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Report to Convocation June 29, 2017

Priority Planning Committee

Committee Members:

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Purpose of Report: Information

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FOR INFORMATION

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

Introduction

1. In December 2015, Convocation received a report from the Priority Planning Committee (the Committee) setting out details of the priorities identified in the 2015-2019 Strategic Plan adopted by Convocation in October 2015.
2. The Committee's first progress report on work on the priorities was provided to June 2016 Convocation. The Committee has prepared this progress report for Convocation's information on the work completed or in progress since the June 2016 report.
3. Set out on the following pages are details of the Strategic Plan, including the areas of focus, and information on the progress to date on initiatives under the Plan.¹
4. Operational work plans related to the priorities include timelines to assist in monitoring progress and completing the work on the priorities in the Plan.

Background to Convocation's Priority Planning

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

¹ The Plan was formulated in 2015 with the knowledge that a number of initiatives that relate to subject areas described in the Plan would continue in the new bench term and should be incorporated in the Plan. These initiatives included:

- a. the Pathways Pilot Project on transitional training;
- b. the work of the Mentoring and Advisory Services Proposal Task Force,
- c. 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,
- d. the work of the Challenges Faced by Racialized Licensees Working Group and the Alternative Business Structures Working Group;
- e. the Tribunal Three Year Review project; and
- f. the project to renew the Law Society's Aboriginal (now Indigenous) Initiatives Strategy.

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

The Committee's Views

8. The Committee reviewed the progress on the priorities Convocation approved and also had the benefit of reviewing the Treasurer's mandate memoranda given to committees that mirrored work in the Strategic Plan that would be accomplished through the various committees. The Committee's review showed that some initiatives have been completed, some have been implemented and that significant progress has been made on others.
9. The structured approach to planning and prioritizing the Law Society's policy agenda, overseen by the Committee and its reporting obligations to Convocation, assists in advancing and effectively fulfilling the Law Society's mandate.

Next Steps

10. The Committee will continue to monitor progress on the priorities, and will review matters that arise that may be accommodated within the current work plan and new matters that require assessment before they are recommended for an addition to the work plan.

LAW SOCIETY STRATEGIC PLAN FOR THE 2015-2019 BENCHER TERM PROGRESS REPORT JUNE 2017

THE LAW SOCIETY WILL LEAD AS PROFESSIONAL REGULATOR

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

PROGRESS TO JUNE 2017 INCLUDES:

- Recommendations of the Advertising and Fee Arrangements Issues Working Group of the Professional Regulation Committee on referral fee arrangements and marketing and advertising issues approved at February and April 2017 Convocations respecting new and amended rules on referral fee arrangements
- Work of the Working Group continues respecting contingency fees and real estate incentives
- Ongoing implementation of a broad-based Law Society Mental Health Strategy adopted by Convocation in April 2016
- In connection with the above, work continues on authority to convert a conduct application to a capacity application and strategies for resolving or diverting appropriate cases
- Adoption in December 2016 of the recommendations of the Challenges Faced by Racialized Licensees Working Group; implementation is ongoing
- Work of the Alternative Business Structures Working Group is ongoing, with a report on legal services through civil society organizations scheduled for June 2017 Convocation
- Increase in the Compensation Fund per claimant limit from \$150,000 to \$500,000 as of September 2016
- Disclosure policy framework approved in September 2016 describing information the Society should or should not be permitted to disclose about complaints and investigations, including disclosure to public authorities and the public
- Operational re-organization of the Professional Regulation Division to improve processes, launched February 2017
- Amendments made in June 2016 and November 2016 to the Hearing Division Rules of Practice and Procedure and Appeal Division Rules of Practice and Procedure, the latter as part of the implementation of the Tribunal's new electronic case management system and the ongoing efforts to streamline the Rules for greater accessibility; all Law Society applications now filed electronically

- Ongoing enhanced case management and promotion of resolution through robust pre-hearing conferences
- Work has begun on a new, innovative set of Tribunal rules of procedure
- Ongoing in-person adjudicator education focusing on emerging issues, including Indigenous issues and mental health issues, with the addition of regulator adjudicator education updates through videos posted to the Tribunal's electronic case management system
- Enhanced availability of duty counsel for summary advice

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

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

PROGRESS TO JUNE 2017 INCLUDES:

- Coach and Advisory Network (CAN) for lawyers and paralegals, approved at February 2016 Convocation, launched in November 2016
- Pathways Pilot Project extended for two years, during which an analysis of the licensing process was approved and is ongoing throughout 2017
- Dialogue on Licensing engagement process launched April 2017; town hall-type meetings held in seven cities across Ontario to discuss a series of four topics related to the development of a sustainable licensing process; written submissions to be received until August 2017
- Consideration of paralegal scope of practice and paralegal practice training in the context of the Family Legal Services Review Report (the Bonkalo Report) recommendations and next steps in credentialing and limited licensing for legal services providers
- Ongoing consideration of the role that restricted licensing or practice restrictions at entry could play in supporting the evolution of standards, and ongoing consideration of post-licensing competence assurance activities and whether they should be increased, reduced or refocused, particularly in the context of any decisions related to entry level standards enhancements and practice restrictions as a result of the holistic review of the licensing process being undertaken through the Dialogue process and ensuing deliberations;
- Law Society's participation in the Federation of Law Societies of Canada review of the National Committee on Accreditation program ongoing
- Consideration of the application of the form and function of quality assurance activities (audits and reviews) in the context of entity and compliance based regulatory options

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

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

PROGRESS TO JUNE 2017 INCLUDES:

- Continued support and facilitation of the work of TAG, including the October 2016 release of its Public Perceptions of Access to Justice report to inform Law Society and stakeholder communications efforts
- Family Legal Services Review Report (the Bonkalo Report) review continuing through the Access to Justice Committee
- Support of family law-focused government initiatives including further exploration and development of the Unified Family Court
- New Indigenous Advisory Group Terms of Reference presented to Equity and Indigenous Affairs Committee; nine-member Indigenous Advisory Group (IAG) formed
- Work on the development of the Indigenous Framework with the IAG continuing through the Equity and Indigenous Affairs Issues Committee
- Work commenced on responses to the Law Society-focused recommendations of the Truth and Reconciliation Commission
- Legal Aid Working Group launched in the fall of 2016 with a focus on exploring opportunities for robust and sustainable legal aid services for Ontarians; the current focus is on planning strategic actions based on stakeholder engagement activities
- Work progressing on the Law Society website redesign project

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

The Law Society will focus on:

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

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

PROGRESS TO JUNE 2017 INCLUDES:

- Communications consultants retained to assist with evidence-based indications of public and member awareness needs and gaps; proposals for communications opportunities formulated
- Steering group created by the Treasurer providing direction on development of communications campaigns and activities
- Project design spans public and member research, corporate communication strategy, brand strategy and management, marketing, media relations and stakeholder outreach and engagement

THE LAW SOCIETY WILL INCREASE ITS ORGANIZATIONAL EFFECTIVENESS

The Law Society will:

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

PROGRESS TO JUNE 2017 INCLUDES:

- Policy process benchmarking with other organizations completed and findings prepared
- Work plans created through Policy staff at committee level to track and monitor progress on priorities as they relate to the mandated responsibilities of Law Society committees
- Bencher education program related to the bencher's role as board member launched in 2016 continuing with a session held in May 2017
- Adoption in December 2016 of an external appointments process based on guiding principles that include an acknowledgement of the importance of applying principles of equality, diversity and inclusion.
- Approval an updated Business Conduct Policy containing expanded confidential whistleblowing provisions in February 2017
- Diversity survey of members of Convocation launched in March 2017
- Governance Task Force 2016 created in September 2016 and progressing with three reports to Convocation in 2017 on various aspects of review, including bencher election reform recommendations adopted May 2017
- Creation of a working group of the Audit and Finance Committee to review the Law Society's bencher remuneration and expense reimbursement by-law, policies and processes with the objective of improving transparency, fairness and accountability