



TAB 2

MENTORING AND ADVISORY SERVICES PROPOSAL TASK FORCE

January 28, 2016

Final Report to Convocation

Task Force Members

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Purpose of Report: Decision

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TASK FORCE PROCESS

1. Since its establishment in November 2013, the Task Force has met on the following dates:
 - March 13, 2014
 - April 25, 2014
 - May 8, 2014
 - August 27, 2014
 - November 26, 2014
 - March 30, 2015
 - September 17, 2015
 - October 9, 2015
 - November 3, 2015
 - December 15, 2015

LAW PRACTICE COACH AND ADVISOR INITIATIVE

EXECUTIVE SUMMARY

Advice like water takes the form of the vessel it is poured into.¹

When a thing is done, advice comes too late.²

All professionals benefit from the coaching and advice of those more experienced who can guide their thinking and assist them to make competent decisions and adopt best practices. Once licensed, lawyers and paralegals have the individual responsibility and obligation to develop their own competent, reflective and ethical careers. But there is also responsibility within the professions to foster collective competence, both in the public interest and in the interest of professional renewal and support.

Many organizations and associations in Ontario offer valuable lawyer and paralegal mentoring programs that serve diverse needs, practice areas and geographic locations. Their goals, depth, breadth, profile, resources and success vary widely, however. A more systematic approach is essential if coaching and advising supports are to be meaningful parts of the toolkit that seeks to enhance the competent practice of law and provision of legal services. To be successful, the approach chosen must be responsive, flexible and capable of growth and development. While “mentoring” as used in the traditional sense to mean networking and general career advice is a valuable tool, what is better described as coach and advisor supports may more effectively address licensee needs.

The purpose of the law practice coach and advisor initiative described in this Report is to provide guidance and assistance in the development of competent legal professionals through supports that use a coherent, flexible, accessible and evolving approach. The initiative will be voluntary and will support licensee needs for short-term advisor supports addressing file-specific and substantive/procedural matters, and longer term coach supports to foster best practices. This will be done in a variety of formats and locations throughout the province, for individuals and groups and with a view to using technology to facilitate access. The initiative will be open to all licensees but, at the outset as it develops its resources, will initially focus on a variety of identified communities of need for such supports.

To facilitate the expeditious implementation of the initiative, the Law Society will establish a dedicated and separate coach and advisor unit within the Professional Development & Competence department. The longer term goal will be to explore the establishment of an external entity to be incorporated and organized to manage the initiative.

¹ Punch. August 1, 1857.

² French proverb.

The Law Society will exercise a coordinating function in identified and evolving areas of licensee need for coach and advisor supports and will assist to connect those licensees to the kinds of supports they require. Where there are legal organizations or associations with coach and advisor programs that provide the supports required and that come within the scope of the initiative, the Law Society will connect licensees with those supports. In the absence of association or organization supports, where the identified need is within the scope of the initiative, the Law Society will assist licensees in their efforts to locate the required support. As well, the Law Society will develop a formal roster of coaches and advisors to further build the infrastructure needed to support licensees. Licensees, coaches and advisors will be entitled to claim up to their entire 12 required CPD hours, annually, if they meet certain requirements. The initiative will be evaluated at a specified point after implementation is underway.

This initiative is a positive and ambitious undertaking. As the Law Society develops the coordinating role described above, the involvement of legal organizations and associations that provide supports and the categories of licensees for whose benefit the initiative operates will evolve as the initiative develops.

The benefit and importance of the structure described in this Report is that it allows the initiative to develop incrementally, to reflect proven needs, resources, continuing involvement of existing programs, focus group, stakeholder and user engagement on options and evaluation of activities. It will draw on existing resources within the legal community and the Law Society. It will also develop new activities and approaches gradually and carefully as need is identified and advisors/coaches are recruited.

Over time and in an incremental way the initiative will seek to expand its capacity, so licensees know that there is a source that can direct them to the supports that will best address their needs. The goal is that the initiative will facilitate a cultural shift that makes coaching and advising an integral part of the legal and competence culture, with offshoots that address different needs and points of intersection and collaboration throughout the province.

DECISION

Motion

2. **That Convocation:**
 - a. **approve a law practice coaching and advisory initiative for lawyers and paralegals, the components of which are set out at paragraph 14 of and the details of which are described in this Report; and**
 - b. **approve funding for the initiative as set out in paragraph 72 of this Report, with the estimated annual cost for 2016 of \$250,000 to be funded from the Law Society's contingency, as recommended by the Audit and Finance Committee.**

Introduction and Background

3. Once licensed, lawyers and paralegals have the individual responsibility and obligation to develop their own competent, reflective and ethical careers. But there is also responsibility within the professions to foster collective competence, both in the public interest and in the interest of professional renewal and support. The Law Society's mandate includes ensuring that all persons who practise law or provide legal services in Ontario meet standards of learning, professional competence and professional conduct that are appropriate for the legal services they provide.
4. Mentoring is an ancient concept³ and in a variety of forms has been part of legal culture from earliest times. The apprenticeship model of admission to the bar, which revolved around a student observing and absorbing the behaviour, skills, and values of a senior lawyer to whom he or she was assigned, was a form of mentoring in an intensely concentrated form. Lawyers and paralegals have established legal organizations and associations to foster a wide range of collegial support systems.
5. With the evolution of the licensing process and the articling system, the regulation of paralegals, the growth in numbers entering the professions, the increasing diversity of those being licensed, the increasing pressures on sole and small firm licensees and the rapid changes within the practice of law and the provision of legal services, the need for improved and more systematic mentoring has increasingly become the subject of discussion.
6. Many organizations and associations in Ontario offer valuable lawyer and paralegal mentoring programs that serve diverse needs, practice areas and geographic locations. Their goals, depth, breadth, profile, resources and success vary widely, however. A more systematic approach is essential if coaching and advising are to be a meaningful

³First described in Homer's *Odyssey*. "Mentor" is the name of the person who serves as overseer and teacher of Odysseus' son, Telemachus, to guide him while his father is away.

part of the toolkit that seeks to enhance the competent practice of law and provision of legal services.

7. The components of the Law Society's 2011-2015 strategic plan relating to post-licensing competence included as one element of its work plan "developing initiatives to institutionalize mentoring, advisor and other support services for lawyers and paralegals."
8. The Mentoring and Advisory Services Proposal Task Force ("Task Force")⁴ was established in November 2013 to consider how to work most effectively toward the realization of this component of the strategic plan. Other key elements of the post-licensing competence priority established over the last four years have enabled the discussion of mentoring initiatives to be more coherently situated within the Law Society's competence mandate.
9. The components of the Law Society's recently approved 2015-2019 Strategic Plan have placed even greater focus on the development of a "mentoring" initiative. The Challenges Faced by Racialized Licensees Working Group ("Working Group on Racialized Licensees") has also recognized the importance of such an initiative to the success of racialized licensees, in particular focusing attention on their varied and unique needs and the importance of developing a responsive, flexible approach.
10. In its April 23, 2015 Interim Report to Convocation, the Task Force provided information on a wide range of mentoring programs for regulated professions, internationally, and for lawyers and paralegals in Ontario. It has also benefited from,
 - a. the significant consultation work that the Working Group on Racialized Licensees has done addressing the specific mentoring needs that those licensees identified;
 - b. articles, discussions, blogs, and the websites of regulators and law associations, as well as others, describing their programs; and
 - c. ongoing discussions about mentoring over many years.
11. The Task Force is satisfied that there is ample evidence to support the need for a more co-ordinated approach to coach and advisor supports for lawyers and paralegals that are responsive, flexible and capable of growth and development. While "mentoring," as used in the traditional sense to mean networking and general career advice, is a valuable tool, what is better described as coach and advisor supports may more effectively address licensee needs:

⁴ The current members of the Task Force are named on the cover of this Report. Previous members also included Janet Minor (before becoming Treasurer), Larry Eustace, Susan Hare, Dow Marmur and Linda Rothstein.

- a. Advisor supports are focused primarily on limited scope assistance directed at a defined improvement outcome. An advisor is sought and assigned if the licensee has specific client file work or substantive and procedural issues on which guidance is required.
- b. Coach supports typically have longer term objectives of fostering best practices, supported by developmental criteria and possible curricula. They provide the kind of longer term supportive relationship that reduces isolation and assists to enhance competence, confidence and connections.

THE INITIATIVE

Purpose and Goals

12. The purpose of the initiative is to provide guidance and assistance in the development of competent legal professionals through coach and advisor supports that will be developed using a coherent, flexible, accessible and evolving approach.
13. The goals of the initiative are to,
 - a. provide coherent and systematic opportunities for the enhancement of competence through,
 - i. connecting lawyers and paralegals seeking ethical, substantive, practice management and skills advice with coaches and advisors who can assist them to foster best practices and avoid conduct that may lead to negligence or regulatory proceedings;⁵ and
 - ii. supporting the needs of eligible lawyers and paralegals in completion of legal tasks, including daily management of client files, substantive and procedural issues related to those files and practice management obligations;⁶
 - b. ensure coach and advisor assistance also addresses unique and special needs. As identified in the work of the Working Group on Racialized Licensees, such a system may be of particular assistance to racialized licensees who are significantly represented among sole practice and small firm licensees and who have identified enhanced and focused “mentoring” as a means of potentially reducing the vulnerability and isolation they may face in their professional practices. Moreover, the initiative may recruit advisors with

⁵Recognizing that enhancing competence is a central responsibility of the Law Society overall, this initiative may ultimately also be leveraged as part of a suite of activities all intended to support and foster competence.

⁶ This may address a gap in the professional development of legal practitioners who might not otherwise have ready access to practical guidance from experienced colleagues. Such a system may also provide support for those who seek assistance outside the parameters of what is offered within their firms or employment.

specialized substantive law expertise that can assist in areas where there are fewer supports, for example, in Aboriginal Law;

- c. focus the initiative where it can meet the greatest need (e.g. for sole practice and small firm licensees),⁷ but ensure it is flexible enough to be open to all;
- d. have coach and advisor supports accessible to lawyers and paralegals throughout the province, with particular attention to the use of technology to further connections;
- e. be responsive to evolving needs and changes and add to the initiative based on proven results. The development of an effective and flexible advisory and coaching initiative must be undertaken in an incremental and responsive manner that will, from the outset of implementation,
 - i. engage users and potential users and those currently offering mentoring programs in focus groups and discussions on moving forward and honing the initiative;
 - ii. add components gradually, building upon proven results;
 - iii. include effective and ongoing evaluation of the initiative to ensure it develops based on evidence-based foundations; and
 - iv. provide sufficient funding to allow the initiative to develop in keeping with its purpose and goals.
- f. provide access to senior experts from diverse backgrounds and to those with substantial expertise in certain practice areas who may only be found in some of the larger centres; and
- g. measure outcomes to determine links to improved competence of participants and fulfilment of the initiative's purpose and goals.

Overview of the Initiative

14. Keeping the purpose and goals in mind, the Task Force has developed a law practice coach and advisor initiative for Convocation's approval. While the initiative will grow and evolve over time, the following components, the details of which are set out in the sections that follow, represent its essential profile:

⁷It is true that access to information on substantive law and practice management to assist licensees has never been more readily available and easier to access. At the same time, however, sole practice and small firm licensees, in particular, may lack the contacts and advisors who can assist them to distill the wealth of information, apply it most effectively and develop advising relationships that can become part of their professional development plan.

- a. A law practice coach and advisor initiative will be established to support lawyer and paralegal licensee needs,
 - i. for short term **advisor** supports to address client file-specific matters or substantive or procedural issues; and
 - ii. for longer term **coach** supports to foster best practices and support the enhancement of competence, confidence and connections.
- b. Licensee participation in the initiative will be entirely voluntary.
- c. The initiative will be open to all licensees, but at the outset, as it develops its resources and advisor roster, will focus on a number of already-identified communities of need for coach and advisor supports namely,
 - i. sole practice and small firm licensees;
 - ii. new licensees;
 - iii. racialized licensees;
 - iv. licensees seeking succession planning advice; and
 - v. licensees within defined practice areas of family, criminal, real estate, civil litigation and wills and estates.
- d. Licensees will be able to access supports in a number of ways, including through formalized coaching and training schedules or one-on-one meetings and in a variety of settings and delivery formats.
- e. To facilitate the expeditious implementation of the initiative, the Law Society will establish a dedicated and separate coach and advisor unit within the Professional Development & Competence Department, which, among other features, will,
 - i. have a distinct identity and name;
 - ii. have its own unique and collaborative relationship and engagement with stakeholder groups and individuals;
 - iii. be allocated a dedicated budget and resources from the outset; and
 - iv. be marketed and branded as a coaching and advisory initiative with the key components as set out in this proposal.

The longer term goal will be to explore the establishment of an external third party entity to be incorporated and organized to undertake management of the initiative.

- f. The Law Society will exercise a coordinating function in identified and evolving areas of need for coach and advisor supports and will assist to connect those licensees,
 - i. to the kind of supports they require;
 - ii. with individual advisors or coaches or through group coaching and supports;
 - iii. wherever in the province they practise or provide legal supports, through in person and/or virtual supports; and
 - iv. with those able to meet specialized needs.
- g. Where there are legal organizations or associations with coach and advisor type programs that provide the supports required and that come within the scope of the initiative, the Law Society will connect the licensees with those supports. In the absence of association or organization supports, where the identified need is within the scope of the initiative, the Law Society will assist licensees in their efforts to locate the required support.
- h. The Law Society's coordinating role will also include assisting organizations, through coach and advisor training and materials, to be in a position to maintain and enhance their provision of supports.
- i. The initiative will develop incrementally to reflect proven needs, resources, engagement of existing programs and stakeholder groups in development of a collaborative approach, and evaluation of the initiative as it moves forward.
- j. The Law Society will develop a formal roster of coaches and advisors who meet defined criteria.
- k. Licensees who are advised/coached and coaches and advisors, whether part of the Law Society's formal roster or who provide supports through an organization or association, will be entitled to claim up to their entire 12 required CPD hours annually. To be eligible to claim the required professionalism hours, they must satisfy the Law Society that they have been engaged with professionalism issues for three of those 12 hours.
- l. An evaluation of the initiative and its new processes will take place no earlier than the fall of 2019.

THE DETAILS

What Supports will be Offered?

15. Short term *advisor* supports and longer term *coach* supports will be offered.
16. Advisor supports will be differentiated from coaching supports. The advisor supports will be focused on limited-scope assistance directed at a defined improvement outcome.
17. A licensee who recognizes a specific gap in knowledge or skill will be able to contact the administrator of the initiative, whose role is set out later in this Report. With information on the assistance required, the administrator will seek to connect the licensee with an advisor skilled in the topic or issue.
18. Guidance on client file-related matters has been identified as an essential area of need for advisor support and the Task Force agrees that it is often when an issue arises in a specific context that a senior licensee's expertise and experience can be most valuable. At the same time, it is important that,
 - a. the advisor's relationship remains solely with the advisee;
 - b. both parties be alert to the possibility of conflicts;
 - c. the advisee make reasonable efforts not to disclose the identity of the client; and
 - d. the advisee acknowledges that he or she is responsible for individually and independently satisfying him or herself of the soundness of any suggestions, recommendations or advice related to file work on which he or she chooses to act.
19. The advisor relationship is expected to be shorter than that of the coaching relationship, in most instances. Whereas the coaching support is likely to be one ruled by self-selection, in that participants may canvass their options until they find a good "fit," the advisor support is more about directed-selection. In an advisor system the need for experienced counsel will, in general, outweigh the need to feel a "connection" as in the case of a coach. The correct application of knowledge and skills will in most cases be more critical in this component than incremental development and relationship building. At the same time, the administrator of the initiative will be sensitive to particular needs of the licensee wherever possible.
20. Coaching supports will be established with a longer term objective grounded in developmental criteria. To enhance the group coaching experience, the initiative could, over time, provide coaching lesson plans that could be used as training and information exchange opportunities. All parties could be assisted by a curriculum of issues and discussion points aimed at ensuring core competencies are suitably addressed and the learning and coaching outcomes are achieved.

21. Technology will be an integral part of these supports. The scope and range of what can be achieved through emerging technologies is significant and will be leveraged to facilitate coach and advisor supports, developing incrementally and progressively.

For Whose Benefit?

22. An initiative designed to effect improvement, enhance competence and support best practices should be focused on those licensees for whom it can have the greatest positive effect, while also leaving room for the participation of others who may be interested in the tools offered. This is particularly important at the outset of a new initiative to ensure effective use of resources. It should also be structured to attract interest and participation.
23. For this initiative to attract participants who are genuinely interested and committed to its goals and activities, participation must be entirely *voluntary*.
24. The Task Force has considered whether there might be a component of the initiative that could be applied in discipline cases to address competence issues. In its view, it would be inappropriate to add this component to the initiative, which could have a potentially negative effect on its success. Those who might want to be coached and advised will be reluctant to apply if,
 - a. the supports might be viewed as designed for licensees in difficulty; and
 - b. potential participants might perceive that the focus is more regulatory than supportive.
25. At the outset of the initiative's implementation it will focus on providing supports for already identified communities of need, namely, sole practice and small firm licensees, new licensees, racialized licensees, those seeking succession planning supports and those within certain defined practice areas.
26. Over the course of many discussions over the years in a variety of contexts about pressures and challenges for sole practice and small firm licensees, the need for advisor and coach supports has been raised consistently. The Working Group on Racialized Licensees, for example, has noted that the majority of racialized licensees work in sole or small firm settings. It has commented that in its consultations, participants emphasized the need for sole and small firm racialized licensees to have "strong mentors and networks" and communities of support within the professions to combat the isolation they face. This also is true for sole practice and small firm licensees located in small communities throughout the province and for Aboriginal licensees.
27. Given these realities of need, the Task Force is of the view that the initiative should, at the outset, focus its resources on serving this large cohort of the professionals. The initiative will draw on the work already being done in lawyer and paralegal associations

and organizations across the province and build on this work in a collaborative approach that leverages existing resources for sole and small firm licensees and builds on them.

28. In addition, particularly as the initiative begins and advisors and coaches are recruited, it will be important to focus on those substantive areas of law on which there may be the largest need for assistance among sole and small firm practitioners and in which experienced advisors are available. Law Society and LawPro data and licensees themselves reveal that the prevalent substantive areas of practice for which sole and small lawyer licensees need guidance and support are family, real estate, civil litigation, criminal and wills and estates. For paralegals, scope of practice defines more specifically the areas of need. In addition, coach and advisors will typically be in a position to assist with ethical and practice management issues.
29. At the same time, the Task Force agrees that there must be room for the program to be accessible beyond the main groups and subject areas. So, for example, there may well be licensees who work in large firms or government agencies that have in-house advisor and coach structures, but who will feel more comfortable seeking supports outside their employment contexts. This might be for a variety of reasons, including an absence of coaches or mentors with whom they relate or who are culturally competent or a preference for seeking advice in a non-employment setting, etc. Similarly, there may be areas of law for which there is an identified need for advisors, such as in Aboriginal Law.
30. The key in both these scenarios will be availability of advisors and coaches who can meet the additional areas of identified need. The initiatives will allow for incremental growth and development as needs are identified and capable of being met with appropriate supports. Engagement with stakeholder and user communities will greatly assist this developmental process.
31. The Law Society has also identified that new licensees and those seeking to leave active practice have unique needs for which there are already a number of supports and for which the coaching component of the initiative may be particularly well-suited.
32. The Task Force has considered whether there should be some incentive for those licensees who seek to participate in the initiative as users. Those interested in participating will be expected to apply to participate and will become engaged in a serious and meaningful process that will engage their time, their effort and their commitment.
33. Currently, a licensee who is mentored may claim up to six of their CPD required hours. This should be expanded to allow a licensee to claim up to all 12 of the annual required CPD hours for being advised or coached, provided that if all 12 hours are claimed, he or she can attest to three of those hours meeting the professionalism requirement. In the Task Force's view the kind of hands-on learning, thinking and development of

competence that will occur within the initiative strongly conforms to the goals of the CPD requirement.

Who will Act as Coaches and Advisors?

34. It cannot be over-emphasized that a key component of the success of the initiative will be the quality and availability of advisors and coaches who are highly competent. Participants must have a significant level of comfort with the advisor or coach in order for competence outcomes to be achieved.
35. The Task Force is optimistic that there are many such lawyers and paralegals who are capable of providing this rewarding and important service to the professions, and who are doing so already in the many programs that legal organizations and associations currently provide.
36. There will be two sources for coaches and advisors:
 - a. If legal organizations and associations that offer mentoring programs wish to be connected to licensees seeking advisor or coach support, their advisors will be seen as a resource with whom the Law Society may connect a licensee.
 - b. Coaches and advisors who have been recruited and trained as part of the Law Society initiative and who form part of the initiative's roster will be a resource to provide supports.
37. If the advisors who are working within a legal organization or association program also wish to receive the training the Law Society offers for those on its formal roster, they will be eligible to apply. This training, however, will not be required for law association and organization programs to be included as valuable resources to the Law Society initiative with whom licensees can be connected to meet their needs.
38. The Law Society's development of a formal roster of coaches and advisors will require time once the initiative is approved to publicize the recruitment process, engage with stakeholder groups and associations to build on current resources, develop an appropriate recruitment approach and train advisors and coaches.
39. Without seeking to circumscribe the qualifications for advisors and coaches that seek to be part of the Law Society roster, the Task Force is of the view that included among the recruitment and eligibility factors should be the following:
 - a. Appropriate years of experience for the type of activity the individual will offer and in keeping with the components of the Law Society's competency profile.
 - b. Willingness, ability and skill to act as an advisor or coach.

- c. Understanding of the role and mandate of the Law Society and objectives of the advisory and coaching initiative in the development of competent professionals.
 - d. Depth and breadth of expertise in substantive knowledge, skills application, and practice management.
 - e. Willingness to advise and coach all providers of legal services – lawyers and paralegals.
 - f. Willingness to undergo training where required respecting the specific goals of the program, skilled advisory techniques and approaches and cultural competence.
40. It will be important that coaches and advisors have the depth of knowledge and experience appropriate to the activities they undertake and in keeping with the Law Society's required competencies.
41. Coaches and advisors may need different skill sets, the former role more likely to engage relationship-building with the licensee on a longer term basis than advising will necessitate. In many ways the coaching relationship will be unique to each coach and matched licensee and should be left to develop as organically as possible. At the same time, however, it will be important to provide coaches with training and materials to assist them with topics that will enhance the competence of the licensees they coach.
42. The Task Force has carefully considered whether to recommend that coaches and or advisors, or some of them, be paid for their services. Remunerating all coaches and advisors would not be economically feasible and certainly in the initial years of the initiative would interfere with the ability to develop the materials, tools and technological aids to grow the initiative.
43. At the same time, the Task Force has considered whether as an alternative there should be some categories of coaches or advisors who should receive some remuneration, for example, in situations in which a coach or advisor is required to devote more time than usual to a licensee or an advisor who has special skills, but will not be financially able to devote the time to do so without some remuneration.
44. This is a complex area to consider, particularly in that it would create categories of advisors and coaches and possibly bring different considerations to agreeing to act as an advisor or a coach.
45. This issue is worthy of further discussion, but should be considered within the context of implementation, rather than at this stage. Engagement with stakeholders, users and potential coaches and advisors and better experience and understanding of the time commitments required of them will provide an evidence-based approach to the issue. As the initiative unfolds, if a core group of advisors or coaches is undertaking a significant amount of work in either advising or coaching or both, the issue of some form

of remuneration, whether honorarium or some other type, should be seriously considered to reflect the value of the contribution.

46. As in the case of licensees who are coached and advised, the Task Force has considered whether, in the meantime, there should be some incentive for coaches and advisors. Currently, as is the case with a licensee who is mentored, a licensee who mentors may claim up to six of the CPD required hours, annually. In the Task Force's view this should be expanded to allow a licensee to claim up to all 12 of the required annual CPD hours for coaching or advising, provided that if all 12 hours are claimed, he or she can attest to three of those hours meeting the professionalism requirement. This will apply whether the coach or advisor is part of the Law Society's formal roster or provides supports through an organization or association.

Who will Administer the Initiative?

47. At the centre of the initiative is an administrator that plays a critical coordinating role, encouraging participation among licensees, connecting licensees to the supports they need, recruiting coaches and advisors, coordinating advisor and coach supports and materials, engaging legal organizations and associations and users and holding focus groups to ensure a collaborative approach to implementation, evaluating the initiative on an ongoing basis, ensuring its purpose and goals are being met, marketing the program and managing resources.
48. The Task Force has considered two possible options for how the initiative could be administered:
- a. Establish a new third party entity to be incorporated and organized to undertake management of the initiative in accordance with the purpose, goals, policies and principles established and approved by the Law Society from time to time. The membership in the Corporation would be limited to the Law Society. The structure would be developed to incorporate the components proposed here.
 - b. Establish the initiative within the Law Society, but ensure that it,
 - i. has a distinct identity and name;
 - ii. has its own unique and collaborative relationship and engagement with stakeholder groups and individuals;
 - iii. is allocated a dedicated budget and resources from the outset; and
 - iv. is marketed and branded as a coach and advisor initiative with the key components as set out in this proposal, if approved.
49. Establishing a coach and advisor support system separate from the Law Society may avoid concern that the regulator could invoke its disciplinary authority within the program. If there is a substantial risk that participants will not come forward to use a program that is operated by the regulator its viability may be compromised. On the other hand, creating a new infrastructure with no concrete experience with such an initiative is

a potentially risky and costly alternative and may well take longer to establish and implement. This approach may be challenging for Convocation to approve without evidence that it is, in fact, the only viable option.

50. Upon balance, the Task Force is of the view that having the Law Society administer the initiative is a more practical and viable basis on which to launch it. The Task Force is satisfied that using the structural components set out above and the collaborative engagement with stakeholders that is described, this option is the most appropriate way to begin. The Law Society already has much of the infrastructure in place to be able to move forward with implementation expeditiously. With its built-in and ongoing evaluation, the initiative will also provide evidenced-based information on the progress of the activities and participation that will enable Convocation to continue to monitor progress and alter the direction, if appropriate.
51. The option of establishing a third party entity will be explored in detail as the initiative moves forward, with the purpose of determining whether this option should be the long-term goal. As set out above, there are attractive features to having an external coach and advisor entity and more may be revealed as implementation is undertaken. In monitoring and evaluating the initiative over its early years, one of the criteria should be to examine whether the Law Society's role as the administrator is having an effect on the number and profile of those participating.

How Will the Initiative Operate?

52. Licensees for whose benefit the initiative operates (as described above) will contact the administrator whose function will be to assist to connect licensees,
 - a. to the kind of supports they require;
 - b. with individual advisors or coaches or through group coaching and supports;
 - c. wherever in the province they practise or provide legal services, through in person and/or virtual services; and
 - d. with those able to meet specialized needs.
53. Where there are legal organizations or associations with coach and advisor type programs that provide the supports required and that come within the scope of the initiative, the Law Society will connect the licensees with those supports. These organizations and associations have strong connections throughout the province to specific and varied communities of licensees that make their continued and even expanded roles essential to the initiative's success. Many are doing excellent and innovative work in this area. By connecting the licensee to a particular organization or association program, the Law Society will be the conduit. The organization or association will address the particular need.

54. In the absence of an association or organization that can assist in a particular area, and where the identified need is within the scope of the initiative, the Law Society will assist licensees in their efforts to locate the required support.
55. The Law Society's coordinating role will also include assisting organizations through coach and advisor training and materials to be in a position to maintain and enhance their provision of supports.
56. As the Law Society develops the coordinating role described above, the involvement of legal organizations and associations that provide supports and the categories of licensees for whose benefit the initiative operates will evolve.
57. The benefit and importance of this structure is that it allows the initiative to develop incrementally, to reflect proven needs, resources, involvement of existing programs, focus group, stakeholder and user engagement on options and evaluation of activities. It will draw on existing resources within the legal community and the Law Society and develop new possibilities and activities gradually and carefully as need is identified and advisors/coaches are recruited.
58. As the administrator that connects or assists licensees to find the supports they need, the Law Society will be able to evaluate when individual supports are most required and when team advising may be a valuable and far-reaching approach. This will engage increased numbers of participants by implementing group or "team" advisory and coaching supports whereby a small group of lawyers or paralegals, or both, will become a team with one senior coach. The teams could be organized by practice area/substantive focus, practice management issues, professional development and training requirements, or a combination thereof. This will also facilitate the gathering of data on areas of need and key practice issues that could subsequently be addressed in CPD programming.
59. Specifically, the structure will enable licensees to access supports in a number of ways, including through formalizing coaching and training schedules or one-on-one meetings and in a variety of settings and delivery formats such as,
 - a. live, interactive online one-on-one or group meetings;
 - b. listservs or other discussion forums based on areas of law or discrete legal or practice issues; and
 - c. organized in-person events, ideally in the regions, supporting group activities by organizing a "lead" and participants of like interests.
60. This structure reflects input that has been heard over the years from many different sources and most recently through the Working Group on Racialized Licensees' consultations on mentoring. It reflects a view that a structure such as the one proposed

here can offer licensees a menu of possibilities in their own communities, with access to a variety of supports and with the capacity to evolve as interest and participation increase. The administrator is the coordinator for a variety of inputs and for addressing different needs.

61. Gradually, the initiative will seek to expand its capacity, so licensees know that there is source that can assist to direct them to the supports that will best address their needs. The goal is that over time the initiative will facilitate a cultural shift that makes coaching and advising an integral part of the legal and competence culture with offshoots that address different needs and points of intersection and collaborations throughout the province.

Evaluating and Reviewing the Initiative

62. As with all new Law Society initiatives, this initiative will have outcomes against which to evaluate the viability and success of the program. The evaluation will include qualitative and quantitative information and focus on,
 - a. whether the initiative is meeting the purposes and goals set out in this Report;
 - b. how the initiative is contributing to the enhancement of licensee competence; and
 - c. what changes or additions could be introduced to enhance the initiative further.
63. Collaboration with stakeholders, such as users, legal associations and organizations with relevant programs, advisors and coaches and others and through focus groups will be integral to the initiative on an ongoing basis. Any evaluation will reflect the outcomes and issues emerging from that collaboration.
64. The Task Force is also of the view that there should be ongoing surveys of users (those coaching and advising and those being coached and advised) to seek their input on their experiences and what areas can be improved.
65. It is important that the evaluation take place only after there has been sufficient opportunity for the initiative and its new processes to be well underway. This includes the engagement of users and stakeholders, establishment of the structure, the recruitment of the roster of advisor and coaches, a reasonable period of use of the individual and team coaching and advisor supports and multiple budget cycles. The evaluation will occur no earlier than the fall of 2019.
66. At that time, the Executive Director of Professional Development & Competence and the administrator of the initiative will prepare a written report and any recommendations for consideration of the Professional Development & Competence Committee and Convocation.

67. Annual information on the initiative will also be included in the annual PD&C Division Report on resources and programs beginning in 2017.

Financial Considerations

68. As set out in this Report, the initiative will be implemented incrementally, to reflect proven needs, resources, involvement of existing programs, focus group and stakeholder engagement on options and evaluation of activities. It will draw on existing resources. It will also develop new possibilities and activities gradually and carefully, as need is identified, through engagement with stakeholders and others sources, and as advisors/coaches are recruited.
69. In the Task Force's view it is important to use a three-year budget forecast to project how the initiative will move forward. This accomplishes three things:
- a. It signals the seriousness with which the initiative is viewed and the importance of resourcing it appropriately.
 - b. It enables the Law Society, as administrator, to develop longer-term plans for moving forward, having the benefit of generally knowing available resources over a longer term period.
 - c. It enables approval of the first year's budget immediately, while using the second and third year as a forecast.
70. It is important to note, however, that this budget is anticipatory, based on best estimates and should not preclude a request for additional funds from Convocation. For example, should evidence suggest that some remuneration is appropriate in future years, the appropriate budget request for that component will be made to Convocation, in the usual course, to consider.
71. The budget illustrates the importance of planning and laying the groundwork in 2016 for the activities that will be the foundation of the initiative's success. Part of 2016 will be spent planning the launch, communications, supporting documentation and recruiting efforts to find strong coaches and advisors for the roster. This planning is essential to the fulfilment of engagement and collaboration discussed in this Report.
72. The Audit and Finance Committee reviewed the projected budgets at its January 2016 meeting and voted to recommend approval of the cost and funding information contained in this Report to Convocation.

Projected Budget: Coach and Advisor Supports 2016 - 2018

2016 Budget Estimate

Expense Category	Cost
Staffing/Salaries and Benefits <ul style="list-style-type: none"> Counsel lead and coordinator hired to begin planning and development of support systems, training modules, coaching content, and processes – estimated arrival May or June of 2016 – costs represents salary and benefits assuming hiring is completed by April 2016 	\$200,000
Program Expenses <ul style="list-style-type: none"> Coach and Advisor Training Coach and Advisor expense reimbursements Technology enabled interactivity 	\$15,000 \$15,000 \$20,000
Total Estimated Budget 2016	\$250,000

2017 Budget Estimate

Expense Category	Cost	Increase from Prior Budget Period
Staffing/Salaries and Benefits <ul style="list-style-type: none"> Includes Counsel lead, coordinator and one additional counsel staff 	\$390,000	\$190,000
Program Expenses <ul style="list-style-type: none"> Coach and Advisor Training Coach and Advisor expense reimbursements Technology enabled interactivity 	\$15,000 \$20,000 \$30,000	\$0 \$5,000 \$10,000
Office Expenses <ul style="list-style-type: none"> Annual office requirements and supplies Communications/marketing/outreach 	\$10,000 \$25,000	\$10,000 \$25,000
Total Estimated Budget 2017	\$490,000	\$240,000

2018 Budget Estimate

Expense Category	Cost	Increase from Prior Budget Period
Staffing/Salaries and Benefits <ul style="list-style-type: none"> Counsel lead Counsel Coordinator 	\$440,000	\$50,000

<ul style="list-style-type: none"> • and one new Administrator 		
Program Expenses <ul style="list-style-type: none"> • Coach and Advisor Training • Coach and Advisor expense reimbursements • Technology enabled interactivity 	<p>\$15,000</p> <p>\$20,000</p> <p>\$75,000</p>	<p>\$0</p> <p>\$0</p> <p>\$45,000</p>
Office Expenses <ul style="list-style-type: none"> • Annual office requirements and supplies • Communications/marketing/outreach 	<p>\$10,000</p> <p>\$40,000</p>	<p>0</p> <p>\$15,000</p>
Total Estimated Budget 2018	\$600,000	\$110,000

Conclusion

73. In establishing its 2015-2019 strategic priorities, Convocation reiterated the importance of mentoring as a meaningful component of supporting licensee competence, a central part of the Law Society’s mandate.
74. As lawyers and paralegals face the increasing complexity of practice and the provision of legal services, a proactive approach to providing supports and resources is essential. The Task Force’s proposed initiative is designed to provide a framework whose component parts will contribute to the fulfillment of Convocation’s priority in this area. Developed in an incremental way to engage stakeholders and users and build on proven results, the initiative’s long term goal is to facilitate a cultural shift that makes coach and advisor supports an integral part of the legal and competence culture.
75. The Task Force is confident that now is the time to move forward with this initiative, in keeping with Convocation’s stated priority.