

Tab 4

Report to Convocation February 24, 2022

Strategic Planning and Advisory Committee

Committee Members:

Teresa Donnelly (Chair)
Jacqueline Horvat (Vice-Chair)
Robert Burd
Joseph Chiumminto
Dianne Corbiere
Cathy Corsetti
Joseph Groia
Philip Horgan
Nancy Lockhart
Barbara Murchie
Lubomir Poliacik
Julia Shin Doi
Megan Shortreed
Andrew Spurgeon
Sidney Troister

Purpose of Report: Decision and Information

Prepared by:
James Varro, Director, Office of the CEO and Corporate Secretary
jvarro@lso.ca

TABLE OF CONTENTS

For Decision

In Camera Item.....**Tab 4.1**

For Information

Report on the Mid-Term Review of the 2019-2023 Strategic Plan.....**Tab 4.2**



REGULATING IN THE PUBLIC INTEREST

BENCHERS' 2021 STRATEGIC PLAN REVIEW

LAW SOCIETY OF ONTARIO

FACILITATOR'S REPORT

Scott Ferguson FCPA FCA CMC CPF PCC
FACILITATOR AND BUSINESS IMPROVEMENT COACH

DECEMBER 2, 2021



REGULATING IN THE PUBLIC INTEREST

TABLE OF CONTENTS

CONTEXT	1
RESULTING THEMES	3
1. Achieving proportionate regulation	
2. Ensuring competence and quality of service	
3. Determining appropriate scope of regulation	
4. Facilitating access to justice	

REGULATING IN THE PUBLIC INTEREST

CONTEXT

On February 28, 2019, Convocation approved a Strategic Plan that set out four Strategic Objectives:

- Achieving Proportionate Regulation
- Ensuring Competence and Quality of Service
- Determining Appropriate Scope of Regulation
- Facilitating Access to Justice.

The strategic planning section of the Law Society's Governance Practices and Policies provides that, two years into the bencher term, benchers are to reconvene in a meeting to review the Strategic Plan.

This is to include an assessment of its progress under the Plan and determination of any adjustments that are required to the Plan as a result of developments or events that may reasonably affect the integrity of the Plan for the remainder of the bencher term.

FACILITATED PROCESS

For the review, a discussion among benchers, that was preceded with prereading and prework took place October 29, facilitated by Scott Ferguson, a Certified Professional Facilitator. For the safety of all, the discussion was held virtually. This is the Facilitator's Report.

PRIMARY FINDING FROM PREWORK

In the context of the Governance Practices and Policies (above), benchers and senior management were asked to rank which of the four Strategic Objectives the Law Society should focus on for the remainder of this term.

The four Strategic Objectives received the same overall level of support plus-or-minus 6 percentage points. The apparent message is that the four Strategic Objectives of the existing Strategic Plan should continue to be the Law Society's strategic focus for the remainder of this term. This result may reflect the interdependencies among the four Objectives as concluded at the 2019 Strategic Planning offsite meeting and as explained in the Strategic Plan.

FOCUS OF THE OCTOBER 29TH DISCUSSION

Benchers were asked what adjustments, if any, are necessary to satisfactorily achieve each objective within this bencher term. In a wide-ranging discussion, benchers offered a number of comments related to each objective.

Generally, there were two recurring themes. The first was the need for the Law Society to continue to offer supports and proactive measures for licensees to ensure competency as part of the Law Society's public interest regulatory mandate. Mirroring this was a second overarching theme to continue to explore regulatory burden reduction while supporting professionalism and ethical practice in providing legal services in the public interest.

These themes together with the themes specific to each Strategic Objective, as set out in this report, emphasized for the third time the continued relevance of the four objectives and in particular their interdependencies, first

noted when the Strategic Plan was adopted and illustrated a second time when documenting the progress made in fulfilling the objectives under the Plan to mid-2021.

The meeting confirmed that substantial work has been done this bench term on the existing Strategic Plan, that that work should continue and that there are no adjustments required to the Plan for the remainder of the bench term.

RESULTING THEMES

ACHIEVING PROPORTIONATE REGULATION

As this objective is complex, fully achieving it will go well beyond one bench term; this should remain a priority as this work is significant to the public interest.

The principle of proportionate regulation should be the lens through which the Law Society evaluates new regulatory measures or changes to existing regulatory measures.

Achieving the objective involves the alignment of the purpose of a regulatory requirement with any associated regulatory burden, using the public interest as the measure.

ENSURING COMPETENCE AND QUALITY OF SERVICE

Achieving this objective will involve understanding and addressing the barriers experienced by the professions to meet the requisite standards of competence.

Understanding the means to achieve this objective involves direct and meaningful engagement with affected stakeholders.

DETERMINING APPROPRIATE SCOPE OF REGULATION

An open mind and creative thinking about what should be regulated and, as required, how it should be regulated, is key to achieving this objective in the public interest.

FACILITATING ACCESS TO JUSTICE

This principle of regulation for the Law Society is part of a larger commitment required of justice stakeholders in their shared efforts to effect access to justice.

Achieving this objective as a principle of regulation requires determining and implementing effective measures to reduce barriers to access to competent legal services.