



Tab 10

## Report to Convocation June 23, 2016

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### Priority Planning Committee

**Committee Members:**

Janet Minor (Chair)  
Raj Anand  
Marion Boyd  
Christopher Bredt  
John Callaghan  
Cathy Corsetti  
Ross Earnshaw  
Julian Falconer  
Howard Goldblatt  
Michelle Haigh  
Carol Hartman  
Jacqueline Horvat  
Janet Leiper  
William McDowell  
Susan McGrath  
Malcolm Mercer  
Barbara Murchie  
Julian Porter  
Paul Schabas  
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**Purpose of Report: Information**

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**FOR INFORMATION**

**PROGRESS REPORT ON THE  
LAW SOCIETY'S STRATEGIC PLAN 2015 - 2019**

**Introduction**

1. In December 2015, Convocation received a report from the Priority Planning Committee (the Committee) setting out details of the priorities identified in the 2015-2019 Strategic Plan adopted by Convocation in October 2015.
2. The Committee has prepared this progress report for Convocation's information on the work completed or in progress to date (January to June 2016) on the Strategic Plan.
3. Set out on the following pages are details of the Strategic Plan, including the areas of focus and specific initiatives designed to achieve the priorities established in the Plan, and information on the progress to date on initiatives under the Plan. The Plan was formulated with the knowledge that a number of initiatives that relate to subject areas described in the Plan would continue in the new bench term and should be incorporated in the Plan.<sup>1</sup>
4. Operational work plans related to the priorities have set timelines to assist in monitoring progress on and completing the work on the priorities in the Plan.

**Background to Convocation's Priority Planning**

5. The strategic planning session held in October 2015, noted above, fulfilled a requirement Convocation established in March 2007 with respect to planning and prioritizing matters for Convocation's policy agenda and achieving strategic objectives in a bench term.

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<sup>1</sup> These initiatives included:

- a. the Pathways Pilot Project on transitional training;
- b. the work of the Mentoring and Advisory Services Proposal Task Force, the Task Force to Create a Strategy to Promote Wellness and Address Mental Health and Addictions Issues and the Compliance-Based Entity Regulation Task Force,
- c. the work of the Challenges Faced by Racialized Licensees Working Group and the Alternative Business Structures Working Group;
- d. the Tribunal Three Year Review project; and
- e. the project to renew the Law Society's Aboriginal Initiatives Strategy.

6. At that time, Convocation agreed on a process that included the planning session and establishing and utilizing the Committee to centralize and co-ordinate the achieving of strategic priorities for the Law Society.
7. In confirming the Strategic Plan at the October 2015 planning session, Convocation provided direction to the Law Society on priorities for the 2015-19 bench term.

#### **The Committee's Views**

8. The Committee reviewed the progress on the priorities Convocation approved, including the operational work plans. That review showed that significant progress has been made on the priorities and that some initiatives within the priorities 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 effective fulfillment of the Law Society's mandate.

#### **Next Steps**

9. The Committee continues to monitor progress on the priorities, and will review matters that arise 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.

## **LAW SOCIETY STRATEGIC PLAN FOR THE 2015-2019 BENCHER TERM PROGRESS REPORT JUNE 2016**

### **THE LAW SOCIETY WILL LEAD AS PROFESSIONAL REGULATOR**

**To enhance its regulatory effectiveness in the public interest, the Law Society will focus on improvements and adjustments to its regulatory process, with particular attention to developing mental health initiatives and equity-based principles in the regulatory process.**

Initial work on this priority includes considering how to address issues of licensee capacity that arise in the context of a conduct application before the Law Society Tribunal, including the possibility of instituting the authority to convert a conduct application to a capacity application.

The Law Society is also considering the development of a “risk register regulatory tool” to identify areas where supports and resources are needed to proactively address practice risk. This is being done with the oversight of the Professional Regulation Committee and the Equity and Aboriginal Issues Committee.

The results of work arising from current initiatives such as the Law Society's Task Force to Create a Strategy to Promote Wellness and Address Mental Health and Addictions Issues, the Challenges Faced by Racialized Licensees Working Group and the Tribunal Three Year Review also include proposals that touch on matters within this priority.

### **SUMMARY OF PROGRESS TO JUNE 2016:**

- Tribunal Three Year Review completed and reported to Convocation January 2016 showing positive progress on implementation of the enhanced Tribunal model
- Summary Revocation Authority for Indefinitely Suspended Licensees approved at February 2016 Convocation
- Working group of the Professional Regulation Committee struck in February 2016 to consider issues relating to referral fee arrangements, contingency fees, and marketing and advertising issues
- Broad-based Law Society Mental Health Strategy adopted by Convocation in April 2016
- Report on substantial compliance with National Discipline Standards (annual progress report) provided to Convocation in April 2016
- Report from the Compliance-Based Entity Regulation Task Force with recommendations for entity regulation and agreement in principle to create a framework for compliance-based regulation approved at May 2016 Convocation
- Work of the Challenges Faced by Racialized Licensees Working Group ongoing
- Work of the Alternative Business Structures Working Group, as set out in its September 2015 report to Convocation, ongoing

- Initial work at the operational level begun on the risk registry initiative

## **THE LAW SOCIETY WILL PRIORITIZE LIFE-LONG COMPETENCE FOR LAWYERS AND PARALEGALS**

**The Law Society will focus on enhancing licensing standards and requirements and their assessment, and ways to improve and increase practice supports for lawyers and paralegals and provide better mentoring.**

As newly qualified lawyers and paralegals enter a challenging and evolving professional environment, the Law Society has identified a need to work to enhance entry-level standards and assessment of those standards.

Part of this exercise involves reviewing and, if required, revising the profile of the entry-level competent lawyer and paralegal and determining the extent to which the threshold for licensing needs to be changed. The adequacy of the entry level examinations for licensing those who meet entry level standards and whether skills testing should be considered are among the issues to be explored.

Aspects of this review may include considering how restricted licensing or practice restrictions at entry could support the evolution of standards of assessment.

Anticipating the effect of any changes at the licensing stage, work may also involve reflecting on how proposed changes to entry level standards may impact post-licensing competence assurance activities, and whether efforts in that respect should be increased, reduced or refocused.

This activity would take place contiguously with the evaluation of the current Pathways Pilot Project to ensure that any increased threshold becomes part of the assessment process. The work would also take into consideration any other current initiatives that may be relevant to licensing. An example would be related work being done through the Federation of Law Societies of Canada.

Matters specific to paralegal licensing requirements include the following:

- working to ensure that high quality instruction is being offered by the accredited institutions that are educating paralegal licensee candidate;
- examining enhancements to the paralegal licensing requirements, including possible additional education and training prior to entering an accredited paralegal program; and
- exploring the expansion of areas of practice and delivery of services by paralegal licensees.

With respect to practice supports and mentoring, initial work on this priority involves developing curricula of training, beyond traditional CPD formats, for new practitioners, licensees in higher

risk areas of practice and on targeted practice issues including skills training. Appropriate adult-education techniques would be used for training to more effectively address specific learning requirements.

The Law Society may also explore incentivizing CPD offerings for newer licensees or for licensees focusing on specialized skills areas.

The Law Society is considering the provision of mentoring supports applicable to all practice types and environments (e.g., private, in-house, government, etc.). Examination of this subject covers a number of issues, such as the appropriate platform for mentoring, different delivery models and appropriate training for advisors and coaches. The Law Society's Mentoring and Advisory Services Proposal Task Force examined this subject and report to Convocation.

**SUMMARY OF PROGRESS TO JUNE 2016:**

- Mentoring and Advisory Services Proposal Task Force report presented and a Coach and Advisory Services Initiative for lawyers and paralegals approved at February 2016 Convocation
- Proposals for changes to lawyer licensing examinations and the articling period introduced at April 2016 Convocation, to be considered in the fall of 2016
- Evaluation of Pathways Pilot Project scheduled for fall 2016
- Law Society endorsement of Federation of Law Societies of Canada review of the National Committee on Accreditation program
- Work completed on CPD curriculum of learning to align it with stages of practice, utilizing existing competency profiles (including entry level and early practice), practice area checklists and other resources; new training modules to be developed within the next six months and forward, with existing programming to benefit from integration of substantive and experiential training issues within these learning activities
- Work begun on options for paralegal experiential training and assessment in the context of improvements to pre-licensing education

**THE LAW SOCIETY WILL WORK TO ENHANCE ACCESS TO JUSTICE ACROSS ONTARIO**

**In continuing efforts to fulfill its responsibility to act to facilitate access to justice for Ontarians, the Law Society will focus on improved planning and assignment of resources and establishing its leadership role for the Law Society with a concrete action plan to achieve access to justice goals.**

Work on this priority involves a review and identification of activities, including internal functions and processes, that can be undertaken by the Law Society within its mandate to address access to justice issues. Particular priority is being given to family law issues.

The Law Society is exploring ways to increase collaboration with stakeholders, including:

- developing an enhanced stakeholder engagement plan including consideration of equity principles, implementation of an Indigenous Initiatives Strategy<sup>2</sup> and an access to justice strategy for the Francophone community and other equity stakeholders, and the general public;
- increasing the reach of the Law Society's communications and outreach using technology and media more effectively; and
- ensuring that access to justice issues are an integral part of any communications planning.

**SUMMARY OF PROGRESS TO JUNE 2016:**

- Review commenced through Access to Justice and Paralegal Standing Committees on the range of possible legal service providers focused on the priority area of family law, including the concepts of legal information vs. legal advice, categories of licensing, and/or expanded paralegal practices
- Continued support and facilitation of the work of TAG
- The work of TAG and the ABS Working Group's continuing research phase being utilized to inform discussions relating to access to family law services
- Ontario government and Law Society initiative commenced to explore a proposal to help families access qualified family legal service providers, led by the Honourable Justice Bonkalo; Justice Bonkalo to submit her recommendations to the Attorney General and the Law Society by September 2016
- New Indigenous Advisory Group Terms of Reference presented to Equity and Aboriginal Issues Committee; nine-member Indigenous Advisory Group being created
- Work on the development of the Indigenous Strategy continuing through the Equity and Aboriginal Issues Committee
- Work commenced on responses to the Law Society-focused recommendations of the Truth and Reconciliation Commission
- Work commenced on the Law Society website redesign project

**THE LAW SOCIETY WILL ENHANCE ITS ENGAGEMENT WITH STAKEHOLDERS AND THE PUBLIC WITH RESPONSIVE COMMUNICATIONS**

**The Law Society will focus on:**

- **enhancing communication to the public through Law Society outreach and other efforts, and**
  - **enhancing communication to lawyers and paralegals as a matter of accountability and transparency,**
- with the goals of building a better public understanding of and educate the public on the**

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<sup>2</sup> This is part of the work of the current project, noted earlier, to renew the Law Society's Indigenous Initiatives Strategy.

**role of the Law Society, and better enabling input from and engagement with lawyers and paralegals.**

In addition to the communications elements described in the previous priority, this priority focuses on the need for a comprehensive and robust communications infrastructure to effectively reach and engage the public and licensees.

To enhance the Law Society's public communications and awareness strategy, work includes seeking the appropriate expertise on how to develop and execute a comprehensive communications strategy. This expertise is also being used to develop a plan of action appropriate to the Law Society's obligations, including how to frame key messages and improve how the Law Society communicates on time-sensitive or emerging issues. Part of this work may include investigating communication activities of other Law Societies, regulators and professional organizations.

With respect to communications to licensees, the Law Society's primary focus is to formalize a licensee engagement plan to support Law Society accountability to licensees and improve transparency of the Law Society's work. To build the plan, the Law Society is obtaining information on what licensees need and expect from the Law Society by way of communications and information supports. Based on this information, the Law Society would consider optimal delivery methods to engage with licensees and explore the merits of measuring satisfaction with its communications through feedback from licensees.

Ultimately, this work should result in a proposal for a multi-year communication plan which identifies resources, methodologies and measures to evaluate its effectiveness.

**SUMMARY OF PROGRESS TO JUNE 2016:**

- Operational integrated communications, engagement and outreach strategy with respect to lawyers, paralegals and the general public formulated; anticipated that by end of June 2016, experts will be engaged to provide implementation support for public and member research, corporate communication strategy, brand strategy and management, marketing, media relations and stakeholder outreach and engagement

**THE LAW SOCIETY WILL INCREASE ITS ORGANIZATIONAL EFFECTIVENESS**

**The Law Society will:**

- **review and revise as appropriate the Law Society's policy development process, guided by the duty to protect the public interest;**
- **enhance measurement and assessment of current and proposed activities; and**
- **determine ways to improve the Law Society's governance structure, including better education for members of Convocation.**

With respect to the policy development process, this initiative involves creating a process map of the Law Society's current policy development process. Benchmarking the process against other public interest regulators and other relevant not for profit organizations follows. The results are to be assessed and determinations made on what can be applied in the Law Society's process to assist it in ensuring that its policy development process is comprehensive, robust and designed with a focus on the public interest in policy development.

With respect to improving how the Law Society measures the success of its priorities, work is being undertaken to develop quantifiable targets and timelines for the achievement of the goal measures set out in the 2015-2019 Strategic Plan and a process for their measurement. The Law Society will also undertake a program review that will include assessment of why a program exists, what it costs and how it serves the public interest.

The initiative on governance involves working with benchers to identify their non-adjudicative education needs in relation to their role in the Law Society and developing a professional development plan to address those needs. This type of program covers topics such as emerging issues in professional regulation, board issues such as risk management and fiduciary duties, and a wide range of issues relevant to governors of legal services regulators and regulated professions.

The Law Society is also to conduct a diversity assessment of the composition of Convocation and report on the results.

A major initiative is a review of the Law Society's governance structure with the aim of achieving the goals of transparency, inclusiveness, effectiveness, including cost-effectiveness, and efficiency of Convocation as a governing board.

**SUMMARY OF PROGRESS TO JUNE 2016:**

- Law Society policy development process mapping completed; policy process benchmarking with other organizations underway and to be completed by summer 2016
- Work plans created at committee level and through the office of the Director of Policy to track and monitor progress on priorities as they relate to the mandated responsibilities of Law Society committees
- Bencher education program related to the bencher's role as board member launched in February 2016
- Diversity survey of members of Convocation being prepared with prospective launch later in 2016