



## CEO's REPORT

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

- Completion of the strategic planning process and session to define and set priorities for the 2015-2019 bench term;
- Budget planning for 2016 and beyond;
- Ongoing management of the mortgage fraud case inventory and caseload in the Professional Regulation Division;
- Administration of the second year of the Law Practice Program;
- Administration of the expanded paralegal licensing examination;
- Ongoing review of LibraryCo and library services;
- Development of various policy initiatives including TAG The Action Group on Access to Justice, Compliance-Based Entity Regulation, Challenges Faced by Racialized Licensees, Alternative Business Structures (ABS) and Mental Health Strategy;
- Ongoing implementation of the three year technology plan including the rollout of SharePoint, the new intranet site the Hub, Synerion Direct to track staff attendance, release of the Library's mobile app, as well as a number of enhancements to the Law Society Portal;
- Managing the move of the Law Society Tribunal to separate office and hearing room space;
- Judicial Review of the Law Society's decision on accreditation of Trinity Western University.



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

## STRATEGIC PLANNING UPDATE

In October, Benchers participated in a planning session where they set the priorities and initiatives for the 2015-2019 term. A work plan with key milestones is being developed to support the process of moving forward with all of the various initiatives that have now been approved for completion in the coming years. The process of supporting the strategies through our operational activities will commence with reports and implementation plans being returned to relevant Committees for further discussion, refinement and development.

As was discussed through the annual budget planning process, the impact of new initiatives in the 2016 fiscal year is anticipated to be nominal. Any further decisions taken by Convocation to either increase the timeliness of completion or redirect the scope of an initiative resulting in additional expenditures in 2016 will be supported by appropriate impact statements and reports vetted by Committees, the Audit and Finance Committee, and then Convocation for final decision on funding.

## 2015 BUDGET UPDATE AND DEVELOPMENT OF THE 2015-2017 BUDGET PLAN

### BUDGET PLANNING

The 2016 Budget process has completed its normal cycle of review by the Audit and Finance Committee in September and October with recommendation to Convocation in October. The budget approved at Convocation maintained the annual fee for both lawyers and paralegals at the same level as 2015. That is \$1,866 for lawyers and \$996 for paralegals.

### FINANCIAL REPORTING AND INITIATIVES

Interim financial statements for the third quarter for the Law Society, LawPRO and LibraryCo have been or will be reviewed by the Audit and Finance Committee and



Convocation in the months around this report. The Society is on track to exceed its 2015 budget expectations and its financial position remains strong. Some specific notes are:

- The Lawyer General Fund incurred a surplus of \$2.6 million compared to a surplus of \$1.6 million in 2014 and a budgeted deficit for the period of \$2.9 million.
- The Paralegal General Fund generated a surplus of \$946,000 at the end of the third quarter compared to \$787,000 for 2014 and a budgeted deficit for the period of \$521,000.
- The main revenues sources are above budget and all of the major expense categories on the financial statements are less than budget.
- There was a deficit of \$3.1 million in the Lawyer Compensation Fund as the claims from two major defalcations continue to be processed.

As approved by Convocation at the beginning of the year, PWC will be the Law Society's auditors for the 2015 financial year, taking over from Deloitte. Planning for the 2015 year-end audits has been ongoing and the Audit and Finance Committee met with PWC in November to formalize these plans.

The annual financial statements for the Pension Fund for the employees of the Law Society have been submitted to the regulators. All required tax returns and not-for-profit returns for the Law Society and related entities have been submitted. As reported to Convocation in September, LawPRO's request to the Canada Revenue Agency ("CRA") to reassess LawPRO as being exempt from tax as a subsidiary of a "public body performing a function of government" was denied by the CRA. The matter will now proceed to Tax Court as part of what is expected to be a long process.

The Finance department is working with the Audit and Finance Committee to ensure appropriate accountability and fiscal responsibility by organizations funded by the Law Society such as the Federation of Law Societies, Federation of Ontario Law Associations (formerly CDLPA) and the Law Commission of Ontario.

### **LIBRARYCO**

The Finance department continues to provide financial services to LibraryCo through the Administrative Services Agreement that includes preparation of financial reports, development of the annual budget and administrative assistance to county associations on financial matters. 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.

The Law Society's Audit and Finance Committee has reviewed LibraryCo's budget for 2016, incorporating a contingency for the transition process and increased funding to county libraries. This was approved by Convocation in October.

## OPERATIONAL TRENDS AND ACTIVITIES

### COMPLAINTS, INVESTIGATIONS AND DISCIPLINE

#### • *Complaint Trends*

Complaint trends fluctuate year by year. In the first ten months of 2015 the Professional Regulation Division has received approximately 4000 complaints, a 1.3% decrease from the first ten months of 2014. The number of complaints received by the Professional Regulation Division has fluctuated somewhat, but has been approximately 5000 per year for the last number of years.

Complaints are received about lawyers, paralegals, applicants and unauthorized practitioners. The distribution of complaints also fluctuates year by year but has remained relatively proportionate over the past five years. The following describes the subjects of complaints received from January to October 2015 as compared to complaints received in previous years:

- Lawyers: 3070 complaints (77.7%). Complaints about lawyers have been on an upward trend since 2013 (76%), following a downward trend from 80% in 2011.
- Paralegals: 451 complaints (11.4%). Complaints about paralegals have increased from 10% in 2010 – 2013.
- Lawyer Applicants: 102 cases (2.6%). Complaints about lawyer applicants have remained relatively constant at 2% or 3% in the past number of years.
- Paralegal Applicants: 165 cases (4.2%). Complaints about paralegal applicants have also remained relatively constant although we saw an upward trend from 3% in 2011 to 5% in 2013 and 2014.
- Unauthorized practitioners: 161 complaints (4.1%). We have seen a downward



trend in allegations of unauthorized practice since 2010, when these reached a high of 7%.

- **Investigations**

Although the number of cases coming into the Law Society has decreased slightly in the first ten months of 2015, the number of cases referred to the Investigations department in this period has increased slightly. This department addresses the more serious, complex issues. The number of cases referred to the Complaints Resolution department (more minor cases) has decreased.

- **Discipline**

The number of cases coming into Discipline also fluctuates from year to year. Case numbers appear to be up this year, particularly when compared to last year, and have been increasing since 2011. The number of Notices of Application issued in discipline has increased in 2015 and the Discipline inventory remains relatively stable.

- **Mortgage Fraud**

Over the past eight years the Law Society has received new reports of mortgage fraud at an average of between 2 to 5 lawyers every month. In 2014, the Law Society received reports of lawyers engaged in mortgage fraud at an average of between 4 and 5 (4.5) lawyers every month. This decreased in 2015: from January through October, the Law Society received reports of lawyers engaged in mortgage fraud at an average of 2.2 per month. The result has been a decrease in the inventory of mortgage fraud investigations.

The Professional Regulation Division's objective is to complete investigations in 18 months. Currently, 27.3% of mortgage fraud investigations are less than 10 months old, 37.9% are between 10 and 18 months old, and 34.8% 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, and delays in obtaining cooperation from other witnesses. All investigations are monitored for timely completion.

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

In 2015 we received fourteen decisions from the Ontario Superior Court and Court of Appeal, relating to ten lawyers and one paralegal. All of these matters were initiated by the licensee except for one in which both the lawyer appealed and the Law Society cross-appealed.



- **Judicial Review – Divisional Court**

There was one application for judicial review by a paralegal, which was dismissed.

- **Appeals – Divisional Court**

The Divisional Court released appeal decisions in six matters, all relating to lawyers:

- In four matters the lawyer's appeal was dismissed
- In one matter the lawyer's appeal was allowed in part (the finding was upheld and the penalty and costs were set aside)
- In the last matter the lawyer appealed and the Law Society cross-appealed. Both appeals were dismissed. The Court released a separate decision on costs.

- **Appeals – Court of Appeal**

The Court of Appeal heard one motion, from a paralegal, for extension of time to bring an application for leave to appeal. This was dismissed.

The Court of Appeal heard three applications for leave to appeal, all brought by lawyers: In two matters the application was dismissed, and in one matter the application was granted.

- **Application to the Superior Court**

The Superior Court heard and dismissed one application by two lawyers in the same firm for a declaration of invalidity of sections of the *Law Society Act* on the basis that the provisions fail to protect solicitor-client privilege.

- **Issues Considered**

Issues considered by the Courts in these decisions included:

- Application of the appropriate standard of review
- Sufficiency of reasons
- Use of factual findings from decisions to which the lawyer was not a party
- What is a final order
- Failure to cooperate with an investigation
- Whether lack of remorse is an aggravating factor
- Ability to raise new issues on appeal
- Expert evidence about whether a fee is unfair and unreasonable contrary to Rule 2.08(1) of the *Rules of Professional Conduct* (not required)



- Essential elements of fraud allegation
- Whether mortgage fraud can be proven by circumstantial evidence
- Validity of the presumptive disposition of revocation.

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

Professional Regulation is continuing to seek interlocutory orders from the Tribunal and through undertakings at the investigation stage. These are important tools to address risk to the public to prevent future harm. From January – October 2015:

- The Proceedings Authorization Committee authorized six interlocutory suspension applications
- Six interlocutory suspension orders were ordered by the Law Society Tribunal
- Two interlocutory restriction orders were ordered by the Law Society Tribunal; and
- Two interlocutory suspension matters are currently before the Tribunal. An interim interlocutory order has been made in one of the cases.

Further, between January and October 2015, staff obtained 16 undertakings to cease practising law or providing legal services. In all of 2014, 18 such undertakings were obtained. Between January and October 2015, the Law Society also obtained 7 undertakings that restrict the licensee's ability to practise or provide legal services.

### **MANAGING RISKS RELATED TO LICENSEE INCAPACITY**

In 2015 the position of Capacity Program Advisor ("Advisor") was created and filled. The Advisor works with the Manager, Risk Strategy, to support the work of the Professional Regulation Division as it relates to licensee health issues and incapacity. The Advisor is a registered nurse and was recently licensed as a lawyer. The Advisor is experienced in geriatrics and psychiatric issues, including emergency psychiatric intake, and is well placed to assist staff investigating and prosecuting capacity issues.

The Professional Regulation Division is using the Advisor's expertise to improve its capacity related processes. For example, the Advisor assists with the Division's use of medical assessors, including who is on the roster, communicating effectively with assessors, and reviewing assessor reports for completeness, quality, and timeliness. It is anticipated that the Assessor will review all medical information received by the Division, support staff with ongoing consultation on case specific matters and provide training.



On November 13, 2015, the Professional Regulation Division held a Training Day for staff which focused on distinguishing licensee conduct from capacity issues, and responding to licensees and complainants with mental health issues. Presenters about these issues included the Advisor and Dr. Philip Klassen, a Forensic Psychiatrist.

### **TRUSTEESHIPS AND COMPENSATION FUND**

Trustee Services acts to protect, preserve and distribute client files, funds and property when a licensee cannot do so because of regulatory action, death or incapacity. Since January 1, 2015, Trustee Services has obtained 21 new trusteeship orders from the Superior Court, and 23 trusteeships have been completed. In an additional 33 cases, Trustee Services has provided guidance and information about how to wind up a practice. In total, the department received 1962 requests from clients and others concerning licensees' practices, and closed 1784 such requests.

Between January 1 and October 31, 2015, the Compensation Fund received 216 applications for compensation: 153 claims involving 63 lawyers and 17 claims involving 15 paralegals. During this period, 96 claims were granted: \$2,847,716.00 was paid on 88 claims against 37 lawyers and \$31,800 was paid on 8 claims against 6 paralegals.

The Compensation Fund continues to carry a number of potential claims related to a very high-profile real estate loss.

### **LICENSING UPDATE**

- ***Lawyer Licensing Process***

The second offering of the Law Practice Program (LPP) commenced at Ryerson University and the University of Ottawa in early September 2015, with a total of 233 candidates registered. Candidates have been engaged in a variety of skills training activities, practical assignments and formal assessments during the four-month training course component. Screening and interviewing for the work placements, which will begin in January 2016, is also well underway, with approximately half of the candidates placed as of November 1, 2015.

Candidates and principals continue to comply with the filing requirements for the enhanced Articling Program, which includes an Experiential Training Plan and mandatory Performance Appraisals on core tasks and activities. The Law Society welcomed 228 new lawyers at the September Call to the Bar ceremony, which included candidates who completed the first year of the LPP.





- **Paralegal Licensing Process**

In August 2015, the Law Society held the first administration of the expanded paralegal licensing examination to include substantive competencies in the areas of civil procedure, administrative law and criminal law, in addition to ethics, professional responsibility and practice management. Administration of the new examination format has gone very smoothly, with 565 candidates writing in August and 344 candidates writing in October. The Law Society has extended an invitation to the Paralegal Reception in December to 419 newly licensed paralegals.

Enhanced standards for accreditation and governance of paralegal college programs, which were approved by Convocation in February 2014, took effect on September 1, 2015. The Licensing and Accreditation team has engaged in monitoring compliance with the new standards, which introduce stricter requirements related to minimum enrollment numbers, faculty qualifications, program structure and scheduling, and assessment methodologies. There are currently 28 accredited programs at 43 locations across Ontario. To date, ten locations are in abeyance this term due to low enrollment numbers.

### **CONTINUING PROFESSIONAL DEVELOPMENT (CPD) UPDATE**

The number of original CPD programs held to date and the number of paid registrations have both increased in 2015, so it is anticipated that the 2015 net contribution will exceed the \$2.2 million projected net income amount. The department continues to see a shift toward online learning with more registrants viewing programs by live webcast or on demand. The CPD department is offering fewer programs with printed materials as members grow more comfortable with electronic program materials, and the department is preparing to move to a standard offering of online materials only starting January 2016. This movement toward online program delivery and materials provision also provides savings in program expenses, including catering costs, course materials and venue rentals.

In 2014, CPD introduced a new e-Course online learning format, launching 7 courses in November, in time for the year end push for members to complete their CPD requirement. Total e-Course sales in 2014 were 2664 units. For 2015, CPD launched 2 new e-Courses in spring. Following an updated and award-winning format used for prior releases, 3 more e-Courses - ILA and ILR for Real Estate Lawyers, Write this Way: Grammar Booster Intensive, and Employment Law Practice Basics - will be released in November. Year to date sales for all e-Courses have exceeded 1,200, including pre-sales for the as-yet unreleased titles. It is expected that the release of these 3 e-Courses will push yearly e-Course sales totals higher than 2,500 units for 2015.

Attendance for CPD programming, all formats, will be in the range of 60,000 for 2015.



## LEGAL INFORMATION AND LIBRARY SERVICES

The Library's mobile app was released in September to both the Apple iTunes store and Google's Play store for Android phones and tablets. The app enables mobile access to search Law Society CPD articles and the catalog of books from law libraries across the province. Library staff are working with PD&C's Communications and Marketing team to promote the app.

At the same time, the Library's systems team supported an upgrade to the online search software that both the app and online researchers use. Now, when users locate a book in the catalog, they can also browse, scrolling past books that are physically adjacent to the first book on library shelves. It reintroduces some of the serendipity of visiting a law library.

The Corporate Records and Archives team digitized and published a collection of historic Call to the Bar resources. Organized by decade, the Web pages list speakers from the 1930s to the present. In some cases, users can also read the transcripts of the speeches during the Call to the Bar ceremony and citations presented to Honorary Doctor of Laws recipients.

## COMMUNICATIONS AND MARKETING

Communications and Marketing had been building on the Law Society's social media activity – using it more proactively, broadly and consistently as a strategic communications tool to support our corporate priorities. Social media continues to be a key component of the Law Society's communications and marketing efforts.

A renewed focus on sharing more content and generating social media traffic to our websites has begun to show results. More people than ever follow us on our social media platforms: our Facebook page now has more than 2,500 likes; more than 6,600 follow us on LinkedIn; and 7,500 follow us on Twitter.

Traffic to the *Gazette* from LinkedIn, where we have been posting daily instead of sporadically, has increased more than eight times since 2014. *Gazette* traffic as a whole is higher—2015 saw a 36% increase in site visitors, from approximately 32,500 in 2014 to more than 45,000 this year. The *Gazette* also sends six times more traffic back to <http://www.lsuc.on.ca> as a result of concerted efforts to link between the two sites.

In 2015 the Communications and Marketing department also supported the development and implementation of a new intranet site built on the SharePoint platform, co-leading the project with the Information Technology department. Launched at the end of October, the



site enhances internal communications and provides a gateway to SharePoint features enabling better team collaboration, project management, document management and content management.

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

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

In the last four and half months, the team has responded to almost 100 media inquiries. The Treasurer and other Law Society representatives conducted a number of interviews with major Canadian dailies as well as legal trade publications. Interview topics included ABS, compliance and entity-based regulation, the Justicia Project, the Early Careers Roundtable and Law Society resources for new lawyers. Media coverage relating to TWU was most prominent, followed by high-profile regulatory matters.

In addition, MRIM prepared a broad range of internal and external communications documents (public statements, news releases, speeches, discussion points, fact sheets, FAQs, Convocation News) that support Law Society priorities and the Treasurer's outreach initiatives.

### **TECHNOLOGY**

- **SharePoint**

In 2014 the Law Society embarked on an aggressive plan to modernize its technology infrastructure, improving both its internal systems and its external-facing presence. The largest project, implementation of Enterprise Content Management (ECM), revolves around the concept of a single, secure location to develop, collaborate, distribute and archive information internally using Microsoft SharePoint 2013.

The rollout of the platform to the organization is now complete and individual sites (OneDrive) and department team sites have been created, and the organization is familiarizing itself with other features such as project and team sites, file sharing, versioning, collaboration, and the powerful search tool. OneDrive and team sites will ultimately replace the use of most network drives. The Corporate Services Division will complete the migration from the H: drive to OneDrive by the end of the year.

We are currently working with the other Divisions to develop a plan that would have the organization migrate completely to OneDrive by the end of May 2016. Thereafter, we will develop a plan to move away from the use of shared network drives and towards the use



of SharePoint team and project sites for all document management and internal collaboration purposes.

- ***HUB***

The Law Society recently launched our new intranet, the HUB, which was built on the SharePoint platform. The HUB has helped integrate the use of SharePoint into employees' every day activities, and encourages user adoption. SharePoint's powerful search engine is one of the many features of the HUB that employees are becoming familiar with, along with social media tools, such as internal blogs, that can be used as a communication tool.

- ***Time and Attendance***

As part of its ongoing commitment to improve, modernize, and streamline business processes, the Law Society will be implementing a new system, Synerion Direct, to automate the recording and tracking of attendance. Human Resources has partnered with Finance and the Corporate Resource & Training Centre in the implementation of this system, which is scheduled to launch in January 2016.

- ***Licensee Database Redesign***

The Information Technology department has been working closely with the Client Service Centre and other departments in the Law Society on the first phase of this project, the Life of a Licensee study. The objective of this study was to review the current state of our Licensee-related information systems, and to understand what the ideal future state would look like, when considering the needs across divisions.

- ***LSUC Portal***

Much work is being done to enhance the user experience of the Law Society Portal, including developing a new look and feel that will make the portal easier to navigate. We are also working towards ensuring that all areas of the Portal are mobile-friendly and accessible. The new look and feel will be rolled out before the end of the year.

Other enhancements include the development of an online feedback system for members of the Law Society Referral Service to provide feedback about referrals, instead of faxing back a paper form.

Beginning next year, reminders and notices about administrative obligations will be posted for licensees to view in the Portal. They will also be able to view their submitted



Lawyer Annual Report (LAR) and Paralegal Annual Report (PAR) in the Portal, starting with the report for the 2015 calendar year.

The Finance Department in conjunction with Information Technology, is developing self-service, on-line enrollment in the annual fee preauthorized payment plans through the LSUC Portal. The Department's intention is to add an additional option for members to pay their annual fees in a single pre-authorized payment, withdrawn electronically from their bank account.

The 2015 LAR/PAR will also be the first reporting period where licensees will not have to submit a separate report regarding their trust accounts. Working with the Law Foundation of Ontario, the Law Society has integrated the questions from the Law Foundation's Form 1 report into the LAR/PAR, eliminating the need for licensees to file two separate reports relating to their trust accounts.

- ***eCommerce System Replacement***

A project is underway to replace the Law Society's eCommerce system, used primarily by the Continuing Professional Development department. This upgrade will increase the functionality of the system, and will also allow us to comply with current payment card industry security standards. We will see this project roll out in the coming months.

- ***Osgoode Hall Restaurant Website***

The Catering and Facilities departments have been working with Communications & Marketing to develop a website for Osgoode Hall Restaurant. In addition to the stunning imagery of Osgoode Hall, the website will include the daily menu, a link to a reservation app, information on facilities available for rental as well as catering information.

- ***Digital Information Risk Management***

Information systems and digital information are vital to the operation of this organization and it is especially important to consider risk management from an information systems perspective. The Information Technology Department is developing a Digital Information Risk Management Program to formally introduce information risk management into the operations of the Law Society and to ensure that information risks are managed as an integral component of information solutions through their lifecycle.



## **OUR PEOPLE**

- ***Excellence Canada***

As I mentioned to you in my June report, the Client Service Centre achieved Excellence Canada's Progressive Excellence Program Level 4 award. On October 29, 2015, Terry Knott along with the Client Service Centre managers and staff from our Corporate Resource & Training Centre attended the Canada Awards for Excellence ceremony to receive the Gold Trophy from Excellence Canada. The larger Corporate Services Division, including the Client Service Centre, will start a new certification program with Excellence Canada called Excellence, Innovation and Wellness and I look forward to reporting to you on their progress.

- ***Employer of Choice***

The Greater Toronto's Top Employer is an annual competition that recognizes the employers in the GTA leading their industries in offering exceptional places to work. I am proud that the Law Society has been recognized as a GTA Top Employer since the award's inception. Should we be awarded this prestigious accolade for 2016, it will be our 10th consecutive year winning the award! The announcement of the 2016 awards will be made in a special publication of the Globe and Mail on December 8.

- ***Effective Workspace***

With a focus on enhancement of work flows and effective work-space, a number of capital projects were carried out to consolidate various departments. New offices were created within existing footprints that achieved efficient space, addressed security concerns and met current accessibility standards.

The Law Society Tribunal administrative office and hearing rooms at 375 University, opened its doors in September to our licensees and members of the public. The objective of this move was to consolidate the Tribunal offices and hearing rooms into one location to create an independent Law Society Tribunal physical presence.

The office of the Complaints Resolution Commissioner was also moved 393 University Avenue so that their office would also be separate from the Law Society.

- ***Sustainable Building***

The Law Society continuously looks for opportunities to apply sustainable methods to our building. We achieved between 5% and 30% in various areas of the building in energy



savings attributed to system upgrades and 16% improvement on waste diversion thanks to the participation of Law Society staff.

## POLICY AND GOVERNANCE INITIATIVES

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

- ***TAG Development***

The Action Group on Access to Justice (TAG) continues to evolve as a catalyst for solutions to Ontario's access to justice challenges. TAG facilitates collaboration with institutional, political and community stakeholders and addresses distinct access to justice concerns through clusters. This work is guided by a Reference Group, a selection of senior justice thought leaders that builds TAG's capacity and identifies gaps that can be addressed through clusters. There are currently nine clusters in various states of development and I am pleased to highlight some of them today.

- ***Mental Health***

Working with the Canadian Institute for the Administration of Justice, TAG recently organized Opening Minds to Mental Health. This conference was fully subscribed, open to all justice system professionals and emphasized the importance of self-care habits in the face of ethically challenging and emotionally demanding work environments. This event launched the Mental Health cluster and is among other culture change oriented initiatives coming from TAG.

- ***Intermediaries***

Culture change was also a key theme at a libraries and justice event organized in late October by TAG with the Community Advocacy & Legal Centre, CLEO – Community Legal Education Ontario and the Rural and Remote Access to Justice Boldness Project. Focused on engaging library and legal professionals in rural and remote communities, this cluster aims to find innovative ways to increase access to legal information through public, courthouse and academic libraries.

In December TAG will participate in the Connecting for Change Conference organized by the Maytree Foundation. The focus will be on producing collective anti-poverty solutions and enhancing coordination across sectors.



- ***Steps to Justice***

In early October, TAG Manager Sabreena Delhon gave a joint presentation with CLEO Executive Director (and 2016 Guthrie Award winner) Julie Mathews at the first Innovation in Access to Justice Conference held in Montreal. Their presentation detailed an early collaborative success from the Family Law cluster which has produced an initiative called Steps to Justice. Steps to Justice is an innovative digital family law resource that 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, a number of community legal clinics and a growing list of community groups.

- ***Other Clusters***

Other clusters in development are looking at how to increase access to justice by addressing the crisis of Aboriginal children in care, how to increase uptake of targeted legal services as a family law innovation and how to enhance the impact of public legal education and how to better serve trusted intermediaries.

- ***Public Engagement***

TAG has a new website, is active on Twitter and has a monthly newsletter. I encourage you all to keep up with TAG's work and send in your ideas for new clusters through these outlets. TAG is funded by the Law Foundation of Ontario and we are grateful for this generous support.

## **COMPLIANCE BASED ENTITY REGULATION**

Following its creation by Convocation in June 2015, the Task Force on this subject has utilized staff research on the experiences of other jurisdictions and current Law Society needs and challenges in framing an approach to entity regulation. This approach has also been informed by a number of meetings with representative of other Canadian law societies who discussed their initiatives. This Task Force will be consulting with the professions in early 2016, and plans to report on a framework for entity regulation in the spring.

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

Following its report to September 2015 Convocation, the Working Group continues its review of alternative business structures, or ABS. Deciding that at present it will forego examining any majority or controlling non-licensee ownership models for traditional law firms in Ontario, the Working Group will continue its mandate by exploring and assessing





other 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.

The Working Group continues to meet to undertake this next phase of its work.

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

The Challenges Faced by Racialized Licensees Working Group has continued 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.

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

The Treasurer created this Working Group in June 2015 to deal with a number of important issues and developments related to real estate practice in Ontario. The Working Group has begun to consider these matters. It is anticipated that matters with policy dimensions will be referred to other committees and at the appropriate time will become matters of stakeholder engagement, including with the Real Estate Liaison Group, below, as the work progresses.

### **THE 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 and legislative developments. 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.



## **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 and has met on several occasions to begin mapping out a Law Society-wide strategy on this important subject. The Task Force benefited from a comprehensive overview and gap analysis of current Law Society initiatives in this area completed by Policy staff. The Task Force is meeting with experts and others who are well-positioned to offer insights on mental health and addictions issues and how regulators can most effectively address the challenges presented. The Task Force is aiming to report in the spring of 2016.

## **GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Public Affairs liaises with all levels of government to ensure ongoing and enhanced networks and relationships. The majority of issues before by Convocation are of interest to the government or require its involvement in some way. 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 as required.

Public Affairs facilitates the work of coalitions such as the Alliance for Sustainable Legal Aid (ASLA) and the Real Estate Liaison Group (RELG). In addition, Public Affairs supports various outreach projects for the Treasurer; notably in 2015 the Treasurer hosted nine regional events and organized quarterly meetings with the Treasurer's Liaison Group (TLG) and organized the first meeting of the Early Careers Roundtable (ECR).

## **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. The Committee released its report *Access to Justice in French: A Response to the Access to Justice in French Report*, which outlines the progress made in this area over the last three years. At the invitation of the National Judicial Institute, the Law Society was provided with an opportunity to present an overview of its services to French speaking Ontario Superior Court Judges. 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.



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

The Law Society makes 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 completed his term as president of the Federation last month. Former Treasurer Laurie Pawlitzka, our Federation Council representative, also chairs the Canadian Common Law Program Approval Committee. Bencher Malcolm Mercer serves as a member of the National Committee on Accreditation. Tom Conway chairs the National Requirement Review Committee, which includes bencher Peter Wardle as a member.

Staff in our Policy Secretariat continue to provide key support to a number of Federation initiatives. The quarter-time secondment of Sophia Sperdakos, Policy Counsel and one-third time secondment of Juda Strawczynski, Counsel to the Director of Policy, to the Federation will be completed in 2015. Sophia also serves on the Standing Committee on National Discipline Standards Suitability to Practise/Good Character Working Group.

Other 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, Naomi Bussin, Senior Counsel, Professional Regulation who is a member of the Standing Committee's Suitability to Practise/Good Character Working Group and the Standing Committee on the Model Code of Professional Conduct.

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

### **TRINITY WESTERN UNIVERSITY (TWU) ACCREDITATION**

In a decision released on July 2, 2015, the Divisional Court dismissed TWU's application for judicial review of the Law Society's decision not to accredit TWU's proposed law school. TWU has since been granted leave to appeal the decision of the Divisional Court. Currently, the Law Society is awaiting TWU's perfection of the appeal.



## SERVICES FOR MEMBERS AND THE PUBLIC

### TORONTO LAWYERS FEED THE HUNGRY PROGRAM

The Law Society Foundation's mandate includes relief of poverty by providing meals to persons in need through the Lawyers Feed the Hungry Program. The Finance Department supports the Foundation with its mandate, providing financial administration services and assisting fund raising activities such as supporting the financial administration of fund raising events. 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 \$360,000. With the current fund balance and assuming attendance remains at current levels, the Program has sufficient funding for 12 to 18 months of operation.

The programs in London, Ottawa and Windsor continue to raise sufficient funds locally to support the programs in each city. Funds are granted to local organizations involved in hunger relief.

### LAW SOCIETY REFERRAL SERVICE

2015 has marked many changes for the Law Society Referral Service (LSRS). We have successfully transitioned to primarily an online service, with a crisis line and new email address for the public to assist those in need. We have continued to evolve by directing people to our self-service application to receive an immediate referral online, 24 hours a day at [www.lawsocietyreferralservice.ca](http://www.lawsocietyreferralservice.ca). Our crisis line assists people who are unable to use the online services such as those in custody, in a shelter or in a remote community without access to the internet. We have created a new email address ([lsrs@lsuc.on.ca](mailto:lsrs@lsuc.on.ca)) for members of the public to reach out to our service for assistance.

From January 1 to October 31, 2015, the online service received 32,870 requests for referrals, which resulted in 22,666 referrals. 6,872 referrals were provided through the crisis line and 529 referrals were provided through our new email address for that same period. From January 1 to October 31, 2015, LSRS also provided the names of 11,961 LSRS members to people who did not qualify for a referral.

To continue our support of access to justice, we recently reached out to eligible lawyers and paralegals in unrepresented areas, inviting them to join our service for free for the remainder of the year. We have continued to increase efficiencies through automation,



including adding a new LSRS portlet to the LSUC Portal and streamlining our renewal processes for licensees who are members of the service. LSRS has proactively responded to feedback from our constituents by improving our website and revising our voicemail greetings for the crisis line for greater clarity.

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

As at September 30, 2015, Homewood Health, the Law Society's Member Assistance Program provider had a 3% utilization rate this is equal to 650 cases. Counselling cases represent 75.8%, Plan Smart cases (future planning) account for 16% and Peer Support 5.5% of overall utilization. Members between the ages of 31-40 continue to represent the majority of users.

Counselling cases included psychological issues (48.5%); work issues (17.2%); marital/relationship issues (16.9%) and family issues (7.4%).

Looking at overall utilization, the top areas of Plan Smart cases:

1. Career Counselling, including Career Choice and Career Dissatisfaction – 45.5%
2. Nutritional Counselling – 12.1%
3. Financial Advisory Services 10.1%
4. 12 Weeks to Wellness – 10.1%

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

The Finance department processes the applications for the Parental Leave Assistance Program. The number of applicants approved is below projections estimated during program development. To the end of September 2015, payments for the year total \$156,000. The budget funding request for 2015 was \$300,000. In the 2016 budget, the contribution to the Parental Leave Assistance Plan has been reduced to \$200,000 reflecting the declining use of the program.

## **CONCLUSION**

It is often only when I do this report that I realize how much we collectively undertake as a Law Society, and how many issues command our attention. This time, however, I have had the benefit of working with Benchers and staff on the Law Society's new strategic plan. That exercise, including the identification of key priorities for the next four years, and the contemplation of existing and new initiatives to support them, has heightened my



sense that we will continue to be a highly active and engaged organization for years to come. I have enjoyed welcoming back those lawyer Benchers who were re-elected to Convocation last spring, and getting to know those that were elected for the first time, and have appreciated the engagement and support of all of Convocation as we begin our work for the next four years.

As always of course, none of this would be possible without the effort and expertise of our very capable staff. That our staff have been recognized in three major awards this year is not a surprise, but is a source of great pride nonetheless. I acknowledge the work of all of our staff with admiration for their capacity to take on so much and gratitude for how well they do it.