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## CEO's REPORT

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This has been a particularly busy period for operations at the Law Society. Since my last report to Convocation in December 2015, outside of day to day regulatory activities the organization has focused much of its efforts on the following initiatives:

- Budget planning for 2017 and beyond;
- Ongoing management of the mortgage fraud case inventory and caseload in the Professional Regulation Division;
- Ongoing review of LibraryCo and library services;
- Development of various policy initiatives including Compliance-Based Entity Regulation, Challenges Faced by Racialized Licensees, Licensing, Alternative Business Structures (ABS) and Mental Health Strategy;
- Continuing support of TAG - The Action Group on Access to Justice;
- Ongoing implementation of the three year technology plan including the rollout of SharePoint, licensee database redesign, Synerion Direct to track staff attendance, upgrade to the Ecommerce site, as well as a number of enhancements to the Law Society Portal;
- Judicial Review of the Law Society's decision on accreditation of Trinity Western University; and
- The Treasurer Election.

This report will provide an overview of operational trends and activities and policy and other initiatives that are currently underway or in development to support strategic priorities.



## STRATEGIC PLANNING UPDATE

We have made significant progress on the strategic priorities that Convocation adopted last fall. Details of progress on the work on the priorities is provided in the report from the Priority Planning Committee to Convocation this month. A number of initiatives mentioned later in this report have been completed – a new coach and advisor network, a mental health strategy and recommendations on entity and compliance based regulation – and others are ongoing, including our policy development benchmarking project and work on the diversity survey of benchers.

As the Committee's report reflects, 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.

We have established operational work plans related to the priorities to assist in monitoring progress on and completing the work on the priorities in the Plan. As this report will reveal, the work of the operations is aligned with the strategic priorities to ensure that the priorities are achieved and realized in an effective, efficient way.

## 2016 BUDGET UPDATE AND DEVELOPMENT OF THE 2017 BUDGET PLAN

### FINANCIAL REPORTING

The Law Society's audited financial statements for 2015 were presented at the Annual General Meeting in May. The statements received an unqualified audit opinion, and the Law Society remains in a strong financial position. This was the first year for PwC as our auditors and the transition procedures went smoothly.

Audited annual financial statements have been or will be completed for LibraryCo, the Law Society Pension Fund and the Law Society Foundation.

All required tax returns, charity and not-for-profit returns will be submitted by the deadline of June 30, 2016.



## BUDGET DEVELOPMENT

Typically, Convocation adopts the annual budget at its October meeting (under the By-Laws the budget must be approved by Convocation prior to the end of November).

Budget planning for 2017 and longer term projections for the 2017 to 2019 budget cycle have commenced with initial discussions on the financial pressures associated with the budget for 2017, incorporating the strategic plan approved for the current bench term. A summarized budget timetable is set out below:

DATE (2016)	PROCESS
Second Quarter	The Priority Planning Committee assesses financial pressures to be considered in the preparation of the 2017 budget.  The Executive Management team (SME) considers individual and collective budget assumptions, variables and objectives. This review also includes how the proposed 2017 budget fits into the priorities established in the Strategic Plan for 2015-19.
May 11	The Audit & Finance Committee received a first draft of pressures and factors for the 2017 budget.  Prior to May Convocation, a Budget Education Session was held for all benchers to assist them to understand and provide input on the budget components and processes.
July August	The components reviewed and approved above are compiled into an operating budget for the Law Society.  Facilities and Information Technology departments compile a capital budget with the assistance of user departments.  LibraryCo's Transition Committee incorporates the results of a user survey into their deliberations.
Sep 14	A first draft of the 2017 budget and medium term financial plan is presented to the Audit & Finance Committee.



	Under the Unanimous Shareholders Agreement, LibraryCo provides its 2017 budget for incorporation into the Law Society budget.
Sep 22	A budget information session is held for all benchers to ensure a full exchange of information on the 2017 budget and medium term financial plan.
October 12 and 27	Draft operating budgets for lawyers and paralegals and a capital budget for 2017 and the medium term financial plan are presented to the Audit & Finance Committee and Convocation for approval. The budget is typically approved by Convocation in October.

## OPERATIONAL TRENDS AND ACTIVITIES

### COMPLAINTS AND INVESTIGATIONS

#### • *Complaint Trends*

Complaint trends fluctuate year by year. In 2013, there was a noticeable increase in new cases with a 5.4% increase compared to 2012. In 2014, the trend reversed, with the Division receiving 4781 cases, 5% lower than the 5040 cases received in 2013 and about the same number as received in 2012 (4782). In 2015, the downward trend continued, with the Division receiving 4647 cases, 8% less than in 2014.

In the first four months of 2016, the Division has received an increase in new complaints when compared to the same period in 2015. Between January 1 and April 30, 2016, 1678 new complaints had been received in the Division, a 5.8% increase over the 1586 complaints received in the first four months of 2015.

The distribution by type of subjects of the cases received in the first four months of 2016 (January to April) is:

Lawyers:	1283 complaints (76.5%)
Paralegals:	203 complaints (12.1%)
Lawyer Applicants:	50 cases (3.0%)



Paralegal Applicants:	99 cases (5.9%)
Unauthorized practitioners:	43 complaints (2.5%)

- **Investigations**

While the number of cases coming into the Law Society has increased in the first four months of 2016, the number of cases referred to the Investigations department in this period has decreased (by 8%). This department addresses the more serious, complex issues. The number of cases referred to the Complaints Resolution department (more minor cases) has increased (by 5.7%). This is a change from 2015 when the cases referred to this department had decreased from previous years.

In February 2016, Convocation approved the use of \$500,000 from the General Fund Balance to fund additional resources for the Professional Regulation Division: five new positions for the Investigations department and one for the Disclosure Unit. Four of the positions have been filled and recruitment for the last two is in process. Although it will take some time before the impact of these positions will be realized, we are pleased to report that the decision has made an immediate positive impact on staff morale. Inventory in the Investigations department has decreased in the first four months of 2016.

- **Discipline**

The number of cases coming into Discipline also fluctuates from year to year. Cases coming into the department in the first four months are higher. However, several relate to one licensee. When this factor is removed, the numbers this year appear to be similar to the numbers in the same four month period in 2015. The number of Notices of Application issued by Discipline has increased in 2016 (56 in the first four months compared to 45 in the same period in 2015). Despite this increase, Discipline's inventory remains relatively stable.

- **Mortgage Fraud**

Over the past several years the Law Society has received new reports of mortgage fraud allegations at the rate of between two and five lawyers every month. In 2015, the Law Society received reports of lawyers engaged in mortgage fraud at an average of between two and three (2.8) lawyers every month, down from the average of 4.5 new lawyer investigations per month in 2014. This year, from January through April, the Law Society received reports of lawyers engaged in mortgage fraud at an average of 2.3 per



month. At the end of April 2015, 40 mortgage fraud investigations (69 cases) were in the inventory, 44% fewer than at the end of April 2015 (71 mortgage fraud investigations involving 100 cases).

The Executive Director's objective is to complete mortgage fraud investigations in 18 months. Currently, 48% of mortgage fraud investigations are less than 10 months old, 17% are between 10 and 18 months old, and 35% are older than 18 months. Cases aged 18 months or older typically have a history that includes investigation interruptions beyond the control of the Law Society, including summary hearing process for a licensee's failure to cooperate, the need to wait for third party evidence, and delays in obtaining cooperation including from witnesses. These investigations are tracked and monitored regularly for timely completion.

### **MANAGING RISK THROUGH INTERLOCUTORY SUSPENSIONS AND RESTRICTIONS**

The Professional Regulation Division undertakes risk assessments when cases arrive and during an investigation. Interlocutory suspensions and practice restrictions are an important tool to address risk to the public to prevent future harm. From January – April 2016:

- The Proceedings Authorization Committee authorized seven interlocutory suspension applications
- Eleven interlocutory suspension or practise restriction applications were completed before the Law Society Tribunal
  - Three applications were withdrawn (as a result of one licensee signing an undertaking not to practise law, one licensee surrendering their license and in the third case, withdrawing the application for a practise restriction and obtaining authorization to seek an interlocutory suspension);
  - One application was dismissed by the Tribunal;
  - Two interlocutory practice restriction orders were ordered by the Tribunal;
  - Five interlocutory suspension orders were ordered by the Tribunal;
  - Five interlocutory suspension matters are currently before the Tribunal. Interim interlocutory orders have been made in four of the five cases.

All of these matters relate to serious misconduct and Professional Regulation staff have moved quickly to protect the public.



## **TRUSTEESHIPS AND COMPENSATION FUND**

Trustee Services becomes involved to protect, preserve and distribute client files, funds and/or property when a licensee cannot do so because of regulatory action, death or incapacity. Between January 1 and April 30, 2016, Trustee Services has obtained two new formal trusteeship matters, which are dealt with in the Superior Court, and 10 formal trusteeships have been completed and closed. An additional 14 cases have been opened in which guidance and information has been provided on how to wind up a licensee's practice. The department has received 454 and closed 448 requests from clients and others concerning licensees' practices.

Between January 1 and April 30, 2016, a total of 83 applications for compensation have been received by the Compensation Fund: 76 claims involving 29 lawyers and seven claims involving four paralegals. During this period, a total of 29 claims have been granted: \$419,400 has been paid on 23 claims against 10 lawyers and \$12,700 has been paid on six claims against three paralegals. The Compensation Fund continues to carry a number of potential claims related to a very high-profile real estate loss.

## **DECISIONS OF THE SUPERIOR COURT AND COURT OF APPEAL**

In 2016 we received twelve decisions from the Ontario Superior Court and Court of Appeal, relating to seven lawyers, two paralegals and one lawyer applicant. All of these matters were initiated by the licensee or applicant except for three matters involving two licensees.

- ***Judicial Review – Divisional Court***

There was one application for judicial review by a paralegal, which was dismissed due to the paralegal's failure to perfect his application.

There was another application for judicial review brought by a lawyer applicant seeking an order directing the Law Society to provide a license to the lawyer. The application was dismissed.

- ***Appeals – Divisional Court***

The Divisional Court released appeal decisions in six matters, relating to five lawyers and one paralegal:

- In one matter the Law Society's motion to quash the lawyer's Notice of Appeal



was successful

- In one matter the paralegal's motion for an extension of time to file a notice of appeal was dismissed
- In two matters the lawyers' appeals were dismissed
- In one matter the lawyer's appeal and the Law Society's cross-appeal were both dismissed
- In one matter the lawyer's appeal was successful and the Court restored the Hearing Division's dismissal of the Law Society's application.

- ***Appeals – Court of Appeal***

The Court of Appeal heard four motions, relating to three lawyers and one paralegal:

- A paralegal's motion for extension of time to bring an application for leave to appeal was dismissed
- A lawyer's motion to review the dismissal of a 2009 motion was dismissed
- A lawyer's motion to seek leave to appeal was dismissed
- The Law Society's motion to seek leave to appeal was granted

- ***Issues Considered***

Issues considered by the Courts in these decisions included:

- Application of the appropriate standard of review
- Jurisdiction to provide relief sought
- Failing to perfect application/extension of time for motion for leave
- Delay by licensee in seeking appellate relief
- What is a final order
- Factors to be considered in a motion for delay
- Ability to raise new issues on appeal
- Costs awarded as a result of the recusal of panellists
- Validity of the presumptive disposition of revocation

## **LICENSING UPDATE**

- ***Lawyer Licensing Process***

There are approximately 2350 newly registered lawyer licensing candidates in the 2015-16 process which is now well under way, with most candidates having been called to



the bar recently. The new group of licensing candidates for 2016-17 licensing have started their process and licensing examinations were held this June.

The second year of the Pathways Pilot Project is also now completed. The Law Practice Program alternative pathway was selected by 231 candidates for the 2015-16 licensing year – 220 completing the English program with Ryerson University and 11 completing the French program with the University of Ottawa.

In the June 2016 call to the bar ceremonies, the Law Society will have called 1600 candidates to the Bar of Ontario. In addition to the ceremonial call held in January and to be held in September, and administrative calls throughout the year, the Law Society anticipates calling over 2200 lawyer licensing candidates to the Bar in 2016.

- ***Paralegal Licensing Process***

Following the introduction of new accreditation protocols for Paralegal College Programs, which took effect in the 2015-16 academic year for the colleges, 11 intakes of paralegal college programming were not entitled to proceed. This was predominantly due to lack of sufficient enrollment in those intakes. At this time, there are 29 approved paralegal programs, at 45 college campuses, with 64 class intakes on a cohort to cohort basis. Since the inception of the paralegal college program audits for accreditation and ongoing quality assurance, the Law society has conducted 51 rigorous audits and continues to do so.

## **PROFESSIONAL DEVELOPMENT**

- ***Certified Specialist Program***

The Law Society's Certified Specialist Program is adding a new area of specialization in Indigenous Legal Issues. This will be the 16<sup>th</sup> practice area now available through this competence-based credentialing process, which promotes high standards of knowledge, skill, experience and professional conduct to support access to quality legal representation by the public. Development of the new area began in early 2014 and has involved subject matter area experts and senior practitioners from a broad array of practice contexts, client groups and geographical locations to assist with the drafting, review and validation of the standards. Input on the standards was sought from client and professional stakeholder groups. The new specialization in Indigenous Legal Issues is expected to be available to the profession in the fall of 2016.



- ***Continuing Professional Development (CPD)***

The number of paid registrations to date have increased in 2016, so it is anticipated that the 2016 net contribution will meet or exceed the projected net income amount. The department continues to offer eCourses to members as an adjunct to our regular programming. An additional five eCourse titles are currently in development, and will be released by the end of 2016. These educational tools address practice management and professional responsibility topics and substantive law. The CPD department will also provide live replays of 2015-16 programming in the summer months, July and August, for the first time. This will increase accessibility by allowing members to view programs that they were unable to attend at first instance, and to apply these CPD hours towards their accreditation requirement.

Since October 2015, representatives from the CPD department have been working closely with other Law Society departments – specifically IT, Membership, By-Law Administration and the Client Services Centre – and an external vendor to transition to a new eCommerce platform that allows members to more easily and quickly purchase their CPD goods online. This project involved several members of the CPD department in months of further refining the project/platform scope, working with the external vendor to create the new capabilities, and a few testing and acceptance stages. The “LSUC Store” was launched in mid-May, providing a modernized online platform to order CPD programs, including replays, materials and other goods, for Fall 2016 onward. The new system has additional functionality compared to the prior platform in that the members can input discounts for programs themselves, process a refund or access store credit online, utilize additional types of payment for CPD goods (credit, and Interac Visa). In addition, it only requires a single sign-on from the member into the Law Society portal to place an order. These new features make ordering easier and more convenient.

Additional information about the LSUC Store and a marketing roll out of the benefits of the new system were provided by CPD through marketing pieces, updated information in online FAQs and a short promotional video about the system’s functionality. While results are still preliminary, initial indicators are promising for customer satisfaction with LSUC Store.

Internally, the new platform will allow significantly better reporting functions by CPD management regarding purchases and transactions. The new platform also provides CPD with functionality to make special offers to segments of the membership - like passes or subscriptions - further increasing our ability to offer affordable and quality legal education.



- ***Practice Supports and Resources***

Supporting and enhancing the ability to engage in life-long competence for lawyers and paralegals is a strategic priority for 2015 to 2019. In April 2016, the Practice Supports and Resources Department was restructured to support this initiative. Building on the experience and expertise of the Practice Management Helpline (PMH) team and their work deriving practice supports, the department will focus on the continued development of practice management resources and will also support the newly established Coach and Advisor Network.

PMH has answered more than 3,700 inquiries since the beginning of the year. New resources have been developed and existing resources updated to reflect the recent amendments to the *Rules of Professional Conduct* and paralegal *Rules of Conduct*. Current planning in this department is focused on how best to improve and extend the quality services that are relied on daily by lawyers and paralegals.

Early stage planning for the Coach and Advisor Network has focused on how best to operationalize the objectives set by the Mentoring and Advisory Task Force. Outreach to law associations and legal professional organizations with mentorship programs is underway, with more planned in the coming months. We are developing training and other curricula to support Best Practices for Coaches and Advisors and exploring options to streamline the application and matching process. More information will soon be available on the Law Society website, with the anticipated launch set for the Fall.

- ***Quality Assurance: Practice Audits***

Practice Review and Spot Audit have conducted a number of presentations as part of their outreach program to licensees.

For the first half of 2016, Practice Review developed a CPD webcast to paralegals on assessing their practice management processes to improve efficiencies. Reviewers have also responded to invitations to present on practice management topics to the law associations from Prescott, Peel and Hamilton.

Outreach to paralegal practitioners included best practices presentations to paralegal classes at both Algonquin and Conestoga Colleges.

Spot Audit has been actively involved on a number of educational presentations to the Ontario Bar Association, the Barrie Real Estate Law Association and the Peel Real



Estate Law Association to discuss Spot Audit processes and a variety of financial books and records topics.

Spot Audit and Practice Review was present at the June 9<sup>th</sup> Sole Practitioner and Small Firm Conference's "Ingenious Bar" to respond to licensees' questions on the Practice Review and Spot Audit programs, books and records, and practice management systems. The Spot Audit and Practice Review outreach initiatives continue to be well received and appreciated by licensees.

### **LEGAL INFORMATION AND LIBRARY SERVICES**

The Corporate Records and Archives team has updated the Law Society's records retention schedule, the policy that sets out how long the organization maintains business records. The team used SharePoint to enable manager access for comments. Senior management will receive a final version for approval later in 2016. An up-to-date retention policy clarifies the organization's record management and supports the development of automated features in the Law Society's systems that store records. The revised schedule will be a key tool and will be used in a pilot project currently in the planning stages that will focus on the information stored in the Law Society's SharePoint platform.

The Great Library is transitioning part of its print collection from the Main Reading Room into compact shelving in the library's basement. High density shelving will be installed in June and the contents of the American Room – content with historical value but low day-to-day use – will be moved to the shelving. This will enable the library to provide additional research space for licensees on the main floor as an improved client service feature.

The library's legal research guides, hosted by Libguides, were migrated to a new version of the service in March 2016. These practical self-help guides, available through the library's website and the Great Library App, average over 2,000 hits a month.

### **TECHNOLOGY**

The Finance Portlet, which allows licensees to view and pay their annual fees and initiate fee adjustments using the Law Society Portal, continues to facilitate paperless billing of lawyers and paralegals and other transactions and the processing of payments.



- ***SharePoint***

SharePoint usage has increased significantly since my last report. This can be attributed to the launch of our new HUB intranet in fall 2015, and to departments and individuals staff members starting to taking advantage of the functionality and benefits SharePoint provides. Areas such as Membership Services and Tribunals are benefitting from custom-built workflows (the Licensee Hub and the Tribunal Information Management system, respectively) that automate portions of their business processes.

The Corporate Resource & Training Centre (CR&TC) continues to support the Law Society's SharePoint initiative by providing needs assessments, training, coaching, documentation and other assistance. A recent survey conducted by CR&TC shows that value continues to be created for staff with respect to their SharePoint training. Moreover, short training sessions to adjudicators to demonstrate the new Tribunals Information Management workflow have also been facilitated by the department.

- ***Licensee Database Redesign***

A detailed report on the findings of the Life of a Licensee study was completed in late 2015. The study resulted in a comprehensive "business process map" of the Law Society, and an initial analysis of the possibilities and options for modernization.

Based on this study, a major project is being undertaken to modernize the Law Society's core system, the AS/400-based Lawyer & Paralegal Database. The goal is to establish a modern, integrated system that can accommodate all current data management and reporting needs and without further re-engineering allow for significant future changes and additions.

The proposed new system, the Relationship Management System (RMS), now also includes the wide range of Law Society stakeholders, the relationships of licensees have with each other, and the organizations they operate or work for. The technical recommendations and cost estimates were presented to the IT Executive Committee and the Audit and Finance Committee in early June.

- ***LSUC Portal***

The LSUC Portal was given a major update in 2015, with a new and more consistent look and feel applied to most of the portlets and new or updated functionality in a variety of areas. Major accessibility improvements were also included in the update, along with successfully integrating the questions from the Law Foundation's Form 1 report into the



Lawyer and Paralegal Annual Reports (LAR/PAR), eliminating the need for licensees to file two separate reports relating to their trust accounts. Additionally, notices regarding licensee administrative obligations are now published to the LSUC Portal. In the first quarter of 2016, over 1500 notices and reminders were published to licensee LSUC Portal accounts, significantly reducing the need for paper notices and increasing efficiencies for this process.

In 2016 the IT Department is continuing to make the LSUC Portal completely AODA-compliant. IT and the CSC will be continuing the Annual Report upgrade project, in order to ensure that the LAR/PAR are consistent with the rest of the LSUC Portal and to allow for flexibility in future LAR/PAR development.

The Law Society Referral Service (LSRS) application and renewal process is also moving into the LSUC Portal. Beginning next year, licensees who wish to apply to be a member of the LSRS or who wish to renew their LSRS membership will be able to do so in the LSUC Portal. This change will provide a self-serve option for licensees who will be able to manage their own LSRS profile, including the areas of law and languages in which they will accept referrals, as well as their availability. This project will also greatly improve the administration of the LSRS for staff.

- ***E-Commerce***

The current project to replace the Society's aging e-commerce system was started in the fall of 2015. After concerted by representatives from CPD, CSC, Finance, and IT, the new vendor-hosted system went "live" on May 17, 2016. As I reported earlier, the system, dubbed the "LSUC Store," can be accessed at <https://store.lsuc.on.ca/>, and represents a significant improvement over the old system in terms of security, reliability, and functionality. CPD programs, Certificates of Standing and Status Letters, as well as LSUC merchandize are now available for purchase by licensees and non-licensees through the LSUC Store, and has a convenient single-sign-on integration with the LSUC Portal.

While there will be a short period of fine-tuning the system and moving over all product offerings, it is anticipated that the old system will retire before the end of the year and the LSUC store will serve the Society's needs for many years to come.

- ***Digital Information Risk Management Program***

With a new Digital Information Risk Management policy and program in place, IT has undertaken numerous initiatives to maintain or improve the confidentiality, integrity, and



availability of the Society's information systems and the data contained within them, including software and systems to protect us from viruses, phishing emails, spyware, and hackers. This summer, the IT Department is also working to ensure that all of the mobile devices issued by the Law Society are encrypted, thus securing the data on them.

The IT Department will also be rolling out a staff security awareness campaign in the fall.

- ***Time & Attendance***

The Law Society implemented Synerion Direct on May 30, 2016. The new system greatly improves the once manual process by automating the recording and tracking of attendance.

## **OUR PEOPLE**

- ***Diversity Census and Inclusion Survey Initiative***

In March, the Law Society launched its first Diversity Census and Inclusion Survey - to help us better understand the demographic characteristics that make up our team. There was a 72% participation rate, with high rates of feelings of inclusion overall. The final, in depth analysis and action plans from the survey results are expected to follow in the coming weeks.

- ***EIW (Excellence, Innovation and Wellness)***

The Corporate Services Division has commenced work on their Progressive Excellence Program (PEP) certification under the Excellence, Innovation and Wellness Standard offered by Excellence Canada. This multi-year certification drive relies on the early establishment of the culture, values and overall direction for success, building upon the previous experience of the Client Service Centre (winners of PEP Level 4 certification and a concurrent Gold Canada Award for Excellence in 2015). The Division got off to a promising start this spring with the establishment of a Mandate, Mission, Vision and Values document that formalizes their shared commitment to the delivery of excellent service, in an atmosphere of innovation, with a primary focus on wellness. The next step will be a self-assessment against the specific criteria of the Standard, to identify early strengths and opportunities and to shape future strategic direction.



## OUR SPACE

- ***Innovative Workspaces***

Our workspace footprint is a valuable asset; and more than ever we realize the need for utilizing our physical space creatively and in ways that allow us to work both, individually and collaboratively.

With a focus on enhancement of the working environment, we are addressing support of performance and goals with innovative interventions; including the use of furniture standards that allows flexibility without compromising personal comfort and functionality, continuous review of ergonomic configurations, transforming our walls to writing surfaces for groups that rely on collaboration, upgrading our meeting rooms with integrated technology and introducing 'digital' windows in interior work areas that do not have access to exterior views.

Plans for the first floor Finance area have been developed to address a much needed and improved configuration that will incorporate the new space management strategies; including consolidation of the various divisions and the merging of functional support spaces. This will create an effective and efficient footprint for the department and facilitate workflow requirements.

## POLICY AND GOVERNANCE INITIATIVES

### **ACCESS TO JUSTICE AND THE ACTION GROUP (TAG)**

The Action Group on Access to Justice (TAG) is catalyzing solutions to Ontario's access to justice challenges. Together with its growing list of partners, TAG works on a range of "clusters" that increase awareness and impact of access to justice efforts by fostering greater coordination among participants. I am pleased to provide the following selection of 2016 activities.

- ***Access to Justice Week – October 2016***

This year TAG will be organizing Access to Justice Week from October 17<sup>th</sup> to 21<sup>st</sup>. This week will include activities that engage the legal community as well as the general public and trusted intermediaries. As part of this, we will hold a conference in partnership with LawConnect (a collaborative initiative of OJEN and CLEO). Titled Connect, Create, Communicate: Public Legal Education and the Access to Justice



Movement, the conference is open to legal professionals, community workers, students, and others working in this field. The goal of this week is to bring diversity to the access to justice conversation and advance innovative solutions.

- ***Access to Justice through Reconciliation: Responding to the Crisis of Indigenous Children & Youth in Care***

This cluster brings together Ontario focused organizations and agencies responsible for Indigenous children and youth such as the Association of Native and Family Services Agencies of Ontario, First Nations Child & Family Caring Society of Canada, Office of the Provincial Advocate for Children and Youth – Ontario, Office of the Children’s Lawyer – Ministry of the Attorney General and the Ontario Association of Children’s Aid Society. Other participants include elders, Indigenous and other mandated caretakers, Métis Nation of Ontario and the Law Society of Upper Canada’s Indigenous Advisory Council.

We held two engagement sessions for this cluster in the spring .One session included a powerful keynote presentation from Dr. Cindy Blackstock. Outcomes from this cluster were reported earlier in June and will be considered for action by partners in the coming months. Related activities are being considered for Access to Justice Week.

- ***Be an Architect of Justice***

Architects of Justice is an initiative that increases public participation in the development of access to justice solutions. This summer TAG will be at various events across Ontario sharing public legal education materials and collecting feedback from the public about how to improve access to justice. Be an Architect of Justice kicked off at Osgoode Hall during Doors Open Toronto with a public design session that asked participants of all ages to imagine the justice system of the future. This initiative draws on law and paralegal students to survey the public about access to justice improvements.

- ***Steps to Justice***

This initiative creates practical information about common legal problems and related “next steps” in a digital format. Steps to Justice is led by Community Legal Education Ontario and it brings together the Ontario Ministry of the Attorney General, the Ontario Superior Court of Justice, the Ontario Court of Justice, Social Justice Tribunals of Ontario, the Ontario Bar Association, Legal Aid Ontario, the Law Society of Upper Canada and a number of community legal clinics and as well as growing list of



community groups. Steps to Justice is targeted at first-contact community workers and people who have low or moderate incomes or face other disadvantages. This initiative will take a “no wrong door” approach by embedding the same content into multiple, targeted websites. User testing is currently underway and content can be found on the CLEO website. An official launch is slated for Access to Justice Week.

- ***PLEI Cluster (Public Legal Education and Information)***

This cluster will facilitate information sharing and collaboration among PLEI organizations and like-minded community organizations in order to enhance impact and reduce duplication of resources. Emphasis will be placed on improving access to justice for low-income and disadvantaged communities. Cluster activities have been informed by the CLEO’s Mapping Public Legal Education and Information in Ontario report which was released in April.

- ***History Repeating? Forensic Evidence, Motheris and Miscarriages of Justice***

This cluster looks at the limits of forensic evidence and is in partnership with Innocence Canada (formerly AIDWYC). A recent CPD session this month looked at the role that flawed forensic pathology and other forensic evidence has played in miscarriages of justice in Canada.

- ***Advanced Care Planning and Access to Justice***

How can service providers improve access to justice and advance care planning for those aging with HIV/AIDS? This is the guiding question for a new cluster that brings together the Canadian Working Group on HIV and Rehabilitation, Advocacy Centre for the Elderly, Hospice Palliative Care Ontario and HIV and AIDS Legal Clinic (Ontario) to explore access to justice considerations related to health care consent and advance care planning. A roundtable for this cluster was held earlier this month and next steps are currently under review.

- ***Communication***

Details about all of this work is available on the TAG website ([actiongroup.ca](http://actiongroup.ca)). TAG also has a monthly [newsletter](#) and an active presence on [Twitter](#) where information about a wide range of access to justice activities is regularly circulated. Sabreena Delhon (sdelhon@lsuc.on.ca) is the Manager of TAG and is based in the Policy, Equity and Public Affairs division.



### **COMPLIANCE BASED ENTITY REGULATION**

Created in June 2015, the Task Force submitted its report on this subject to May 2016 Convocation, which approved a two-part proposal. The first is to seek an amendment to the *Law Society Act* for the authority to regulate entities, and the second is to development for Convocation's review a framework for compliance-based regulation of licensees, based on certain practice management principles articulated in the report. This phase of the Task Force's work will involve focussed, targeted consultations with the professions on options for models for this approach to regulation. We look forward to the results of this work later in 2017.

### **ALTERNATIVE BUSINESS STRUCTURES (ABS) WORKING GROUP**

Based on the proposed work outlined in its report to September 2015 Convocation, the Working Group on this subject continues its review of alternative business structures, or ABS, and has focused on a number of potential ABS options, including non-licensee minority ownership of law firms and entities, franchise arrangements and structures that may develop an access to justice focused ABS framework (sometimes called ABS+) for civil society organizations, such as charities, not-for-profits, and trade unions. As work on the strategic priority on access to justice progresses on other fronts at the Law Society, the ABS Working Group's work will likely intersect with these initiatives to enable a holistic approach to our work to advance and enhance access to justice.

### **CHALLENGES FACED BY RACIALIZED LICENSEES**

The Challenges Faced by Racialized Licensees Working Group is continuing its work under its mandate to identify challenges faced by racialized licensees in different practice environments, identify factors and practice challenges faced by racialized licensees that could increase the risk of regulatory complaints and discipline, consider best practices for preventive, remedial and support strategies and determine appropriate preventative, remedial, enforcement, regulatory and support strategies.

With the benefit of information from a consultative phase, the Working Group is working towards a final report it is anticipated by the end of 2016.

### **REAL ESTATE ISSUES WORKING GROUP**

Since its creation in June 2015 to deal with issues and developments related to real estate practice in Ontario, the Working Group has met on numerous occasions to consider approaches to these matters. It has referred to other committees those matters



that require specific policy analysis. It has also ensured that, through stakeholder engagement primarily with the Real Estate Liaison Group, appropriate exchange of information and views on these issues occurs.

### **CREATING A STRATEGY TO PROMOTE WELLNESS AND ADDRESS MENTAL HEALTH AND ADDICTION ISSUES**

The Task Force on this subject, created by Convocation in June 2015, completed its work and reported to April 2016 Convocation with a comprehensive Law Society-wide mental health and wellness strategy. Convocation unanimously approved the strategy, which will now move an implementation phase with oversight provided by an implementation task force to be struck by the new Treasurer. The strategy has received extremely positive comment from many stakeholder groups and we look forward to beginning work to realize the various aspects of this important and valuable initiative.

### **FRENCH LANGUAGE INITIATIVES**

The Law Society continued to work collaboratively with partners in the justice system to enhance access to justice in French. At the invitation of the Attorney General, the Law Society participated on the French Language Services Bench and Bar Response Steering Committee. In January at the Equity and Aboriginal Issues Committee (EAIC), the Hon. Justice Thorburn, Superior Court of Justice, spoke about access to Justice in French, along with Andr e-Anne Martel, Executive Director, Association des juristes d'expression fran ais d'Ontario (AJEFO) and Julie Lassonde, AJEFO Board member, spoke about AJEFO services.<sup>1</sup> Both presentations noted the important role the Law Society has played in supporting access to justice in French. The Law Society continues to work with the French Language Services Commissioner in addressing complaints related to its French language services and making systemic and proactive change.

### **COMMUNICATIONS AND MARKETING (C&M)**

The Communications and Marketing (C&M) team provides strategic communications leadership across the organization to raise awareness about the Law Society's initiatives, programs and services, to enhance its corporate reputation among members and the public and to strengthen employee communication and engagement. The group

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<sup>1</sup> For instance see [www.cliquezJustice.ca](http://www.cliquezJustice.ca) AJEFO's legal information portal since 2012.



emphasizes a 'digital first' approach in communicating through paid, earned, shared and owned media channels.

In the first half of 2016, C&M worked on evolving our digital communications – to use the public website and social media channels more effectively and strategically as vehicles for consistent corporate messaging to support priority initiatives and manage the Law Society's reputation.

To this end the department has a number of focused initiatives underway:

- Redesign of the Law Society's website – content and infrastructure, look and feel, in partnership with the Information Technology Department that achieves the following:
  - Enables efficient and effective access to core information required by our various target audiences
  - Improves visitors' understanding of the Law Society's role as regulator and the activities that fall within our mandate
  - Creates an more engaging and intuitive user experience
  - Unifies all parts of the website with a cohesive look and feel and consistent web architecture
  - Improves the Law Society's ability to use the website as a strategic communications tool
- Work to establish and implement a content strategy tied to strategic plan and the development of targeted messaging to support priority initiatives
- Implementation of social media strategy and plan including the creation of a cross-departmental working group and editorial calendar to take a holistic and collaborative approach to digital content

More people than ever follow us on our social media platforms: our Facebook page now has more than 3,300 likes; more than 7,400 follow us on LinkedIn; and more than 8,750 follow us on Twitter.

A renewed effort to share more content and generate social media traffic to our websites continues to show results. Over the past year, as compared to the previous 12 months, traffic to the *Gazette* increased by 19%. Of the 54,316 people who visited the *Gazette* this year, 18% came from social interaction. Compared to last year, referrals from Facebook grew 184%, LinkedIn grew 127%, and Twitter grew a steady 21%.



Traffic from mobile devices is up 33%, which is a noteworthy increase as we look to redesign the website. The *Gazette* also sent 9,208 people back to [www.lsuc.on.ca](http://www.lsuc.on.ca), which is a 53% increase over last year, as a result of linking meaningful content to the main site.

### **MEDIA RELATIONS AND ISSUES MANAGEMENT (MRIM)**

The Media Relations and Issues Management (MRIM) team works to ensure that the Law Society, its mandate, initiatives and operations are positively and accurately represented in the public sphere.

In the first quarter of 2016, MRIM proactively **shared** information on Law Society initiatives and events to the media. In addition to providing links to weekly summaries of decisions to media, MRIM also provided links to notices of upcoming hearings and current hearings for full transparency and ease of reference.

MRIM received and responded to 74 media inquiries from January through March. Discipline matters continued to garner the most interest and coverage, followed by Compliance-Based Entity Regulation (CBER), Mentoring, Law Society Awards, the Mental Health Strategy and Rules and guidelines.

The Treasurer and other Law Society representatives conducted a number of interviews, predominantly with legal trade publications: **The subject areas included** CBER, the Treasurer's major policy initiatives, TRC Calls for Action, Retention of Women/Justicia, Early Career Roundtable, family law review, and intervention statements of the Human Rights Monitoring Group (China).

The MRIM team also worked in partnership with Policy, Communications and Marketing and public affairs to provide communication and issues management support on the CBER consultation, which included a webcast and, for the first time, an online submission form.

In addition, MRIM prepared a broad range of internal and external communications documents (news releases, numerous speeches, discussion points, positioning statements, FAQs, Convocation News) that support Law Society priorities and the Treasurer's outreach initiatives. MRIM also worked with Equity and Professional Regulation to manage translation of Law Society fact sheets for Indigenous People into Cree, Oji-Cree and Northwestern Ojibway, as well as English and French.



## **FEDERATION OF LAW SOCIETIES OF CANADA SUPPORT**

The Law Society continues to make a significant contribution in both human and financial resources to the Federation. Staff and benchers continue to contribute to the progress of a number of Federation initiatives.

Former Treasurer Tom Conway and past president of the Federation chairs the National Requirement Review Committee, which includes bencher Peter Wardle as a member. Former Treasurer Laurie Pawlitz, our Federation Council representative, also chairs the Canadian Common Law Program Approval Committee and serves on the National Admissions Standards Steering Committee. Bencher Malcolm Mercer serves as a member of the National Committee on Accreditation. Dianne Corbiere was appointed to the Federation working group addressing the Truth and Reconciliation Commission's (TRC) Calls to Action and recommendations.

Law Society staff continue with their contributions to a number of Federation initiatives. These include Diana Miles, Executive Director, Organizational Strategy /Professional Development & Competence, who participates as a member of the National Admission Standards Project Steering Committee and the National Requirement Review Committee and serves on the CanLII Board, Naomi Bussin, Senior Counsel, Professional Regulation who is a member of the Standing Committee on the Model Code of Professional Conduct and Grant Wedge, who is senior advisory support to the TRC working group.

I also serve as a member of the Governance Review Committee, the Standing Committee on Access to Legal Services, the above-noted Steering Committee and the Finance and Audit Committee.

## **PUBLIC AFFAIRS**

- ***Government Relations***

Public Affairs liaises with all levels of government to ensure ongoing and enhanced networks and relationships. Many issues before by Convocation are of interest to the government. Consequently, Public Affairs is intimately involved in the issues, policies and initiatives being considered by benchers. In addition, government initiatives that affect the Law Society's mandate are monitored and addressed.



## ***Stakeholder Engagement***

Engagement permits the sharing of information and provides a platform for collaboration and inclusion. The Treasurer's commitment to engagement with our stakeholders has enhanced our reach and impact.

In addition to the Treasurer's Liaison Group (TLG) and the Early Careers Roundtable (ECR); two new roundtables were established in May. The In-house Corporate Counsel (ICR) and Law Students (LCR) roundtable met and were very well received.

In addition, regional dinners were hosted by the Treasurer in the Central South and North East regions. The format for these events includes a reception with local licensees and a dinner follows with the leadership from legal organizations in the region. The feedback from both were positive and instructive.

Public Affairs facilitates the work of coalitions such as the Alliance for Sustainable Legal Aid (ASLA) and the Real Estate Liaison Group (RELG) and the transition committee of LibraryCo.

- ***Real Estate Liaison Group (RELG)***

The Real Estate Liaison Group, created by the Treasurer together with the Ontario Bar Association, CDLPA and LawPRO continues its dialogue on real estate issues of common interest and planning in response to expressed concern about the future and current state of real estate practice in Ontario. The co-chairs of the Real Estate Issues Working Group have been appointed to RELG by the Treasurer to encourage co-ordination of efforts on common issues.

The group continues to meet to discuss current issues touching on real estate practice. I expect as we learn more the environment in which real estate practice occurs, RELG will continue to be a valuable forum for discussion, including on matters related to the Law Society's responsibilities.

## **SERVICES FOR MEMBERS AND THE PUBLIC**

### **REVIEW OF LIBRARYCO AND LIBRARY SERVICES**

The Law Society is working with the other shareholders of LibraryCo (Federation of Ontario Law Associations and Toronto Lawyers' Association) to set a direction for the



evolution of libraries and library services going forward. A survey of user needs is currently underway. Under the Administrative Services Agreement with LibraryCo, the Law Society continues to administer the financial affairs of LibraryCo together with any other requested supplementary assistance during the transition process.

### **PARENTAL LEAVE ASSISTANCE PROGRAM (PLAP)**

The Finance department processes the applications for the Parental Leave Assistance Program. As of the end of May, 3 lawyers have applied to PLAP in 2016. Since the program launch in March 2009, there have been 336 applicants who have received benefits under PLAP.

### **TORONTO LAWYERS FEED THE HUNGRY PROGRAM**

The Toronto Lawyers Feed the Hungry Program operates through the cafeteria and with in-kind support from the Law Society. Meals are served on Wednesday nights, Thursday mornings, Friday nights and Sunday mornings. On average, the Program serves approximately 60,000 guests a year at an average annual cost of \$380,000. With the current fund balance and assuming attendance remains at current levels, the Program has sufficient funding for 12 to 18 months of operation.

With funding from the Law Society the LFH has retained a contractor to support the development of a fundraising plan and recommend an effective organizational structure including the roles of stakeholders.

### **MEMBER ASSISTANCE PLAN (MAP)**

For the period of January 1 to March 31, 2016 there were 362 MAP cases. As a result, Homewood Health, the Law Society's Member Assistance Program provider, has a projected an annual utilization rate for 2016 to be 4.99%. If this is achieved, it will be the highest usage since the MAP program launch.

There continues to be a rise in cases with each passing quarter. In the first quarter, the number of MAP cases was at 362 for 2016, which is up from the previous 2 years (2015: 177; 2014: 120).

The awareness source of the MAP program is predominantly from a previous client (35%), which allows us to infer that the program is being shared through word of mouth from prior recipients of the program.



The program is averaging about one peer to peer connection per week, with 12 connections made in the first quarter. Members between the ages of 31-40 continue to represent the majority of users at 36.5%, with those between the ages of 21-30 also making significant use of the program at 26.9%. Ten e-courses were also accessed, which is on trend with previous periods.

The top MAP counselling categories for the first quarter of 2016 are psychological counselling (49.4%); work counselling (19.2%) and marital/relationship (17.6%). The method of distribution for counselling was 77.6% face-to-face; 19.6% over the phone; and 2.7% over the web.

Looking at overall utilization, the top area of Plan Smart cases were: career counselling at 56.1% and financial advisory services & 12 weeks to wellness both with 12.3%.

- ***Administrative Suspension Due Diligence***

In addition to the over 1500 notices and reminders that were published to licensee LSUC Portal accounts this quarter, the staff in the CSC continue to uphold due diligence standards regarding licensee administrative obligations. For example, during the Annual Report suspension follow-up process, the By-Law Administration Services Department has sent 128,411 automated emails to licensees reminding them of their filing obligation. At the end of the 60 day default period, 2,584 licensees had yet to file their Annual Report and staff in the CSC will attempt to personally contact each licensee at least one final time. Law Society staff similarly followed up with 957 licensees who had not fulfilled their CPD obligations and 2149 licensees who did not fulfill their Annual Fee obligations.

- ***Law Society Referral Service***

In the first quarter of 2016, the Law Society Referral Service provided 11,114 referrals. 8,108 of those referrals were provided through the online service; 2,705 referrals were provided through the crisis line; and 301 referrals were provided by email. From January 1 to March 31, 2016, LSRS also provided the names of 2907 LSRS members to people who did not qualify for a referral.

LSRS continues to promote its service to licensees through regular advertisements in the e-Bulletin and Paralegal Update, at CPD programs, including the upcoming Sole and Small Firm Conference, in the welcome package for new licensees and through reaching out to unrepresented areas in September, 2015. From January 1 to March 31, 2016, LSRS was pleased to have 129 new licensees join the service.



At the end of 2015, LSRS mailed brochures promoting the service to approximately 1000 community organizations across Canada and had an information table at Doors Open to help increase community awareness of the service.

- ***Generating Public Interest – our Building***

Osgoode Hall continues to generate public interest. The Law Society's commitment to sharing its iconic building allows visitors to learn about the history and the functions of the Law Society, the courts and the justice system in general. In May 2016, Osgoode Hall participated in Doors Open Toronto and opened our doors to about 10,000 people. In 2015, the building hosted 60 guided tours and added to our audio tour offerings.

- ***Events***

The Law Society continues to be the venue of choice for our external stakeholders, receiving approximately 8 event requests per month, that fall within our parameters for hosting.

- ***Osgoode Hall Restaurant***

The new website and reservation system has increased awareness of the Osgoode Hall Restaurant. The gross sales for April 2016 are up 18% when compared to the same month last year, and the online reservations, both through Open Table and the Osgoode Hall Restaurant website, have increased traffic significantly.

## CONCLUSION

We continue to support a very large and innovative regulatory, practice support, policy, outreach and operational agenda. I hope that this report allows a moment's pause to take in the breadth and depth of it, which can sometimes be lost when we focus on very specific aspects of our daily work. It is a source of immense pleasure and pride for me to be part of this.

As always however, the real credit for our momentum and delivery of this agenda is and remains due to the incredible staff of the Law Society of Upper Canada, who are the most professional and dedicated I have ever encountered. We owe immense gratitude to them, and through this, I hope I can express that.



As this report will appear at the Convocation that elects a new Treasurer, I also want to express, on behalf of all staff, our appreciation for the work of the current Treasurer, Janet Minor. Staff held an appreciation reception for her this month. It was a wonderful, light hearted tribute to her work with us, which as many stated there, has been deeply appreciated. Her passion for our issues challenged and inspired us. We have been privileged to work with this remarkable leader, and we will certainly miss her.







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