



NOVA SCOTIA
BARRISTERS' SOCIETY

AGENDA
Nova Scotia Barristers' Society
COUNCIL MEETING
Friday, September 23, 2011 – 1200

SPECIAL PRESENTATION

Prof. A. Wayne MacKay, CM, QC will make a presentation and discuss with Council the work of the Cyberbullying Task Force See: [Nova Scotia Gov Task Force Cyberbullying](#)

1. APPROVAL OF AGENDA

2. CONSENT AGENDA MATTERS

- Minutes July 15, 2011
- Terms of Reference:
 - Continuing Professional Development Working Group
 - Rural Practice Working Group
- Appointments:
 - Council Evaluation Committee – René Gallant, Darren MacLeod, Lora MacEachern, Annette Marshall
 - Law Office Management Standards Committee - Gavin Giles QC, Chair
 - Hearing Committee - Christopher M. Manning, Harvey L. Morrison, QC, James W. Stanley
- Resignations - Robin A. Joudrey, Rebecca L. Pitts, Emily S. Beaton, Erin L. Burbidge, Alison J. Buchanan, Sandra K. Fraser, M. Frances Hinton Ostry

3. BUSINESS ARISING FROM MINUTES

4. MONTHLY REPORTS

- President
- Executive Director

5. PLANNING – For Review

- Annual Activity Plan 2011-2012
(*Note NSBS role in CPD work plan and CPD requirement work plan are not available*)
- 12-Month Calendar

6. MONITORING/LIAISON REPORTS

- Trust Account Monitoring Report– *Glen Greencorn, CMA*
- Report on 2011 Annual Member Report – *Glen Greencorn, CMA*

7. MATTERS FOR REVIEW

a) Matter: **Committee Work Plans**

Material: Regulatory and Council Committees – Reports to Council

Work Plans:

Family Court Liaison Committee (*to be provided*)

Finance Committee

Governance and Nominating Committee

Professional Responsibility Policies & Procedures Committee

Professional Standards (Real Estate)

Rural Practice Working Group

Action: Discuss and approve

b) Matter: **Compensation Claim Fund**

Michael Meisner re A. Mark David

Patrick Canning re Bill Jordan

Material: Memo from Catherine Turcott-Roy (*to be provided*)

Action: Approval

c) Matter: **Organizational Review – Define groups – Darrel Pink**

Material: Memo from Darrel Pink

Action: Define process

d) Matter: **Federation of Law Societies - Common Law Degree – Darrel Pink**

Material: Common Law Degree Implementation Committee Report (*posted*)

Memo from Catherine Walker QC

Action: Adopt Report

e) Matter: **Regulations – Amendment re Investigation of Complaints**

Material: Memo and side by side regulation

Action: Approve

8. REPORTING

- **Administration of Justice – the Society’s Role - Council Workshop**
René Gallant to address
- **Provincial Family Law Statutes - *Maintenance and Custody Act***
DOJ proposed changes summary

9. ANY OTHER BUSINESS

10. FOR YOUR INFORMATION

- ***Changes in Category:***
Practising to Nonpractising:
Joseph A. Chedrawe, Malcolm S. Jeffcock QC, Sarah R. MacDonald, J. Melissa Mackay, Thomas J. Hudak, Karin D. McLay, William M. Wilson QC, David R. Thomas, Matthew H. D. Walker
Nonpractising to Practising:
Brenda A. Roberts-Harmon, Heather E. Burchill, Dorianne M. Mullin, Dawn M. Watters, Vanessa G. Nicholson, Michelle J. Rogers, Claire Levasseur, James S. Janson, Jamie A. Vacon, Alanna R. Mayne, Shannon Webb, Ian J. Breneman, R. Paul Thorne
Retired: Kathleen J. Hall
- Solicitors Regulation Authority Letter to Federation of Law Societies of Canada
- SNS&MR Liaison Committee - Christine Pound
- Financial Statements to July 31, 2011

11. FUTURE MEETING DATES

Meetings commence at 1200 with lunch available at 11:30 am in APD Classroom

- Friday, November 25, 2011
- Friday, January 20, 2012
- Friday, February 24, 2012
- Friday, March 23, 2012
- Friday, April 20, 2012
- Friday, May 18, 2012
- June 2012 (***Annual Meeting***) TBD

REMINDER: PHOTOGRAPHS WILL BE TAKEN FOLLOWING THE MEETING

This page left blank



NOVA SCOTIA
BARRISTERS' SOCIETY

MINUTES
Nova Scotia Barristers' Society
COUNCIL MEETING
Friday, July 15, 2011 @1200

Present:

Daniel M. Campbell QC
Timothy G.J. Daley QC
Ronald Downie QC
René Gallant

Dean Kimberley Brooks
Christa Brothers
Lynn Connors QC
Aleta C. Cromwell
Gavin Giles QC
George MacDonald
Annette Marshall
Lora MacEachern
Darren MacLeod
David Mahoney
Candee J. McCarthy
David W. McNairn
Naiomi Metallic
Kenneth A. Nason
Jill Perry
Darrel I. Pink
Michael Wood QC
Alonzo Wright

Regrets:

Staff:

Marla Cranston
Shirley Shane Recording

Guests:

Ronald MacDonald QC

**Representative of Federation of Law
Societies of Canada:**

Catherine Walker QC

1. APPROVAL OF AGENDA

UPON MOTION (*McNairn/Mahoney*) it was resolved to approve the agenda (which approves the Consent Agenda matters).

Motion approved.

2. CONSENT AGENDA MATTERS

- Minutes May 20, 2011
- Resignations - Alison Jane Buchanan, Rebecca Lee Pitts, Emily Suzanne Beaton, Sandra Kathleen Fraser, Robin Ann Joudrey, Erin Lindsay Burbidge, M. Frances Hinton Ostry
- Appointment of Regulatory Committees
 - Hearing Committee: Paul Goodman CA, Mark Penfound QC, Tom Boyne QC
- Appointment of Council Committees

- Appointments to Outside Bodies
 - Judicial Council
 - Law Foundation of Nova Scotia
 - Law Reform Commission
 - Lawyers' Insurance Association of Nova Scotia Board of Directors
 - Nova Scotia Legal Aid Commission
 - Statutory Costs and Fees Committee
- Terms of Reference Continuing Professional Development and Model Code Working Groups

3. BUSINESS ARISING FROM MINUTES

4. FEDERATION OF LAW SOCIETIES OF CANADA

Ron MacDonald QC, President, presented details of the Federation's history, governance structure and enumerated its current activities including assisting Mexico with its Code of Conduct. He expressed the Federation's appreciation on the work of Darrel Pink and Catherine Walker QC. A question and answer session followed.

5. MONTHLY REPORTS

- President

President Dan Campbell QC provided a report to Council on his recent activities, which included meetings with the Code of Conduct Task Force, the LIANS Executive to discuss the LRA Agreement, and the LIANS Committee to discuss *Limitations of Actions Act* submissions. He also met with Justice Jamie Saunders and members of CBA-NS to help plan the Society's encouragement of participation in this fall's "Movember" fundraiser for Prostate Cancer Canada.

- Executive Director

Executive Director Darrel Pink launched a new monthly format for reporting to Council on his activities and key Society information. His summary included updates on the Annual Meeting, collection of fees and Annual Member Reports, and current member numbers.

6. PLANNING – For Review

- Annual Activity Plan 2011-2012
Darrel Pink detailed the Plan for the Council year.
- 12-Month Calendar 2011-2012

7. MATTERS FOR REVIEW

a) Professional Standards (Real Estate) – Amendment to Standard 1.7

Memo from Melanie McGrath along with the Amendment to Standard 1.7 were discussed. The amendments ensure the language of the Standard reflects the current legislative regime in the *Land Registration Act*, among other updates.

UPON MOTION (*Daley/Perry*) it was resolved to approve the Amendment to Standard 1.7 set out in Attachment ● to these minutes.

Motion approved.

b) Organizational Review

Darrel Pink explained the next step in the review as discussed by Executive Committee. Programs and activities were identified for review in the year ahead. Council members will be requested to volunteer to participate with the Executive Director and other staff in the utilizing the Decision Matrix. Council approved the plan.

c) LRA Audit

Item deferred

8. ANY OTHER BUSINESS***Limitations of Actions Act***

The Department of Justice has released a discussion paper designed to ask for feedback on a number of matters that are intended to modernize and clarify the *Act*. Council members Candee McCarthy and Naomi Metallic addressed issues raised by the Gender Equity Committee and outlined in a memo circulated to Council. The focus of the concerns relates to the proposal in the discussion paper on a new Act that would include claims for sexual assault and assaults in a relationship of dependence under the normal limitation period.

After lengthy discussion:

UPON MOTION (McCarthy/Connors) it was resolved that the Society make submissions to the Department of Justice by July 24, 2011 in response to the Limitation of Actions Reform Initiative, that the proposed new *Limitation of Actions Act* should reflect the approach of the Uniform Law Conference of Canada with regard to claims for damages arising from sexual assault, intimate partner violence and assault against dependents, and offer its support to the Department for ongoing dialogue and discussion regarding other aspects of the proposed legislation.

Motion approved (one opposed, 3 abstentions).

Council Material

Christa Brothers requested that material be made available seven business days before meetings. The Executive Director noted that this is the goal and has been the norm in the past.

9. REPORTING

Communications Office Marla Cranston gave a presentation and progress update of the proposed NSBS website for Council's information.

Action: a link will be provided to Council who are invited to continue reviewing the new site and to provide further input as it develops.

10. FOR YOUR INFORMATION

- FLSC President's Report to Law Societies (Highlights of Council Meeting June 2011)
- Law Foundation Annual Report and Audited Financial Statements
- Liaison and Operational Committees – appointed by Executive Director
- Appointments to Outside Bodies – not required to be made by Council

11. FUTURE MEETING DATES

Meetings commence at 1200 with lunch available at 11:30 am - APD Classroom

- Friday, September 23, 2011
- Friday, November 25, 2011
- Friday, January 20, 2012
- Friday, February 24, 2012
- Friday, March 23, 2012
- Friday, April 20, 2012
- Friday, May 18, 2012
- June 2012 (*Annual Meeting*) TBD

Meeting adjourned 2:20 pm.

Terms of Reference for the Continuing Professional Development Working Group

These Terms of Reference should be read in conjunction with the *Legal Profession Act*, the Regulations issued there under, and the Council Policies relating to committees.

Continuing Professional Development Working Group - Terms of Reference	
Type	Council Committee – Advisory to Council
Mandate	The Continuing Professional Development Working Group supports Council and the Executive Director in the implementation of the May 2011 approved resolution of Council regarding the new Continuing Professional Development requirement. (Attached as Schedule 1)
Responsibilities	<p>The Working Group shall :</p> <ul style="list-style-type: none"> • Make recommendations regarding the regulations required to implement all aspects of the CPD Requirement • Advise the Executive Director on operational matters relating to the implementation of the CPD Requirement and other matters relating to the Society’s role in CPD as requested
Composition	<ul style="list-style-type: none"> • Members of the former Task Force • Representative from the Schulich School of Law at Dalhousie University, selected on the recommendation of the Executive Director • Appointments shall be made and vacancies filled by Council • At least one Public Representative
Committee Chair	<ul style="list-style-type: none"> • The Working Group Chair shall be appointed by Council
Procedures and Work Product	<ul style="list-style-type: none"> • The Working Group shall operate in accordance with Council Policy 16 • The Working Group shall maintain minutes of its meetings
Reporting	<ul style="list-style-type: none"> • The Working Group is advisory to Council in the area of regulations and to the executive Director on other matters, and may make recommendations for policy changes to Council • The Working Group shall provide it proposed regulations to Council no later than the November 2011 Council meeting • The Working Group shall provide a report on its work to Council no later than the May Council meeting
Staff support	<ul style="list-style-type: none"> • Director, Admissions and Professional Development

SCHEDULE 1 RESOLUTION

WHEREAS the Mandatory Continuing Professional Development Working Group (MCPDWG) presented its report of April 16, 2011 to Council on April 29, 2011;

AND WHEREAS Council endorses the recommendations that will require all practising lawyers to annually complete a continuing professional development requirement;

THEREFORE BE IT RESOLVED THAT Council accepts the recommendations of the MCPDWG as modified and outlined below in Schedule 1 and instructs the Executive Director, with the assistance of a new Working Group, to bring to Council for its approval the necessary regulations to give effect to the recommendations, as well as information that will demonstrate how all aspects of the recommendations are being implemented;

AND BE IT FURTHER RESOLVED THAT the requirements will take effect commencing July 1, 2012.

Continuing Professional Development Requirement

1. NSBS members are required to annually complete 12 hours of Continuing Professional Development (CPD), commencing at such time as determined by Council.

2. To be eligible, the 12 hours of CPD must meet the following criteria:

- They must be relevant to the member's practice of law;
- They must include at least 2 hours in each of three categories:
 - o Substantive Legal Education and Skills Development
 - o Risk and Practice Management, and
 - o Professionalism.

3. The above requirement will be phased in over two years. In year one (July 1, 2012-June 30, 2013) CPD may be taken in any of the three categories. In years two and beyond (after July 1, 2013) members must take at least two hours from in each of the three categories. The Society will move to the "year two" requirements, only if the Executive Director satisfies Council, prior to the requirement taking effect, there is relevant, accessible, and reasonably affordable CPD programming in the areas of Risk and Practice Management and Professionalism.

4. Members shall report their mandatory and recommended CPD activities on their Annual Member Report, commencing at a time to be determined by Council, namely June 2013.

Recommended Continuing Professional Development

5. The Society continues to recommend to practising lawyers that they engage in 50 hours of self-learning/self-study annually, in addition to the 12 hours of mandatory CPD.
6. Practising lawyers will continue to report their self-learning/self-study on their Annual Member Report.
7. Practising lawyers will be encouraged to prepare a yearly Professional Development Plan, which will include self-assessment.
8. The Society will provide resources to its members to assist in the development of such Professional Development Plans.

Enforcement

9. A practising lawyer who failing to complete the 12 hours of CPD, or fails to report CPD activities on the Annual Member Report shall be administratively suspended until such time as the CPD is completed and the Report filed.
10. Practising lawyers must be prepared, if required by the Society, to provide proof that they have engaged in the activities listed on their reports.
11. Members who change their category of membership (from non-practising to practising) during the year will be entitled to a pro-ration of their obligations. In addition, it is recommended that the Executive Director, in exceptional circumstances may grant exceptions or extensions for the completion of a member's CPD requirements.

This page left blank

Terms of Reference for the Rural Practice Issues Committee

These Terms of Reference should be read in conjunction with the *Legal Profession Act*, the Regulations issued there under, and the Council Policies relating to Committees.

Working Group - Terms of Reference	
Type	Advisory to Executive Director and Director
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	<ul style="list-style-type: none"> • Identity, 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
Composition	At least five members from all parts of the Province. Appointments shall be made and vacancies filled by executive director.
Chair	The working group chair will be appointed by the executive director.
Procedures and Work Product	The working group will operate in accordance with Council Policy 16. The working group shall maintain minutes of its meetings.
Reporting	<p>The working group is advisory to the executive director and will also give advice to Council as required in the area of regulation. The working will provide an interim report to Council of its work by February 2012.</p> <p>The working group shall provide a report on its work for the year in May.</p>
Staff support	Executive director

This page left blank

President's Report August 2011

- August 3 Meeting of Managing Partners with CBA Task Force on Conflicts of Interest
- August 11 Reception for Ed Dunsworth, winner of the Weldon Unselfish Public Service Award (Dartmouth)
- August 12 CBA President's Dinner
- August 13-14 CBA Council meeting
- August 14 CBA Conference opening; Canadian Superior Court Judges Association cruise and dinner
- August 15 Book Launch at NSBS (Philip Girard: Beamish Murdoch); CBA Conference events
- August 19 Swearing in of Judge Paul Scovil (Bridgewater)
- August 26 CBA reception for Trinda Ernst, President (Kentville)

This page left blank

Executive Director Report

September 1, 2011

Introduction

I am just back from holiday, having spent almost 2 weeks on the West Coast of the US and Canada.

The summer at the Society has been quite typical – lots of staff holidays, a regular influx of new clerks, regular work in the Professional Responsibility Department (complaints do not stop in the summer), and the gear up for the Skills Course in A&PD.

Key Numbers

As of September 1, we have 1897 practising and 845 non-practising members (includes retired and life members). June 30 numbers were, 1901 practising and 868 non-practising members (includes retired and life members).

Annual Member Report - Council will receive a more detailed report on the AMR at the Council meeting. One purpose of the AMR is to allow the Society to address several key regulatory compliance issues with members. Two important ones address compliance with the Client ID regulations and the limitations on receipt of cash from client (other than in compliance with the regulations). I follow up with all members who appear, based on their answer to not be in compliance with the current requirements.

- ◆ Twelve (12) members indicated they do not ‘identify’ clients as is required by the regulations. Letters were sent to all of them and the responses were satisfactory. The question likely needs to be revised to account for lawyers who have a single client, their employer.
- ◆ Thirty –two (32) members indicated they had received more than \$7500 in cash from a client. We also track this information on Trust Account Reports (TAR), and use the AMR as a cross check. If the member has reported the matter on a TAR, no follow up occurs. For all others we did follow up and most often the question has been answered in error. In one instance, the member believed the threshold was \$10,000, not \$7500 and thus learned from the report. No further action was taken on this. Another lawyer reported receiving more than \$7500 as payment of fees. This is acceptable under the regulations.

Federation of Law Society Committees

I am currently active in three committees of the Federation of Law Societies of Canada

- Code of Conduct Committee – This is the standing committee that has responsibility for the Model Code of Conduct. Our work has primarily been focused on the conflicts of interest provisions in the Code, which have been rewritten. The new version is being shared with the CBA’s Conflicts Task Force before we finalize our report to the Federation in October. We are also developing a consistent numbering scheme for the Code to be published in an electronic environment, so that regardless of local variations, there will be an ability to consistently reference provisions.

- Access to Justice – This committee is part of the broader Access to Justice initiative that Justice Cromwell addressed at the Annual Meeting. Jeff Hirsch, the Chair, is a member of the national Action Committee. The Goal of the Federation is to identify one or 2 initiatives that can be undertaken on a national front to promote better access to justice for Canadians. This is a daunting task and though a number of possible initiatives have been identified, to date no decisions have been made nor have resources been allocated to undertake any significant work.
- Discipline Standards – This committee is leading the work to develop a set of consistent standards by which all law society discipline work can be assessed. Simply put, the goal is to ensure that both complainants and lawyers can expect matters to be dealt with in accordance with defined standards regardless of where the matter is assessed. The Committee is nearly finished a draft set of standards. There has been significant input from all of the discipline administrators across the country, including Victoria Rees. The draft standards, once approved, will be tested by means of an ‘audit’, or something similar, of one or 2 societies. Following that, they will be modified, if necessary and submitted for approval. Once the standards are approved, the nature of an permanent national ‘oversight’ mechanism will need to be considered.

Activities – Internal

Through the summer, the senior staff have been working to advance the Activity Plan and committee work plans. As I noted in July, it is our hope that the process for committee work plans will run smoother this year.

Other

- ◆ We continue to work towards our move in 2012. One goal we have adopted is to move as little paper as possible. To accomplish that we hope to scan all our current member records and save them electronically. We are also doing a considerable amount of culling of dead files and generally purging old material that has no significant long term value.
- ◆ Though I was not able to personally attend the CBA’s Canada Law Conference, two staff members participated in panels, providing the regulators’ perspective to practice issues that were being considered.

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.

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

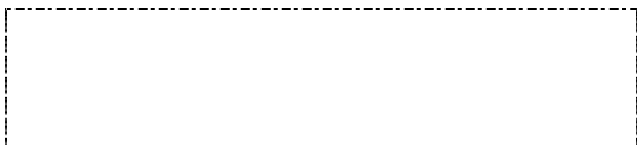
Activity 1.3 – Membership Categories

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**



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. 1st 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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

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 -

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.

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.

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

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

EXECUTIVE DIRECTOR 2011

JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
Committee Chairs Meeting Arrange for meeting for officers with AG	Set Activities for Review	Set meetings with NSLA, PPS, DoJ (NS) Legal Services, County Bars, Large Firms, Invites to LRC, Law Foundation	Invite Minister to address Council in January	Plan meeting with CBA Exec Joint Meeting	

EXECUTIVE COMMITTEE 2011

JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
Meeting with LIANS Board C'tee appointments for Council and by ED, outside appointments by Council/ED, Organizational Review Planning-identify areas for attention Consider approach to AoJ work – communities to meet with Elections review Consider Decision Matrix and process and authorities for review of programs and parameters for ED in selecting activities	Collaborative Library system-update Begin to consider approach	Access to Justice work plan NSBS role in CPD work plan CPD requirement work plan Review committee work plans Appoint Council Evaluation Committee	Meeting with AJEFNE Exec	CPD WG Report Format for 2012 Annual meeting Accreditation of Law Schools (Federation)	Managing Partners Meeting with CBA Exec

COUNCIL 2011

JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
Introduction to Federation 12 Month Calendar Review Appoint 2011-12 Committees Introduce new website	No meeting	Trust Account Monitoring Report Report on 2011 AMR Access to Justice Work Plan Committee Work Plans	No meeting	Admissions Monitoring Report LIANS Report to Council RPM Monitoring Report Set date for AM Work Plans – Professional Standards (Real Estate) and Professional Standards (Family), +???? NSBS role in CPD work plan CPD requirement work plan	No meeting

EXECUTIVE DIRECTOR 2012					
JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE
EXECUTIVE COMMITTEE 2012					
JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE
Meet with Schulich School of Law Dean	Set budget priorities	Budget Introduction	Law Reform Executive joint meeting	Managing Partners	
COUNCIL 2012					
JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE
Equity Office Monitoring Report Introduce Annual Planning Process w. Committee input Min. Landry to address Council Begin 2012-2013 Annual Plan	Admin Monitoring Report + HR Policies	Budget Introduction L&IS Monitoring Report	Budget Approval Approve 2012-13 Annual Plan	PR Monitoring Report	Annual Meeting – June ??



NOVA SCOTIA
BARRISTERS' SOCIETY
MEMORANDUM TO COUNCIL

FROM: Glen Greencorn, Director, Finance and Administration

DATE: September 14, 2011

SUBJECT: Trust Account Monitoring Report - 2011

For Approval

Introduction

Information **X**

Recommendation/Motion:

As this report is for information only there are no recommendations or motions.

Executive Summary:

This report will update Council on the current Trust Account Report findings, regulatory changes that have been made since the last monitoring report and the ongoing work to improve the Society's regulations and methods to ensure compliance. As this is the third annual Trust Account Monitoring Report, information about the legislative and regulatory framework around the Society's Trust Account Monitoring program is included in the attached Appendix 1.

Analysis:

The Society's approach to monitoring lawyers' trust accounts has not changed in the past year and the staff resource requirement as reported in last year's Trust Account Monitoring Report is included in the attached Appendix 2.

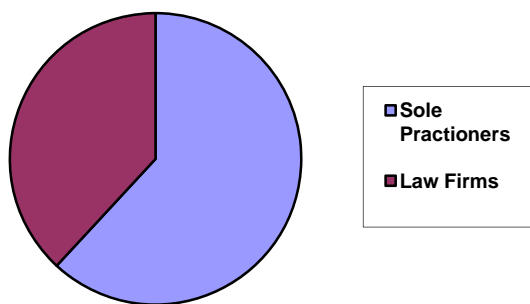
A Trust Account Regulation Review Working Group was struck to address the Society's initiative under "Excellence in Regulation". That working group has developed a workplan and has met twice to conduct its work. The work place calls for the Working Group to report to Council in November with recommendations for improving the regulations regarding trust accounts. It is not anticipated that these changes will impact the Trust Account monitoring program for calendar 2011.

Annual Reporting By Members:

For all law firms and practising lawyers that have a fiscal year-end date between January 1, 2010 and December 31, 2010 that operate a Trust Account, 362 Trust Account Reports were filed with the Society (2009 – 376). Six lawyers and one firm were granted waivers from the requirement to file a Trust Account Report (2009 – Five) pursuant to Regulation 4.2.5. In all cases the waiver was granted as there was little or no activity in the trust account and third party evidence supporting this fact was obtained from the members’ banks.

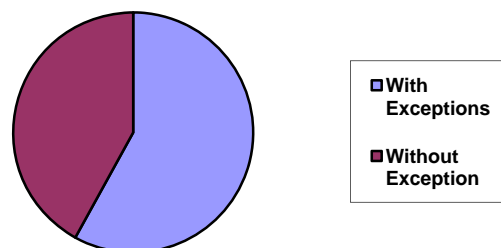
Of the 376 reports filed, 362 had a December year end, 9 had a January year end, 6 in June, and the remaining 32 scattered among the other months. Therefore, the bulk of the filing of these reports takes place in February and March (2 and 3 months after year end).

TAR Filing - All



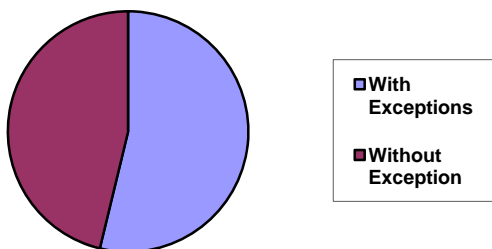
Of the 362 Trust Accounts, 224 (2009 – 238) were filed by sole-practitioners and 138 were filed by Law Firms (2009 -138).

TAR Filing - All



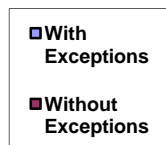
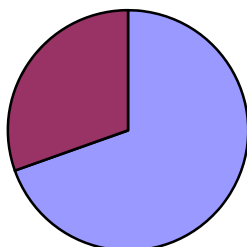
Of the 362 Trust Accounts filed, 210 (58%) reported at least one exception to the regulations (2009 – 57%)

TAR Filing - Sole Practitioners



Of the 224 sole practitioner filings, 114 (51%) reported at least one exception to the Society’s regulations (2009 – 54%).

TAR Filing - Law Firms



Of the 138 firm filings, 96 (70%) reported at least one exception to the Society's regulations (2009 – 63%).

For the 2010 reporting period:

- 0 members were suspended for failing to file a Trust Account Report (2009 – 1)
- 67 filing reported more than 3 exceptions (2009 – 70)
- 84 reported 2 to 3 exceptions – often the result of a single transaction, for example an error on a cheque that results in an exception to regulation 10.4.2 is usually an exception to regulation 10.4.11 (2009 – 90)
- 57 reported 1 exception (2009 – 54)
- 122 reported one or more overdrafts [Regulation 10.4.2 and 10.4.11] (2009 – 93)
- 57 did not immediately report overdrafts in their trust account as a whole to the Executive Director [Regulation 10.5.1] (2009 – 76)
- 52 reported exceptions to the overall maintenance of records [Regulation 10.2] (2009 – 73)

On an on-going basis, 7 lawyers/firms are currently filing Monthly Trust Reconciliations with the Society (2009 – 9).

Other Work:

During the calendar year 2010, seven lawyers (2009 six) completed the Society's Trust Account Education program to allow them to open and operate a lawyer's trust account..

Appendix 1

Legislative and Regulatory Framework for the Society's Trust Account Monitoring system.

(i) *The Legal Profession Act*

The responsibility of lawyers to hold in trust the property of another person is set out in Section 30 of the *Legal Profession Act*. Other sections of the *Act* identify that Council may make regulations requiring members of the Society to maintain certain books and records of account, requiring members to have their books reviewed by an accountant, and providing for an audit of the records of a member by a person designated by Council. Section 8 of the *Act* identifies that Council may make regulations establishing requirements to be met by members "including educational" requirements.

(ii) *Legal Ethics and Professional Responsibility (1990) ("the Handbook")*

Chapter 9 of the *Handbook* requires that lawyers have a duty to the client to "observe all relevant laws and rules respecting the protection and safekeeping of the client's property entrusted to the lawyer; and, in cases where there are no such laws or rules or the lawyer is in doubt, to take the same care of such property as would a careful and prudent owner when dealing with the property of a like description". Commentary on this rule identifies the need for separate safekeeping of client's property and maintaining adequate records of clients' property.

(iii) *The Society's Regulations*

Part 10 of the Society's regulations set out the primary requirements of members relating to trust accounts, identifying what books and records of account must be maintained, what must be placed in trust (and what must not), how trust property must be treated (including timing of deposits and disbursements), who can access a lawyer's trust account, and clarifying the scope of an audit that may be performed under Section 32 of the *Legal Profession Act*.

Part 4 of the Society's regulations identify the obligations of members who are setting up a Trust Account for the first time, including an obligation to complete an education program on trust accounts. This part of the regulations also requires practising lawyers to annually file a Report on Trust Accounts.

The Trust Account Regulations were significantly redrafted and approved by Council in 2005. From 2002 to 2005, much work was done with the other Atlantic Law Societies to harmonize the trust account regulations among the four provinces. At this point the regulations are similar and have been modified to match specific needs in each of the provinces, for example, in Nova Scotia we have added regulation 10.8 to deal specifically with trust money being transferred to Service Nova Scotia.

All practising lawyers or firms in Nova Scotia, who held money or other property in trust, are required by Regulation 4.2.2 to file an annual Trust Account Report (TAR) within three months following their fiscal year end. The purpose of the report is to ensure members are maintaining their trust accounts in accordance with Part 10 of the Regulations.

To ensure public funds are kept safely and to manage the risks identified through the annual filing of the Trust Account Reports, Regulation 4.2.6 provides the authority for the Executive Director to request additional information or reports from the law firm or practising lawyer if there is an indication the books, records, and accounts are not maintained as required by Part 10 of the Regulations. The Society takes all exceptions seriously, and depending on the nature and number of exceptions, may exercise its authority to ensure errors are corrected on a timely basis and that internal controls are implemented or strengthened to ensure future compliance with the Regulations. Conditions imposed on members or firms may include:

- Filing monthly trust reconciliations for a determined amount of time
- Filing additional or quarterly Trust Account Reports
- Providing progress reports on cleaning up old balances and stale-dated cheques
- Confirmation of controls implemented or strengthened to ensure compliance
- An educational-based audit of all trust accounts

At times, it is necessary for the Executive Director to request the public accountant who prepared Part B of the Trust Account Report to provide additional information under the authority of Regulation 4.2.7. On average, the Society will contact four or five Chartered Accountants in each reporting period to request additional information provided on Part B of the Trust Account Report.

Appendix 2

Staff Resource Requirements

There are many facets to the Society's trust accounts program, and this requires allocation of time by various staff. The bulk of the work with trust accounts and the audit program is carried out by Mhairi McInnis/, Professional Responsibility Administrator (approx. 75% of her position). Support for this work is provided by Gina Strople Finance and Administration Secretary (40%), and Christal Marchant, Professional Responsibility Assistant (35%). Key aspects of the program are managed under the direction of Victoria Rees, Director of Professional Responsibility (15%) and Glen Greencorn, Director of Finance and Administration (10%). Risks in the area of trust account non-compliance are assessed through the Department of Professional Responsibility.

Regulatory and Council Committees - Reports to Council

Name	Work Plan	Explanation
Access to Justice Committee	Yes	
Code of Professional Conduct Task Force	No	Work product is proposed Code of Professional Conduct and regulations to implement
Complaints Investigation Committee	No	Final report and recommendations presented in April
Continuing Professional Development Working Group	TBD	
Credentials Committee	Yes	
Executive Committee	No	No work plan required
Family Court Liaison Committee	Yes	
Finance Committee	Yes	
Gender Equity Committee	Yes	
Governance and Nominating Committee	Yes	
Hearing Committee	No	Report through PR Monitoring Report
Lawyers Fund for Client Compensation Committee	No	Report through PR Monitoring Report
Professional Responsibility Policies & Procedures Committee	Yes	
Professional Standards (Family)	Yes	
Professional Standards (Real Estate) Committee	Yes	
Racial Equity Committee	Yes	
Rural Practice Working Group	Yes	

This page left blank

Finance Committee
Committee Mandate and Responsibilities
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.
<p>Responsibilities (from the Terms of Reference):</p> <p>Financial Reporting Responsibilities</p> <ul style="list-style-type: none"> • 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 <p>Investment Responsibilities</p> <ul style="list-style-type: none"> • 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 <p>Audit Responsibilities</p> <ul style="list-style-type: none"> • 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 <p>Recommends audited financial statements to the annual meeting of members of the Society</p>
Committee Chair: Bill Mahody
Sub-committees, if any, and names of Chairs:

Matters assigned to Committee by Council's Activity Plan	
Details for each Project/Initiative	
1.	Name of project: Review of Travel Policy
	Goal/outcome of project: Revised Travel Policy covering amounts, allowances, and authorities.
	Timeframe for completion: End of Calendar 2011 (for 2012/2013 Budgeting) September 2011 – details of past spending presented to the Committee. Draft Policy presented and discussed. Revisions expected for the November meeting.
	Resources required (volunteer, staff): Director, Finance and Administration, Controller, Executive Director
2.	Name of project: Review of Investment Manager Performance
	Goal/outcome of project: Independent Review of the performance of the Investment Manager
	Timeframe for completion: September, 2011 September 2011 – interim update from independent reviewer. Report expected before November meeting of the Committee
	Resources required (volunteer, staff): Director, F&A to hire independent reviewer

3.	Name of project: Financial Statement Approval/Recommendation/Acceptance
	Goal/outcome of project: Clarify the roles of management, the Finance Committee, Council, and the Membership in the reception, acceptance, and approval of the Society's financial statements.
	Timeframe for completion: Spring of 2012 (prior to annual meeting)
	Resources required (volunteer, staff): Committee
4.	Name of project: Payment Technologies/Appropriate Authorities
	Goal/outcome of project: Review alternatives to cheques and review the appropriateness/necessity/methodology of securing "outside" approvals.
	Timeframe for completion: Report from staff at January 2012 meeting.
	Resources required (volunteer, staff): Director, F&A; Controller
5.	Name of project: Formalize the Collection procedures for outstanding Accounts Receivable
	Goal/outcome of project: Document the collection procedures, activities, and actions to be taken with respect to amounts owed to the Society.
	Timeframe for completion: Report from staff at January 2012 meeting.
	Resources required (volunteer, staff): Executive Director, Director, F&A; Controller

6.	Name of project: Formalize the review and tendering process for Services recommended by the Finance Committee (currently Auditor and Investment Manager)
	Goal/outcome of project: A formal, documented policy describing when service providers are reviewed and how to go about changing them.
	Timeframe for completion: Report from staff at January 2012 meeting.
	Resources required (volunteer, staff): Director, F&A; Controller, Committee
7.	Name of project: Actively Monitor Council's Activities and Initiatives
	Goal/outcome of project: Ensure Council is aware of Cost implications of any new or changed program before the decision is made.
	Timeframe for completion: Ongoing.
	Resources required (volunteer, staff): Executive Director, Director, F&A; Committee Members on Council
Additional Comments on Committee's Plans or Progress	

<p>Governance and Nominating Committee</p> <p>Committee Mandate</p> <ul style="list-style-type: none"> • The Committee supports Council in the governance of the Society by: <ul style="list-style-type: none"> ○ Assisting with the recruitment, appointment and election of members of Council and Officers of the Society ○ Supporting Council’s commitment to the principles and practices of good governance <p>Committee Responsibilities</p> <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> ○ 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
<p>Committee Chair – Marjorie Hickey QC</p>
<p>Sub-committees, if any, and names of Chairs</p> <p>C’tee for Distinguished Service Award –To be appointed</p>
<p>A. Matters assigned to Committee by Council’s Activity Plan</p> <p>Activity 1.7 — Elections</p> <p>There is a review of the Society’s election process and regulations</p> <p>Outcome – There are clear policies and regulations in place to ensure a fair election process</p>
<p>B. Matters assigned by Terms of Reference</p> <p>A. List of All Existing Projects and Initiatives of the Committee and its Subcommittees (See Attached)</p>

1. Activity – Review of Council Policies

Goal/outcome of activity

- To ensure Council policies are current, relevant and that appropriate archival information is maintained for all amendments

Timeframe for completion

- Report to Council in May, 2012

Resources required

- Subcommittee to complete initial review and to report to full Committee by January

Progress/update on activity (for May 2012)

-

2. Activity – Second VP Recruitment

Goal/outcome of activity

- To conduct an open and transparent process for nominations for 2nd VP

Timeframe for completion

- Nomination to be ready by mid/late January 2012

Resources required

- Interview Committee

Progress/Update on activity (for May 2012)

-

3. Activity – Distinguished Service Award

Goal/outcome of activity

- Review parameters for award, process for nominations, format for presentation, timing of award and make recommendations to Council re the foregoing and a nominee

Timeframe for completion

- No later than May Council meeting

Resources required

- DSA Subcommittee
- Advertising

Progress/Update

4. Activity – Review of Legal Profession Act and Regulations

Goal/outcome of activity

- Commence oversight of review of Regulations, to ensure they are current, relevant and consistent with Act and within themselves, in terms of style and content. To extent changes are needed, recommend to Council. Initial focus will be on Election and Governance issues, and Part 9 of the Regulations

Timeframe for completion

- May, 2012 for report to Council, although work may need to take place over more than one Council year

Resources required

- Sub-groups to review discrete areas, including staff members

Progress/Update on activity (for May 2012)

5. Activity – Council Evaluation

Goal/outcome of activity

- Review Council Evaluation process as recommended by new Council sub-committee and provide input
- **Timeframe for completion**
 - February 2012

Resources required

- Liaison with Council Evaluation Group

Progress/Update on activity (for May 2012)

-

6. Activity – Review of Society’s Election Process and Regulations

Goal/outcome of activity

- There are clear policies and regulations in place to ensure a fair election process

Timeframe for completion

- May Council meeting

Resources required

-

Progress/Update on activity (for May 2012)

- October meeting to be devoted to this issue, leading toward preparation of Discussion Paper for circulation to members for feedback on 2011 election process

7. Activity – Consider Potential for Other Awards

Goal/outcome of activity

- Committee makes recommendations to Council regarding whether any additional honours or awards should be available

Timeframe for completion

- May Council meeting

Resources required

-

Progress/Update on activity (for May 2012)

-

8. Activity – Committee Appointments

Goal/outcome of activity

- To ensure Committee appointment process is open, transparent and provides qualified and dedicated volunteers to serve on Society committees

Timeframe for completion

- February 2012

Resources required

- D Pink to prepare written summary of current process for November meeting

Progress/Update on activity

-

This page left blank

**Professional Responsibility Policies and Procedures Committee
2011/2012 Work Plan
September 8, 2011**

1. **Committee Mandate and Responsibilities** – see attached terms of reference
2. **Committee Chair** – Michael Wood, QC
3. **Subcommittees**: not currently
4. **Matters Assigned to Committee by Council's Activity Plan:**

4.1 Consider recommendations from Federation Discipline Standards Committee

Timeframe – November 2011?

Resources – PR Counsel, Director, PRPPC

Status

August 2011 – Discipline Standards Committee report for review of PRPPC in November 2011

5. **Details of Matters Assigned by Council:** n/a
6. **Matters Assigned by Terms of Reference** – None currently
7. **Matters Added by Committee not specifically referred to in TOR**

7.1 Review Subcommittee

Review of policies and procedures related to the process of reviewing staff dismissals in an effort to ensure the process is fair, meaningful and independent.

Timeframe – discussion paper to be prepared

Resources – PR Counsel, Director, PRPPC

Status

August 2011 – For September 2011

7.2 Review of Hearing Processes

Consideration of regulatory amendments to provide for hearing committee chairs to set dates for hearing in the absence of agreement between the parties on a date to begin; Notice of Hearing Policy review; authority of hearing panel to negotiate amendment of settlement agreements; use of chair 'experts' and remuneration for panel members; training for adjudicators; review of Hearing Committee Policy and Procedure Manual

Timeframe – discussion paper to be prepared by staff for May 12, 2011 meeting

Resources – PR Counsel, Director, PRPPC

Status

August 2011 – memo for PRPPC has been reviewed; ongoing consideration of current regulations and policy; Subcommittee to be appointed to develop a strategy and priorities; PRPPC to appoint subcommittee and identify the scope of their work in September

7.3 Clarifying Use of Counsels, Cautions, Letters of Advice and Consent to Reprimands - CIC is clear and consistent with regard to issuing Counsels to members, and its lack of authority to instruct staff dismissals and Letters of Advice. CIC is seeking clarification on the threshold and process of negotiating Consent to Reprimands.

Timeframe – work commenced in 2010/2011, and is continuing in 2011/2012

Resources – PR Counsel, Director, PRPPC

Status

August 2011 – memo for PRPPC has been reviewed; continuing consideration of need for regulatory amendments to clarify terms; clarification of thresholds

7.4 Policies and procedures relating to complex investigations
This will include a review of the CIC Policies and Procedures Manual among other professional responsibility policies and procedures.

Timeframe – work commenced in 2010/2011, and is continuing in 2011/2012

Resources – PR Counsel, Director, PRPPC

Status

August 2011 – process has been started by PR staff; policies and procedures being reviewed for currency and consistency

7.5 Reporting by Members of Charges and Convictions
Research and consideration of regulation amendments to require members to report charges as well as convictions, in the public interest

Timeframe – discussion paper to be prepared by PRPPC member for January 2011

Resources – PR Counsel, Director, PRPPC

Status

August 2011 – Research underway

7.6 Discipline “Pardons”
Consideration is given to whether members should be pardoned for past discipline offences

Timeframe – discussion paper to be prepared by PRPPC member

Resources – PR Counsel, Director, PRPPC

Status

August 2011 – deferred; Research underway

7.7 No contest pleas/consent disbarment – regulations and policies are considered and implemented, if appropriate, to permit no contest pleas or an expedited process for consent disbarment where it is in the public interest to do so.

Timeframe – work commenced in 2010/2011, and is continuing in 2011/2012

Resources – PR Counsel, Director, PRPPC

Status

August 2011 – ongoing consideration by PRPPC of expedited approach for consent disbarment or no-contest pleas

7.8 Authority under 9.2.13(c)

Review of the CIC’s authority under this regulation; is the direction of the CIC required for the appointment of an outside investigator

Timeframe – discussion paper to be prepared

Resources – PR Counsel, Director, PRPPC

Status

August 2011 – For November 2011; PRPPC member to be assigned

7.9 Clarification of Conflicts Policy

Review of policy regarding ability of an associate of a CIC member to act as counsel for a member involved in the professional responsibility process

Timeframe – discussion paper to be prepared

Resources – PR Counsel, Director, PRPPC

Status

August 2011 – For November 2011; PRPPC member to be assigned

This page left blank

<p>Professional Standards (Real Estate) Committee</p>
<p>Committee Mandate and Responsibilities</p> <p>Mandate</p> <p>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.</p> <p>Responsibilities</p> <ol style="list-style-type: none"> 1. Make recommendations to Council with respect to identification of: <ol style="list-style-type: none"> a) existing applicable professional standards of real estate law practice and emerging real estate law issues which may require the development of professional standards b) changes in professional standards of real estate law practice and emerging real estate law issues which require amendments to existing NSBS Real Estate Law Professional Standards 2. Annually review the NSBS Real Estate Law Professional Standards and advise Council with respect to potential amendments thereto, including a draft of proposed amendments 3. Annually review the footnotes and references to the NSBS Real Estate Law Professional Standards and provide notice to Council with respect to amendments thereto 4. Identify and provide resources and tools to assist members to practice in accordance with the Standards 5. Act as a resource on issues of professional standards for real estate law as may be requested by Council
<p>Committee Chair – Erin O’Brien-Edmonds QC and Tony Robinson QC</p>
<p>Sub-committees, if any, and names of Chairs</p> <p>n/a</p>
<p>A. Matters assigned to Committee by Council’s Activity Plan – n/a</p> <p>B. Matters assigned by Terms of Reference</p>

1 Standards to be updated in September 2010 – June 2011:

Standard Number	Name of Standard	Work Done or to be Done
2.1 & 2.2	Legal Descriptions & Parcel Identification	To be updated to more accurately reflect the practice differences between the Registry system and the LRA
3.11	Bankruptcy	To be updated to reflect current Bankruptcy and Insolvency Act requirements
3.6	Restrictive Covenants	To be updated given current LRA environment
Possible new standard		To deal with Civil Forfeiture Act
Possible new standard	<i>De factos</i> <i>Or</i> <i>Subdivision</i>	Following <i>Polycorp v HRM</i> decision 1) Subdivision/consolidation by plan 2) Subdivision by deed 3) Subdivision/consolidation by other authority 4) Defacto Consolidation.

2 Identify tools and resources, including checklists, to assist members in practice, in particular, identify and recommend resources to be made available to members through the LIANS website. Develop samples of materials and precedents as an Addendum to the Standards to be referenced in the footnote portion of the Standards. Develop “practice notes” for Standards.
C. Matters added by Committee that are not specifically referred to in Terms of Reference for September 2011 – June 2012 n/a
D. Additional Comments on Committee’s Plans or Progress n/a

This page left blank

Rural Practice Working Group
Committee Mandate and Responsibilities
Type: Advisory to executive director and Council
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: <ul style="list-style-type: none"> • 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
Composition: At least five members from all parts of the Province. Appointments shall be made and vacancies filled by executive director.
Committee Chair: Carole Gillies QC The working group chair will be appointed by the executive director.
Sub-committees, if any, and names of Chairs:
Procedures and Work Product: The working group will operate in accordance with Council Policy 16. The working group shall maintain minutes of its meetings.
Reporting: The working group is advisory to the executive director and will also give advice to Council as required in the area of regulation. The working will provide an interim report to Council of its work by February 2012. The working group shall provide a report on its work for the year in May.
Staff support: Executive director

Matters assigned to Committee by Council's Activity Plan
Activity 1.5 - Review regulatory issues affecting lawyers withdrawing from practice and in particular the requirement to transfer real estate files

Details for each Project/Initiative	
1.	Name of project: Retiring Lawyers
	Goal/outcome of project: There are in place rules that appropriately balance the need to maintain file information and the practical difficulties faced by lawyers leaving practice
	Timeframe for completion: March 2012
	Resources required (volunteer, staff):
2.	Name of project: Research on legal service requirements for rural Nova Scotia
	Goal/outcome of project: Working with the school of business at St FX University, a profile of legal service needs and expectations for rural NS will be developed so that the requirement for lawyers can be better understood.
	Timeframe for completion: May 2012
	Resources required (volunteer, staff): A proposal has been made to St. FX which if accepted will require the Society to cover some out of pocket expenses for student researchers – Est. <\$1000
3.	Name of project: Recruitment of Articled Clerks
	Goal/outcome of project: The WG will participate in the Annual Job Fair at the Schulich School of Law to introduce students to the option of practice in rural NS.
	Timeframe for completion: November 2011
	Resources required (volunteer, staff): Some information on law firms and possible opportunities is being developed and will be copied - <\$250
4.	Name of project: Rural Practice Conference
	Goal/outcome of project: The WG will participate in and encourage others to attend the conference organized by the Lunenburg County Bar
	Timeframe for completion: November 2011
	Resources required (volunteer, staff):

Additional Comments on Committee's Plans or Progress

As the WG begins its discussions there will likely be other issues that it wishes to undertake. Council will be advised of these intentions via reports to Council as required.

MEMORANDUM TO COUNCIL

From: Darrel Pink

Date: September 12, 2011

Subject: ORGANIZATIONAL REVIEW WORKING GROUPS TO CONSIDER VARIOUS SOCIETY PROGRAMS

It is hoped that through the fall my office, with input from Council members, will review three additional Society activities and apply the Decision Matrix to them.

We had hoped that the work of Library and Information Services would be considered in light of a collaborative approach with government and the courts. Unfortunately there is no commitment among others to pursue the issue in this way and therefore we will be undertaking a review of Library and Information Services under our own process. We will also be reviewing the Equity Office and the Society's Communications. Risk and Practice Management, which is also subject to review this year, will be deferred for a short while to allow this other work to commence.

The following have volunteered to participate in this review and will be used for this purpose:

Equity Office

Lynn Connors QC
David McNairn
Naiomi Metallic
Mike Wood

Library

Kim Brooks
Lora MacEachern
Bill Mahody
Ken Nason
Jill Perry

Communications

George MacDonald
Darren McLeod
David Mahoney

Staff are currently preparing background material for each of these reviews. Meetings with the working groups will be carried out in late October or early November.

There are no formal terms of reference for each of these working groups as their task is to apply the Decision Matrix to the activities. The nature of the analysis that occurs is then reported back to Council with either a recommendation on the status quo remain or that changes be made in which case detailed reasons for the changes would be presented to Council. As was previously agreed Council will be making decisions regarding programs that had previously been approved by Council. If the recommendation of the working group and the executive director is that changes be done within the current structure or program that might have an impact on budget, this will be reported to Council with the alternate implementation occurring subsequently.

This page left blank

<p>Further Investigation by Executive Director</p> <p>9.2.13 An investigation pursuant to this regulation may include</p> <ul style="list-style-type: none"> (a) obtaining additional information, orally or in writing, from the member, the complainant or any other person; (b) interviewing the member, the complainant or any other person on oath or affirmation if the member, the complainant or other person consents; (c) if the Complaints Investigation Committee so directs, obtaining outside assistance to further the investigation, (d) reviewing the member’s trust account records, (e) if the Complaints Investigation Committee so directs, a practice review pursuant to subregulation 9.7.1 or an audit pursuant to subregulation 10.6.1; or (f) such other steps as the Executive Director determines are required for a thorough investigation. 	<p>Further Investigation by Executive Director</p> <p>9.2.13 An investigation pursuant to this regulation may include</p> <ul style="list-style-type: none"> (a) obtaining additional information, orally or in writing, from the member, the complainant or any other person; (b) interviewing the member, the complainant or any other person on oath or affirmation if the member, the complainant or other person consents; (c) if the Complaints Investigation Committee so directs, obtaining outside assistance to further the investigation, (d) reviewing the member’s trust account records, (e) if the Complaints Investigation Committee so directs, a practice review pursuant to subregulation 9.7.1 or an audit pursuant to subregulation 10.6.1; or (f) such other steps as the Executive Director determines are required for a thorough investigation. 	<p>This amendment will allow staff to retain outside investigative assistance without arranging a quorum of the CIC to be convened to review a memorandum prepared by staff setting out the facts of the matter that are known at the time and providing justification for the opinion that outside assistance is required.</p>
--	---	---

This page left blank

Submission to In Forum:

Department of Justice seeks input from members on family law changes

The Department of Justice is inviting the Nova Scotia Barristers' Society and the Society's membership to provide input on proposed changes to provincial family law statutes.

Members of the Society are encouraged to read two discussion papers about the proposed changes to legislation and share their thoughts, questions and concerns by October 24.

The proposed changes would update and clarify the law, and bring Nova Scotia more into line with the other provinces and territories.

Specifically, proposed changes to the *Maintenance and Custody Act* would:

- add best interests of the child factors for courts to consider when making custody and access determinations, including whether there has been any family violence
- add factors for the court to consider when assessing the impact of family violence
- add the principle that a child should have as much contact with each parent as is consistent with the child's best interests, subject to the court's consideration of family violence, and
- make it clearer that grandparents may apply for custody of or access to a grandchild with the prior permission of the court.

The Department of Justice is also proposing to improve and modernize the law relating to the recognition and enforcement of out-of-province custody and access orders, by adopting provisions of the uniform *Custody Jurisdiction and Enforcement Act* to replace the *Reciprocal Enforcement of Custody Orders Act*.

The consultations with the Society's members, other stakeholders and the public will help government ensure these legislative changes reflect the opinions and wishes of Nova Scotians.

There are two ways the Society's members can share comments:

- Read the discussion papers at www.gov.ns.ca/just/consultation and then send us your feedback electronically or in writing (see site for information)
- Request a copy of the discussion papers by calling 424-6094.

The deadline to respond is October 24, 2011.

This page left blank



NOVA SCOTIA
BARRISTERS' SOCIETY

MEMORANDUM

MEMO TO: Finance Committee
FROM: Glen Greencorn, Director, Finance and Administration
DATE: August 30, 2011
SUBJECT: Financial Statements to July 31, 2011

Income/Operating Statement:

As these financial statements are for the first quarter, forecast amounts are not prepared to year end.

Revenue:

In total, Revenue is favourable to plan to date (by \$55,000 or 4.3%). While Practising Membership Fees are \$75,949 favourable to budget on a year to date basis, the number of paying practising members at August 1, 2011 stands at 1,877, 20 more than the budgeted count of 1,857. However, it is important to note that over the first three months of the year that the number of paying practising members varied from 1,856 on June 1 to 1,880 on July 1 with the average being 1,866 which could yield a favourable membership fee variance of \$20,376 to year end.

Of concern in Revenue is the \$24,000 unfavourable variance in Admissions and Professional Development revenue. While revenue from transfers has been budgeted at \$13,500 for the first quarter, the actual has been zero. During the same period last year, the Society had revenue of \$23,250. The number of Articling Clerks is currently 57 (versus a plan of 60) and the number of registered attendees for the Skills Course is 62 (versus a plan of 60 and including students from PEI). These clerks and students will have a combined positive impact on Revenue of \$6,325.

Expenditures:

Most year to date expenditure variances are attributable to timing (the budget is spread based on historical spending patterns but the actual expense is incurred either earlier or later in the year). The notable exception is Events (IS 7). The Admissions Event had no budget but incurred an

expenditure of \$7,000. Last year this event had a net cost of \$4,500 (\$5,481 Gross Expense less a recovery of \$1,000). The Annual Meeting which was budgeted to break-even incurred a net cost of \$7,000 (a \$3,460 unfavourable variance in revenue and a \$3,564 unfavourable variance in expenses).

Director's Certification:

I, Glen Greencorn, Director, Finance and Administration of the Society, certify that the Society is in full compliance with respect to the collection and remittance of all statutory employee deductions including deductions for Federal and Provincial Income Tax, Employment Insurance, and Canada Pension Plan. I also certify that the Society is in full compliance with respect to the collection and remittance of the Harmonized Sales Tax.

Glen Greencorn, MBA, CMA
Director, Finance and Administration



NOVA SCOTIA
BARRISTERS' SOCIETY

Nova Scotia Barristers' Society
GENERAL OPERATING FUND
BALANCE SHEET
As of 07/31/2011

BS 1

	Unrestricted General Fund	Lawyers' Fund for Client Compensation	Total
ASSETS			
Current Account	\$ 3,181,769	\$ 77,988	\$ 3,259,757
Accounts Receivable	1,561,489	88,179	1,649,668
Allowance for Doubtful Discipline Revenue	<u>(1,460,683)</u>	<u>(88,179)</u>	<u>(1,548,862)</u>
Net Accounts Receivable	100,806	-	100,806
Accrued Interest Receivable	1,750	3,417	5,167
GST Receivable	29,477	276	29,753
Due from LIANS	2,339	-	2,339
Interfund Account	76,218	(76,218)	-
Prepaid Expenses	134,588	149,505	284,093
Investments	1,174,193	1,674,305	2,848,498
Investment in CLIA Surplus	-	353,430	353,430
Capital Assets	1,231,286	-	1,231,286
Accumulated Depreciation & Amortization	<u>(1,124,463)</u>	<u>-</u>	<u>(1,124,463)</u>
Net Fixed Assets	106,823	-	106,823
Total Assets	<u>\$ 4,807,963</u>	<u>\$ 2,182,703</u>	<u>\$ 6,990,666</u>
LIABILITIES			
Accounts Payable & Accrued Liabilities	88,123	64,070	152,193
Accrued Employee Entitlements	27,967	-	27,967
GST Payable	151,389	-	151,389
Due to LIANS	110	-	110
Unearned Miscellaneous Revenue	117,900	-	117,900
Law Foundation Grant 2008	12,413	-	12,413
Deferred Membership Revenue	<u>2,353,656</u>	<u>-</u>	<u>2,353,656</u>
Total Liabilities	<u>2,751,558</u>	<u>64,070</u>	<u>2,815,628</u>
RESERVES			
General Reserve	411,226	-	411,226
Futures Project Reserve	14,354	-	14,354
Standards Development Reserve	39,064	-	39,064
Website Development Reserve	10,000	-	10,000
Professional Responsibility Reserve	582,237	-	582,237
Minimum Net Asset Reserve	693,609	-	693,609
Fund Capital Assets	179,476	-	179,476
Lawyers' Fund for Client Compensation	-	2,087,791	2,087,791
Net Gain for Year	126,439	30,842	157,281
Total Reserves	<u>2,056,405</u>	<u>2,118,633</u>	<u>4,175,038</u>
Total Liabilities and Reserves	<u>\$ 4,807,963</u>	<u>\$ 2,182,703</u>	<u>\$ 6,990,666</u>

NOVA SCOTIA BARRISTERS' SOCIETY

BUDGET COMPARISON STATEMENT

07/31/2011

NOVA SCOTIA BARRISTERS' SOCIETY - GENERAL FUND
BUDGET COMPARISON STATEMENT
FOR THE PERIOD ENDING 07/31/2011

	YTD BUDGET	YTD ACTUAL	YTD BUD.VS. YTD ACTUAL	OV/UN %	FISCAL BUDGET	FORECAST	YTD LAST YEAR	YTD ACT. VS. YTD ACT. LAST YEAR
<u>Fees</u>								
Practising Fees	1,050,977	1,126,926	75,949	7.2%	4,203,907		2,583,251	(1,456,325)
Instalment Admin.	55,500	58,260	2,760	5.0%	55,500		55,653	2,607
Non-Practising Fees	45,437	45,039	(398)	-0.9%	181,750		178,932	(133,893)
Retired Members	775	902	127	16.4%	3,100		3,083	(2,181)
Reinstatement	3,125	3,240	115	3.7%	12,500		4,100	(860)
Incorporation	1,500	4,500	3,000	200.0%	52,000		1,400	3,100
LLP Registration	-	-	-	0.0%	1,000		-	-
Surcharges	-	3,283	3,283	0.0%	-		4,006	(723)
<i>Fees Revenue</i>	1,157,314	1,242,150	84,836	7.3%	4,509,757		2,830,425	(1,588,275)
<u>Admission and Professional Development</u>								
<i>A&PD Revenue - See Detail Below</i>	51,725	27,598	(24,127)	-46.6%	301,100		91,345	(63,747)
<u>Library</u>								
Law Stamps	34,900	31,875	(3,025)	-8.7%	129,200		34,725	(2,850)
Library-Photocopier/Fax	1,250	1,009	(241)	-19.3%	5,000		562	447
Library-Sundry	525	252	(273)	-52.0%	2,100		285	(33)
Current Law Subscription Revenue	-	-	-	0.0%	2,000		-	-
<i>Library Revenue</i>	36,675	33,136	(3,539)	-9.6%	138,300		35,572	(2,436)

NOVA SCOTIA BARRISTERS' SOCIETY - GENERAL FUND
 BUDGET COMPARISON STATEMENT
 FOR THE PERIOD ENDING 07/31/2011

	YTD BUDGET	YTD ACTUAL	YTD BUD.VS. YTD ACTUAL	OV/UN %	FISCAL BUDGET	YTD LAST YEAR	YTD ACT. VS. YTD ACT. LAST YEAR
Events							
<i>Events Revenue - See Detail Below</i>	30,000	26,540	(3,460)	-11.5%	30,000	88,995	(62,455)
Communication							
Society Record Advertising	-	-	-	0.0%	16,000	8,575	(8,575)
Communications Revenue	-	-	-	0.0%	16,000	8,575	(8,575)
Other Revenue							
Interest Income	13,651	15,501	1,850	13.6%	48,090	12,599	2,902
Sundry Revenue	1,625	1,524	(101)	-6.2%	6,500	1,711	(187)
Management Fee - LIANS	11,308	11,308	-	0.0%	45,230	6,250	5,058
Amortization Deferred Contribution for Capital Assets	-	-	-	0.0%	-	1,745	(1,745)
<i>Other Revenue</i>	26,584	28,333	1,749	6.6%	99,820	22,305	6,028
TOTAL REVENUE	1,302,298	1,357,757	55,459	4.3%	5,094,977	3,077,217	(1,719,460)

NOVA SCOTIA BARRISTERS' SOCIETY - GENERAL FUND
 BUDGET COMPARISON STATEMENT
 FOR THE PERIOD ENDING 07/31/2011

	YTD BUDGET	YTD ACTUAL	YTD BUD.VS. YTD ACTUAL	OV/UN %	FISCAL BUDGET	YTD LAST YEAR	YTD ACT. VS. YTD ACT. LAST YEAR
Library							
Salaries & Benefits	107,901	98,752	9,149	8.5%	433,260	105,050	6,298
Civil Procedure Rules Maintenance	4,625	354	4,271	92.3%	18,500	-	(354)
Model Code Concordance	-	-	-	0.0%	2,500	-	-
Law News	3,000	4,733	(1,733)	-57.8%	12,000	5,190	457
Staff Professional Development	2,250	7,365	(5,115)	-227.3%	9,000	4,358	(3,007)
Professional/Membership Fees	250	200	50	20.0%	1,000	200	-
Travel Expenses	2,000	1,731	269	13.5%	8,000	1,997	266
Food and Entertainment	250	334	(84)	-33.6%	1,000	161	(173)
Courier	875	730	145	16.6%	3,500	499	(231)
Postage	600	1,010	(410)	-68.3%	1,200	555	(455)
Telephone and Internet	4,500	4,872	(372)	-8.3%	18,000	3,882	(990)
Stationery & Supplies	1,150	278	872	75.8%	4,600	1,078	800
Equipment Rental/Maintenance	2,375	2,541	(166)	-7.0%	9,500	2,003	(538)
Computer Software Maintenance	1,425	617	808	56.7%	5,700	783	166
Furniture & Fixtures	125	-	125	100.0%	500	-	-
Subscriptions & Books	58,855	59,220	(365)	-0.6%	276,300	48,366	(10,854)
Sundry Expenses	900	563	337	37.4%	3,600	670	107
CANLII Expenses	14,475	16,434	(1,959)	-13.5%	57,900	14,732	(1,702)
Insurance	1,250	1,443	(193)	-15.4%	5,000	1,443	-
Professional Services	125	13	112	89.6%	500	-	(13)
Total Library	206,931	201,190	5,741	2.8%	871,560	190,967	(10,223)

NOVA SCOTIA BARRISTERS' SOCIETY - GENERAL FUND
 BUDGET COMPARISON STATEMENT
 FOR THE PERIOD ENDING 07/31/2011

	YTD BUDGET	YTD ACTUAL	YTD BUD.VS. YTD ACTUAL	OV/UN %	FISCAL BUDGET	YTD LAST YEAR	YTD ACT. VS. YTD ACT. LAST YEAR
General Operating Expenses							
Professional/Membership Fees	1,250	1,429	(179)	-14.3%	5,000	1,044	(385)
Staff Travel	3,775	4,536	(761)	-20.2%	16,500	2,641	(1,895)
Committee Expenses	4,125	3,466	659	16.0%	16,500	3,882	416
Loss(Gain) on Investment Sales	-	4	(4)	0.0%	-	(363)	(367)
Accounting & Audit	2,750	2,750	-	0.0%	11,000	3,500	750
Bank & Credit Charges	5,120	4,634	486	9.5%	13,150	4,699	65
Investment Management Fees	1,775	1,980	(205)	-11.5%	7,100	1,916	(64)
Advertising	2,000	2,379	(379)	-19.0%	2,000	1,448	(931)
Courier	905	1,105	(200)	-22.1%	4,000	979	(126)
Postage	2,700	1,437	1,263	46.8%	7,000	531	(906)
Telephone & Internet	6,500	6,754	(254)	-3.9%	26,000	6,772	18
Printing	2,850	666	2,184	76.6%	11,000	2,130	1,464
Stationery & Supplies	3,800	2,728	1,072	28.2%	18,000	5,483	2,755
Equipment Rental & Maintenance	10,964	11,460	(496)	-4.5%	43,854	10,512	(948)
External Computer Support	-	-	-	0.0%	-	305	305
Furniture & Fixtures	125	-	125	100.0%	500	-	-
Subscriptions and Books	587	515	72	12.3%	2,350	537	22
Rent	27,554	27,151	403	1.5%	110,213	30,953	3,802
Sundry Expenses	2,400	3,542	(1,142)	-47.6%	10,000	1,026	(2,516)
Staff Functions	-	791	(791)	0.0%	4,000	627	(164)
Insurance	2,875	2,164	711	24.7%	11,500	2,164	-
<i>Total General Operating Expenses</i>	<i>82,055</i>	<i>79,491</i>	<i>2,564</i>	<i>3.1%</i>	<i>319,667</i>	<i>80,786</i>	<i>1,295</i>
Administrative Salary Costs							
Salaries	177,178	177,365	(187)	-0.1%	695,555	164,286	(13,079)
Staff Benefits	28,198	26,085	2,113	7.5%	133,231	24,574	(1,511)
Professional Development	4,500	1,781	2,719	60.4%	18,000	-	(1,781)
Recruitment Fees	-	-	-	0.0%	-	250	250
Temporary Help & Overtime	1,500	620	880	58.7%	6,000	2,957	2,337
<i>Total Administrative Salary Costs</i>	<i>211,376</i>	<i>205,851</i>	<i>5,525</i>	<i>2.6%</i>	<i>852,786</i>	<i>192,067</i>	<i>(13,784)</i>

NOVA SCOTIA BARRISTERS' SOCIETY - GENERAL FUND
 BUDGET COMPARISON STATEMENT
 FOR THE PERIOD ENDING 07/31/2011

	YTD BUDGET	YTD ACTUAL	YTD BUD.VS. YTD ACTUAL	OV/UN %	FISCAL BUDGET	YTD LAST YEAR	YTD ACT. VS. YTD ACT. LAST YEAR
Admission and Professional Development							
Admission Fees	15,700	9,773	(5,927)	-37.8%	15,700	9,606	167
Articling	12,775	11,025	(1,750)	-13.7%	13,900	13,275	(2,250)
Exam Fees	3,500	2,000	(1,500)	-42.9%	6,500	1,725	275
Special Bar Materials Sales	-	-	-	0.0%	-	6,150	(6,150)
Transfers-Applications & Materials	13,500	-	(13,500)	-100.0%	30,000	23,250	(23,250)
Tuition	-	-	-	0.0%	210,000	-	-
Sub-Total Admission Revenue	45,475	22,798	(22,677)	-49.9%	276,100	54,006	(31,208)
Course & Practise Materials	4,800	7,268	(2,468)	-51.4%	24,500	9,572	2,304
Bar Exam Expenses	14,240	12,910	1,330	9.3%	29,000	10,760	(2,150)
Admission Expenses	-	360	(360)	0.0%	-	-	(360)
Sub-Total Admission Expenses	19,040	20,538	(1,498)	-7.9%	53,500	20,332	(206)
LRA Revenue	6,250	4,800	(1,450)	-23.2%	25,000	5,700	(900)
Civil Procedure Rules Tuition	-	-	-	0.0%	-	22,475	(22,475)
Seminars/Breakfast/Lunch Sessions	-	-	-	0.0%	-	9,164	(9,164)
Sub-Total CPD Revenue	6,250	4,800	(1,450)	-23.2%	25,000	37,339	(32,539)
Futures Project	-	-	-	0.0%	-	-	-
Civil Procedures Rules Education	-	-	-	0.0%	-	5,948	5,948
LRA Education Expenses	1,000	1,166	(166)	-16.6%	25,000	-	(1,166)
Conference Expenses	-	692	(692)	0.0%	-	-	(692)
CPD Expenses	6,419	6,604	(185)	-2.9%	6,419	16,310	9,706
Sub-Total CPD Expenses	7,419	8,462	(1,043)	-14.1%	31,419	22,258	13,796
Salaries & Benefits	98,896	99,111	(215)	-0.2%	397,103	119,764	20,653
Mandatory CPD Compliance	-	-	-	0.0%	20,000	-	-
Staff Professional Development	2,750	-	2,750	100.0%	11,000	4,369	4,369
Professional/Membership Fees	500	285	215	43.0%	2,000	466	181
Staff Travel	437	211	226	51.7%	1,750	778	567
Committee Expenses	1,375	1,900	(525)	-38.2%	5,500	1,035	(865)
Courier & Postage	525	188	337	64.2%	2,100	667	479
Telephone & Internet	1,783	1,224	559	31.4%	7,131	1,977	753
Printing	38	186	(148)	-389.5%	150	57	(129)
Stationery & Supplies	1,000	858	142	14.2%	4,000	528	(330)
Equipment Rental & Maintenance	1,375	42	1,333	96.9%	5,500	1,206	1,164
Subscriptions & Books	500	351	149	29.8%	2,000	487	136
Rent	18,649	18,676	(27)	-0.1%	74,596	17,700	(976)
Sundry Expenses	600	150	450	75.0%	2,400	314	164
General A&PD Expenses	128,428	123,182	5,246	4.1%	535,230	149,348	26,166
Total A&PD Expenses	154,887	152,182	2,705	1.7%	620,149	191,938	39,756
Total A&PD Revenue	51,725	27,598	(24,127)	-46.6%	301,100	91,345	63,747

NOVA SCOTIA BARRISTERS' SOCIETY - GENERAL FUND
 BUDGET COMPARISON STATEMENT
 FOR THE PERIOD ENDING 07/31/2011

IS 6

	YTD BUDGET	YTD ACTUAL	YTD BUD.VS. YTD ACTUAL	OV/UN %	FISCAL BUDGET	YTD LAST YEAR	YTD ACT. VS. YTD ACT. LAST YEAR
Professional Responsibility							
Salaries & Benefits	129,329	130,001	(672)	-0.5%	519,311	127,334	(2,667)
Staff Professional Development	-	1,001	(1,001)	0.0%	9,000	-	(1,001)
Professional/Membership Fees	525	1,120	(595)	-113.3%	2,100	836	(284)
Staff Travel	512	-	512	100.0%	2,050	2,383	2,383
Committee Expenses	2,800	963	1,837	65.6%	11,200	1,329	366
Courier & Postage	925	635	290	31.4%	3,700	1,450	815
Telephone & Internet	925	1,296	(371)	-40.1%	3,700	1,082	(214)
Printing	125	-	125	100.0%	500	-	-
Stationery & Supplies	1,100	249	851	77.4%	4,400	659	410
Equipment Rental & Maintenance	725	1,714	(989)	-136.4%	2,900	971	(743)
Subscriptions & Books	75	65	10	13.3%	300	60	(5)
Surveys	10,000	-	10,000	100.0%	15,000	10,400	10,400
Rent	15,681	15,695	(14)	-0.1%	62,725	12,314	(3,381)
Sundry Expenses	875	166	709	81.0%	3,500	848	682
<i>Professional Responsibility</i>	<u>163,597</u>	<u>152,905</u>	<u>10,692</u>	<u>6.5%</u>	<u>640,386</u>	<u>159,666</u>	<u>6,761</u>
Committee Expenses	3,938	3,533	405	10.3%	15,750	3,924	391
Advertising	1,625	-	1,625	100.0%	6,500	-	-
Courier & Postage	125	-	125	100.0%	500	-	-
Sundry Expenses	50	-	50	100.0%	200	-	-
Lawyers' Services/Legal Fees	40,500	18,176	22,324	55.1%	162,000	16,967	(1,209)
Professional Services	6,675	1,325	5,350	80.1%	26,700	1,539	214
Practise Investigations	21,000	-	21,000	100.0%	84,000	18,964	18,964
Forensic Financial Audits	9,250	12,000	(2,750)	-29.7%	37,000	-	(12,000)
Receiver and Custodian Fees	27,250	891	26,359	96.7%	109,000	13,829	12,938
	-	-	-	0.0%	-	-	-
Investigation Expenses	<u>110,413</u>	<u>35,925</u>	<u>74,488</u>	<u>0.67</u>	<u>441,650</u>	<u>55,223</u>	<u>19,298</u>
Professional Services	5,875	4,293	1,582	0.27	23,500	-	(4,293)
Volunteer Travel	750	-	750	1.00	3,000	-	-
Fitness to Practise Expenses	<u>6,625</u>	<u>4,293</u>	<u>2,332</u>	<u>0.35</u>	<u>26,500</u>	<u>-</u>	<u>(4,293)</u>
Committee Expenses	1,704	454	1,250	73.4%	6,815	2,700	2,246
Facilities Rentals	1,500	1,500	-	0.0%	6,000	-	(1,500)
Courier & Postage	50	-	50	100.0%	202	-	-
Sundry Expenses	250	-	250	100.0%	1,000	360	360
Lawyers' Services/Legal Fees	34,375	59,576	(25,201)	-73.3%	102,500	16,815	(42,761)
Professional Services	575	606	(31)	-5.4%	2,300	1,135	529
Receiver and Custodian Fees	9,000	8,114	886	9.8%	36,000	3,042	(5,072)
Prosecution & Hearing Expenses	<u>47,454</u>	<u>70,250</u>	<u>(22,796)</u>	<u>(0.48)</u>	<u>154,817</u>	<u>24,052</u>	<u>(46,198)</u>
Total Professional Responsibility	<u>328,089</u>	<u>263,373</u>	<u>64,716</u>	<u>0.20</u>	<u>1,263,353</u>	<u>238,941</u>	<u>(24,432)</u>

NOVA SCOTIA BARRISTERS' SOCIETY - GENERAL FUND
 BUDGET COMPARISON STATEMENT
 FOR THE PERIOD ENDING 07/31/2011

	YTD BUDGET	YTD ACTUAL	YTD BUD.VS. YTD ACTUAL	OV/UN %	FISCAL BUDGET	YTD LAST YEAR	YTD ACT. VS. YTD ACT. LAST YEAR
Events							
Annual Meeting	30,000	26,540	(3,460)	-11.5%	30,000	87,995	(61,455)
Admissions Event	-	-	-	0.0%	-	1,000	(1,000)
<i>Events Revenue</i>	<u>30,000</u>	<u>26,540</u>	<u>(3,460)</u>	<u>-11.5%</u>	<u>30,000</u>	<u>88,995</u>	<u>(62,455)</u>
Events - Expenses							
Annual Meeting	30,000	33,564	(3,564)	-11.9%	30,000	80,809	47,245
Admissions Event	-	7,004	(7,004)	0.0%	-	5,481	(1,523)
<i>Total Events Expenses</i>	<u>30,000</u>	<u>40,568</u>	<u>(10,568)</u>	<u>-35.2%</u>	<u>30,000</u>	<u>86,290</u>	<u>45,722</u>
Communications							
Salaries & Benefits	30,583	31,290	(707)	-2.3%	122,799	29,217	(2,073)
Staff Professional Development	1,000	450	550	55.0%	4,000	35	(415)
Professional/Membership Fees	88	-	88	100.0%	350	50	50
Staff Travel	137	-	137	100.0%	550	24	24
Food & Entertainment	25	-	25	100.0%	100	-	-
Courier & Postage	1,500	3	1,497	99.8%	3,100	1,641	1,638
Telephone & Internet	600	646	(46)	-7.7%	2,400	649	3
Printing	7,750	-	7,750	100.0%	15,500	8,852	8,852
Stationery & Supplies	125	117	8	6.4%	500	-	(117)
Author Fees	-	-	-	0.0%	-	1,499	1,499
Website	2,500	-	2,500	100.0%	10,000	-	-
Rent	4,255	4,255	-	0.0%	17,018	3,811	(444)
Sundry Expenses	62	-	62	100.0%	250	-	-
Professional Services	-	-	-	0.0%	-	903	903
<i>Total Communications</i>	<u>48,625</u>	<u>36,761</u>	<u>11,864</u>	<u>24.4%</u>	<u>176,567</u>	<u>46,681</u>	<u>9,920</u>
Governance							
Council and Committee Meetings	40,457	28,772	11,685	28.9%	117,000	59,323	30,551
Public Representatives	8,600	6,200	2,400	27.9%	21,100	7,200	1,000
Honourarium	12,500	12,502	(2)	0.0%	50,000	12,502	-
<i>Total Governance</i>	<u>61,557</u>	<u>47,474</u>	<u>14,083</u>	<u>22.9%</u>	<u>188,100</u>	<u>79,025</u>	<u>31,551</u>

NOVA SCOTIA BARRISTERS' SOCIETY - GENERAL FUND
 BUDGET COMPARISON STATEMENT
 FOR THE PERIOD ENDING 07/31/2011

	YTD BUDGET	YTD ACTUAL	YTD BUD.VS. YTD ACTUAL	OV/UN %	FISCAL BUDGET	YTD LAST YEAR	YTD ACT. VS. YTD ACT. LAST YEAR
Regulatory Programs							
Trust Audit	12,500	3,900	8,600	68.8%	50,000	16,186	12,286
LRA Audit	12,500	16,559	(4,059)	-32.5%	50,000	6,360	(10,199)
Lawyer's Services/Legal Fees	6,000	1,963	4,037	67.3%	25,000	8,257	6,294
Unauthorized Practise Investigations	1,125	367	758	67.4%	5,000	-	(367)
<i>Total Regulatory Programs</i>	<u>32,125</u>	<u>22,789</u>	<u>9,336</u>	<u>29.1%</u>	<u>130,000</u>	<u>30,803</u>	<u>8,014</u>
Programs - Other							
Membership Equity Education	9,793	9,083	710	7.3%	31,500	16,527	7,444
Library Consolidation Project	-	-	-	0.0%	20,000	-	-
Lawyers' Assistance	21,500	19,857	1,643	7.6%	86,000	28,966	9,109
Standards Development	-	-	-	0.0%	-	6,623	6,623
Risk and Practise Management	17,750	16,800	950	5.4%	71,000	16,800	-
<i>Total Program</i>	<u>49,043</u>	<u>45,740</u>	<u>3,303</u>	<u>6.7%</u>	<u>208,500</u>	<u>68,916</u>	<u>23,176</u>
Other Expenses							
Federation of Law Societies	14,545	13,744	801	5.5%	66,000	17,436	3,692
Relocation Costs	-	-	-	0.0%	50,000	-	-
Contingency	15,000	2,559	12,441	82.9%	60,000	-	(2,559)
Depreciation & Amortization	20,470	20,470	-	0.0%	81,880	25,769	5,299
	<u>50,015</u>	<u>36,773</u>	<u>13,242</u>	<u>26.5%</u>	<u>257,880</u>	<u>43,205</u>	<u>6,432</u>
Total Expenses	<u>1,254,703</u>	<u>1,132,192</u>	<u>122,511</u>	<u>9.8%</u>	<u>4,918,562</u>	<u>1,249,619</u>	<u>117,427</u>
Contribution to General Fund Surplus	<u>47,595</u>	<u>225,565</u>	<u>177,970</u>	<u>373.9%</u>	<u>176,415</u>	<u>1,827,598</u>	<u>1,602,033</u>
Discipline Repayment	-	4,028	4,028	0.0%	-	10,123	(6,095)
Unrealized Gain(Loss) on Investments	-	(17,274)	(17,274)	0.0%	-	5,800	(23,074)
Transfer to Lawyers' Fund for Client Compensation	-	(85,880)	(85,880)	0.0%	-	(108,846)	(22,966)
Net Contribution to Surplus	<u>47,595</u>	<u>126,439</u>	<u>78,844</u>	<u>165.7%</u>	<u>176,415</u>	<u>1,734,675</u>	<u>1,608,236</u>
Transfer from Futures Reserve	-	-	-	-	-	-	-
Transfer from Standards Development Reserve	-	-	-	-	-	-	-
Net Contribution to Reserves		<u>126,439</u>					

NOVA SCOTIA BARRISTERS' SOCIETY - LAWYERS' FUND FOR CLIENT COMPENSATION
 BUDGET COMPARISON STATEMENT
 FOR THE PERIOD ENDING 07/31/2011

IS 9

	YTD BUDGET	YTD ACTUAL	YTD BUD.VS. YTD ACTUAL	OV/UN %	FISCAL BUDGET	YTD LAST YEAR	YTD ACT. VS. YTD ACT. LAST YEAR
Revenue							
Interest Income	-	14,736	14,736	0.0%	-	15,215	(479)
<i>Lawyers' Fund for Client Compensation Revenue</i>	-	14,736	14,736	0.0%	-	15,215	(479)
Loss Gain on Investment Sales	-	51	(51)	0.0%	-	(561)	(612)
Volunteer Travel	-	901	(901)	0.0%	-	-	(901)
Investment Management Fees	-	2,823	(2,823)	0.0%	-	2,732	(91)
Claims Paid	-	-	-	0.0%	-	7,833	7,833
CLIA Premium	-	41,285	(41,285)	0.0%	-	41,758	473
Lawyer's Services/Legal Fees	-	-	-	0.0%	-	2,565	2,565
<i>Lawyers' Fund for Client Compensation Expenses</i>	-	45,060	(45,060)	0.0%	-	54,327	9,267
Contribution to Lawyers' Fund for Client Compensation Surplus	-	(30,324.00)	(30,324.00)	0.0%	-	(39,112.00)	8,788
Unrealized Gain(Loss) on Investments General	-	(24,714.00)	(24,714.00)	0.0%	-	8,158.00	32,872
Transfer from General Fund	-	85,880.00	(85,880.00)	0.0%	-	108,846.00	22,966
Net Contribution To Surplus	-	30,842.00	30,842.00	0.0%	-	77,892.00	47,050

NOVA SCOTIA BARRISTERS' SOCIETY
CONSOLIDATED STATEMENT OF REVENUE AND EXPENDITURE
FOR THE PERIOD ENDING 07/31/2011

	Unrestricted General Fund	Lawyers' Fund for Client Compensation	Total
Revenue			
Fees	\$ 1,242,150	\$ -	\$ 1,242,150
Admissions	22,798		22,798
Continuing Professional Development	4,800		4,800
Library	33,136		33,136
Events	26,540		26,540
Communications	-		-
Interest Income	15,501	14,736	30,237
TLS Secondment Revenue	-		-
Other	12,832	-	12,832
	<u>1,357,757</u>	<u>14,736</u>	<u>1,372,493</u>
Expenses			
Library	201,190		201,190
General Operating	79,491	45,060	124,551
Administrative Salary Costs	205,851		205,851
Admissions	20,538		20,538
Continuing Professional Development	8,462		8,462
General A & PD Expenses	123,182		123,182
Professional Responsibility	263,373		263,373
Events	40,568		40,568
Communications	36,761		36,761
Governance	47,474		47,474
Regulatory Programs	22,789		22,789
Other Programs	45,740		45,740
TLS Secondment Expenses	-		-
Other	36,773		36,773
	<u>1,132,192</u>	<u>45,060</u>	<u>1,177,252</u>
Contribution to Surplus	225,565	(30,324)	195,241
Discipline Repayments	4,028		4,028
Unrealized Gain (Loss) on Investments	(17,274)	(24,714)	(41,988)
Allocation to (from) Lawyers' Fund for Client Compensation	(85,880)	85,880	-
Net Contribution to Surplus	<u>\$ 126,439</u>	<u>\$ 30,842</u>	<u>\$ 157,281</u>
Transfer from Futures Reserve	-		-
Transfer from Standards Development Reserve	-		-
Net Contribution to Reserves	<u>\$ 126,439</u>		