensing programs. The Approval Committee evaluates both the programs of established Canadian law schools and those of new Canadian law schools. Through its annual report, the Committee updated Council on developments as a result of the Committee’s work over the past year.

The Committee will meet in mid-January to discuss its Strategic Priorities for 2021.

CanLII and Lexum Report

Representatives of CanLII and Lexum, including Crystal O'Donnell, Chair of the CanLII Board of Directors and Xavier Beauchamp-Tremblay, CanLII President and CEO, presented an update on CanLII’s activities and operations since its last report to Council, and a future outlook, highlighting the importance of CanLII in the Canadian legal ecosystem.

Consent Agenda Reports for Decision and Information

The Federation Council received a number of information reports and updates on activities from various Federation committees in a consent agenda, including reports from the

- National Committee on Accreditation (NCA)¹³,
- Canadian Common Law Program Approval Committee,

¹¹ LSO representative: Ross Earnshaw, Committee member

¹²The National Requirement, implemented in 2015, specifies the competencies and skills graduates must have attained and the academic program and learning resources law schools must have in place. Programs are reviewed annually by the Approval Committee.

¹³ LSO representative: Malcolm Mercer, Committee member. An appointment will be proposed to the Federation’s December 2020 Council meeting to replace Mr. Mercer on this Committee.

- Public Affairs and Government Relations Committee¹⁴,
- Standing Committee on the Model Code of Professional Conduct¹⁵,
- Standing Committee on the National Discipline Standards¹⁶, and
- Law Societies Access to Legal Services Exchange/National Action Committee on Access to Civil and Family Justice Status Report

¹⁴ LSO representative: Jacqueline Horvat, Committee member

¹⁵ LSO representatives: Jacqueline Horvat and Cara-Marie O'Hagan, Committee members

¹⁶ LSO representative: Helena Jankovic, Committee member