



**Law Society**  
of Ontario

**Barreau**  
de l'Ontario

**Tab 7**

## **Federation of Law Societies of Canada**

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### **Report on the Federation Meetings, October 12 – 14, 2023**

November 30, 2023

**Federation Vice-President and President Elect:**

Teresa Donnelly

**Federation Council Member:**

Atrisha Lewis

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## 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/](http://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. The Federation’s 2023 fall conference and business meetings were held in Whitehorse, Yukon Territory in October and included a Council meeting and a two-day conference that preceded Council.<sup>1</sup>

## Information on the Council Meeting

The agenda for the Council meeting on October 14, 2023 consisted of a number of reports that included issues for decision and information, including the following which are summarized below.

### Election of the Federation’s Executive Officers

Between meetings of Council, oversight of the Federation is delegated to an Executive Committee consisting of the President, the Vice-President/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 immediate Past President also serves on the Executive Committee.

The following were elected as executive officers for the annual term beginning November 15, 2023:

- Erin Kleisinger (Saskatchewan), President
- Teresa Donnelly (Ontario), Vice-President and President Elect
- Louis-Martin Beaumont (Chambre des notaires du Quebec), 2<sup>nd</sup> Vice-President

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<sup>1</sup> The title of the conference was “Rage Against the Machine: Regulating Legal Services in the Age of AI”. The conference focussed on the rapid growth in generative AI, and what new AI tools like and what ChatGPT may mean for the legal profession and the provision of legal services. The discussion unpacked the benefits and risks associated with its use in the legal context. Presenters explored the intersection of this revolutionary technology with legal ethics, access to justice and the future of legal regulation.

- Jill Perry (Nova Scotia), Past President
- Nathalie Ghuman, Director, Finance and Administration and Secretary-Treasurer (Federation Office)

#### Update on Truth and Reconciliation Initiatives

Created in October 2021, the Indigenous Advisory Council (IAC) provides advice and guidance to the Federation on its overall approach to truth and reconciliation. The IAC includes members from different regions of the country, chosen to ensure that a range of First Nations, Métis and Inuit voices and perspectives are represented.<sup>2</sup>

The IAC has held a number of meetings this year, focused on providing feedback and/or guidance to Federation committees on their initiatives, including those led by the Standing Committee on the Model Code, the National Requirement Review Committee (on the Truth and Reconciliation Commission of Canada's Call to Action 28), the National Committee on Accreditation Assessment Modernization Committee and the Standing Committee on National Discipline Standards (on preliminary views on new National Discipline Standards).

The joint Council of Canadian Law Deans - Federation Working Group met in May 2023 with an agenda that included review of the law schools' and law societies' initiatives with respect to Calls to Action 27 and 28.

#### NCA Assessment Modernization Committee Update<sup>3</sup>

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 NCA AMC).

Based on its work plan, the NCA AMC undertook a comprehensive analysis of the gaps between NCA candidates and graduates of Canadian law school programs in the law societies' bar admissions/licensing programs. Work continues on the next phase which is to create an entry to licensing competency profile. The profile is intended to underpin changes in the way NCA candidates are assessed. The goal is the development of benchmarks identifying the level of competence required at two levels – at the point of graduation from a Canadian Common Law Degree or granting of a Certificate of Qualification and at entry to practice.

In late 2021, following consultations on the draft competency profile statements and after assessing the feedback received, work on the project continued in 2022 and resulted in a revised draft competency profile.

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<sup>2</sup> LSO representative: Cathy Banning

<sup>3</sup> LSO Representatives: Teresa Donnelly and Priya Bhatia, Committee members

The profile will be validated through a comprehensive survey of members of the legal profession to ensure the competencies identified are those required of NCA candidates for entry to the bar admission/licensing process and that they are accurately stated.

#### National Requirement Review Committee Update<sup>4</sup>

The National Requirement Review Committee (“NRRC”), which sets the competencies that graduates of Canadian common law programs must have and the learning resources those programs must provide, continues its work to develop recommendations for amendments to the National Requirement.

The NRRC finalized its preliminary proposals for consultation in late May 2023 and a consultation document was sent to stakeholders, including law societies, in mid-June 2023, with an October 16, 2023 deadline for written comments. As additional time was needed to receive input from law societies, the deadline has been extended to December 4, 2023.

While the NRRC still expects to complete the bulk of its work by the end of 2023, the final report is scheduled for presentation to Council at its March 2024 meeting.

#### Update on the Federation’s Anti-Money Laundering and Terrorist Financing Initiatives<sup>5</sup>

The work of the Standing Committee on Anti-Money Laundering and Terrorist Finance on targeted guidance and other resources that address risks that may arise with certain clients, transactions or funds is nearly complete. The focus is on assisting members of the legal professions in recognizing and mitigating potential money laundering risks in legal practice.

The Federation’s online educational program consisting of five modules, with comprehensive treatment of the Federation’s anti-money laundering rules, was launched on September 20, 2023.

The Joint Federation-Government of Canada Working Group<sup>6</sup> continues to meet, usually each quarter. The next meeting is scheduled for December 2023.

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<sup>4</sup> LSO representatives: Jacqueline Horvat, Chair and Priya Bhatia, Committee member

<sup>5</sup> LSO representatives: Jim Varro, Co-Chair, Matthew Wiley and Anthony Gonsalves. Committee members

<sup>6</sup> 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 effective in the global fight against money laundering and terrorist financing. The 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.

Based on a report from the Standing Committee on National Discipline Standards, Council approved four new discipline standards addressing identification of breaches of the anti-money laundering rules, the tracking of breaches, the ability to make referrals for breaches and staff training.

#### Update on the National Wellness Study

Launched in November 2020, the National Wellness Study is a project of the Federation and the Université de Sherbrooke (Dr. Nathalie Cadieux), in collaboration with Canada's law societies and the Canadian Bar Association. The Study is addressing the gap in data on the mental health of legal professionals. With national data, law societies will better understand the issues and can consider recommendations to address these issues that will be evidence-based. The Study includes a national survey on the well-being of Canadian legal professionals (Phase I) and qualitative interviews that explore differences by province and territory (Phase II). The Federation's National Wellness Study Steering Committee is overseeing the project.<sup>7</sup>

The [Phase 1 Report](#) was released publicly in late October 2022 with recommendations that followed later in the year. Phase II interviews in the provincial and territorial jurisdictions in Canada that began in 2022 will be concluded by November 2023. The Steering Committee expects to receive the first draft Phase II report later this fall, with subsequent reports received in stages throughout the winter and spring, 2024.

The Federation continues to advance work on issues related to wellness, including taking a wellness lens to other Federation committee work; establishing a Wellness Counterpart Group and providing wellness sessions to law societies and groups as requested.

Council approved the creation of the Federation's Standing Committee on Wellness. The Committee will be responsible for providing strategic guidance and recommendations to Council on what actions the Federation should take in response to the findings and recommendations in the National Wellness Study Phase I Report, the Phase II Reports, and other issues concerning the wellness of legal professionals in Canada.

#### New Good Character Working Group

Council approved the creation of a Good Character Working Group to undertake the development of a common good character standard. The Working Group will be composed of between eight and ten members drawn from law society policy, admissions/licensing and discipline staff.

In carrying out its mandate, the Working Group is to consider the statutory and regulatory underpinning of the good character requirement, the rationale for the requirement and the existing processes for assessing good character. The Working Group is also to consult with the

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<sup>7</sup> LSO representative: Cara-Marie O'Hagan, Committee member.

law societies and the Federation's Indigenous Advisory Council, and external stakeholders as appropriate.

In addition to developing a common good character standard, the Working Group will identify best practices in the assessment of good character.

### Federation Governance Report

Federation CEO Jonathan Herman updated Council on the status of the Federation's Activity Plan, approved in March 2023, 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 2023-2024 Activity Plan presented to Council was updated and annotated to indicate the current status of the Federation's work and what is anticipated in the coming year. 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 into the next year.

### Report of the Finance and Audit Committee<sup>8</sup>

On the recommendation of the Committee, Council approved the draft audited financial statements of the Federation for the financial year ending June 30, 2023. Council also received for information a report on the fourth quarter operating statements for the Federation and the National Committee on Accreditation.

### 2022-2023 Annual Report of the National Committee on Accreditation (NCA)<sup>9</sup>

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

### 2022-2023 Annual Report of the Canadian Common Law Program Approval Committee<sup>10</sup>

The Approval Committee determines law school program compliance with the National Requirement<sup>11</sup> 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. The

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<sup>8</sup> LSO representative: Jacqueline Horvat, Committee member

<sup>9</sup> LSO representative: Teresa Donnelly, Chair

<sup>10</sup> LSO representative: Teresa Donnelly, Committee member

<sup>11</sup>The 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.

Approval Committee's annual report updated Council on the Approval Committee's work over the past year.

CanLII and Lexum Report

Representatives of CanLII and Lexum - Crystal O'Donnell, Chair of the CanLII Board of Directors, CanLII's President and CEO Francis Barragan and Ivan Mokanov, President of Lexum - presented an update on CanLII's and Lexum's activities and operations since its last report to Council.

Consent Agenda Reports for Information

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