



NOVA SCOTIA
BARRISTERS' SOCIETY

COMMITTEES
TERMS OF REFERENCE

Amended to August 2012

CODE OF PROFESSIONAL CONDUCT COMMITTEE

Council Committee

Mandate

- The Code of Professional Conduct Committee supports Council in the governance of the Society by advising with respect to the potential amendments to the Code of Professional Conduct approved by Council in May 2011.

Responsibilities

- Review the matters identified by Council as being in need of further consideration and report to Council;
- Review proposed amendments to the FLSC Model Code of Conduct and make recommendations regarding them to Council;
- As requested by the Executive Director, provide input into the mandatory assessment and support material being developed to support the introduction of the new Code.

COMPLAINTS INVESTIGATION COMMITTEE

Regulatory Committee

Mandate

- The Complaints Investigation Committee carries out the functions assigned to it under Part III of the Act and Part 9 of the Regulations;
- The Committee carries out its responsibilities in accordance with the Objects of the professional responsibility process.

Responsibilities

- Refer to Part III of the Act and Part 9 of the Regulations.
- The Committee shall approve the minutes of its previous meeting.
- Appoint a Complaints Investigation Review sub-committee.

COURT OF APPEAL AND SUPREME COURT LIAISON – CIVIL, CRIMINAL AND FAMILY, PROVINCIAL AND FAMILY COURT LIAISON COMMITTEES

Liaison Committees

Mandate

- The Court Liaison Committees support the Executive Director in ensuring effective liaison with the court.

Responsibilities

- These joint committees provide a means for ongoing liaison and communication between the Courts of Nova Scotia and the Nova Scotia Barristers' Society about matters of mutual concern and interest.
- There are three main tasks for the Committees:
 - to identify practice and policy issues of mutual concern and interest;
 - to recommend means for addressing these issues;
 - to communicate the results of this process to the Court and to the Society for further communication to the profession or elsewhere.

CREDENTIALS COMMITTEE

Regulatory Committee

Mandate

- The Credentials Committee carries out the responsibilities assigned to it under Part I of the Act and Parts 3, 5 and 6 of the Regulations;
- The Credentials Committee supports Council in the governance of the Society by recommending to Council changes to policy relating to the credentials process.

Responsibilities

- Refer to Part I of the Act and Parts 3, 5 and 6 of the Regulations;
- To consider and recommend to Council policy direction relating to aspects of the credentials process that impact the Society's obligations to applicants, members, and other affected individuals, or that impact key outcomes of the credentials process;
- To consider and recommend to staff for its approval operational or administrative procedures for the carrying out of credentials functions;
- To make recommendations to Council for its approval respecting the *Legal Profession Act*, and Regulations governing the credentials process;
- Appoint a Credentials Review sub-committee.

DEPARTMENT OF JUSTICE LIAISON COMMITTEE

Liaison Committee

Mandate

- This Joint Committee provides a means for ongoing liaison and communication between the Department of Justice and the Nova Scotia Barristers' Society about matters of mutual concern and interest.
- There are three main tasks for the Committee:
 - to identify issues of mutual concern and interest;
 - to recommend means for addressing these issues;
 - to communicate the results of this process to the Department and to the Bar.

Responsibilities

- Consider
 - Proposed changes in programs or services of the Department and technology used for these programs and services that will have a particular impact on the legal profession;
 - Facilities, resources and technology available for the administration of justice;
 - Legislation, regulations, policies and procedures which will have a particular impact on the legal profession or which have a broad public interest so that the Society believes it must take an active involvement in the legislative process.

EXECUTIVE COMMITTEE

Council Committee

Mandate

- The Executive Committee support Council in the governance of the Society by ensuring matters are ready for consideration by Council, and undertaking matters that are delegated to it by Council.

- The Committee assist Council in carrying out the work of the Society and act on behalf of Council in matters of urgency.

Responsibilities

- Assess issues to be presented to Council;
- Ensure matters are ready and appropriate for Council consideration;
- On behalf of the Society liaise with government, the Courts, and other organizations to further the objectives of the Society;
- Provide guidance to the Executive Director and Council;
- Monitor the Long Term Plan and the Annual Activity Plan;
- Ensure that Council evaluates its work and the work of committees through a regular evaluation process;
- Assist in overseeing the management of volunteers;
- Assist Council, as directed, in overseeing the work within the authority of the Executive Director, in order to promote the accountability of the Executive Director to Council.

FINANCE COMMITTEE

Council Committee

Mandate

- The Finance Committee supports Council in the governance of the Society by monitoring the finances of the Society, acting on behalf of Council in regard to the annual audit of the Society finances, and acting on behalf of Council in respect of the management of the Society investments.

Responsibilities

Financial Reporting Responsibilities

- Monitors the Executive Director's prudent and effective management of the Society's resources;
- Monitors Executive Director's internal controls and policies for areas of risk;
- Monitors Executive Director's preparation of the annual budget for presentation to Council;
- Reviews performance against budget during the course of the year;
- Receives from management satisfactory explanations for all forecast variances from budget that are greater than 5 percent of budget or greater than \$10,000 of budget;
- Encourages efficiency in the management of the Society's finances and in the expenditure of Society funds.

Investment Responsibilities

- In accordance with the Society's Investment Policy, oversees the prudent; implementation of the Policy including the regular review of investment results and the performance of the Society's Investment Manager as required by it;
- Selects the Society's external investment manager;
- Sets the investment parameters for the Society on behalf of Council.

Audit Responsibilities

- Annually recommends to Council the appointment of the external auditor;
- Meets with the Society's external auditor in preparation for and following the annual external audit to ensure the audit function is effectively performed and to reinforce the external auditor's independence;
- May meet with the Society's external auditor at any time;
- Recommends audited financial statements to the annual meeting of members of the Society.

FITNESS TO PRACTISE COMMITTEE

Regulatory Committee

Mandate

- The FTPC supports Council in the governance of the Society by carrying out its responsibilities under the Act and Regulations, and by developing policies and procedures for the fitness to practise committee process.

Responsibilities

- To carry out the work assigned to it by the Legal Profession Act and the Society's Regulations;
- To consider and recommend to Council and, where appropriate the PRPPC, policy direction relating to aspects of the fitness to practise process that impact the Society's obligations to members, complainants and other affected individuals, or that impact key outcomes of the professional responsibility process;
- To consider and, following consultation with the Complaints Investigation Committee, recommend to Council for its approval policies to be applied by the Complaints Investigation Committee in the investigation and disposition of complaints involving matters of incapacity;
- To consider and recommend to the Executive Director, for approval, operational and administrative procedures for the handling of incapacity and fitness to practise matters;
- To make recommendations to Council for its approval respecting amendments to the *Legal Profession Act* and the Society's Regulations governing the fitness to practise process.

GENDER EQUITY COMMITTEE

Council Committee

Mandate

- The Gender Equity Committee supports Council in the governance of the Society by monitoring and providing advice about matters that address issues of gender in the legal profession.

Responsibilities

- Review, assess and propose to Council methods of implementing, where feasible, recommendations relating to gender equity in the legal profession;
- Monitor the Society's programs for women in the legal profession, and support delivery by staff as directed by Council or requested by staff;
- Identify barriers to and facilitate active involvement of women lawyers in the volunteer functions of the Society and on Council and its Committees;
- Promote, for Council and members of the Society, awareness of gender equity issues in the legal profession and in relation to access to justice in Nova Scotia;
- Develop and recommend to Council:
 - Policies for the promotion of gender equity in the legal profession in Nova Scotia for adoption by Council
 - Methods to facilitate entry and retention of women in the Nova Scotia legal profession
 - Programs and initiatives addressing gender equity in the legal profession and access to justice in Nova Scotia.

GOVERNANCE AND NOMINATING COMMITTEE

Council Committee

Mandate

- The Committee supports Council in the governance of the Society by:
 - Assisting with the recruitment, appointment and election of members of Council and Officers of the Society;
 - Supporting Council's commitment to the principles and practises of good governance.

Responsibilities

- Establish and ensure an open and transparent nominating and election process for Council positions that provides candidates for all positions;
- Recruit a Second Vice-President nominee;
- Recruit candidates for Public Representatives on Council for appointment by Council;
- Consult with the Equity Officer, the Racial Equity Committee and other relevant organizations prior to finalizing nominations;
- Recommend to Council recipients of the Distinguished Service Award, and other Honours and Awards, as appropriate;
- Support Council's governance of the Society, including but not limited to:
 - recommending changes to the Legal Profession Act and Regulations and changes to Council Policies;
 - Monitor and review Council governance policies;
 - Support, as requested by the Executive Committee or by Council, the regular evaluation of Council or its Committees;
- Annually recommend, for Council approval, committee appointments.

HEARING COMMITTEE

Regulatory Committee

Mandate

- The Hearing Committee carries out the responsibilities assigned to it under Part III of the Act and Part 9 of the Regulations, and its assigned responsibilities acting as a credentials appeal panel.
- The Committee carries out its responsibilities in accordance with the Objects of the professional responsibility process.

Responsibilities

- Refer to Part III of the Act and Part 9 of the Regulations

LAWYERS FUND FOR CLIENT COMPENSATION COMMITTEE

Council Committee

Mandate

- The Lawyers Fund for Client Compensation Committee carries out the responsibilities assigned to it under Part IV of the Act and Part 11 of the Regulations.

Responsibilities

- Refer to Part IV of the Act and Part 11 of the Regulations.

PROFESSIONAL RESPONSIBILITY POLICES & PROCEDURES COMMITTEE

Council Committee

Mandate

- The PRPPC supports Council in the governance of the Society by recommending changes to the Act, Regulations and policies and by developing procedures for the professional responsibility process.

Responsibilities

- To consider and recommend to Council policy direction relating to aspects of the professional responsibility process that impact the Society's obligations to members, complainants and other affected individuals, or that impact key outcomes of the professional responsibility process;
- To consider and, following consultation with the Complaints Investigation Committee, recommend to Council for its approval policies to be applied by the Complaints Investigation Committee in the investigation and disposition of complaints;
- To consider and recommend to the Complaints Investigation Committee, for its approval, procedures to be applied by the Complaints Investigation Committee in the investigation and disposition of complaints;
- To consider and recommend to the Executive Director, for approval, operational and administrative procedures for the investigation of complaints;
- To ensure that policies and procedures that apply to the Complaints Investigation Committee are regularly reviewed and published in the Complaints Investigation Committee Policies and Procedures Manual;
- To consider and recommend to the Hearing Committee, for its approval, policies and procedures with respect to the operation of the Hearing Committee and the conduct of hearings, and in particular those policies published in the Hearing Committee Policies and Procedures Manual; and
- To make recommendations to Council for its approval respecting the *Legal Profession Act*, and Regulations governing the professional responsibility process.

PROFESSIONAL STANDARDS (FAMILY LAW) COMMITTEE

Council Committee

Mandate

- The Professional Standards (Family Law) Committee supports Council in the governance of the Society by developing professional standards for the area of family law.

Responsibilities

- Make recommendations to Council with respect to identification of:
 - existing applicable professional standards of family law practise and emerging family law issues which may require the development of professional standards;
 - changes in the professional standards of family law practise and emerging family issues which require amendments to existing NSBS Professional Standards – Family Law.
- Annually review the NSBS Professional Standards – Family Law, amend as necessary and advise Council with respect to potential amendments to the Standards, including providing notice of the amendments for Council approval;
- Annually review the footnotes and references to the NSBS Professional Standards – Family Law and provide notice to Council with respect to amendments thereto;

- Identify and provide resources and tools to assist members to practise in accordance with the Standards;
- Act as a resource on issues of professional standards for family law as may be required by Council.

PROFESSIONAL STANDARDS (LAW OFFICE MANAGEMENT) COMMITTEE

Council Committee

Mandate

- The Law Office Management Standards Committee supports Council in the governance of the Society and its purpose of protecting the public interest in the practise of law by developing professional standards for the management of law offices in Nova Scotia.

Responsibilities

- Identify for Council:
 - existing professional standards of law office management and emerging law office management issues which may require the development of professional standards that fulfill the Society's obligations to regulate in the public interest; and
 - changes or variations in standards of law office management and emerging law office management issues which may require amendments to the NSBS Law Office Management Standards and make recommendations to Council accordingly;
- Identify, and assist lawyers in the establishment and implementation of, resources and tools to assist with practise in accordance with the Standards;
- Annually review the NSBS Law Office Management Standards and advise Council with respect to potential amendments thereto, including a draft of proposed amendments;
- Annually review the footnotes and references to the NSBS Law Office Management Standards and provide notice to Council with respect to amendments thereto;
- Act as a resource on issues of law office management standards as may be requested by Council.

PROFESSIONAL STANDARDS (REAL ESTATE) COMMITTEE

Council Committee

Mandate

- The Professional Standards (Real Estate) Committee supports Council in the governance of the Society by developing professional standards for the area of real estate law.

Responsibilities

Make recommendations to Council with respect to identification of:

- existing applicable professional standards of real estate law practise and emerging real estate law issues which may require the development of professional standards;
- changes in professional standards of real estate law practise and emerging real estate law issues which require amendments to existing NSBS Real Estate Law Professional Standards;
- Annually review the NSBS Real Estate Law Professional Standards and advise Council with respect to potential amendments thereto, including a draft of proposed amendments
- Identify resources and tools to assist members to practise in accordance with the Standards;
- Act as a resource on issues of professional standards for real estate law as may be requested by Council.

RACIAL EQUITY COMMITTEE

Council Committee

Mandate

- The Racial Equity Committee supports Council in the governance of the Society by monitoring and providing advice about programs that address issues of racism and discrimination in the legal profession and in relation to access to justice, including programs to increase access to the legal profession.

Responsibilities

- Develop policy options for the promotion of equity and diversity in the legal profession in Nova Scotia for adoption by Council;
- Identify barriers to and facilitate active involvement of racialized and Aboriginal lawyers in the volunteer functions of the Society, on Council and on other Committees;
- On behalf of Council, maintain awareness and information regarding issues of race as they relate to the legal profession, access to justice or the administration of justice;
- Raise, for Council and members of the Society, awareness of the issues of racial inequity in the legal profession;
- Identify barriers and provide advice to Council about:
 - How to facilitate entry into the Nova Scotia legal profession of racialized and Aboriginal Peoples;
 - Racial equity related experiences encountered by racialized and Aboriginal Peoples as members of the Nova Scotia legal profession;
 - Programs and initiatives for the Nova Scotia legal profession on racial equity and cultural competency.
- Under the direction of the Equity Officer, assist in carrying out the Committee's approved programs and initiatives.

RURAL PRACTICE WORKING GROUP

Operational Committee

Mandate

- Consider issues impacting access to legal services by residents of rural Nova Scotia and the practice challenges faced by practising lawyers in those communities.

Responsibilities

- Identify, following appropriate research, the key factors impacting access to legal services in rural Nova Scotia;
- Consider and identify options for regulatory issues that seem to negatively impact lawyers practising in rural Nova Scotia;
- Develop options that will identify the role of the Society in its dealings within regulation of lawyers practising in rural Nova Scotia;
- Review regulatory issues affecting lawyers withdrawing from practice and in particular, the requirement to transfer real estate files.

SERVICE NOVA SCOTIA LIAISON COMMITTEE

Liaison Committee

Mandate

- This Joint Committee provides a means for ongoing liaison and communication between Service Nova Scotia & Municipal Relations and the Nova Scotia Barristers' Society about matters of mutual concern and interest.
- There are three main tasks for the Committee:
 - to identify issues of mutual concern and interest;
 - to recommend means for addressing these issues;
 - to communicate the results of this process to the Department and to the Bar.

Responsibilities

- Consider
 - Proposed changes in programs or services of the Department and technology used for these programs and services that will have a particular impact on the legal profession;
 - Facilities and technology available to the public and legal profession for the electronic service delivery and accessing real and personal property information, business and personal information and other information maintained by the Department;
 - Standards for recording, filing, maintaining and accessing real and personal property information, business and personal information and other information maintained by the Department which will have a particular impact on the legal profession;
 - Legislation, regulations, policies and procedures within the mandate of the Department which are relevant to the Society's purpose;
 - Some issues may require special expertise, or a greater commitment of time or resources, such that subcommittees or working groups will be established or support will be seconded to the Committee from time to time.