



The Law Society of
Upper Canada | Barreau
du Haut-Canada

Tab 6

**Report to Convocation
December 1, 2017**

**Report on the Federation of Law Societies of Canada
Council and Related Meetings, Victoria, B.C.
October 18-20, 2017**

Purpose of Report: Information

**Prepared by Jim Varro
Director, Office of the CEO and Corporate Secretary**

FOR INFORMATION

COUNCIL AND RELATED MEETINGS OF THE FEDERATION OF LAW SOCIETIES OF CANADA

INTRODUCTION

1. The Federation of Law Societies of Canada (the “Federation”) is the national coordinating body for Canada’s 14 law societies. The Federation engages in a number of national initiatives through various committees and other groups on which reports are received at its annual and semi-annual meetings.
2. The Federation also operates the National Committee on Accreditation (“NCA”), a Standing Committee at the Federation whose primary mandate is to assess the legal education and professional experience of persons whose legal education and professional experience were obtained outside of Canadian common law jurisdictions and who wish to be admitted to a common law bar in Canada.
3. In addition, the Federation provides administrative support to the National Criminal Law Program and the National Family Law Program.
4. More information about the Federation can be found on its website at www.flsc.ca/.
5. The Federation typically meets twice a year (spring and fall) to conduct its business meetings for Council members, benchers and law society staff. This includes a meeting of law society CEOs in the CEOs’ Forum and of law society presidents in the Presidents’ Forum.¹ At the fall meeting, the Federation also holds a conference on a topic of interest to the legal regulators.
6. Treasurer Paul Schabas, Federation Council member Ross Earnshaw, Bencher Malcolm Mercer, Acting CEO Diana Miles and Jim Varro attended the Victoria meetings held from October 18 to 20, 2017.² This report provides highlights of the meetings.

¹ The October 2017 meetings also included a governance effectiveness session that included CEOs, senior staff and law societies’ presidents on October 18. This leadership workshop, designed exclusively for law society leadership and led by Glenn Tecker, founder of Tecker International, focused on role clarity and the most effective and productive relationship possible between the chief staff and chief elected leaders.

² The following Law Society representatives serve on Federation Committees and other groups:

At the governance (Bencher) level:

John Callaghan	Member, Litigation Committee
Dianne Corbiere	Member, Working Group on TRC Calls to Action

Conference Program

7. The Federation's Conference held on October 19, 2017 focused on the National Committee on Accreditation (NCA) Program Review report, which highlights areas for improvement in how to define and assess the knowledge and skills that all future lawyers, not just NCA graduates, require to practice.
8. Building on the discussions on legal education held at the Federation Conference in October 2016, the 2017 Conference informed participants about the report's recommendations and the broader issues surrounding lawyer qualification, and provided a forum to discuss harmonization of the standards outlined in the National Requirement and the National Competency Profile. The Conference also explored the value of competency-based assessment, which defines and assesses the knowledge and skills candidates require based on competencies instead of subject areas.
9. During the Conference, the authors of the report highlighted several of the key findings and discussed the recommendations to develop a competency-based foundation for entry to bar admission/licensing programs and entry to practice.
10. The conference included:
 - an interactive session with participants to discuss the issues raised by the NCA Program Review report about the systems in place to define and assess the skills and knowledge future lawyers require for success;
 - a panel of law societies' representatives and legal academics from Canadian law schools who explored various approaches and perspectives in education and assessment of legal and other professionals; and
 - an interactive session with participants to discuss the risks and benefits of maintaining the status quo, revamping the NCA assessment system to adopt a competency-based approach or instituting a complete overhaul by introducing a state-of-the-art system to define and assess the competencies required for the NCA, bar entry/licensing and entry to practice.

Malcolm Mercer	Member, National Committee on Accreditation
Ross Earnshaw	Member, Canadian Common Law Program Approval Committee
Peter Wardle	Chair, National Requirement Review Committee
Will McDowell	Member, Public Affairs and Government Relations Committee

Law Society CEO/Senior Staff:

Diana Miles	Member, National Requirement Review Committee Member, CanLII Nominating Board
Naomi Bussin	Member, Standing Committee on the Model Code of Professional Conduct
Anthony Gonsalves	Member, Anti-Money Laundering and Terrorist Financing Working Group
Jim Varro	Co-Chair, Anti-Money Laundering and Terrorist Financing Working Group

11. The Conference ended by identifying the pivotal issues and themes examined, areas of common ground and issues requiring further reflection, as the foundation for the development of a broad consultation on the report following the Conference.

COUNCIL MEETING

12. The Council met on October 20, 2017. It dealt with certain decision items, received reports from the Federation's President and the Federation's CEO and addressed a range of Federation matters.

Election of Executive Officers

13. In between meetings of Council, oversight of the Federation is delegated to an Executive Committee consisting of the President, the Vice-President and President-Elect, and a second Vice President. Members of the Executive serve for a one year term and are selected on the basis of a pre-established rotation from all regions of Canada.
14. The following individuals were elected as executive officers for the annual term beginning November 15, 2017:

Sheila M. MacPherson (Northwest Territories), President

Bâtonnier Richard J. Scott, Q.C. (New Brunswick), Vice-President
and President-Elect

Ross F. Earnshaw (Ontario), Vice-President

Me Maurice Piette, (Chambre des notaires du Québec), Past
President

Reports for Discussion or Decision

Update from the Truth and Reconciliation Commission Calls to Action Advisory Committee

15. Established in December 2016, with membership confirmed by Council in March 2017³, the Advisory Committee is to develop recommendations on Calls to Action 27 and 28 as a

³ Federation Council appointed Karen Wilford and Ghislain Picard as Co-Chairs of the Advisory Committee, along with the following 9 members: David Crossin, Peggy Corbel Warolin, Dianne Corbiere, Dr. Brent Cotter, Dr. Val Napoleon, Paul Okalik, Jean Teillet, Stuart Wuttke and Tuma Young. Since the June 2017 Council meeting, two members have withdrawn for personal reasons – Peggy Corbel Warolin, the representative for the Quebec region, and CoChair Ghislain Picard. The Executive is working to identify options for filling the vacancies created by these resignations.

first priority. The Terms of Reference also require the Advisory Committee to work with the National Requirement Review Committee (“NRRC”) on potential amendments to the National Requirement to include cultural competency training and education for future law graduates, facilitate the exchange of information on the activities of law societies and other stakeholders in response to the Calls to Action, consider actions the Federation can take to support Indigenous Law Institutes and make recommendations to Council in relation to all other Calls to Action it deems appropriate.

16. In June 2017, Council approved the Advisory Committee’s request to work with the NRRC on developing potential amendments to the National Requirement. Acknowledging that Federation committees should work together where they share an overlap in mandate, the Chair of the Advisory Committee engaged informally with the Chairs of the NRRC, the Canadian Common Law Approval Committee (“CCLAC”) and the Standing Committee on the Model Code (“The Standing Committee”) in August 2017 to initiate discussions on potential collaborations.
17. At its September 2017 meeting, the Advisory Committee focused on four issues: appropriate communications tools for disseminating information about law society and other stakeholder initiatives in response to the calls to the action, collaboration with the NRRC on amending the national requirement in response to Call to Action 28, understanding the meaning and requirements of cultural competency generally and in the context of Indigenous people and collaboration with the Standing Committee on the Model Code on amending the Code to include Indigenous cultural competency in response to Call to Action 27.
18. In connection with the work of the Standing Committee on cultural competence, the Advisory Committee determined that an expert working group of Advisory Committee members and others should be formed to consider what Indigenous cultural competence means, how it applies to the legal profession and how best to incorporate it as an ethical obligation in the Model Code. The working group will be tasked with providing guidance to the Advisory Committee on a definition of Indigenous cultural competence, principles that should guide the development of cultural competence training and possible recommendations for the Standing Committee.
19. The Advisory Committee plans to engage by teleconference in the coming months to discuss the national requirement and cultural competency issues.

Update from the Anti-Money Laundering and Terrorist Financing Working Group

20. The Working Group was established by the CEOs Forum following a request from the Council of the Federation in October 2016⁴, prompted by a number of developments and

⁴ The Working Group is co-chaired by Jim Varro, Director, Office of the CEO at the Law Society of Upper Canada and Frederica Wilson, Senior Director, Regulatory and Public Affairs at the Federation. The other

anticipated developments on the anti-money laundering and counterterrorist financing landscape. Recent amendments to federal anti-money laundering and terrorist financing regulations, the mutual evaluation report of the Financial Action Task Force (“FATF”) that raised concerns about the exclusion of legal counsel from the government’s regime and the possibility of the government’s re-consideration of extending the federal regime to members of the legal profession were all identified as important developments.

21. The Working Group identified the following as the focus of its work:
 - review of the content and substance of the Model Rules, including review of amended federal regulations;
 - a survey of law societies to identify the methods used to assess compliance with the rules and approaches to their enforcement;
 - review and assessment of the FATF mutual evaluation report on Canada’s AML regime;
 - identification of best practices for compliance and enforcement; and
 - development of guidelines for compliance and enforcement, including education.
22. Preliminary work on the first three items has been completed and the Working Group is now consulting with the law societies on proposed amendments to the Model Rules and a new trust accounting rule stipulating the circumstances in which trust accounts may be used. The consultation will continue through March 2018 and final amendments to the Model Rules will be presented to Council for approval in June 2018.
23. While the consultation on these proposals is underway, the Working Group will be turning its attention to the development of guidelines for enforcement of the rules based on best practices identified through the survey of law societies.

Report from the National Committee on Accreditation (NCA)

24. The NCA updated Council on its work, including progress on the Program Review, discussed above.
25. The NCA, a standing committee of the Federation⁵, is responsible for the program for the assessment of the legal training and professional experience of internationally trained

members of the Working Group are: Susan Robinson – Executive Director LSPEI. Chioma Ufodike – Manager, Trust Safety LSA. Elaine Cumming – Professional Responsibility Counsel NSBS, Deb Armour – Chief Legal Officer LSBC, Jeanette McPhee – CFO and Director of Trust Regulation LSBC, Leah Kosokowsky – Director, Regulation LSM, Anthony Gonsalves – Team Manager, Professional Regulation LSUC, Sylvie Champagne – Secrétaire de l’Ordre et Directrice du contentieux Barreau, Nathalie Parent – Directrice générale adjointe Direction des services juridiques Chambre and Brenda Grimes – Executive Director LSNL.

⁵ The NCA is made up of six individuals representing the Council of Canadian Law Deans, the practising bar, and the law societies, as follows: Herman Van Ommen, Chair, Council member representing the Law

lawyers and students and graduates of Canadian civil law programs who wish to enter the bar admission/licensing program in any of the Canadian common law jurisdictions. Through the NCA, all internationally trained candidates and graduates of Canadian civil law programs are assessed according to the same standard. The Barreau du Québec operates its own assessment program for internationally trained lawyers seeking to practice in Quebec.

26. Since 2015, candidates have been assessed under the NCA Assessment Policy, which was developed against the National Requirement, the standard that all graduates of Canadian common law programs must meet to be eligible to enter the bar admission program of any of the law societies in common law jurisdictions, Applicants must demonstrate competence in nine core subjects, including five Canadian-specific subjects for which competence may be demonstrated only by the successful completion of NCA exams or approved courses in a Canadian law school. Candidates who have a law degree from a common law program may be able to demonstrate competence in the remaining subjects on the basis of courses taken.
27. An applicant who successfully completes all of the exams or courses assigned is awarded a Certificate of Qualification (“CQ”) that entitles them to apply to the bar admission/licensing program in any Canadian common law jurisdiction. NCA applicants dissatisfied with their assessments may submit an appeal which will be considered by a panel made up of NCA members
28. In the past decade, the NCA has seen a tremendous increase in the volume of applicants, making it the single largest source of candidates for entry into the bar admission programs of Canadian law societies. As the numbers of applicants have been increasing, the profile of the applicants has also changed. In 2007, candidates from Australia, England and the United States represented 44% of all applicants. In 2017 they represented 60%, with applications from candidates educated in England far outnumbering those of the other jurisdictions. In recent years the vast majority of the applicants from England, Australia and the United States appear to be Canadians who have gone overseas to obtain their law degree.
29. The steady increase in applications and the Federation’s commitment to excellence in the delivery of its programs made the time ripe for a full review of the NCA’s program. That program review, undertaken by expert, external consultants, took place during the past year. In May 2017, the consultants issued a comprehensive report on its examination of our policies, procedures and operations, making 28 recommendations. Those recommendations range from suggestions for improvements to communications tools to a

Society of British Columbia, Bradford Morse, Dean, Faculty of Law, Thompson Rivers University, Bill Flanagan, Dean, Faculty of Law, Queen’s University, Alan Treleaven, Director, Education and Practice, Law Society of British Columbia, Miriam Carey, public representative, Law Society of Alberta and Malcolm Mercer, Benchler, Law Society of Upper Canada.

proposal for a fundamental shift in the approach to assessment. A comprehensive implementation plan will be developed following consideration by law society leaders and members of the Federation Council of the full suite of recommendations this fall.

30. The main focus of 2017-2018 will be on implementing the operational recommendations of the NCA Program Review report and preparing an implementation plan for the remaining recommendations, in consultation with the law societies.

Annual Report of the Canadian Common Law Program Review Committee

31. The Approval Committee⁶ provided an update on its work.
32. Created in February 2012, the Committee evaluates the programs of established Canadian law schools and those of new Canadian law schools. The Approval Committee's mandate is to determine law school program compliance with the National Requirement for the purpose of entry of Canadian common law school graduates to Canadian law society admission/licensing programs. The standard applies to the programs of established Canadian law schools and those of new Canadian law schools.
33. The process for determining whether programs meet the National Requirement is an iterative one, the goal of which is to resolve deficiencies wherever possible before the Approval Committee issues a final report. In determining whether a program meets the National Requirement, the Approval Committee relies on the information provided by the law school and confirmed by the dean.
34. To ensure that law school programs would be in compliance with the National Requirement, the Approval Committee began its review of existing programs in 2012, developing and refining the process for approving the programs including revising the Law School Report Form that each institution must complete on an annual basis. With the coming into effect of the National Requirement in January 2015, the Approval Committee evaluated and took decisions on all J.D. programs in the fall of 2014. The information on the Federation website on Canadian programs has been revised and enhanced to reflect the 20 approved J.D. programs and one program that has received preliminary approval (Trinity Western University).
35. New law schools have been approved at Université de Montréal (2013), Thompson Rivers University (2014), Lakehead University (2016) and Université de Sherbrooke (2012-2015,

⁶ The Approval Committee members are: Steve Raby, Chair, Council member representing the Law Society of Alberta, Morgan Cooper, Council member representing the Law Society of Newfoundland and Labrador, Ross Earnshaw, Council member representing the Law Society of Upper Canada, Cori Ghitler, Director of Professionalism and Policy at the Law Society of Alberta, Dean Ed Iacobucci, University of Toronto, Lorna Turnbull, former Dean, University of Manitoba and Dean Sébastien Lebel-Grenier, l'Université de Sherbrooke.

2016). New law school programs are subject to approval by the Approval Committee. Prospective programs that will, if implemented as proposed, meet the National Requirement, are granted preliminary approval and are eligible to apply for full approval once they produce their first graduates. Trinity Western University's law school program was awarded preliminary approval status in 2013. The program is currently on hold pending the resolution before the Supreme Court of Canada of two legal challenges arising from decisions by law societies in Ontario and British Columbia not to approve TWU's proposed law program.

36. The Committee is currently in the process of completing its evaluation of applications for new law schools as follows:
 - A new program is being offered at the Nunavut Arctic College in conjunction with the University of Saskatchewan;
 - In April 2017, Ryerson University submitted a proposal for a new law school; and
 - Memorial University of Newfoundland is considering the creation of a law school, but to date no formal proposal has been brought before the Approval Committee.

37. In the course of its annual reviews, the Committee has noted a number of issues in applying the National Requirement to existing and new law school programs. It has also identified certain issues that it believes are likely to arise in the near future where the National Requirement is either silent on the issue, or may already not be reflective of current trends in legal education. In order to deal with these matters, among other tasks, Council created the National Requirement Review Committee (the "NRRC") in 2015. The NRRC recommended approval of two small changes to the National Requirement that the Committee had suggested.⁷

38. The Committee intends to meet in person in mid-January to review and approve the Law School Report Form for 2018 and to discuss its Strategic Priorities for 2018.

Governance Tools and Reports – An Update

39. The Executive Committee provided a report on implementation of the Governance Policies adopted by Council in March 2016.

⁷ The first is the removal of the requirement for mandatory instruction in "legal and fiduciary obligations in commercial transactions" as part of the private law competencies. The Committee felt that there was no real definition of this concept and it was clear that the law schools were struggling with how to evidence compliance, absent a mandatory business organizations course (which was not mandatory in most schools and was not mandated by the Implementation Committee). The second is to remove the word "presumptively" in respect of the requirement of 90 credits as this implies that something less would be sufficient without quantifying how much less. The Committee is awaiting ratification from all Law Societies so that these changes can be made effective January 1, 2018.

40. Council was provided with the 2017-2018 Activity Plan annotated to indicate the status of completion of the tasks set for the Federation since the plan was adopted by Council at its June 2017 meeting. Council was also given a report on the Federation's overall compliance and status of implementation of the Governance Policies and a draft planning calendar for Council meetings over the next year, indicating the key deliberations and decisions that are required through the upcoming annual planning cycle.
41. The draft calendar gives effect to those parts of Governance Policies that prescribe scheduled times for
 - development of an Annual Activity Plan having regard to the Strategic Plan,
 - review, discussion and determination of the budget recommended by the Finance and Audit Committee,
 - review and approval of the audited financial statements,
 - consideration of the recommendations of the Executive Committee with respect to committee nominations,
 - consideration of reports of committees for monitoring purposes,
 - review of regional issues and initiatives,
 - consideration of the CEO's performance review,
 - Council evaluation, and
 - review and update of governance policies and issues.

Report of the Finance and Audit Committee

42. Council approved the draft audited financial statements of the Federation for the financial year ending June 30, 2017.
43. The Committee provided a report on year-end operating statements for the Federation and confirmed that, as earlier reported in anticipation of the year end, the general fund has a surplus, as some areas are materially below budget on the expense side for 2016-2017. Notable variances were as follows:
 - staffing costs were below budget due to mid-year vacancies in two Policy Counsel positions, as well as the deferral of an office-wide compensation review consultation;
 - committee expenses for the National Admissions Standards Committee, the National Requirement Review Committee and the Standing Committee on Access to Legal Services will be less than budgeted as a result of a reduction in activity with respect to the first two committees and the disbanding of the latter committee;
 - certain communications expenditures were deferred pending the completion of the communications audit;
 - rent expenses were lower than anticipated due to operating expense adjustments by the landlord); and
 - some of the savings realized by the foregoing items were offset by Council's decision to hold an additional in-person Council meeting in this financial year and to incur an incremental increase in meeting costs by holding its June meeting in

Iqaluit. Travel costs relating to the March 2017 meetings in Quebec City were also higher than budgeted.

44. The Committee reviewed the operating statements as at June 30, 2017 for the National Committee on Accreditation and noted an excess of revenues over expenses for the year. As the Committee has noted in previous reports, notwithstanding a break-even budget, a number of variables dependent on user demand and outside the control of the Federation, such as assessments, examinations and cancellations, make it difficult to predict the bottom line. This year, increased revenues were partially offset by an increase in expenses.
45. The Committee also provide Council with status reports on the Special Projects Reserve Fund, information on the surplus fund accumulated in connection with the National Criminal law Program and the National Family Law Program, a report on the GST/HST audit carried out by the Canada Revenue Agency and budget plans for the 2018-2019 financial year.

CLE Program Review Advisory Group Report – Status Report

46. The National Criminal Law Program (“NCLP”) and the National Family Law Program (“NFLP”) (collectively, the “CLE Programs”) are week-long continuing legal education programs. They are offered each summer, in the case of the NCLP, and every other summer, in the case of the NFLP. The Federation of Law Societies of Canada has been associated with the NCLP and the NFLP for decades.
47. The 2017-2020 Strategic Plan of the Federation prescribes as Strategy 3.2 that the Federation will “review key services” and specifically that it will “review the Federation’s role in relation to the [NCLP and NFLP]”. This review has been mandated as part of the Federation’s 2017-2018 Activity Plan.
48. For the purpose of carrying out the review and advising the Federation Council, the Executive established the CLE Program Review Advisory Group,⁸ which provided a status report to Council.
49. The Advisory Group met for the first time in September 2017 and agreed that its core task would be to bring forward a recommendation to Council in due course as to whether the

⁸The Advisory Group consists of: Sheila MacPherson (Chair), Vice-President and President-elect, Ross Earnshaw, Council member representing the Law Society of Upper Canada, Bernard Synnott, Council member representing the Barreau du Québec, Greg Walen, Council member representing the Law Society of Saskatchewan, Darrel Pink, Executive Director, Nova Scotia Barristers’ Society and Alan Treleven, Director of Education and Practice, Law Society of British Columbia.

Federation should continue to be associated with the CLE Programs and if so, under what conditions.

50. The Advisory Group recognized the importance of engaging directly and early with the organizers of the CLE Programs in order to ensure that their perspective and input is integral to the process. The Advisory Group also recognized the importance of engagement with the law societies and intends to reach out once the initial discussions with the CLE Program Co-Chairs get underway.
51. The Chair has now reached out to the Co-Chairs of the CLE Programs to inform them of the review and to invite a preliminary discussion about how best to engage in a conversation involving them and the Advisory Group.

CanLII Report

52. The Canadian Legal Information Institute (CanLII) presented its report on its activities, which included the following:
 - The 2018 CanLII fee recommendation⁹ presented as both a single amount and on a “full-time equivalent” (or “FTE”) level according to the most recently available FTE membership figures for each of the Federation’s member law societies;
 - The 2018 budget and the explanatory notes contained in CanLII’s memo to the Federation’s Finance and Audit Committee;
 - A discussion of CanLII’s financial situation and of material matters that are likely to have an impact on CanLII’s situation in both the short and long term; and
 - An overview of CanLII’s activities since CanLII’s last report to the Federation.
53. In the report, the Chair of the Board, Dominic Jaar expressed his gratitude for the past and continuing support of the Federation and its member law societies

Reports for Decision and Information

54. The Federation Council received a number of information reports from various committees and one report for decision, in a consent agenda. Highlights of those reports on subjects that have not otherwise been discussed above are provided below.

⁹ CanLII’s proposed 2018 budget asks for an increase of the total fees by \$282,561, i.e. from \$3,371,344 to \$3,653,905, further to its information to the Federation’s Finance and Audit Committee. Using the most recent FTE figures provided to CanLII, and using the same proportions as in 2016 and 2017, the following should be the “per FTE fees” for 2018 if the requested increase is approved:

- \$41.94 (all but Barreau and Chambre)
- \$28.05 (Barreau)
- \$16.77 (Chambre)

CanLII Annual Resolutions

55. The Council approved formal resolutions of the Federation as the sole member of CanLII, which included:
- receipt of financial statements as at December 31, 2016;
 - appointment of the public accountant;
 - the number of directors;
 - appointment of board of directors; and
 - ratification and confirmation of the acts of board, officers, committees and agents.

National Committee on Accreditation

56. Supplementing the earlier report on the NCA, the following are some statistics about the program.
57. The Committee considered 14 appeals of assessments in 2016/2017.
58. The NCA received 1,706 applications for assessment in 2016/2017 compared to 1,718 in the previous year. During the same period, 911 Certificates of Qualification were issued compared to 898 in 2015/2016.
59. Over 5,500 exams were written in 2016/2017 in four sessions. Exams are offered in Canadian cities (includes Vancouver, Calgary, Edmonton, Regina, Winnipeg, & Toronto) and sites abroad.
60. The NCA will meet in the coming months to discuss the implementation of relevant recommendations from the NCA Program Review report, discussed earlier in this report.

Standing Committee on the National Discipline Standards

61. The Committee is currently considering feedback from the Discipline Administrators Steering Committee on the revisions to Standard 16 (sharing information), a new draft standard dealing with early resolution of appropriate complaints and a new standard on quality measures in complaint, investigation, prosecution and adjudication processes.
62. The new and revised standards will be put before Council for approval in accordance with the Standing Committee's newly adopted 18-month cycle for work on the standards from development through to implementation.
63. Work continues on a national adjudicator training curriculum, a peer support pilot project, and the development of a standard to address a law society's ability to take interim steps to protect the public before conviction or resolution of a matter.

Standing Committee on the Model Code of Professional Conduct

64. The Standing Committee met throughout the summer to consider the feedback received in response to the January 2017 Consultation Package on proposed amendments to the rules on technological competence, the return to practice by former judges and the rule encouraging respect for the administration of justice.
65. In keeping with its practice to provide the amendment packages for information well in advance of a vote, the final amendment package was sent out on September 30, 2017. Those amendments will be before Council for approval at its December 2017 meeting.
66. The Standing Committee continues to examine the issues on its priority list, including cultural competence and issues related to access to justice. It is also beginning to review some of the work of the Law Society Equality Network which has relevance for the Model Code.

Access to Legal Services Status Report

67. Federation past President Jeff Hirsch continues to represent the Federation on the National Action Committee (“NAC”).
68. The NAC is continuing with its public education campaign titled “Justice for All”, which raises awareness of the importance of justice issues and legal efforts being made to improve access to justice across Canada. The Federation has actively promoted the campaign to law societies through the intranet and an email from the President.
69. The NAC is also in the process of creating an “Innovation Toolkit” which will be a national inventory of initiatives, best practices, contact information and other tools for furthering national coordination and collaboration. Regional roundtable discussions about the toolkit were hosted by Calibrate Solutions in May and June. From those discussions, Calibrate Solutions is now building a platform to facilitate the creation of a “communities of practice” program that will focus on specific access issues, host useful tools and content that may be accessible by participants and allow for networking/community forums. Invitations for the first round of “community of practice” discussions were targeted to go out in late September-early October.
70. The Law Societies’ Access to Legal Services Exchange group held its third quarterly meeting on Wednesday, October 11, 2017. Members continue to maintain an updated inventory of access to legal services initiatives of Canada’s law societies. The latest inventory is published on the intranet. Members also discuss access initiatives that may be of interest, and share experience, best practices or resources where similar projects are occurring in other jurisdictions.

Public Affairs and Government Relations Committee

71. As noted earlier, the Anti-money Laundering and Terrorist Financing Working Group established by Council on the recommendation of the Committee has completed its review of the Model No Cash and Client Identification and Verification Rules, and has launched a consultation on proposed amendments. The consultation report also includes a new proposed model rule on trust accounting. The Working Group's report to Council is discussed earlier in this report.

72. The Committee is looking at the issue of border searches of electronic devices with a view to determining whether to propose that the Federation comment on the need to protect solicitor-client privilege in such circumstances. Work on this issue will continue this fall.