



NOVA SCOTIA BARRISTERS' SOCIETY

## ANNUAL ACTIVITY PLAN 2011-2012

### INTRODUCTION

The Activity Plan for 2011-2012 outlines those activities that Council has mandated to address the initiatives approved by Council in furtherance of its Strategic Plan. Council will also monitor certain activities that are assigned to the Executive Director. As well Council Committees will carry on with their regular work in accordance with their Terms of Reference and work plans that will be approved by Council.

### INTERPRETATION

'SD' reflects the Strategic Directions to which the activity relates. Those initiatives which have been identified in the 2010-2013 Strategic Plan and in particular the approved initiatives for 2011-2012. Those that cannot be completed in 2011-2012 are noted as Year 2 activities.

## SD 1 – EXCELLENCE IN REGULATION & GOVERNANCE

### Activity 1.1 – Code of Professional Conduct

Implement Code of Conduct including member education

**Outcome** – The Model Code is adopted as the new Code of Professional Conduct for Nova Scotia lawyers, with appropriate member education and on-line access.

**Responsibility** – Model Code Task Force, PR staff, L&IS staff, Council

September – Preparation for the assessment and education program are underway. Though there has been some delay from the Federation regarding the conflicts of interest rule, the plan is still on track for coming into force on January 1.  
November – The on-line assessment has been launched, following testing by several volunteers. Education is being offered to County Bars and others. Main tools are written material.  
January – The FLSC has approved provisions for the Model Code to address conflicts of interest. The FLSC report will be considered by the Code of Conduct Committee (formerly the Model Code TF) and recommendations on process and adoption will be forthcoming.

### Activity 1.2 – National Standards

Work towards the national harmonization of admission and discipline standards and the accreditation of law schools

**Outcome** – There is greater harmonization of key regulatory standards among Canada's law societies.

**Responsibility** – A&PD staff, PRPPC and Credentials Committee, FLSC C'tee

September - Admissions standards are being discussed at the Federation Conference in September. Discipline standards, in draft, are expected this fall. The Society has had input into both projects  
November – Little local input yet in to the 2 Federation projects dealing with Discipline and Admissions. In both areas testing of the draft standards is taking place over the next few months.  
January – No change

### Activity 1.3 – Membership Categories

The approved recommendations of the Credentials Committee regarding categories of membership and in particular the monitoring of non-practising members are implemented

**Outcome** – The policy directions of Council are implemented

**Responsibility** – ED ( Dir A&PD),Rural Practice WG  
Credentials, Council

November –This work will begin shortly for introduction of regulations early in 2012.

January – Draft regulations will be presented to Council in February or March

### Activity 1.4 – Trust Account Review

Review Trust Account Regulations to ensure currency and effectiveness

**Outcome** – The Society's Trust Account Regulations are current and in keeping with evolving banking practices and risks associated with them

**Responsibility** – ED (Dir. F&A PR staff), Trust Account WG

September - Work plan and terms of reference have been developed. 1<sup>st</sup> meeting of the Task Force was held August 5. Committee members discussed specific areas of concern with the existing regulations. Regional meeting scheduled for September 12.

November 2011 – The working group has drafted and is reviewing changes to the regulations. The changes reflect a change in regulation format for the Society. The Working Group will be meeting on November 17 to refine the regulations and prepare a paper for circulation to the membership for further input.

January – Report before Executive in January

### Activity 1.5 – Retiring Lawyers

Review regulatory issues affecting lawyers withdrawing from practice and in particular the requirement to transfer real estate files

**Outcome** – There are in place rules that appropriately balance the need to maintain file information and the practical difficulties faced by lawyers leaving practice

**Responsibility** – ED, WG, Council

This activity is to be done in conjunction with 3.4.

November – A meeting of the Rural Practice WG to begin discussions on this topic has been scheduled for November.

January -

### Activity 1.6 – NSBS Programs and Activity Review

Continue to ensure NSBS organizational structure aligns with its roles, strategic objectives and fiscal realities and refine decision making mechanism

**Outcome** –There is a plan in place to review all Society programs and activities with authorities for decision making delegated or reserved by Council

**Responsibility** – ED, Executive, Council

September - Programs identified for review include the Equity Office, Communications and Library and Information Services. Working groups are being assembled and background material developed.

November – WGs to review Library and Information Services, the Equity Office and the Society's Communications have been established and meeting dates set for Nov and Dec.

### Activity 1.7 – Elections

There is a review of the Society's election process and regulations

**Outcome** – There are clear policies and regulations in place to ensure a fair election process

**Responsibility** – ED, Governance & Nominating, Council

September – The G & N Committee has begun its look at this issue.

November – Ongoing

January – L&IS report before Council in January, scheduling WGs for Equity Office and Communications reviews

## SD 2 – ENHANCING LAWYERS' COMPETENCE

### Activity 2.1 – Continuing Professional Development Requirement

Implement Continuing Professional Development requirements

**Outcome** – Council approves the regulatory and program regime to implement the CPD requirements and the nature of communications with lawyers

**Responsibility** – ED (A&PD staff), CPDWG, Council

ED to present a work plan to Council in September  
September – A staff shortage in A&PD have caused some delay in beginning this work. Plan will not be ready until later in September or October.

November – The work plan is being presented to Council

January – Moving forward with workplan

### Activity 2.2 – Refocused role in CPD

Ensure availability of professional development in areas as required by the Society's purpose and roles

**Outcome** – Council approves the Society's refocused role in CPD and ensures information regarding a wide variety of CPD and continuing legal education will be available to lawyers.

**Responsibility** – ED (A&PD staff), Council

ED to present a work plan to Council in September  
September - A staff shortage in A&PD have caused some delay in beginning this work. Plan will not be ready until later in September or October.

November – The work plan is being presented to Council

January – Moving forward with workplan

### Activity 2.3 – Standards – Law Office Management

Commence development of Law Office Management Practice Standards

**Outcome** – A plan is developed and research undertaken for Council's policy direction

**Responsibility** – ED (LIANS/RPM), Committee, Council

September – Gavin Giles QC has agreed to chair this committee. A project plan has been prepared. Research over the summer has assisted in scoping possible work. A group will be assembled shortly and begin this work in earnest.

November – Draft ToR for this new committee will be presented to Council. Recruitment of committee members is underway. Committee will develop a project plan for this work.

January – Committee ToR approved; committee members being recruited, to be appointed by Council in January

## SD 3 – ADMINISTRATION OF JUSTICE

### Activity 3.1 – The Society’s role in the Administration of Justice

Determine how the Legal Profession Act’s newly enacted purpose clause should impact Society’s administration of justice work

**Outcome** – Council approves a policy and plan that considers the new provisions of s 4(2)(d) of the LPA

**Responsibility** – ED, Executive, WG, Council

September – Plans are being developed for a Council workshop in November to scope out the approach to this task.

November – Workshop taking place at Council meeting

January – Memo to Council with results of November discussions; workshop planned for February

### Activity 3.2 – Enhancements to Family Law Services

Work to improve access to Family Law services in the Province

**Outcome** – The Society plays a facilitative role in the development of province-wide family law services and resources.

**Responsibility** – ED ( Equity Officer), Family Court and Supreme Court (Family Division) Liaison Committees, Access to Justice Working Group, Expansion of Family Division WG, DOJLC, Council

September – There have been several high level meetings and discussions with the Department of Justice. An oral update will be provided to Council.

November – work on expansion of family Division has been ongoing; NSBS is participating in DoJ Family Law Reform projects, access to justice initiatives to be presented to Joint Meeting in November

January – work is ongoing.

### Activity 3.3 – Collaboration with Stakeholders

Enhance level of collaboration between NSBS and justice stakeholders

**Outcome** – There is effective and ongoing dialogue and liaison with AJEFNE, CBA, LISNS, senior provincial and federal justice officials, the courts, the Public Prosecution Service, Nova Scotia Legal Aid and other organizations, committed to improving the administration of justice, as may be identified by the President, the Executive Director, or Council.

**Responsibility** – ED, Officers

September – Meetings with most identified stakeholders are scheduled for the coming months and for the remainder, they will be arranged now that summer is over.

November – Executive met with AJEFNE in October. Other meetings being scheduled

January - Ongoing

### Activity 3.4 – Access to Legal Services – Rural Practice

Council considers the Society’s role and if appropriate steps are taken to encourage lawyers to locate and remain in rural communities to practise law.

**Outcome** – There is an understanding of what the issues are and what the Society might do to address them.

**Responsibility** - ED, WG, Council

September – Initial discussions have begun and the WG is looking at making a request for some university based research assistance.

November – WG has begun its work – a research project is being undertaken for the committee by students at St FX University; members participating in recruitment at Dalhousie; Lunenburg County Bar sponsored a conference on rural practice issues

January -

### Activity 3.5 — NSBS Equity Office

Review the Society's Equity Office to clarify its goals and role including the role in joint efforts to ensure employment equity in the legal profession

**Outcome** – Council approves role and purpose of the Society's Equity Office

**Responsibility** – ED (Equity Officer), Racial and Gender Equity Committees, Council

September – This will be scoped out and begun through September and October  
November – program review scheduled  
January – Monitoring Report to Council in January, will serve as background for Organization review

### Activity 3.6 – Development of Legislation

Work to improve the processes used by government to develop, enact and amend primary and secondary legislation.

**Outcome** – Council determines what the Society's role is in this area and approves policies accordingly

**Responsibility** – Executive, WG, Council

September -  
November – President, Past president and ED have begun to scope out work and seeking advice on how issue might best be advanced  
January – Communications sent to L. Preyra, MLA; Executive discussing follow-up strategy

### Activity 3.7 – Review LRA Agreement

Review, and if appropriate, renegotiate the terms of the Land Registration Act Agreement with Service Nova Scotia and Municipal Relations to ensure the Agreement reflects the required responsibilities and expectations of the NSBS, LIANS and SNSMR to achieve and maintain integrity within the Land Registration system in the public interest.

**Outcome** – the LRA Agreement clearly reflects the required responsibilities and expectations of the NSBS, LIANS and SNSMR to achieve and maintain integrity within the Land Registration system in the public interest.

**Responsibility** – ED ( Dir. LIANS), LRA Management Committee, Council

September – This work is ongoing.  
November – no developments  
January – no change

### Activity 3.8 – Collaborative Library Service

Promote the development of a collaborative library service for DOJ, courts and lawyers

**Outcome** – There is an effective, efficient and adequately-resourced law library serving the DOJ, Courts and lawyers.

**Responsibility** – ED (L&IS staff), DOJLC

September – Response from the Department to an immediate effort in this area has not been positive. Therefore Library and Information Services will be reviewed under the Decision Matrix.  
January – Report from Executive Director before Council in January

## **OTHER MATTERS**

### **NOT PART OF ANNUAL PLAN BUT REQUIRING REPORTING AND POSSIBLE APPROVAL BY COUNCIL**

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#### **Rollout new website –**

**Review all NSBS Regulations** – Numerous grammar, stylistic and consistency issues have been identified that merit a complete review of the Society’s regulation with a view to republishing them

**NSBS Events** – There will be a review and report to Council that addresses the Society’s role in events that are designed to encourage collegiality among lawyers and among lawyers, the judiciary and other decision makers. In particular consideration will be given to the nature of the Society’s Annual Meeting, Bench and Bar events/dinners and other events

**Crown Real Estate Issues** – Follow-up on a range of identified issues regarding Crown Lands

#### **Significant Operational Issues –**

**HR Policies Review** – Implement recommendations from HR Policies Review

**NSBS Move** – The Society offices will likely move to Scotia Square in April 2012; lease negotiations are nearly complete; space design is underway together with furniture selection and other necessary matters

**NSBS Portrait collection** – Initial discussions about whether ownership of this collection could be vested in the Province where there are proper resources for preservation and required restoration.

## **YEAR TWO**

- Enhance trust account regulation compliance by members through research, assessment of risk and effectiveness of current risk management tools
- Collaborate with other law societies and local regulators to conduct training program to enhance self regulatory processes
- Examine the at-large seats on Council, the process for nomination and election and clarify role of the Governance & Nominating Committee especially with regard to racialized lawyers and lawyers from other underrepresented communities
- Explore further alternatives to the discipline process to address concerns with member competency
- Review the Fitness to Practice program
- Consider quality assurance tools and programs across Canada and assess their feasibility and value for the Province
- Consider pro bono initiatives across Canada to assess appropriate role of NSBS in providing same
- Consider the public interest aspect of expanding the scope of legal services work by non-lawyers