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Our Annual General Meeting June 15, 2019, marks the end of the Society Council’s two-year mandate and the end of a three-year strategic plan.

Not surprisingly, the work we have done hasn’t solved “Access to Legal Services” or “Equity, Diversity and Inclusion in the Legal Profession.” However, I can say with confidence that this Council has been focused on its strategic plan and we have moved the dial.

There are a few, like me, that will not be on the Council after the Annual Meeting. Many more are continuing and there are five new members taking office. Four of those five are members of the Society and have attained seats by election or appointment. The fifth member joining Council at the Annual Meeting is our newest public representative, Mr. Bryan Darrell, PEng. Bryan will join four dedicated, conscientious and hard-working members of the public to help guide our work. I offer a special thanks to Michael Baker who is retiring as a public representative after six years service to our mandate. His contributions will be long lasting.

This year marks the first full year with our Executive Director Tilly Pillay QC. There have been many Society staff changes in 2018-2019 and over the last four years I have had the privilege of working with both the old and the new. It has been a pleasure all around.

This Annual Meeting also marks the end of the 2016 – 2019 Strategic Plan. Daren Baxter QC, Julia Cornish QC and I were on hand at the start of the 2016 -2019 Strategic Plan, and now Carrie Ricker, Jim Rossiter QC and Tuma Young will lead the next plan, developed over the last few months. The Society’s work will continue on similar themes – excellence in regulation of the profession; working to enhance access to legal services and Access to Justice; supporting members; and promoting equity, diversity, and inclusion in the profession.

Although those themes are familiar to those who have seen our earlier Strategic Framework, there remains work to do.

When I began this work, I was mindful of the Society’s aspirations and that it should be principled, proactive and proportionate in its work. Throughout the three years, after serving as an officer and member of the Executive Committee and Council, and after attending hundreds of meetings, I am confident that a risk-based, principled, proactive and proportionate leadership is well established throughout the Society’s work.

We have brought that “Triple P” mindset to finance, to professional responsibility, to education and credentials, to our insurance plan, and to our purpose generally, namely to uphold and protect the public interest in the practice of law.

One of my goals as President was to demonstrate that the Society is open to new ideas, new approaches and new ways of thinking. I believe Council has demonstrated that intention and will continue to do so. We have considered new forms of practice, including multi-disciplinary practices, and we have adopted new ways of doing our work.

We have taken steps to change the way we engage with the profession. For instance, we have implemented the Management System for Ethical Legal Practice (MSELP) and have developed tools to go along with it. We have been working on providing guidance to new lawyers, new firms, and also to retiring lawyers. We have sought to encourage member engagement through consultation including asking for input into our strategic planning.

We also held three meetings “in the community” – one on Millbrook First Nation, another at the Schulich School, and a third at the Black Cultural Centre in Cherry Brook. These were exciting opportunities to meet members of the public and understand their concerns about the delivery of legal services and justice issues generally.
We have been working hard on providing the public with excellence in regulation and we have faced challenges.

Our Professional Responsibility work has been demanding, but based on good policy, budgeting, and sound fiscal management, including setting appropriate reserves based on thoughtful analysis. We have managed to navigate the challenges, all while ensuring the protection of the public.

This Annual Meeting is a finale for me as President. For others it is a time of renewal and rededication.

Let this stand as my formal thanks to all members of Council – past and present. Over the last years, you made my work both meaningful and fun. You were a great support to your leadership team. Thank you.

We are blessed with a caring and conscientious staff, some of whom I worked with quite closely. That hard work, quietly done in the background often goes uncelebrated. To one and all, on behalf of the membership and public you serve and on my own behalf, thank you.

I may be the only President that has served with four second Vice-Presidents. That presented some interesting moments, plenty of phone calls and many meetings, but I am honoured to have worked with all four, (now) Madam Justice Christa Brothers QC, (now) Mr. Justice John Bodurtha, Carrie Ricker, and Jim Rossiter QC. Thank you.

It has been my pleasure and honour to serve as President, and I am confident the Society is in good hands.

Frank Demont QC
President
“PRACTISE WHAT YOU PREACH”

As I reflect on the past year, it is this biblical reference that comes to mind. As the regulator of the legal profession, we cannot be asking our members to meet standards, adopt ethical practices, embrace diversity and be culturally competent, if we ourselves do not demonstrate our commitment to meet these goals. And we cannot ask the public to trust us, without demonstrating that we have earned that trust.

With this in mind, we set out several years ago to change our processes, practices and approaches to better reflect our new way of regulating the legal profession, our new way of engaging with our members and the public and a renewed focus on our role in improving the administration of justice.

The Society has accomplished much in the life of its 2016-2019 Strategic Plan and that is documented in previous Annual Reports as in the current one. Let me take this opportunity to highlight some accomplishments this past year that allow you to be the judge of whether we do indeed “practise what we preach.”

Populating Council Committees

Over the years, there were different approaches to populating the committees that support Council in doing its work. Last autumn, the Governance and Nominating Committee decided to strike a subcommittee comprised of different individuals (lawyers and public representatives) with diverse backgrounds and experience (diversity in practice, geographical diversity, diversity in age, gender and culture).

This subcommittee invited applications from the membership, vetted the applications and made recommendations for appointments to committees. This took a whole day and many hours of advance preparation. The result of this process is that Council committees today are more diverse, more representative of the membership and the public, and bring a perspective that may not always have been present before.

Council committees have always been an integral part of getting the Society’s work done and they have done a phenomenal job. The changing nature of the practice of law, and the changing nature of how we regulate simply required a different process this time round.

The advantage of approaching this important task in this new way was the ability to connect with more members and engage them in our work.

Equity, Diversity and Cultural Competence

If you look at the complement of employees who work at the Society today, you will see more diversity and people who bring new ideas and different skills to add to our already high functioning team. If we ask the legal profession to take measures to promote equity and diversity in their workplaces, we have to take a leadership role in making that happen.

And if we are asking our members to be culturally competent and to apply an equity lens to the clients they are representing, or the witness they are cross examining in court, we have to do the same. In our regulatory decisions, whether it be admission to the Bar or handling a complaint through the professional responsibility process, we apply various lenses including whether there are any equity considerations we should take into account.

Society employees and Council have engaged in a series of cultural competence training sessions over the past several years. This training is ongoing and evolving, as it needs to be, until this just becomes part of what we do in our daily practice. We are committed to a meaningful integration of this knowledge and approach into our organization and our work. We are committed to supporting our members to do the same.
Engagement with the Members and the Public

Member engagement has been and continues to be a topic that is raised at Council meetings. In developing a process to craft a new and informed Strategic Plan for 2019-2022, Council considered how best to engage the membership, our stakeholders and the public who have an interest in our work.

A decision was made to hold several focus groups with members such as managing partners, past presidents, county bar representatives, sole practitioners and those working in small firms. We also held focus groups with stakeholders, justice partners and community organizations. We asked everyone what the Society’s priorities should be. Those conversations were very informative.

Based on the feedback from the focus groups, a survey was sent out to all members, stakeholders and community organizations, again seeking feedback on what the Society’s priorities should be over the next three to five years. The answers, regardless of where they came from, were remarkably consistent with what we heard at the focus groups.

Council used this information at their two-day strategic planning session in May 2019. You will hear more about the new Strategic Plan at the Annual Meeting and in the months to come.

Council in the Community

Three times this past year, Council held its meeting away from the Society offices: in September 2018, at Millbrook; in January 2019, at the Schulich School of Law; and in May, at the Black Cultural Centre in Cherry Brook. Ask any Council member what they thought of those experiences and I am sure you will get a positive response.

Council cannot begin to talk about meaningful ways to improve access to legal services and the administration of justice without hearing first voice stories from these communities and about the unique challenges they face. Relationships were forged at these meetings and we continue to build on them by feeding back to the community what we heard and taking opportunities for future conversations. Council recognizes that this requires a long term, sustained and sincere commitment that needs to be properly resourced and guided by the communities themselves.

On the road again…

To weave all of these initiatives together, the incoming President, Carrie Ricker, the Legal Services Support Team, Jennifer Pink and Rob McCleave, and our Equity and Access Manager, Angela Simmonds, are heading out to a community near you over the summer and fall months.

They will talk about the Society’s priorities, how we can support lawyers (from the beginning to the end of their careers) in delivering quality legal services and provide tools and tips to lawyers about how to incorporate an equity and diversity lens into their practice.

Remember – engagement is a two-way process. So, we need to hear from you. When the opportunity arises, please share your thoughts. I promise we will hear you with an open mind. After all, that is how we all learn and grow.

Tilly Pillay QC
Executive Director
## 2016 – 2019 STRATEGIC FRAMEWORK

### PURPOSE
The purpose of the Society is to uphold and protect the public interest in the practice of law.

### VISION
The Society is an independent, trusted and respected regulator of the legal profession. Acting in the public interest, we provide leadership, value and support to a competent, ethical, inclusive and engaged legal profession. We enable the legal profession to enhance access to justice and uphold the rule of law.

### STRATEGIC DIRECTIONS

<table>
<thead>
<tr>
<th>EXCELLENCE IN REGULATION AND GOVERNANCE</th>
<th>ADMINISTRATION OF JUSTICE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PRIORITIES</strong></td>
<td></td>
</tr>
<tr>
<td>Transform regulation in the public interest</td>
<td>Enhance access to legal services and the justice system</td>
</tr>
<tr>
<td>Implement and adjust as necessary legal services regulation</td>
<td>Promote increased access to legal services through regulatory initiatives and monitor their impact</td>
</tr>
<tr>
<td>Implement the Regulatory Objectives</td>
<td>Promote substantive equality and freedom from discrimination in the delivery of legal services and the justice system</td>
</tr>
<tr>
<td>Implement a framework for enterprise risk management</td>
<td></td>
</tr>
</tbody>
</table>

### STRATEGIC INITIATIVES

- Implement and adjust as necessary legal services regulation
- Promote increased access to legal services through regulatory initiatives and monitor their impact
- Engage with justice sector players and equity-seeking communities to enhance access to legal services and the justice system
- Implement the Regulatory Objectives
- Promote substantive equality and freedom from discrimination in the delivery of legal services and the justice system
- Respond to the Calls to Action of the Truth and Reconciliation Commission
- Implement a framework for enterprise risk management
- Advance cultural competence and inclusiveness in the legal profession and the justice system

### FOUNDATIONAL ACTIVITY
- Evaluating outcomes across all areas of activity and consistently measuring performance
- Supporting national regulatory initiatives and adopting best practices
- Promoting and maintaining effective relationships through sincere, substantive and sustained engagement and adopting restorative approaches
- Focusing on the future and making sound, informed financial decisions

### VALUES

<table>
<thead>
<tr>
<th>Commitment to Excellence</th>
<th>Fairness</th>
<th>Respect</th>
<th>Integrity</th>
<th>Visionary Leadership</th>
<th>Diversity</th>
<th>Accountability</th>
</tr>
</thead>
</table>

The Society advances this Strategic Framework through the work of a motivated and professional staff and members of Council and committees. The Society follows an Annual Activity Plan, which establishes the specific outcomes, initiatives and timeline to achieve the Society’s strategic priorities and initiatives. The Society strives to work collaboratively and in partnership with justice system participants.
EDUCATION & CREDENTIALING

Between May 1, 2018 and April 30, 2019 staff made 1453 rulings. This is compared to the 2018 fiscal year when staff made 1554 rulings and the 2017 year when staff made 1525 rulings. We continue to see an increase in the number of rulings made by the department on a yearly basis.

What follows is a breakdown of the various types of rulings that staff make and statistics about the credentialing work carried out by the department.

Trends from previous years continued this past year. We saw a significant increase in the number of domestic transfers in the past year. We also saw an increase in the number of retirements but a decrease in the number of resignations. Far fewer lawyers applied for certificates of standing than in previous years. We registered almost twice as many new firms this year as last. Finally, although the tax laws have changed, 401 of 418 law corporations renewed their corporation certificates.

CREDENTIALING RULINGS

<table>
<thead>
<tr>
<th></th>
<th>FISCAL YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2015</td>
</tr>
<tr>
<td>Temporary Practice Permit</td>
<td>17</td>
</tr>
<tr>
<td>Temporary Practice Permits (NMA)</td>
<td>15</td>
</tr>
<tr>
<td>Change of Category (up)</td>
<td>36</td>
</tr>
<tr>
<td>Change of Category (down)</td>
<td>95</td>
</tr>
<tr>
<td>Domestic transfers</td>
<td>32</td>
</tr>
<tr>
<td>Foreign transfers</td>
<td>2</td>
</tr>
<tr>
<td>Foreign Legal Consultants</td>
<td>0</td>
</tr>
<tr>
<td>Temporary mobility from outside Canada</td>
<td>3</td>
</tr>
<tr>
<td>Readmission following resignation</td>
<td>3</td>
</tr>
<tr>
<td>Resignations</td>
<td>35</td>
</tr>
<tr>
<td>Retirements</td>
<td>39</td>
</tr>
<tr>
<td>Certificates of Standing</td>
<td>67</td>
</tr>
<tr>
<td>Notary Public applications</td>
<td>79</td>
</tr>
<tr>
<td>Application for law corporation</td>
<td>42</td>
</tr>
<tr>
<td>Application for LLP</td>
<td>3</td>
</tr>
<tr>
<td>Renewal of law corporation</td>
<td>462</td>
</tr>
<tr>
<td>Renewal of LLP</td>
<td>4</td>
</tr>
<tr>
<td>Opening trust account</td>
<td>18</td>
</tr>
<tr>
<td>New firm registrations</td>
<td></td>
</tr>
</tbody>
</table>

Please note: The Society’s fiscal year runs from May 1 to April 30.
ARTICLING AND ADMISSION RULINGS

The articling process involves a variety of rulings, starting with the approval of the articling application up to and including the application for admission. Below is a list of the types of staff rulings and statistics for most of those rulings.

<table>
<thead>
<tr>
<th>Type of ruling</th>
<th>Fiscal year 2015</th>
<th>Fiscal year 2016</th>
<th>Fiscal year 2017</th>
<th>Fiscal year 2018</th>
<th>Fiscal year 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Articled clerk applications</td>
<td>69</td>
<td>71</td>
<td>79</td>
<td>78</td>
<td>67</td>
</tr>
<tr>
<td>Articling plans</td>
<td>69</td>
<td>66</td>
<td>79</td>
<td>86</td>
<td>54</td>
</tr>
<tr>
<td>Education plans</td>
<td>62</td>
<td>75</td>
<td>70</td>
<td>57</td>
<td>43</td>
</tr>
<tr>
<td>Principal applications</td>
<td>49</td>
<td>57</td>
<td>52</td>
<td>61</td>
<td>48</td>
</tr>
<tr>
<td>Change in supervising lawyer/principal</td>
<td>7</td>
<td>0</td>
<td>8</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Extension of articles</td>
<td>23</td>
<td>26</td>
<td>25</td>
<td>24</td>
<td>53</td>
</tr>
<tr>
<td>Applications for admission</td>
<td>111</td>
<td>90</td>
<td>120</td>
<td>131</td>
<td>136</td>
</tr>
<tr>
<td>Termination of articles</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Secondment of articles</td>
<td>17</td>
<td>16</td>
<td>17</td>
<td>18</td>
<td>13</td>
</tr>
<tr>
<td>Application to work outside articles</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Abridgement of articles</td>
<td>7</td>
<td>5</td>
<td>8</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>Leaves of absence</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5</td>
</tr>
</tbody>
</table>

The information reported in the media about the lack of articling jobs in Nova Scotia is anecdotal at best. It is important to remember a number of things:

1. The number of articulated clerks has been relatively consistent over the last seven years. Although we have not reported on the current fiscal year, so far we have 70 articulated clerks, who will start on June 1 and 5 who started between January 1, 2019 and May 30, 2019 or are starting after June 1. There are 10 months remaining in this fiscal year in which clerks can commence articles; it remains to be seen if we will continue to have additional clerks during the year.
2. Not all graduates from the Schulich School of Law wish to remain in Nova Scotia to article.
3. Not all articling positions commence on June 1. As indicated previously, we see an increasing trend where clerks are hired throughout the year. In the past year, articulated clerks commenced articles in almost every month, including January, February, March and April of this year.
4. The Society is not involved in the hiring process for articulated clerks so we are only aware of clerks once they secure positions and make applications to start articles. In some instances, we are aware when someone is looking but only if they contact us.
5. The number of lawyers/firms accepting clerks has stayed relatively consistent over the last seven years. The larger firm numbers remain constant while the small firms, governments and solo practices fluctuate each year depending on budgets and need for a clerk. The number has generally been between 30 and 40 each year. The numbers for last year and this current year are as follows:

<table>
<thead>
<tr>
<th>Fiscal year</th>
<th>Number of firms / lawyers with clerks</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>40</td>
</tr>
<tr>
<td>2016</td>
<td>48</td>
</tr>
<tr>
<td>2017</td>
<td>53</td>
</tr>
<tr>
<td>2018</td>
<td>47</td>
</tr>
<tr>
<td>2019</td>
<td>43</td>
</tr>
</tbody>
</table>
The Society has worked at becoming more flexible in articling arrangements so that clerks can find viable options for their articling year. We continue to work with clerks and firms who wish to establish shared articles and have had discussions with the law school about promoting shared articles.

**SKILLS COURSE**

As has been the case in recent years, we continue to see a fluctuation in the number of students who enroll in the course. We have not yet completed registration for the current year, however to date we have 65 students registered. We no longer have the PEI articled clerks taking our Skills Course as the Law Society of PEI has created its own course. The numbers over the last five years look like this:

<table>
<thead>
<tr>
<th>Fiscal year</th>
<th>NS students</th>
<th>PEI students</th>
<th>Total students</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>76</td>
<td>n/a</td>
<td>76</td>
</tr>
<tr>
<td>2017</td>
<td>75</td>
<td>14</td>
<td>89</td>
</tr>
<tr>
<td>2016</td>
<td>65</td>
<td>8</td>
<td>73</td>
</tr>
<tr>
<td>2015</td>
<td>68</td>
<td>6</td>
<td>74</td>
</tr>
<tr>
<td>2014</td>
<td>71</td>
<td>11</td>
<td>82</td>
</tr>
</tbody>
</table>

We continue to monitor both the online and in-person modules of the course. Students were more compliant this year in completing their assessments on time. Students continue to have difficulty with the writing and drafting assessments but are able to demonstrate competency with additional feedback. In the last fiscal year, we introduced an online client management module and assessment. Overall students have been doing well in the assessments.

**BAR EXAMINATION**

We are in our 23rd year with the current Bar Examination. We continue to have good results with the examination, however the Society is looking at changing the exam as a result of the impending retirement of our exam consultant. We are currently in discussion with the Canadian Centre for Professional Legal Education (CPLED) about how we might work together to create a uniform assessment. It should be noted that not all applicants writing the examination are Nova Scotia articled clerks; a number of applicants writing are foreign transfers who have been unsuccessful in completing the Ontario Bar Examination.

The examination results have looked as follows over the last number of years:

<table>
<thead>
<tr>
<th>Exam sitting</th>
<th>Applicants writing</th>
<th>Number of repeaters</th>
<th>Passes (first time)</th>
<th>Failures (first time)</th>
<th>Total failures</th>
<th>Failure rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019-01</td>
<td>15 first time</td>
<td>14</td>
<td>13</td>
<td>2</td>
<td>6</td>
<td>13.00%</td>
</tr>
<tr>
<td>2018-07</td>
<td>66 first time</td>
<td>4</td>
<td>55</td>
<td>11</td>
<td>15</td>
<td>17.00%</td>
</tr>
<tr>
<td>2018-01</td>
<td>19 first time</td>
<td>13</td>
<td>15</td>
<td>4</td>
<td>7</td>
<td>21.00%</td>
</tr>
<tr>
<td>2017-07</td>
<td>64 first time</td>
<td>8</td>
<td>52</td>
<td>12</td>
<td>15</td>
<td>19.00%</td>
</tr>
<tr>
<td>2017-01</td>
<td>25 first time</td>
<td>15</td>
<td>18</td>
<td>7</td>
<td>8</td>
<td>28.00%</td>
</tr>
<tr>
<td>2016-07</td>
<td>64 first time</td>
<td>4</td>
<td>54</td>
<td>14</td>
<td>16</td>
<td>22.00%</td>
</tr>
<tr>
<td>2016-01</td>
<td>14 first time</td>
<td>2</td>
<td>12</td>
<td>2</td>
<td>3</td>
<td>14.28%</td>
</tr>
<tr>
<td>2015-07</td>
<td>51 first time</td>
<td>10</td>
<td>51</td>
<td>2</td>
<td>2</td>
<td>3.9%</td>
</tr>
<tr>
<td>2015-01</td>
<td>21 first time</td>
<td>9</td>
<td>15</td>
<td>6</td>
<td>7</td>
<td>28.57%</td>
</tr>
</tbody>
</table>

The exam writing seminar is now available online for applicants to review all year round. Staff continue to provide a review service for any failing candidates. Generally, most failing applicants take advantage of having their exam reviewed by Society staff.
**CALL TO THE BAR**

In the last fiscal year, 136 lawyers were called to the Bar. This is up by 5 from the previous fiscal year. The calls looked like this:

<table>
<thead>
<tr>
<th>Month of call</th>
<th>Total number called</th>
<th>Articled clerks</th>
<th>Transfers</th>
<th>Readmission following resignation</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 2015</td>
<td>15</td>
<td>5</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>April 2015</td>
<td>16</td>
<td>7</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td>June 5, 2015</td>
<td>52</td>
<td>50</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>November 6, 2015</td>
<td>23</td>
<td>10</td>
<td>13</td>
<td></td>
</tr>
<tr>
<td>January 15, 2016</td>
<td>10</td>
<td>4</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>April 22, 2016</td>
<td>5</td>
<td>0</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>June 10, 2016</td>
<td>57</td>
<td>51</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>October 14, 2016</td>
<td>28</td>
<td>8</td>
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This was our fifth fiscal year with only four call ceremonies. Generally, the system has worked well. Transfers from within Canada are able to work in Nova Scotia while awaiting call and articled clerks may extend their articles. Transfers from outside Canada and those who have never been called and are no longer able to article are faced with a hurdle in some instances where the call is delayed. To remedy this, we are sometimes able to get these individuals called before they complete their articles or supervision with an undertaking to complete the supervision period once they have been called. We would like to once again attempt to have the Court accept paper calls so applicants are not waiting for months to be called to the Bar. Our last effort in this regard was unsuccessful. One challenge we continue to face is having appropriate courtrooms that will hold both the applicants and their guests. In addition, Society staff are required to set up and take down the seats in the courtrooms, which is an extra burden on limited resources. This year we were forced to have two calls in October due to the dramatic increase of domestic transfers during this time period. Typically, we have our final call for the fiscal year in April. The April 26th call to the bar was moved to May 3rd as it conflicted with the Council meeting.
In terms of clerks securing work once they have completed articles, below is a snapshot of the jobs secured by clerks in time for the call to the Bar each June. The numbers have remained pretty consistent the last few years. Generally, those still looking in June find jobs over the summer and into the fall. It is interesting to note that almost 95% of the current clerks called have positions.

<table>
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<tr>
<th># Clerks called June</th>
<th># Clerks with jobs</th>
<th># Clerks looking</th>
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Jacqueline Mullenger
Director, Education & Credentials
EQUITY & ACCESS OFFICE

ABOUT THE EQUITY & ACCESS OFFICE

The Equity & Access Office program is determined by a series of strategic considerations that seek to ensure:

1. That the Office’s work is bound by the scope set out by:
   - **Legislation**
     The 2010 amendment of the Legal Profession Act included a requirement that the Society regularly engage with Nova Scotia’s diverse communities. Section 4(2)(d)(i) of the Act states that “In pursuing its purpose, the Society shall seek to improve the administration of justice in the Province by regularly consulting with organizations and communities in the Province having an interest in the Society’s purpose, including, but not limited to, organizations and communities reflecting the economic, ethnic, racial, sexual and linguistic diversity of the Province.”
   - **The Strategic Framework**
     The Society is coming to the end of its current strategic planning cycle. Consequently, much of the Office’s focus this year has been on ensuring that our current strategic initiatives are established and stable.

2. That operational priorities are set out through:
   - **Embedding an equity lens throughout Society staff, Council, and volunteers**
     As the Society continues to embed an “equity lens” in all aspects of its decision-making, the Office is seeing internal needs play a larger role in defining its priorities.
   - **The Truth and Reconciliation Commission Working Group**
     The Equity & Access Office supports the work of the Truth and Reconciliation Commission Working Group. This group is just starting its work, and is described in more detail below.
   - **Community feedback**
     Throughout our work community voices have influenced the Office’s priorities, our focus is to support other aspects of the Society that seek to deepen their own understanding of and relationship with, Nova Scotia’s equity-seeking communities.
   - **The Racial Equity and Gender Equity Committees**
     The Equity & Access Office supports the work of the Racial Equity and Gender Equity Committees. The Committee’s work plans are described in detail below.

MAJOR ACTIVITIES

This year, the Equity & Access Office renewed its focus on developing internal capabilities at the Society, which saw us working on the following priorities:

- Equity in operations and governance,
- Diversity and cultural competence of the Nova Scotia bar, and
- Access to legal services by Nova Scotia’s equity seeking populations.

*Equity in operations and governance*: These activities seek to ensure matters of equity are given due consideration in all Society activities.

- **Responding to the Truth and Reconciliation Commission’s Calls to Action**
  This year the Equity and Access Office has supported Council as it seeks to carry out its response to the Truth and Reconciliation Commission’s Calls to Action. Over the past year the Equity and Access Office:
- Organized a workshop for Council, facilitated by Dalhousie’s Patti Doyle-Bedwell, that explored how Mi’kmaq populations remain affected by the legacy of residential schools, with a particular focus on how this legacy impacts Mi’kmaq lawyers and law students.
- Held Council’s September 2018 meeting at Millbrook First Nation. This was an opportunity for Council to build relationships with and take feedback from members of Nova Scotia’s Indigenous bar. At this meeting Council approved the creation of a TRC working group.
- Supported the TRC working group as it began its work. The group is chaired by lawyer Angelina Amaral and is composed of Indigenous and non-Indigenous lawyers who represent a cross-section of diverse experience and knowledge. The Equity & Access Office provides staff support as the TRC group sets goals, terms of reference and develops a work plan to help identify needs, gaps and priorities.

- **Development and application of an “Equity Lens”**
  To ensure that matters of equity are addressed throughout all aspects of the Society’s work, the Office provided equity lens training to Council and developed an “equity lens” tool to support the Society and the membership. The tool is currently in development and will be presented to Council once it is completed.

- **Council in the Community**
  *Council in the Community* is an outreach initiative that includes Council holding its meeting in a community space. It is an opportunity for Council to meet with members of Nova Scotia’s diverse communities, to share the Society’s work, and to learn how the Society can improve access to legal services throughout Nova Scotia. The Equity & Access Office organized two *Council in the Community* meetings in 2018-2019. The September Council meeting was held at the Millbrook Community Hall in Millbrook and the May Council meeting was held at the Black Cultural Centre for Nova Scotia in Cherry Brook.

**Diversity and cultural competence of the Nova Scotia bar:** These activities seek to ensure that Nova Scotia’s lawyers are culturally competent, trauma informed and broadly reflective of Nova Scotia’s diverse populations.

- **Cultural competence instruction**
  The Equity & Access Office provides a range of cultural competence education offerings on request to firms, government departments, the public and the law school. The Office also collaborates with the Education & Credentials department to provide a full day of cultural competence instructions for all sections of the skills course.

- **Pride events**
  The 2018 pride reception was held in July at the Marriott Harbourfront Hotel featuring Judge Amy Sakalauskas as a keynote speaker. The annual pride workshop was facilitated by Kate Shewan of the Youth Project, who provided Council members, lawyers and Society staff with an education session on incorporating sexual orientation and gender inclusion into workplace policies. The Office also worked with CBA-NS to organize a delegation of lawyers to march in Halifax’s 2018 Pride Parade.

- **Strength in Leadership – Remembering Dara Gordon QC**
  Through the strength of her leadership and as a highly regarded lawyer, Dara Gordon QC made many contributions to her country, her province and her profession. This annual leadership event, held in her memory, is an opportunity for lawyers to come together to discuss women’s leadership in the legal profession. The 2019 event featured a workshop by Dr. Shaheen Shariff, a Professor in the Department of Integrated Studies in Education, Faculty of Education at McGill University and expert in socio-legal issues relating to sexual harassment.

- **Maintenance of the Equity Portal**
  In collaboration with Library & Information Services, the Equity & Access Office launched a resource portal for lawyers and law firms seeking guidance on issues of employment equity and cultural competence. The portal gathers valuable online toolkits, training and information materials created by the Equity & Access Office, and relevant items from the Barristers’ Library.

The portal includes the Equity & Access Office’s cultural competence video series that were produced and launched this year. The Office has received increasing demand for cultural competence instruction
particularly from lawyers who live outside of HRM. These short videos cover a wide range of cultural competence topics, both general (“Why Cultural Competency?”) and specific (“Trauma-Informed Lawyering for Sexual Assault Victims”).

This portal allows lawyers and legal entities to identify unique needs based on area of practice, size of firm, their client base or other issues. It also plays an important role in the Society’s efforts to fulfill the Truth and Reconciliation Commission’s Call to Action 27. The Office’s staff are in the midst of reviewing the portal’s content and format, with an intent to make substantive additions over the next year.

- **The Gender Equity Committee & Racial Equity Committee**

  The Office provides administrative support and expertise to the Gender Equity and Racial Equity Committees and helps the committees to carry out their priorities. The Committees support Council’s governance and advance Council’s strategic framework by monitoring and advising on programs and policies that address issues of discrimination in the legal profession and in the administration of justice. They develop policy and program options that promote equity and diversity in the legal profession in Nova Scotia and assist the Equity & Access Officer to raise awareness of equity and access issues.

  The Gender Equity Committee supports Council by monitoring and providing advice about matters that address issues of gender in the legal profession. This year’s proposed Gender Equity Committee activities include:

  - A renewal of the Society’s 2008 postcard campaign, “It Will Be Our Little Secret”;
  - Providing Council with relevant education and information related to sexual and gender harassment and discrimination;
  - Organizing and hosting *Strength in Leadership: Remembering Dara Gordon QC*; and
  - Providing advice and recommendations to Council within the committee’s mandate

  The Racial Equity Committee similarly monitors and provides advice about programs that address issues of racism and discrimination in the legal profession and related to access to justice, including programs to increase access to the legal profession. This year’s proposed Racial Equity Committee activities include:

  - A June networking event to honor the racialized and Aboriginal clerks being called to the Bar;
  - Awarding the Race and the Law Paper Prize;
  - Continuing its equity audit of the judicial guidelines and appointments processes;
  - Continuing to work with community organizations to address legal gaps affecting racialized and Indigenous communities;
  - Supporting the Internationally Trained Lawyers Initiative as needed;
  - Advising Council and committees regarding cultural competence education and the development of cultural competence standards within the committee’s mandate;
  - Supporting the TRC working group;
  - Continuing to monitor the Preston land claims process;
  - Reviewing and amending the Racial Equity Committee’s terms of reference as necessary; and
  - Engaging with Council and committees with respect to diversity in Council’s composition.

- **Race and the Law Paper Prize**

  This award recognizes and encourages outstanding scholarship by law students in Nova Scotia, on topics pertaining specifically to issues of race and law. It is presented by the Society’s Racial Equity Committee and sponsored by Stewart McKelvey. The 2019 prize was won by Julianne Stevenson for her paper *Challenging Whiteness: The Role for Law Societies and Critical Race Theory in Addressing Unrepresentative Juries in Canada.***

- **Internationally Trained Lawyers (ITLs) Stakeholders Group in Nova Scotia:**

  **The Observership Program**

  In 2008, a multi-stakeholder working group model was created in Nova Scotia for Internationally Trained Lawyers (ITLs). This working group includes supporting partners from government, academia, regulatory bodies, as well as many non-governmental organizations. The Nova Scotia Barristers’ Society (NSBS), Immigrant Settlement and Integration Services (ISIS), and other members of a multi-stakeholder working group identified that a number of challenges and barriers existing for ITLs who were making their way
through the pathway to licensure in Canada. Among many other challenges it was identified that there was little opportunity elsewhere for these potential new Canadian lawyers to connect with the local legal profession in order to learn about the practical and procedural aspects of practicing law in Canada.

In 2013, the Nova Scotia Department of Labour and Advanced Education funded a one-year pilot project for an Internationally Trained Lawyer Observership Program situated within the Nova Scotia Barristers’ Society. The project seeks to address the above-mentioned challenges using an observership model. This model pairs an ITL with a Supervising Lawyer and is designed to expose ITLs to all facets of legal practice in Nova Scotia, thus facilitating their entry into the legal profession. ITLs are invited to participate in a variety of activities including attending client meetings, visiting the Courts, or observing day-to-day procedures of a variety of legal workplaces.

From this work, the Internationally Trained Lawyers stakeholders group was created. This group is chaired by Jan Kutcher and the Equity and Access Manager. At its January meeting, the group reviewed Immigrant Services Association of Nova Scotia’s (ISANS) services and programs for ITLs. In 2019, the group will consider developing an online information resource for additional information and collecting ITL immigration data. Additionally, the National Committee on Accreditation provided updates on NCA requirements and law schools, acknowledging most applicants have a common law background. There appears to also be an increase in applications from people who have been in Canada for some time but delayed applying due to settlement priorities.

After the group’s meeting in May, the Equity & Access Office hosted an information town hall session for Internationally Trained Lawyers with Immigrant Services Association of Nova Scotia (ISANS). The Federation of Law Societies of Canada (FLSC) presented and ISANS discussed the results of their survey that investigates the challenges being faced by ITLs and gathers statistics on their practicing status.

- **The Ku’TawTinu: Shared Articling Initiative**

  Currently the number of Mi’kmaq and Indigenous lawyers practicing within the province of Nova Scotia is low. Through the Ku’TawTinu: Shared Articling Initiative we hope to create meaningful articling opportunities that will prepare Mi’kmaq and Indigenous articling clerks for successful legal careers in this Province.

  The goal of the Ku’TawTinu: Shared Articling Initiative is to create articling positions that will provide a well-rounded articling experience, which will focus on contemporary Mi’kmaq and Indigenous legal issues. The purpose of the initiative is to provide Mi’kmaq and Indigenous law students with an opportunity to substantively engage in the process and practice of Aboriginal Law specifically related to legal research and litigation within Indigenous communities.

  There are two articling clerks are scheduled to begin the program in 2019.

- **The Articling Credit at the Nova Scotia Court of Appeal**

  The Equity & Access Office continues to collaborate with Department of Justice and the Indigenous Blacks and Mi’kmaq Initiative to increase the number of articled clerks and articling positions within this province. The goal of the Court of Appeal Articling Clerk position is to create learning and professional opportunities for additional articling students who may be hired.

  The Equity & Access Manager assists the Department of Justice in identifying and evaluating applicants for this position.

- **Legal Services Regulation and the Management System for Ethical Legal Practice**

  The Equity & Access Office supports the Society’s Legal Services Regulation initiatives by:

  - Contributing to the creation and maintenance of the comprehensive list of resources to guide lawyers and legal entities through the MSELP process;
  - Advising lawyers and law firms as they seek to enhance their practice infrastructure in relation to MSELP Element 9 (Working to improve diversity, inclusion and substantive equality) and Element 10 (Working to improve the administration of justice and access to legal services); and
  - Advising on matters of equity as they arise.
In 2019, the Equity & Access Office and Legal Services Support staff will make a series of community visits throughout Nova Scotia to engage with local firms on MSELP elements 9 and 10, and to provide direct support.

In addition, Legal Services Support staff will work with the Office to build an understanding of the unique practice demands and structures of lawyers working as legal advisors to Indigenous communities. Opportunities for dialogue with lawyers working on reserve and in community organizations will be fostered through collaboration with the TRC committee. The goal is to determine how the Society can provide meaningful practice support to lawyers in these unique practice roles.

- **Model Code review**
  This is a National initiative being undertaken by the Law Society Equity Network (LSEN) and chaired by the Equity and Access Manager. Four areas of review have been articulated: explicit inclusion of culturally competency in the Model Code; review of the Code through the lens of the TRC Calls to Action and implementation of related edits and additions; review of the Discrimination and Harassment chapter to make it more effective; and review of the Code for gender inclusive language (on hold currently as they will wait until we have produced guidelines on the topic).

  In 2019, the Equity & Access Manager provided the Society’s *Guidelines to Support Trans* and *Gender-Variant Clients, Colleagues, and Employees* to the initiative. A sub-committee has been struck to review the code for gender-inclusive language.

*Access to legal services by Nova Scotia’s equity seeking populations:* These activities seek to ensure that systemic barriers to access are identified and mitigated.

- **#TalkJustice**
  #TalkJustice began in late 2014 as a Society community engagement initiative. Results from the initial report, released in May 2015, recommended that the Society engage in more collaborative work with other justice sector bodies to address access to justice problems.

  Following the success of the first phase of #TalkJustice, and in an effort to respond to the above recommendation, the Society’s #TalkJustice team was approached by the Access to Justice Coordinating Committee (A2JCC) to advise on the creation of its community engagement initiatives. The result was the transformation of #TalkJustice from a Society project to one that was administered collectively by the A2JCC. Using the Nova Scotia Department of Justice’s license, the #TalkJustice team created a SenseMaker questionnaire to explore stories submitted by Nova Scotians describing their experiences with the justice system. The team began collecting stories via the questionnaire in 2017, and shared results from that questionnaire throughout the year.

  Last year the A2JCC come to the end of its mandate. In advance of this, the Committee created and funded the Access to Justice and Law Reform Institute to be housed at the Schulich School of Law. This organization, a revival of the old Law Reform Commission of Nova Scotia, is responsible for continuing work on the A2JCC’s mandate, and is the new home for #TalkJustice.

  The Institute describes its work on its [website](#):  

  The Access to Justice & Law Reform Institute was incorporated in 2018 as a result of a transition by the Law Reform Commission of Nova Scotia from a statutory body to an incorporated institute. The Law Reform Commission of Nova Scotia was created in 1991 by the Government of Nova Scotia and the passing of the Law Reform Commission Act. The Commission was an independent advisor to the Government but not a government department. The independence of the Commission enabled it to make recommendations for law reform in a non-partisan manner.

  The Institute continues to be independent of government but is no longer a statutory commission. The Institute will continue the mandate of the Commission by making recommendations for the improvement, modernization and reform of the law. The Institute will continue to make recommendations for the development of new approaches to, and concepts of law that serve the changing needs of Nova Scotian society. It will also make recommendations for the improvement and administration of justice and it will review judicial and quasi-judicial procedures.
The Institute will also be taking on access to justice projects such as #TalkJustice, formerly a project of the Nova Scotia Barristers’ Society and the Access to Justice Coordinating Committee. The #TalkJustice project seeks to bring the voices of Nova Scotians to the center of justice reform through community engagement and the collection of first-hand experiences of those who have navigated the system. With this unique new project, we hope to make the work of the Institute even more responsive to the lives and experiences of all persons in Nova Scotian.

The Institute is funded by the Government of Nova Scotia, the Government of Canada, and by the Law Foundation of Nova Scotia with in kind support from the Nova Scotia Barristers’ Society and Dalhousie University.

Additional information about #TalkJustice can be found on the project website at www.talkjustice.ca

The Strategy & Engagement Officer continues to provide in-kind support to #TalkJustice by providing advice and assistance to Institute staff in their administration of the SenseMaker questionnaire and by assisting Institute staff to create and facilitate sensemaking workshops.

- **Preston Land Issues**
  
  In 2014, Society staff and members of the Racial Equity Committee met with community members in North Preston, East Preston and Cherry Brook to learn how they are affected by the justice system. They heard about how many community members did not have clear title to land on which they pay taxes and where their families had lived for generations. They recognized that further research and engagement was required to determine how best to resolve the issue. The Equity & Access Office carried out a research and engagement initiative on the issue and gathered stories from residents, who described how the lack of clear title affected their lives. The stories are described in a final reported, entitled *This Land is Our Land*.

  Over the following year, the Society began a series of related collaborative initiatives: It helped convene a stakeholders’ group including key staff from the Department of Natural Resources, Communications Nova Scotia, Nova Scotia Legal Aid, and the Department of Communities, Culture and Heritage with the specific goal of making the Land Title Clarification application process more user friendly and effective; it began to identify lawyers who are willing to undertake some of these files pro bono; it collaborated with DNR in June to hold a professional development session for lawyers on the land titles legislation and application process; and collaborated with the Schulich School of Law through Professor Jamie Baxter, who provided support through information and education on community landownership and land preservation. The Society also worked with the Legal Information Society of Nova Scotia and community leaders to create and distribute information brochures on land title, taxation and wills and estates.

  Then, in February of 2016, NSCC journalism students launched the series *Untitled* which documented the experiences of residents in North Preston as they tried to gain legal title of their land. The film series resulted in significant media attention and a number of promises were made by DNR and the Society to move this initiative forward. Specifically, the Society agreed to continue to work on relationship building in the communities and to begin working with a small group of pro bono lawyers on select files to try to identify a few quick wins upfront.

  Over the ensuing months a number of community members reached out to the Society looking for support to move forward on their files. As a result, in the summer of 2016 the Society identified six pilot files and six pro bono lawyers for a very small project.

  In 2017, the government of Nova Scotia announced a $2.7 million initiative to assist residents who live in the land title clarification areas of North Preston, East Preston, and Cherry Brook in Halifax Regional Municipality, and Lincolnville and Sunnyville in Guysborough County.

  The Equity & Access Manager continues to consult and work with the stakeholders group. The Racial Equity Committee continues to monitor the initiative’s progress and are prepared to provide information and support if requested.
• **Substantive legal education in underserved areas**

As Equity & Access Office staff carry out their work in the community, they regularly encounter legal issues where there is an insufficient supply of lawyers qualified to address them. These issues are more likely to affect Nova Scotians from equity seeking and economically disadvantaged communities and are more likely to involve serious legal matters such as citizenship, land ownership and incarceration.

The Society’s shift towards a risk-based model of legal services regulation has made improving access to legal services a regulatory objective. Filling gaps in the profession’s substantive legal knowledge – especially when that knowledge can be put towards redressing historic injustices – plays an important role in fulfilling this objective.

To this end, the Equity & Access Office works with community and system partners to facilitate the provision of substantive law education: In 2018, the Office hosted a workshop where lawyers participated in a Restorative circle with the Nova Scotia Home for Colored Children Restorative Inquiry. This workshop reflected on how institutionalized abuse and the legacy of systemic racism has harmed the African Nova Scotian communities. The Office also hosted a two full-day training sessions for lawyers entering the Nova Scotia Department of Justice’s Independent Legal Advice program, and a prison law training session by the Elizabeth Fry Society of Mainland Nova Scotia.

In 2019 to date, the Office has hosted the Canadian Association of Black Lawyers (CABL) for an afternoon information session on systemic discrimination within the legal profession for Indigenous Black & Mi’kmaq Initiative (IB&M) students.

**EXTERNAL LIAISON WORK**

• **External Committees**

The Equity & Access Office provides guidance and expertise to the following external committees:

- **NSFamilyLaw.ca**: A website offering information about the law, processes and services that make up family law in Nova Scotia.
- **The Free Legal Clinic**: The Free Legal Clinic is for people who are planning to take their legal problems to court, have already started a legal action, or are already in court but have little or no experience with the court process. It is hosted each Thursday at the Halifax Law Courts.
- **Indigenous Black & Mi’kmaq Initiative (IB&M)**: IB&M, an initiative of the Schulich School of Law, was established in 1989 to increase representation of Indigenous Blacks and Mi’kmaq in the legal profession in order to reduce discrimination.
- **Canadian Bar Association of Nova Scotia Equity committees**: The Equity & Access Officer supports the work of and collaborates with the CBA-NS Equity Committees when asked.
- **The Sexual Orientation and Gender Identity Conference (SOGIC)**: The Equity & Access Office and SOGIC jointly host the annual Pride reception (see above).
- **The Law Societies Equity Network**: A voluntary working group composed of law society staff and equity ombudspersons involved in promoting and encouraging equality, equity and diversity in the legal profession in each of their respective provinces.
- **National Legal Strategy Coalition on Violence against Indigenous Women**: A nation-wide ad hoc coalition of groups and individuals formed in 2014 following the murder of Inuit university student Loretta Saunders, to marshal resources that address violence against Indigenous women.
- **Community of restorative justice practitioners**: The Equity & Access Officer regularly attends conferences and workshops on restorative justice, both as a participant and a presenter.
- **Equity Office community of practice**: Equity and Access Office staff participate in periodic meetings with a group of people in similar positions in institutions throughout Halifax. These meetings are an opportunity to learn and share resources as we undertake similar work in our own workplaces.
- **Pathways to Justice**: Equity and Access Office staff meet with the Be the Peace Institute and the Nova Scotia Association of Black Social Workers to explore how women who have
experienced gendered violence define “justice” in particular circumstances and how to use restorative and trauma-informed lenses with gender-based intersections.

- **Metro Interagency Committee on Family Violence**: A provincial group which focuses on the policies on family violence within the justice system and is accountable to the public in areas such as accountability, advocacy, experience with justice and victim support.

- **Information assistance on matters of equity & access**
The Equity & Access Office is often a first point of contact for members, the media and the general public seeking information on issues of equity, inclusion and discrimination in Nova Scotia’s justice system. The Office triages these requests and provides responses or referrals to other organizations as necessary.

**MOVING FORWARD**

As the Society comes to the end of its current strategic framework, the Equity & Access Office has made demonstrable progress in its efforts to advance the Society’s priority of promoting equity, diversity and inclusion in the legal profession. The Office’s 2017 monitoring report noted that successfully fulfilling the strategic framework “will require all staff and Council to regularly consider how their work impacts and is impacted by a legacy of structural inequality in Canadian society.”

In 2018, there was a concerted effort to start to embed these considerations within all aspects of the Society’s decision-making by establishing the TRC Working Group and developing the “equity lens.” In 2019, these efforts continued, which will challenge the Office, with a staff of two, to devote increasing time to internal initiatives while also ensuring its relationships with external partners and communities remain strong. Equity & Access Office staff are excited to take on this challenge as we develop more tools for the Society’s staff, volunteers and lawyers; build and broaden relationships and connections to address the gaps in supporting some equity seeking communities; and support Council in the creation and implementation of its new strategic framework.

Angela Simmonds
*Equity and Access Manager*
Budget highlights

1. Budgeted revenue and expenses for 2019/20 have remained consistent and the budget remains at zero surplus (breakeven) within the general fund. Executive Director’s Office expenses have increased due to the hiring of in-house legal counsel, while Member/Lawyer Services costs decreased due to the movement of some Risk and Practise Management services into the Education and Credentials group, under Legal Services Support.

2. Significant claims are expected to be paid in the 2019/20 year, which will result in a large increase in expenses in the Lawyers Fund for Client Compensation. As a result, the Society will be discontinuing the fee credit for the CLIA trust indemnification premium, (taken from the LFCC reserve last year). This means the net NSBS fee will increase from $2,400 to $2,480. While this will increase revenues for the LFCC, a deficit of $450,000 is still anticipated for the year. The Society’s reserves will remain within the target range at the end of the year.

3. The Society will be working on a number of initiatives for 2019/20 comprised of investing in technology, people and resources, and those priorities identified by the new strategic plan.

See the NSBS website for Financial Reports
See Schedule A for a breakdown of payment due dates
PROFESSIONAL RESPONSIBILITY

WHO ARE WE?

The Professional Responsibility department manages many of the Society's key public protection and regulatory risk management processes and tools. It is responsible for taking steps to ensure that lawyers comply with the Legal Profession Act and Regulations, the (former) Legal Ethics Handbook, the Nova Scotia Barristers’ Society Code of Professional Conduct and, where applicable, the Land Registration Act, as well as assisting members with adherence to Professional Standards.

Our role is essential to the Society achieving its goals and values of public protection, public confidence in the regulation of lawyers, excellence in regulation, accountability and enhancing access to justice. Further, the Professional Responsibility process supports each one of the Society's Regulatory Objectives. Sections 33 to 55 of the Act and Part 9 of the Regulations set out the authority of Committees and staff with regard to complaints, investigations and hearings, and the Fitness to Practise Program.

This report is a brief update of the PR activities in 2018-2019.

PR STAFF

Our General Counsel and Paralegal began work in January 2019 under the Executive Director’s Office which positively impacted work flow and internal resources for some PR matters, particularly in light of the heavy Compensation Fund claims and complex complaints activity.

COMPLAINTS INTAKE AND INVESTIGATION

There has been a steady increase in complaint calls over the past 8 years (from 293 to 463), particularly this year as we experienced an uptick in return and repeat callers, high conflict individuals, and calls relating to lawyers under investigation. A number of these callers demonstrate a pattern of anger and in some cases abuse toward staff, and many end up in PR even though they are not matters we can assist with.

To begin to address these problems, an internal committee with representatives from all departments and areas has been organized to consider how inquiries and requests for information are received, processed and responded to within the organization.

We have considered how to streamline these processes to include email responses instead of only calls, and we are changing the way we communicate and manage expectations on our website and in forms. With fewer calls through the intake line, workflow can be better managed, and staff capacity will be enhanced to better serve those complainants we do have jurisdiction to help through mediation, other forms of resolution and/or investigation. In addition, these improved processes will help us better assess risk and appropriate Triple P risk responses.

We are also preparing a statement of expectations for our workplace and website highlighting what behaviours the public and lawyers can expect from us, and what we expect from them, including civil and respectful behaviour and communications. The safety and health of our working environment for staff is a high priority.

In terms of written complaints, while last year we enjoyed a brief one-year respite from the typical number of written complaints (87), this year returned to the average of 130. Typically, we receive about 10 complaints each month, but in March and April alone we received 29. One complex investigation in particular arising from a firm break-up led to many calls from affected clients, and the filing of over a dozen written complaints against two lawyers.

Staff are undertaking an increased amount of investigations work, as planned, and engaging in direct member education, obtaining undertakings, etc., in an effort to change behaviour rather than ‘punish’. This has reduced
the number of special meetings of the CIC with members under s. 36(2), and the number of lower risk matters referred to them.

**COMPLAINTS PROSECUTION**

One matter was heard by a Hearing Panel this year, Duane Rhyno, a 17-day hearing which resulted in disbarment. The Court of Appeal heard the appeal of Lyle Howe’s disbarment in April 2019, and the Court’s decision is pending.

A second matter relating to Adele England was heard on May 13, 2019 and the Settlement Agreement respecting her consent resignation was approved. A third matter relating to Blois Colpitts was referred to hearing in November 2018, but public notice was delayed due to the member’s Court applications for confidentiality and judicial review, the former unsuccessful and the latter withdrawn. A fourth matter in respect of Jason Boudrot has been referred to hearing. Our in-house General Counsel is responsible for all these matters.

**COMPENSATION FUND CLAIMS**

Until this year, we had a number of years with very little claims activity. Then in October 2018, a large defalcation was discovered in relation to Jason Boudrot of Boudrot Rodgers in Port Hawkesbury. This situation has generated an extremely high amount of work including conducting a forensic audit, appointing a Receiver and then Custodian to manage and wind-down the entire practice, which included 9 lawyers employed at four different locations, and managing calls from the public with regard to the claims process. Between January and May, we have received 47 claims (with more expected), which is the highest number of claims from one event in the Society’s history. The value of the claims filed to date is just over $1,180,000, and eight claims have been paid to date totaling $162,281.11. The Lawyers’ Fund for Client Compensation Committee are continuing to meet monthly in order to expedite processing and approval of these claims, in the public interest.

The Legal Services Support team worked with PR, Education & Credentials and other staff to assist the lawyers and articled clerk previously associated with the firm to find new practice locations, which all now have.

**BUDGET**

Thanks to the Canadian Lawyers’ Insurance Association Part C policy coverage for the Compensation Fund losses, the Society’s exposure should be limited to $500,000 for the Boudrot claims. While there are complex investigation matters undertaken and/or underway which have been costly, the overall budgetary impact this year was lessened by the PR reserves and effective budgeting based on three and five-year averages. Cost savings have also been realized through our new General Counsel and paralegal positions, and the work of staff to reduce the use of external counsel.

Victoria Rees
Director, Professional Responsibility
As my tenure on Council comes to an end and as I reflect on Council’s progress and achievements over the past six years, it is rewarding to witness the Society’s evolution from an organization which was considered by some to be little more than a disciplinary body into an effective and proactive regulatory one. The Society strives to be engaged cooperatively with the profession to improve the practice of law for the benefit of all Nova Scotians.

Cognizant of the impact regulation can and does have on its members, the Society makes a concerted effort to respond to concerns voiced by the legal profession and strikes an appropriate balance between the well-being of members and the protection of the public interest. It is a difficult and ongoing task which requires the Society to remain nimble so it can effectively meet and anticipate challenges.

While serving on Council as a public representative, I saw an innovative shift in regulation with the introduction of a risk-focused but prudent approach to professional responsibility, coupled with Triple ‘P’ (principled, proactive and proportionate) guidance. This is helping to build a positive and collegial relationship between the Society and its members. Where appropriate, restorative approaches to public concerns over lawyer conduct are utilized.

I’ve also witnessed the development of the Management Systems for Ethical Legal Practice or MSELP, a guide/self-help reference to support practitioners and the establishment of the Legal Services Support (LSS) team. These are both valuable tools to help members and firms ensure they have the essential competencies in place for an ethical and effective practice — all done with the aim of keeping the public interest “top of mind”.

In 2017, Council moved to formally adopt regulatory objectives explicitly promoting diversity, inclusion and equity in the delivery of legal services and the justice system. This helps to ensure that diversity is embedded into every fabric of the Society’s regulatory work moving forward. Initiatives are being developed focused on increased cultural competency and sensitivity amongst members of the legal profession. Member engagement has always been a challenge for the Society and part of the diversity “discussion” is how to find the best way forward to communicate and gain support for these initiatives without alienating any segment of the profession.

The committee appointment process itself has changed significantly during my time on Council as well. Unlike past practice, committees are now populated by a sub-committee using a "skills and attributes matrix" which identifies gaps and ensures a proper balance of skill sets. Consideration is also given to a range of factors including experience, competencies, area(s) of practice, geography and diversity.

It is worth noting that we’ve seen several effective community outreach initiatives undertaken by the Society over the past few years, #TalkJustice being one. Several Council meetings were held beyond the walls of the Society’s office to engage members of the public. In 2018, a meeting was held at Kwilmu’kw Maw-klusuaqn Mi’kmaq Rights Initiative in Millbrook First Nation where the Society’s incoming Second Vice-President Tuma Young presented his report from the Federation of Law Societies of Canada’s TRC Calls to Action Advisory Committee. In 2019, the Society also held meetings in the community at the Black Cultural Center in Cherry Brook and at the Schulich School of Law at Dalhousie University.

In closing, I can tell you without equivocation that my time on Council was an immensely interesting and rewarding experience. Council provided a tremendous opportunity for professional growth and development by
furnishing the platform to engage in an outstanding level of discussion and debate, always in an open, respectful and collegial environment.

As public representatives, we put the broad public interest first and help to ensure transparency and accountability in the regulatory process of the legal profession. To be truly effective, we must commit the time and effort to understand the organization's purpose and the issues which come to the table for discussion. I hope I have achieved this and contributed as much to the Society as I have received in return.

*Michael Baker*
*Public Representative 2013-2019*
IN MEMORIAM

The following lawyers and colleagues passed away between May 1, 2018 and April 30, 2019. The Society extends condolences to their friends, families and former colleagues.

2018

- W. Wylie Spicer QC – May 21, 2018
- Patricia Harris QC – June 5, 2018
- The Honourable Justice Michael I. Stober – August 24, 2018
- Leo I. MacDonald – August 26, 2018
- Owen Hugh Calcott Thomas – November 1, 2018
- Chris K. Parker – November 13, 2018
- Samuel Charles Facey QC – November 21, 2018
- The Honourable Justice John David Murphy – December 15, 2018
- David Gordon Cottenden QC – December 19, 2018
- Earle H. Straus – December 30, 2018

2019

- John David Romans QC – January 29, 2019
- J. David Savoie – February 20, 2019
- Joseph Anthony McNally – April 16, 2019
- William Bertram White – April 27, 2019
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• Carrie Ricker – First Vice-President
• Jim Rossiter QC – Second Vice-President
• Tilly Pillay QC – Executive Director

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• Jillian Barrington
• Shane Russell

Central District
• Ellen R. Burke
• Kelly R. Mittelstadt

Halifax District
• Sheree L. Conlon QC
• Deanna Frappier QC
• Shelley Hounsell-Gray QC
• Loretta M. Manning QC

Southwestern District
• David Hirtle
• Andrew S. Nickerson QC

AT LARGE MEMBERS

• Brian K. Awad
• Cheryl A. Canning QC
• Tuma Young

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• Natalie Borden
• Peggy Gates-Hammond
• Michelle Ward
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• Anne Broughm – Executive Assistant
• Julia Schabas – Governance Officer
• Bernadine MacAulay – General Counsel
• Colleen Crowther – Paralegal

EQUITY & ACCESS

• Angela Simmonds – Equity & Access Manager
• Jane Willwerth – Strategy & Engagement Officer

HUMAN RESOURCES & OPERATIONS

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• Collette Deschenes – Communications Advisor
• Cindy Mullenger – Receptionist

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• Lisa Woo Shue – Library Technician

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• Kerry Foss – Executive Assistant to Finance & Administration Director

FINANCE & ACCOUNTING

• Darlene Trenholm – Controller
• Erika Hosking – Accounting Administrator

TRUST ASSURANCE

• Jocelyn Glynn – Trust Assurance Auditor
• Mhairi McInnis – Trust Assurance Administrator

TECHNOLOGY & SYSTEMS

• Pierre Benoit – Technology & Systems Manager
• Rebecca Zhang – Information Technology Administrator

EDUCATION & CREDENTIALS

• Jacqueline Mullenger – Education & Credentials Director
• Erica Green – Education & Credentials Officer
• Pam Connor – Executive Assistant to Education & Credentials Director
• Caron Ferguson-Eagan – Education & Credentials Officer
• Alana O’Connor – Education & Credentials Administrator
• Jennifer Pink – Legal Services Support Manager
• Rob McCleave – Legal Support Services Officer

PROFESSIONAL RESPONSIBILITY

• Victoria Rees – Professional Responsibility Director
• Shannon Downey – Executive Assistant
• Elaine Cumming – Professional Responsibility Counsel
• Robyn Schleiauf – Early Resolution Officer
• Catherine Turcotte-Roy – Complaints & Investigation Officer

LAWYERS’ INSURANCE ASSOCIATION OF NOVA SCOTIA

• Lawrence Rubin – Director
• Emma Pink – Executive Assistant
• Alex Greencorn – Administrative Assistant
• Patricia Neild – Claims Counsel
• Lisa Wight – Claims Counsel
• Cynthia Nield – Database and Information Officer