

**Tab 9**

**Report to Convocation  
December 4, 2015**

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**Priority Planning Committee**

**Committee Members:**

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

**Purpose of Report: Information**

**Prepared by the Policy Secretariat  
(Jim Varro 416-947-3434)**

FOR INFORMATION

**CONVOCATION'S PRIORITY PLANNING  
DETAILS OF THE LAW SOCIETY'S STRATEGIC PLAN 2015 - 2019**

**Introduction**

1. As reported to October 29, 2015 Convocation, benchers engaged in strategic planning at a session held on October 14 and 15 in Niagara-on-the Lake. They confirmed a Strategic Plan, which was built on the Law Society mission, mandate and principles for governance found in the *Law Society Act*<sup>1</sup>.
2. This report provides details of the priorities identified in the Plan upon which work will commence in 2016, the measures associated with their achievement and proposals on how they would be achieved.<sup>2</sup> Operational work plans prepared for each of the priorities will set timelines to assist in monitoring progress on and completing the work under the priorities in the Plan.

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<sup>1</sup> 4.1 It is a function of the Society to ensure that,  
(a) all persons who practise law in Ontario or provide legal services in Ontario meet standards of learning, professional competence and professional conduct that are appropriate for the legal services they provide; and  
(b) the standards of learning, professional competence and professional conduct for the provision of a particular legal service in a particular area of law apply equally to persons who practise law in Ontario and persons who provide legal services in Ontario. 2006, c. 21, Sched. C, s. 7.

Principles to be applied by the Society

- 4.2 In carrying out its functions, duties and powers under this Act, the Society shall have regard to the following principles:
1. The Society has a duty to maintain and advance the cause of justice and the rule of law.
  2. The Society has a duty to act so as to facilitate access to justice for the people of Ontario.
  3. The Society has a duty to protect the public interest.
  4. The Society has a duty to act in a timely, open and efficient manner.
  5. Standards of learning, professional competence and professional conduct for licensees and restrictions on who may provide particular legal services should be proportionate to the significance of the regulatory objectives sought to be realized. 2006, c. 21, Sched. C, s. 7.

<sup>2</sup> The Strategic Plan contemplates that additional matters for future consideration by Convocation associated with the priorities may be identified. To the extent that additional matters are defined and proposals made to pursue them, these matters will be reported to Convocation.

### Background to Convocation's Priority Planning

3. The strategic planning session held in October 2015, noted above, fulfilled a requirement Convocation established in March 2007 with respect to planning and prioritizing matters for Convocation's policy agenda and achieving strategic objectives in a bencher term.
4. At that time, Convocation agreed on a process which included the planning session and establishing and utilizing the Priority Planning Committee to centralize and co-ordinate the achieving of strategic priorities for the Law Society.
5. In confirming the Strategic Plan at the October 2015 planning session, Convocation has now provided direction to the Law Society on priorities for the 2015-19 bencher term.

### Details of the Priorities

6. Set out on the following pages are details of the Strategic Plan, including the areas on which the Strategic Plan is focused and specific initiatives designed to the achieve the priorities established in the Plan. The plan was formulated in the knowledge that a number of initiatives that relate to subject areas described in the Plan will continue in the new bencher term.<sup>3</sup>
7. The document at [Tab 9.1](#) sets out information on the Strategic Plan in a two-page format, which will be used as part of the Law Society's communications about the Strategic Plan.
8. As reported to October 29, 2015 Convocation, there are a number of themes in the Strategic Plan that coalesce around the Law Society's core responsibilities as a regulator. Convocation also agreed on measures for achievement of the priorities and assigned these measures as appropriate to each of the priorities. The measures are as follows:

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<sup>3</sup> These initiatives included:

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

Measure

- 1 The public has a better understanding of the resources available to them to assist in obtaining legal information and/or legal representation
- 2 Innovation and increased services in un-served and underserved areas
- 3 The Law Society is seen as an effective facilitator of access to justice, by its Board, stakeholders including government and the public
- 4 There is greater public and media acceptance that the Law Society plays an effective role in protecting the public interest
- 5 All applicants, regardless of where they are educated or trained, have comparable competence at licensing
- 6 The public has assured, competent, honest practitioners who are supplying legal services efficiently
- 7 Uniform and effective experiential learning is achieved
- 8 The number of complaints from the public about licensee service issues is reduced
- 9 There are fewer complaints about the complaints, investigation and discipline processes
- 10 A mental health strategy is in place and being monitored and assessed for outcomes

**Next Steps**

9. As noted earlier, as the Strategic Plan is implemented, the Priority Planning Committee will periodically review the priorities established by Convocation through the Plan and consider any new policy issues that may arise that may be added to the Plan.
10. Based on the Law Society's operational work plans associated with the priorities and with information from the operations, the Committee will prepare annual reports to Convocation on the status of work on Convocation's strategic priorities.

## **LAW SOCIETY STRATEGIC PLAN FOR THE 2015-2019 BENCHER TERM**

### **THE LAW SOCIETY WILL LEAD AS PROFESSIONAL REGULATOR MEASURES 6, 8, 9 AND 10**

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

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

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

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

### **THE LAW SOCIETY WILL PRIORITIZE LIFE-LONG COMPETENCE FOR LAWYERS AND PARALEGALS MEASURES 1, 2, 3, 5, 6, 7 AND 8**

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

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

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

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

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

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

Matters specific to paralegal licensing requirements include the following:

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

With respect to practice supports and mentoring, initial work on this priority will involve developing curricula of training, beyond traditional CPD formats, for new practitioners, licensees in higher risk areas of practice and on targeted practice issues including skills training. Appropriate adult-education techniques would be used for training to more effectively address specific learning requirements.

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

The Law Society will consider the provision of mentoring supports applicable to all practice types and environments (e.g., private, in-house, government, etc.). Examination of this subject will cover a number of issues, such as the appropriate platform for mentoring, different delivery models and appropriate training for advisors and coaches. The Law Society's Mentoring and Advisory Services Proposal Task Force is currently examining this subject and will be reporting in the months ahead.

**THE LAW SOCIETY WILL WORK TO ENHANCE ACCESS TO JUSTICE ACROSS ONTARIO  
MEASURES 1, 2, 3, 4, 5, 6 AND 9**

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

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

The Law Society will explore ways to increase collaboration with stakeholders, including:

- developing an enhanced stakeholder engagement plan including consideration of equity principles, implementation of an Aboriginal access to justice strategy<sup>4</sup> and an access to justice strategy for the Francophone community and other equity stakeholders, and the general public;
- increasing the reach of the Law Society's communications and outreach using technology and media more effectively; and
- ensuring that access to justice issues are an integral part of any communications planning.

**THE LAW SOCIETY WILL ENHANCE ITS ENGAGEMENT WITH STAKEHOLDERS AND THE PUBLIC  
WITH RESPONSIVE COMMUNICATIONS  
MEASURES 1, 3, 4, 6 AND 9**

The Law Society will focus on:

- enhancing communication to the public through Law Society outreach and other efforts, and
- enhancing communication to lawyers and paralegals as a matter of accountability and transparency,

**with the goals of building a better public understanding of and educate the public on the role of the Law Society, and better enabling input from and engagement with lawyers and paralegals.**

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

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<sup>4</sup> This is part of the work of the current project, noted earlier, to renew the Law Society's Aboriginal Initiatives Strategy.

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

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

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

#### **THE LAW SOCIETY WILL INCREASE ITS ORGANIZATIONAL EFFECTIVENESS MEASURES 2 AND 4**

##### **The Law Society will:**

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

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

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



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

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

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

# Focused on the future

## 2015 – 2019 Law Society of Upper Canada Strategic Plan

### OUR MANDATE

We govern the legal professions in the public interest by ensuring that the people of Ontario are served by lawyers and paralegals who meet high standards of learning, competence and professional conduct.

We have a duty to protect the public interest, to maintain and advance the cause of justice and the rule of law, to facilitate access to justice for the people of Ontario, and to act in a timely, open and efficient manner.

### OUR PLAN

The Law Society did extensive strategic planning and engaged all members of the governing board. We will now focus on five priorities, and several key initiatives to support them, over the next four years.

These priorities build on the accomplishments of the past four years and sharpen our focus on excellence in professional regulation.





# Strategic priorities for 2015–2019

## Lead as a professional regulator

- Enhance regulatory effectiveness to advance protection of the public
- Ensure appropriate considerations for mental health and equity are integrated into regulatory processes

We will review our processes and explore new regulatory approaches while continuing to manage risk. We will examine policies and procedures to ensure equitable treatment for every individual and group we interact with. We will also consider opportunities for additional mental health supports and resources.

## Increase organizational effectiveness

- Continue to enhance the public-interest in the policy-making process
- Review governance methods and structures to ensure efficiency and effectiveness
- Enhance measurement and assessment of our services and programs

We will assess our governance structures, policy-making processes and programs and services, focussing on key objectives, costs and effectiveness.



## Prioritize life-long competence for lawyers and paralegals

- Evaluate and enhance licensing standards and requirements
- Improve and increase practice supports
- Consider comprehensive mentoring services

We will consider education beyond traditional CPD formats, and work with the professions to develop initiatives that institutionalize mentoring, advisory services and other types of support.

## Enhance access to justice across Ontario

- Increase collaboration with access to justice partners and other stakeholders
- Develop and implement a more concrete access to justice action plan

We will extend our efforts to collaborate with justice partners and other stakeholders to identify and implement solutions to access to justice challenges.

## Engage stakeholders and the public with responsive communications

- Improve communication with lawyers and paralegals through greater accountability, transparency and collaboration
- Build a better understanding of the Law Society among the public through heightened engagement

We will review our existing practices and consult broadly to strengthen our relationship with lawyers, paralegals, the public and other stakeholders, and build greater awareness of the Law Society.

# Tournés vers l'avenir

## Barreau du Haut-Canada : Plan stratégique 2015 – 2019

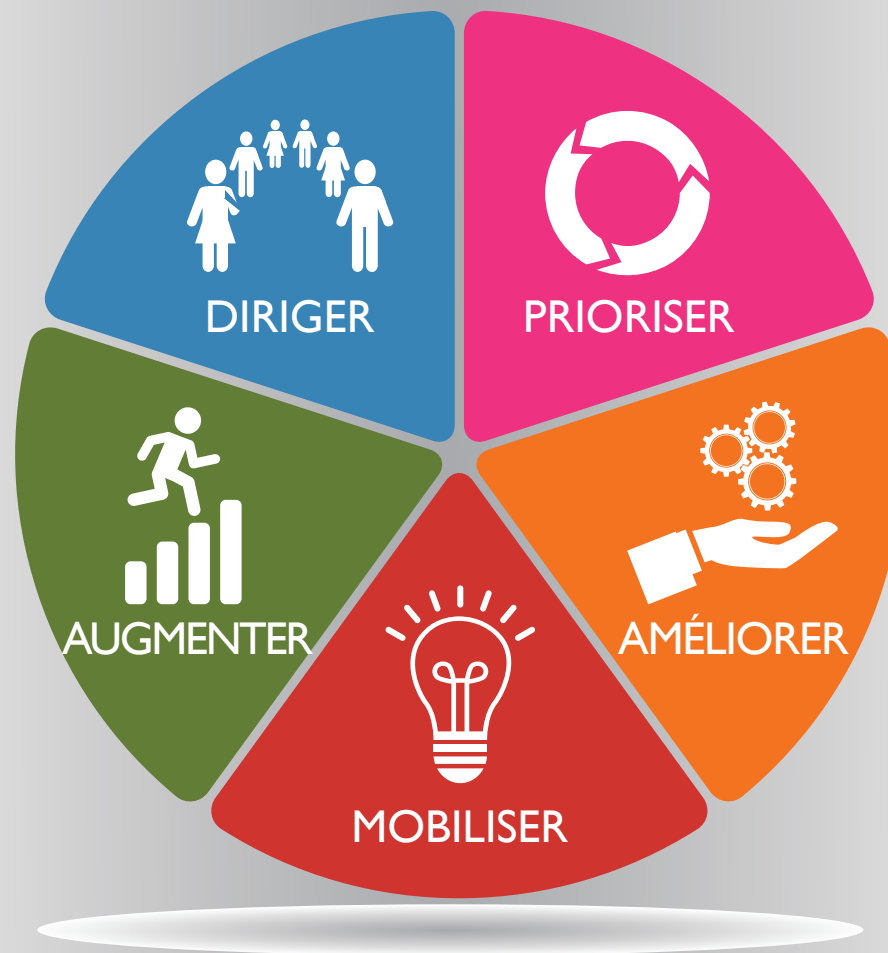
### NOTRE MANDAT

Nous avons pour mission de régler les professions juridiques dans l'intérêt public en veillant à ce que les avocates, les avocats et les parajuristes qui servent la population de l'Ontario répondent à des normes élevées en matière de formation, de compétence et de déontologie.

Nous avons pour mandat de protéger l'intérêt public, de maintenir et de promouvoir la cause de la justice et la primauté du droit, de faciliter l'accès à la justice pour la population de l'Ontario et d'agir de façon rapide, ouverte et efficace.

### NOTRE PLAN

Le Barreau a entrepris un vaste exercice de planification stratégique et a mobilisé tous les membres de son conseil d'administration. Nous axerons nos efforts sur cinq priorités soutenues par plusieurs initiatives clés au cours des quatre prochaines années. Ce plan repose sur les stratégies antérieures, fait progresser l'organisation et concentre notre attention envers l'excellence dans la réglementation professionnelle.





# Priorités stratégiques pour 2015–2019

## Diriger à titre d'ordre professionnel

- Améliorer notre efficacité réglementaire pour mieux protéger le public
- Intégrer aux processus de réglementation des considérations adéquates quant à la santé mentale et à l'équité

Nous examinerons nos processus et explorerons de nouvelles méthodes de réglementation tout en continuant à gérer les risques. Nous examinerons les politiques et les procédures pour assurer le traitement équitable de chaque personne et de chaque groupe avec qui nous traitons. Nous explorerons également des opportunités de ressources et de soutiens additionnels en santé mentale.

## Augmenter l'efficacité de l'organisation

- Continuer d'élever l'intérêt public dans le processus de développement des politiques
- Réviser nos méthodes et structures de gouvernance pour assurer notre efficacité et notre efficience
- Améliorer l'analyse et l'évaluation de nos services et de nos programmes

Nous évaluerons nos structures de gouvernance, nos processus de développement de politiques, de programmes et services, en nous concentrant sur les objectifs clés, les coûts et l'efficacité.



## Mobiliser les intervenants et le public grâce à une communication dynamique

- Améliorer la communication avec les avocats et les parajuristes par une plus grande imputabilité, transparence et collaboration
- Faire mieux connaître le Barreau chez le public par une plus grande mobilisation

Nous examinerons nos pratiques existantes et consulterons largement la communauté pour renforcer notre relation avec les avocats, les parajuristes, le public et autres intervenants, et ferons mieux connaître le Barreau.

## Prioriser la compétence continue des avocats et des parajuristes

- Évaluer et améliorer les normes et exigences d'accès à la profession
- Améliorer et augmenter les soutiens à la pratique
- Considérer des services de mentorat exhaustifs

Nous envisageons des formations allant au-delà des formats de FPC traditionnels, et travaillons avec les professions pour développer des initiatives qui institutionnalisent le mentorat, les services consultatifs et d'autres types de soutien.

## Améliorer l'accès à la justice en Ontario

- Améliorer la collaboration avec les partenaires d'accès à la justice et autres intervenants
- Développer et mettre en œuvre un plan d'action d'accès à la justice plus concret

Nous élargirons nos efforts pour collaborer avec les partenaires du secteur de la justice et autres intervenants pour identifier et mettre en œuvre des solutions aux problèmes d'accès à la justice.