



Tab 11

**Report to Convocation
June 26, 2014**

Priority Planning Committee

Committee Members

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Purpose of Report: Information

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TABLE OF CONTENTS

Convocation’s Priority Planning - Status of Work on Convocation’s Priorities.....**Tab 11**

Table – Status of Work on the Eight Priorities.....**Tab 11.1**

In camera Material.....**Tab 11.2**

FOR INFORMATION

**CONVOCATION'S PRIORITY PLANNING -
STATUS OF WORK ON CONVOCATION'S PRIORITIES**

Committee Process

1. The Priority Planning Committee ("the Committee") has prepared this status report for Convocation's information on the work completed or in progress on Convocation's policy agenda. This report follows the status report to Convocation in June 2013.

Background

2. In March 2007, Convocation approved the following recommendations of the Governance Task Force with respect to prioritizing and planning Convocation's policy agenda:
 - a. Convocation shall institute a full review of Convocation's priorities for achieving strategic objectives for the Law Society, to be held at a meeting of benchers soon after each bencher election and as appropriate during the bencher term; and
 - b. Convocation shall establish a standing committee called the Priority Planning Committee to assist Convocation in planning its priorities. In particular,
 - i. The Treasurer shall recommend members of the Committee for Convocation's approval, in accordance with the By-Laws;
 - ii. Convocation shall appoint the chair and any vice-chairs of the Committee, in accordance with the By-Laws;
 - iii. In addition to the bencher members of the Committee, the Chief Executive Officer shall be a non-voting member of the Committee;
 - iv. The mandate of the Committee is to
 - A. recommend for Convocation's consideration and approval the priorities for policy objectives and submit those recommendations to Convocation in the process described in a. above,
 - B. periodically review the priorities previously established by Convocation, and new policy issues that may arise, and recommend to Convocation on an ongoing basis the priorities to be considered and approved by Convocation in the future, and
 - C. report annually to Convocation on the status of Convocation's priorities.

3. A Planning Session was held from September 25 to 27, 2011 following the benchers election that year. At the Session, attendees identified a number of priority areas as the focus for 2011 to 2015. Committee meetings in the fall of 2011 resulted in the presentation to Convocation of six priority areas and two other areas linked to the effectiveness with which the Law Society carries out its mandate. These eight areas are:
 - Access to Justice
 - Competency and professional standards
 - Equity, diversity and retention
 - Tribunals issues
 - Business structures and law firm financing
 - Professional regulation
 - Effective communication and outreach
 - Convocation governance effectiveness
4. On December 9, 2011, Convocation approved these priority areas.
5. Following consultation with the chairs of the standing committees and task forces and members of the senior management team, on April 26, 2012 the Committee presented to Convocation a work plan to achieve the priorities approved by Convocation for the 2011 – 2015 term. Included was an update on the implementation of initiatives that had been carried out by the Law Society to address the approved priorities and implement the work plan. At that meeting, Convocation approved the work plan.
6. Convocation also confirmed its earlier policy for the process for adding new issues and initiatives to the work plan, as follows:
 - a. Depending on the nature of the issue that arises, the Treasurer may discuss it with the chair of the relevant committee and the Chief Executive Officer to determine whether the issue can be accommodated within the current work plan. If it can be accommodated, the work plan will be amended and reported to Convocation for

information.

- b. If the issue cannot be accommodated within the current work plan, the issue will have to be scoped out, and the financial and resource implications determined. The Committee will then present the issue to Convocation for its decision on whether to add it to the work plan.
7. This is the Committee's second report on the status of the initiatives undertaken to achieve Convocation's priorities for the 2011-2015 term.

The Status of Work on the Priorities

8. Earlier this month, Committee members reviewed the work done on the priorities for the 2011 – 2015 bench term. Set out in the table at [Tab 11.1](#) is a report on each of the priorities (summarized, based on the April 2012 report) and the status of the work done updated to June 2014.
9. The Committee reviewed the progress of work on the priorities Convocation identified in accordance with its March 2007 policy. The review showed that significant progress has been made on the priorities, including initiatives within the priorities that have been completed. In the Committee's view, the priority planning process Convocation follows, which provides a structured approach to planning and prioritizing the Law Society's policy agenda, continues to help advance the effectiveness of the Law Society's mandate.

Next Steps

10. The Committee continues to monitor the progress on the work on the priorities, and will review matters arising that may be accommodated within the current work plan and new matters that require assessment before they are recommended for an addition to the work plan.

11. The Committee intends to work to enhance and make more robust the priority planning process in future, and is currently reviewing the process to be undertaken as the end of the current term approaches in 2015.

12. As planning for the next term begins, the Committee will consider the Law Society's operational strategic direction established by the Chief Executive Officer and the role it should play in benchers' discussions about the priority agenda for the next term.

Status of Current Work on the Eight Priorities

PRIORITY AND DESCRIPTION	JUNE 2014 - ELEMENTS OF THE PRIORITY AND STATUS OF WORK (in bold)
<p>ACCESS TO JUSTICE</p> <ol style="list-style-type: none"> 1. Resources, information/communications and leadership by the Law Society; 2. Facilitating access to legal and administrative services, including publicly-accessible information, legal referral services, legal aid, alternative dispute resolution, legal expense insurance and <i>pro bono</i> services, including limited scope retainers; 3. Licensing options as a means to increase access to justice; and 4. Court and procedural reforms. 	<ul style="list-style-type: none"> • Supporting development of dedicated resources for family law litigants <p>Development of further modules for the web-based Unified Family Law Platform, operational June 2012 deferred; developments through The Action Group on Access to Justice to be monitored (see below)</p> <ul style="list-style-type: none"> • Encouraging development of other “upfront” services and administrative services for information <p>Access to Justice Guide for the public published and distributed May 2014. Promotion and distribution will continue through the balance of 2014</p> <ul style="list-style-type: none"> • Proposing/encouraging court and procedural reforms <p>Amendments to family and civil rules in 2013 enabling limited scope retainers, leading to the start of the second phase of conduct rule changes for limited scope retainers (see also Professional Regulation)</p> <ul style="list-style-type: none"> • Liaising with other stakeholder groups, such as Pro Bono Law Ontario, Ontario Justice Education Network and the Law Commission of Ontario on access to justice initiatives. <p>The Action Group on Access to Justice established February 2014 to co-ordinate and collaborate with various legal organizations and to provide leadership and strategic focus on access to justice; official launch June 2014</p>

PRIORITY AND DESCRIPTION	JUNE 2014 - ELEMENTS OF THE PRIORITY AND STATUS OF WORK (in bold)
	<p>Website launched for the LIFE Project – TAG/OJEN/CLEO partnership Information for Everyone/Information juridiques accessible a tous, to assist licensees in reaching those facing the greatest barriers in accessing justice at June 3 TAG Launch event</p> <ul style="list-style-type: none"> ▪ English-language website at LIFEtoolbox.ca fully functional ▪ French-language videos in process of being uploaded to the IJAToutils.ca website, anticipated to be completed by mid-June ▪ options for promoting the website and resources to the legal professions under review <p>• Other work</p> <p>Amendments to the <i>Solicitors Act</i> to provide an exception for licensed paralegals from the prohibition on unauthorized practice in section 1</p>
<p>COMPETENCY AND PROFESSIONAL STANDARDS</p> <ol style="list-style-type: none"> 1. Entry level competencies; 2. Competence in the early years of practice; 3. Competencies by areas of practice; 4. Licensing options as a means to promote competence; 5. Measurable and enforceable practice standards; 6. Mentoring and support for licensees, including mentoring programs, advisor services, 	<ul style="list-style-type: none"> • Considering developments at the front end of legal education to enhance competence <p>Implementation of three-year pilot project for revisions to lawyer licensing program; Law Practice Program to launch fall 2014</p> <p>Implementation of performance-based evaluations in the Articling Program that mirror the expected completion of skills and tasks competencies in the Law Practice Program approved October 2013 are now completed and have been introduced to Articling Candidates and Principals for the upcoming term</p> <p>Approval of Lakehead University Faculty of Law’s integrated practice curriculum as satisfying the Law Society’s experiential training requirement for lawyer licensing November 2013</p>

PRIORITY AND DESCRIPTION	JUNE 2014 - ELEMENTS OF THE PRIORITY AND STATUS OF WORK (in bold)
<p>practice supports;</p> <p>7. Technological applications for learning, assessment and assistance; and</p> <p>8. National standards.</p>	<p>Approval of reforms to the accreditation and ongoing audit framework for paralegal education programs, February 2014</p> <ul style="list-style-type: none"> • Ongoing assessment of entry level competencies, with a specific focus on competency standards and assessment of newly licensed individuals <p>Ongoing development of the National Admission Standards including approval of the national Competency Profile</p> <ul style="list-style-type: none"> • Considering initiatives to support and promote sound practice management practices, including succession planning <p>Contingency planning resources completed and reported to Convocation September 2013</p> <ul style="list-style-type: none"> • Developing initiatives to institutionalize mentoring, advisor and other support services for lawyers and paralegals; inputs will include information from other committees <p>Creation of the Mentoring and Advisory Services Proposal Task Force, November 2013. Work on proposals commenced in 2014 and will be ongoing until formal reporting to Convocation anticipated early in 2015</p> <ul style="list-style-type: none"> • Other work <p>Work of the Working Group on the Delivery of Legal Information and Library Services (created by Treasurer April 2013) ongoing; to report later in 2014</p> <p>Real Estate Liaison Group established by Treasurer with other stakeholders as a forum for discussion of real estate practice issues; first meeting May 2014 shaping the work for the year</p>

PRIORITY AND DESCRIPTION	JUNE 2014 - ELEMENTS OF THE PRIORITY AND STATUS OF WORK (in bold)
<p>EQUITY, DIVERSITY AND RETENTION</p> <ol style="list-style-type: none"> 1. Processes and initiatives to ensure that equity principles are observed and promoted; 2. The development of programs for other members of equity-seeking communities, using the Justicia model as a means to facilitate these initiatives; and 3. Communications strategies for promoting equity and diversity. 	<ul style="list-style-type: none"> • Investigating contract compliance strategies <p>To be considered in the context of the Challenges Face by Racialized Licensees Working Group (see below)</p> <ul style="list-style-type: none"> • Developing communication plans on the importance of the commitment to diversity and legal obligations, when applicable. <p>Ongoing in relation to various projects</p> <ul style="list-style-type: none"> • Considering development of programs to encourage law firms to enhance diversity, based on identified needs, and create reporting mechanisms - including consideration of the applicability of a “Justicia” model. <p>Justicia project resources released to the profession at large June 2014</p> <p>Parental Leave Assistance Program (PLAP) means test CRA-approved in 2013 and implemented</p> <p>Challenges Faced by Racialized Licensees Working Group to report to Convocation in the fall of 2014 on the status of its work and proposed consultations to identify best-practices to address challenges</p> <ul style="list-style-type: none"> • Working in collaboration with the Professional Development and Competence Committee to identify the needs of lawyers/ paralegals from diverse communities; developing strategies and supports, where applicable, to assist in maintaining standards of competence and professional conduct.

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	<p>Resources for the profession have been prepared to assist with AODA compliance</p> <p>Model policies and guidelines are developed and maintained up to date</p> <ul style="list-style-type: none"> • Other work <p>Creation of the Law Society Human Rights Award, October 2013</p> <p>New by-Law on Law Society services in English and French (amendment to By-Law 2) adopted by Convocation May 2014; implementation policy being prepared</p>
<p>TRIBUNAL ISSUES</p> <ol style="list-style-type: none"> 1. Adjudicator training; 2. Use of technology in the hearing process; 3. Enhancements to procedures and processes, including file and case management, to improve effectiveness and efficiency; 4. Quality of adjudication; 5. The appropriate model for the hearing process. 	<ul style="list-style-type: none"> • Creating a standard for adjudicator expertise and competence to ensure quality adjudication <p>Development and implementation of the Law Society Tribunal Mission Statement and Core Values, January 2014</p> <ul style="list-style-type: none"> • Enhanced training for adjudicators <p>Formal one-half to full day education sessions offered to all adjudicators now scheduled throughout the year (commenced January 2012)</p> <p>New Tribunal Member Training Session, December 2013</p> <ul style="list-style-type: none"> • Policy guidelines or directions on key procedures <p>Policy on adjudicator as witness and amendment to Adjudicator Code of Conduct adopted September 2013</p>

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	<p>Required updates to Adjudicator Code of Conduct and amendments to by-laws respecting the restructured Law Society Tribunal, March 2014</p> <p>Rules of Practice and Procedure - Hearing and Appeal Division amended as required by the <i>Modernizing Regulation of the Legal Profession Act, 2013</i>, March 2014</p> <p>Ontario Regulation 167/07 amended to reflect establishment of the Law Society Tribunal, March 2014</p> <ul style="list-style-type: none"> • Exploring structural changes to the tribunal to improve its effectiveness <p>Appointment of non-bencher Chair of the Law Society Tribunal, September 2013</p> <p>Appointment of 10 appointee adjudicators (lawyer, paralegal and lay) to the Hearing Division, October 2013</p> <p>Process to recruit additional lay appointee adjudicators for the Hearing Division begun April 2014</p> <p>Implementation of new hearing schedule process, May 2014</p> <ul style="list-style-type: none"> • Other work <p>Launch of the Law Society Tribunal website, March 2014</p> <p>Creation of Guides to assist self-represented licensees, March 2014</p> <p>Implementation of Chair’s Practice Roundtable with Tribunal stakeholders, January 2014</p>

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<p>BUSINESS STRUCTURES AND LAW FIRM FINANCING</p> <ol style="list-style-type: none"> 1. Regulatory schemes that may involve new methods of oversight permitting more flexible delivery regimes/ business structures; 2. Maintaining independence and other core values within new business structures; 3. Ensuring competence, quality of work and value to the client; 4. Transparency, the client's understanding of who is the legal services provider, addressing possible conflicts of interest in alternate models; 5. Balancing more accessible legal services, possible lower cost with accountabilities for robust/ meaningful regulation; and 6. Financing of law firms and alternate structures 	<ul style="list-style-type: none"> • Developing a plan to identify priorities and legal services delivery models for consideration • Implementing the plan including a regulatory review to determine the impact of any proposal, and consultations as appropriate • Reporting the results to Convocation, including, as appropriate, proposals and recommendations for next steps <p>Report from Alternative Business Structures (ABS) Working Group approved by Convocation February 2014; consultation based on four proposed models for ABS underway through to end of 2014</p> <p>Convocation also approved a regulatory review in February 2014, to include firm/entity regulation and compliance-based regulation</p>
<p>PROFESSIONAL REGULATION</p> <ol style="list-style-type: none"> 1. Discipline diversion and avoidance, and exploration of initiatives aimed at reducing the 	<ul style="list-style-type: none"> • Review of discipline process to identify opportunities for improved timeliness including a review to consider expansion of the issues heard by a single member hearing panel (also a Tribunal priority)

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<p>number of complaints arising from certain areas of legal practice;</p> <p>2. Expanding matters for single adjudicators;</p> <p>3. Exploring “paper” hearings (i.e. written hearings);</p> <p>4. Enhancing case management, including time limits, disclosure obligations and issue identification;</p> <p>5. Area-specific regulation, flowing from defining/establishing/enforcing area-specific practice standards.</p>	<p>Continuation of the Pre-Proceeding Consent Resolution Process approved by Convocation for an additional two years, with a report to be provided prior to the end of the two year period with recommendations regarding the continuation of the Conference on a permanent basis, January 2014</p> <p>By-Law amendments (By-Law 11) to support the authority in the <i>Law Society Act</i>, amended December 2013, to suspend for failure to pay costs ordered by the Law Society Tribunal, June 2014</p> <ul style="list-style-type: none"> • Completing next phase of review of limited scope retainers (see also Access to Justice priority) <p>Second phase of limited scope retainer conduct rule review underway following new family and civil rules enabling limited scope retainers in 2013-14.</p> <ul style="list-style-type: none"> • Other work <p>Implementation of the publication of generic notices of conduct issues dealt with by an Invitation to Attend, September 2013</p> <p>October 2013, Convocation approved amendments to professional conduct rules to implement the Federation of Law Societies of Canada Model Code of Professional Conduct; implementation for effective date of October 1, 2014 ongoing</p> <p>Submission on the Federation of Law Societies of Canada National Suitability to Practice Standard Consultation Report, November 2013</p> <p>Adoption in principle of Federation of Law Societies National Discipline Standards, January 2014</p>

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<p style="text-align: center;">EFFECTIVE COMMUNICATION AND OUTREACH</p> <ol style="list-style-type: none"> 1. Reaching and connecting with the public, other stakeholders; 2. Determining how best to engage with its members, the public and other stakeholders through communications; 3. Using print, electronic media via the internet, social media and video/multimedia meetings 	<p style="text-align: center;">New Guidelines for grants from the Compensation Fund approved February 2014</p> <ul style="list-style-type: none"> • Redesign of the public pages of the Law Society's website. <p style="text-align: center;">Completed</p> <ul style="list-style-type: none"> • Finalizing new content management system to all Law Society sites <p style="text-align: center;">Completed</p> <ul style="list-style-type: none"> • Other work <p>Support to several key corporate initiatives including the following:</p> <ul style="list-style-type: none"> ▪ Paralegal Benchers Election, March 31, 2014 ▪ Webcast of TWU Convocations, April 10 and 24, 2014 ▪ TAG - Launch of The Action Group on Access to Justice, June 2014
<p style="text-align: center;">CONVOCATION GOVERNANCE EFFECTIVENESS</p> <ol style="list-style-type: none"> 1. Determining the internal Convocation governance issues that need to be enhanced to deliver the Law Society's mandate; 2. Examining the Law Society's committee structure, Convocation processes and 	<ul style="list-style-type: none"> • Examining ways to improve and make more effective Convocation's review and decision-making processes, including: <ul style="list-style-type: none"> ○ Review of the size, mandates and structure of committees ○ Considering a consent agenda for certain Convocation matters ○ Enhancements to procedural rules for Convocation ○ Considering scheduling committee meetings and Convocation less often ○ Considering the appropriate venue for Convocation <p style="text-align: center;">Consent agenda for Convocation implemented September 2013</p> <p style="text-align: center;">Governance Issues Working Group of Priority Planning Committee reviewing Convocation</p>

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<p>related operational supports; 3. Considering other work to help to facilitate effective governance.</p>	<p>scheduling issues</p> <ul style="list-style-type: none"> • Reviewing the regional bencher designation in bencher elections <p>Bencher Election Working Group report to June 2014 Convocation proposing no change to regional scheme</p> <ul style="list-style-type: none"> • Other work <p>Reforms to the bencher election process, recommended by Bencher Election Working Group, approved by Convocation June 2013</p> <p>Amendments to <i>Law Society Act</i> to implement decision to increase elected paralegal benchers from two to five, December 2013</p>