



NOVA SCOTIA
BARRISTERS' SOCIETY



ANNUAL REPORT
2013

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COUNCIL & SOCIETY STAFF

COUNCIL

OFFICERS

Timothy G.J. Daley QC

President

J. René Gallant

First Vice-President

Tilly Pillay QC

Second Vice-President

David F. Wallace QC

Honorary President

Darrel I. Pink

Executive Director

DISTRICT MEMBERS

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Candee J. McCarthy

Jill Perry

Central District

David Mahoney

David McNairn

Halifax District

Christa M. Brothers

Aleta C. Cromwell

William L. Mahody

Erin E. O'Brien Edmonds QC

Southwestern District

Lynn M. Connors QC

Darren MacLeod

AT LARGE MEMBERS

Gavin Giles QC

Naiomi Metallic

Alonzo Wright

APPOINTED MEMBERS

Dean Kim Brooks

Schulich School of Law

David Bartol

Representative of the Attorney General

Public Representatives

George MacDonald

Annette Marshall

Kenneth A. Nason

SOCIETY STAFF

EXECUTIVE DIRECTOR'S OFFICE

Darrel Pink

Executive Director

Emma Halpern

Equity Officer

Marie Paturel

Acting Equity Officer (August 2012 to February 2013)

Shirley Shane

Executive Assistant to the Executive Director

EDUCATION & CREDENTIALS

Jacqueline Mullenger, *Director,*

Education & Credentials

Caron Ferguson-Eagan, *Officer,*

Education & Credentials

Alana O'Connor

Admissions & Professional Development Assistant

Jennifer Pink, *Officer*

Education & Credentials

Sarah Prowse, *Administrator*

Education & Credentials

FINANCE & ADMINISTRATION

Glen Greencorn, *Director*

Finance & Administration

Pierre Benoit, *Officer*

Database Management

Marla Cranston, *Officer*

Communications

Peter Hubley, *Receptionist*

(as of November 5, 2012)

Gail McCallum, *Administrator,*

Accounting (retired January 17, 2013)

Jillian Melvin, *Administrator,*

Accounting (as of January 18, 2013)

Lisa Neily, *Administrator*

Web & Publications

Marion Ritchie, *Receptionist*

(retired November 2, 2012)

Gina Strople, *Administrative Assistant*

Darlene Trenholm, *Controller*

Rebecca Zhang, *Administrator*

Information Technology

LIBRARY & INFORMATION SERVICES

Deborah Copeman, *Librarian*

Jennifer Haimes, *Library Technician*

Lisa Woo Shue, *Library Technician*

PROFESSIONAL RESPONSIBILITY

Victoria Rees, *Director*

Professional Responsibility

Elaine Cumming

Professional Responsibility Course

Donna Edmunds

Executive Assistant

Kristene Handley

Officer, Compliance

Christal Marchant

Professional Responsibility Assistant

Mhairi McInnis, *Administrator*

Professional Responsibility

Catherine Turcotte-Roy

Officer, Complaints & Investigations

LAWYERS' INSURANCE

ASSOCIATION OF NOVA SCOTIA

Melanie McGrath, *Director*

Stacey Gerrard, *LIANS Counsel*

Erin McKiel, *Administrative Assistant*

Patricia Neild, *Claims Counsel*

Cynthia Neild, *Database and*

Information Officer

Gerri O'Shea, *Claims Counsel*

Christine Smith, *Executive Assistant*

PRESIDENT'S ANNUAL REPORT



As President, it is my pleasure to report on the activities of Council for 2013-2013. This past year has been busy and productive, with Council accomplishing much of what it set out for itself in its Annual Plan and adding some work that was unexpected but necessary. Set out below are the highlights of the work undertaken and completed.

CONFLICT OF INTEREST RULE

The *Code of Professional Conduct* was adopted and made effective January 1, 2012. What remained was Council's approval of the Rule respecting conflict of interest between current clients. After reviewing the materials from the Federation of Law Societies of Canada and the Code of Conduct Committee, Council adopted model Rule 2.04 as proposed by the Federation, and in doing so filled the void left in the *Code* when it was first adopted.

As well, Council adopted a new Rule under the *Code* outlining the availability and requirements of a limited scope retainer, providing clarity to lawyers who wish to use this tool and thereby enhance the public's access to legal services.

CPD REQUIREMENT

Council continued its review of the mandatory continuing professional development regulations, policies and practices and adopted policies proposed by staff to clarify what would be included as acceptable professional development activities. The work of reviewing the CPD Requirement for lawyers will continue over the next few years as Council refines both the policies and process to ensure clarity and work to simplify the process of ensuring its integrity.

NATIONAL DISCIPLINE STANDARDS

The Society is participating in a pilot project to evaluate national standards for professional responsibility, as developed by the Federation of Law Societies. This is part of the ongoing work of harmonizing regulatory regimes across Canada in light of the existence of mobility for lawyers across the country. These standards are the beginning of the work to harmonize the professional responsibility processes across the country so that a lawyer can expect reasonably comparable treatment in any jurisdiction in Canada if he or she is engaged with a discipline process.

NATIONAL ADMISSION STANDARDS

Council adopted a national entry level practice competence profile as proposed by the Federation of Law Societies. This profile is the beginning of work to harmonize admission standards across Canada. In an era of full mobility, Council believes it is very important that there be a reasonably comparable level of admission standards in every jurisdiction, such that we can be comfortable that a lawyer admitted in any other province will be competent to practise law in Nova Scotia. This work will continue over the next few years but this is an important piece of the work of Council in fulfilling its mandate in protecting the public interest in the practice of law.

EXECUTIVE DIRECTOR EVALUATION PROCESS

Council reviewed and approved a formal evaluation process for the position of Executive Director of the Society. This important process, which had been conducted informally in the past, will now follow a rigorous and standardized process on an annual basis and will contribute to ensuring accountability and providing effective and appropriate feedback to the Executive Director now and in the future.

ORGANIZATIONAL REVIEW

The process of reviewing the operations of the Society continued this year. The areas of communication and the Equity Office were the subject of analysis by Council. In the area of communications, Council received reports respecting proposed changes to that work but little was required. Regarding the Equity Office, substantial work and debate was undertaken, resulting in approval of a renewed mandate for the Equity Office that will guide the Executive Director and Equity Officer in that work for years to come.

TRUST ACCOUNT REGULATION AMENDMENTS

Council reviewed and approved substantial changes to the Trust Account Regulations, which represent a significant rationalization of those regulations and permit more flexibility by members in how they accomplish the goals and principals of such regulation while protecting the public interest in the trust accounts of lawyers. While such work will continue into the future, this is a substantial change from the past and represents a move to a more principled basis for such regulation and away from a "check box" approach of the past.



PRESIDENT'S ANNUAL REPORT

STRATEGIC PLANNING

Council spent considerable time this year engaging in a strategic planning process to establish a plan for the next three years. Led by First Vice-President René Gallant, and with substantial assistance from staff, Council was able to work through several of its meetings and a workshop, identifying two key strategic directions for the Society and articulating a bold and ambitious [strategic framework](#) for the future. The plan, which will focus on issues of access to justice and a review of our regulatory structure, will drive significant and meaningful improvements to the work and operations of the Society for years to come.

PROFESSIONAL STANDARDS

With the establishment of a Professional Standards (Law Office Management) Committee, Council began a review of several new standards and approved one from this Committee. This represents the beginning of the creation of a collection of such standards to assist practitioners in ensuring their competence in this area, and the Committee will continue its work into the future. This work, alongside the work of the Standards Committees in Real Estate and Family Law, and the newly established Committee on Criminal Law Standards, addresses our statutory obligation to establish standards and strengthen our ability to ensure competence of lawyers.

PROFESSIONAL RESPONSIBILITY CHANGES

A renewed Professional Responsibility Policy and Procedures Committee developed a number of regulatory and policy amendments. These were reviewed and approved by Council and represent substantial improvements, particularly in the area of hearings, ensuring early and appropriate case management, providing limited remuneration for hearing panel members and identifying a skills matrix for such panels. All of this work is intended to streamline and reduce time required

for hearings while ensuring procedural fairness throughout.

ACCREDITATION OF LAW SCHOOLS

Council began a discussion of its previous delegation of authority to accredit law schools to the Federation of Law Societies, in the context of an application by Trinity Western University to have a law school approved. Council deferred its analysis and discussion of this issue until the Federation has completed its review of the application of Trinity Western. This important work of Council will continue in the coming year.

COUNCIL PROCESSES

As part of its work to improve its own processes, Council introduced an evaluation form that is completed by each Council member at the end of each meeting, then synthesized and analyzed by the Executive Committee with a view to improving the work of Council in its meetings. This has resulted in changes to the process of Council that have been helpful throughout the year.

As well, Council introduced the use of an in-camera session at the end of each Council meeting to ensure that any confidential issues can be fully vetted. This has been a useful addition to the agenda and will be continued into the future.

ADMINISTRATION OF JUSTICE

Council continued its work in the area of seeking to improve the administration of justice. As noted, its adoption of a new strategic plan, ongoing program review and adoption of a new Equity Office Mandate, as well as its continuing work through its Rural Practice Working Group, represents some of the efforts being made in this area. In the coming year, a work plan around this broad area of activity will further refine and identify the work to be done and move this issue forward.

SUMMARY

Though the Society and Council have made it a priority to ensure there is full transparency of its work by making virtually all materials before Council available on the website of the Society, including the meeting packages and minutes, as well as permitting any member of the Society to attend Council meetings at any time, this report represents a brief summary of the highlights of the activity of Council this year. I would encourage any member of the Society who wishes to know more about the work of Council to review the materials on the Society website, speak to any Council member and to attend Council meetings whenever they wish.

I can say that I have been impressed by the amount of work accomplished by Council, the vigor that it brought to bear and the collaborative approach it took throughout the year. It has been a privilege for me to lead Council this year and the cooperation and generosity of each member of Council has made my work a light burden to bear. I want to thank members of Council, the Executive Committee, all staff of the Society and particularly the Executive Director, Darrel Pink, for their contributions and assistance to me this year. I am confident that the Society is moving in the best possible direction in carrying out its statutory mandate and ensuring that our self-regulation privilege continues.

Timothy G.J. Daley QC
President

EXECUTIVE DIRECTOR'S ANNUAL REPORT



As reflected throughout this Annual Report, the Society remains fully engaged in our public interest regulatory work. There is rarely a dull moment as we strive to meet the expectations of the public and the profession that our work will meet the standard of excellence that has been set for us.

ORGANIZATIONAL REVIEW

Our ongoing efforts to review all Society activities led to completion of our review of our communications work and the Equity Office this past year. We also implemented a number of changes in the administration side of our operation, allowing for a further reduction of our staff complement.

Our communications review focused on the means by which we communicate with lawyers and the public. A redesigned [InForum](#) newsletter resulted from that process so the majority of our communications are now linked to the Society's website and accessible on mobile devices. For the public we will shortly be launching a web-based Report to the Community (that is the working title only), which will greatly enhance the way the Society tells its story to the public so our work and our impact are obvious.

The Equity Office Review was completed in May, with the result being a clear mandate for our work in this area. The [Equity Office Mandate](#) is now available on the Society's website in the Improving justice section, under [The Equity Program](#) heading. Bringing clarity to this work is vital because the demands on us in this area are greater and grow faster than our ability or resources allow us to respond.

LIAISON ACTIVITIES

My role is ensuring that our strategic alliances, as required by Council Policy 18.24, continue to be a priority. Through scheduled meetings with key organizations in the justice sector, we ensure open communication is maintained so that issues of mutual concern are identified and addressed. These meetings include discussions with AJEFNE, the CBA, the Law Reform Commission, the Law Foundation, Nova Scotia Legal Aid and others. This year, for the first time, the Society met with the Nova Scotia Criminal Lawyers' Association. As a result of that, we will be moving forward with early work in the development of Criminal Law Practice Standards through a new committee being established for that purpose.

We will also be meeting shortly with the Legal Information Society of Nova Scotia to foster a stronger relationship between the Society and that organization.

Court liaison

The Society has committees that are tasked with liaising with each court in the province. In the Court of Appeal and Supreme Court, there are regular meetings with the justices of the courts that address a broad range of issues.

The Court of Appeal Liaison Committee has been reviewing matters relating to the protocol for appeals where ineffective trial counsel is raised as a ground of appeal, the new judicial dispute resolution process, costs

awarded in the Court of Appeal, wireless capabilities in courtrooms (the Bar favours having wireless access in all court facilities), and publication bans and how they are posted on the online docket.

Other issues identified for further consideration relate to the process for interlocutory appeals, the use of Twitter to circulate court decisions, managing in-custody appellants, and the identification of tribunal decisions by the Court of Appeal in its decisions.

In the Supreme Court, the Committee took on a new structure with the former Criminal and Civil Committees being amalgamated. The single Liaison Committee has worked well, though few criminal issues were discussed over the past year.

The Committee's work underscores that lawyers' engagement with the Bench, as it relates to the broad concept of access to justice, is a priority. The Court looks to the Bar for input on some of the most important structural issues that arise in litigation and in other forms of dispute resolution. The Society provides meaningful input on a wide variety of issues such as best practices and procedures, the amelioration of systemic delays, access to court-sponsored ADR mechanisms, and the appropriate manners and methods to address various forms of vexatious litigants.

A significant improvement has been achieved in the reduction of the traditional delays leading to trial. Chamber dates are available in Halifax in as little as a few weeks and trial dates, even for jury trials lasting up to three weeks, are available in as little as six months. The Court has achieved these scheduling initiatives through the triple booking of available justices into all trial timeslots. Occasional shortages of justices can result in a late adjournment of a trial but such incidences are rare.

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Improvements are also being made in how the Court manages settlement conferences, especially relating to those with a specific judge. From now on, it will be clearly known to the justice that she or he has been specifically selected and a substitute will not be made except in the most extreme circumstances.

In the spring, the Committee engaged in a lively discussion with the Court over so-called OPCA litigants. Known as “Freemen” or “Freemen of the Land,” these Organized Pseudolegal Commercial Argument litigants are increasing in number, and their movement and related behaviour is being experienced in a wide variety of cases such as family, criminal, tax, land use and title. The Court is extremely conscious of the potential for delay and disruption as a result of their behaviour and is developing a body of case law by which such delays and disruptions can be most effectively addressed.

The Supreme Court Family Division has also had an ambitious range of issues on its agenda. Divorce by Agreement and the procedures to be applied to it is a matter that the Committee is working on. A dialogue among the Court, the Committee, and a number of psychologists and social workers who regularly work in the Court system was held in January. Its purpose was to open up discussion on a range of matters that often cannot be addressed in the context of a specific file. It is expected that there will be some concrete developments from this and other meetings that will enable the Court to better access the expertise of these professionals in the most cost-effective way. The Committee is also pleased with the establishment of www.nsfamilylaw.ca and has noted the immediate benefits it has had for both clients and self-represented litigants.

At the provincial level, lawyers on the Provincial and Family Court Liaison Committees provide a range of input into their respective Court processes through discussions with individual judges of the courts. The Family Court group has generally been providing advice with regard to the Rules of the Family Court and how they can be improved. Both Committees are looking at Rules as well as practice directives.

The Provincial Court Liaison Committee held a meeting with Associate Chief Judge Williams (just prior to her appointment as Chief Judge), and with her has identified a number of areas where input from the Society is beneficial as it relates to a variety of matters including sentencing circles, for cases involving Aboriginal accused, and procedures to be used in *Charter* applications. The Committee is also actively committed to working with the Provincial Court to address the full range of items that have been identified to improve court efficiency and address collapsing dockets.

In addition to this committee work, I have been a regular participant with the Deputy Minister, the Chief Judge and other justice sector leaders in various committees that are engaged in work designed to reduce court delays and contribute generally to greater efficiencies in the justice sector. Addressing and eliminating the ‘culture of delay’ is a challenge that was presented to the entire system by the Honourable Pamela Williams when she was sworn in as Chief Judge of the Provincial and Family Courts, and it is one the Society and the Bar must address in order for the public to have confidence in the entire administration of justice.

Government liaison

Government liaison continues to happen across a number of areas with the Society’s officers meeting with the Minister of Justice and his Deputy on numerous occasions. There is a very healthy relationship with the Department of Justice and Service Nova Scotia and Municipal Relations in particular. A liaison committee with SNSMR has a wide agenda that addresses those issues where the department’s mandate intersects with lawyers. The primary focus is in the real estate and corporate areas but we also address issues of consumer interest such as cost of credit, payday lenders and the *Consumer Protection Act*. On real estate, in addition to the main committee we have a couple of working groups that address very practical issues involving the land registration system.

IMPROVING THE ADMINISTRATION OF JUSTICE

With new leadership at the Department of Justice and the Provincial Court, there is an emphasis on advancing a number of initiatives that will hopefully enhance the efficiency and effectiveness of that Court. These include matters such as e-disclosure of Crown files, Crown file ownership, a pilot Domestic Violence Court and examination of the subpoena process, as well as the intake arraignment process. My office has facilitated a workshop on e-disclosure and actively participates in each of the other ongoing initiatives.

The priority of working on family justice reform remains. We are actively supporting development of new intake processes in the Family Division of the Supreme Court that will provide a mechanism for a differential response to files depending on their nature. Not all files are the same and by assessing them at the outset, they can be more effectively handled through the process.

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The justice system is not just the courts, however, and this year the Society has been focusing on developing a means to identify what its specific role can be in improving access to justice and to legal services. Council has stated that our priority will be in the area of equity-seeking groups and economically disadvantaged individuals. Over the next few months, specific plans will be developed and submitted to Council for approval.

CONCLUSION

Almost all the items identified in my report support the Society's core regulatory responsibilities; however, they do not reflect the day-to-day volume of files, applications and our intersection with members of the public and lawyers. With the introduction of mandatory continuing professional development this year, we have engaged with the Bar in ways that

are unprecedented in recent years. The obligations, though widely accepted, have caused consternation for some lawyers and a few (a very few) are openly opposed to the Society's work and requirements in this area. Ensuring that lawyers respect the Society as their regulator and appreciate the public interest in the requirements that Council has imposed remains a constant challenge when individual lawyers take a different view.

The profession is served at the Society by an extremely competent staff, many with significant experience and now complemented by a growing number of new employees who are learning the role the Society plays in protecting the public as the regulator of lawyers. Ensuring succession of Society staff is an important requirement of my office, so that we ensure the long-term viability of our work with employees

who are both knowledgeable and committed to the outcomes we must achieve.

As we embark upon the next Council year, Council has approved a new strategic framework that will cause the Society to engage in an existential discussion about the form and nature of our regulation. As the senior staff member of the Society, I am committed to working with Council to make that as effective a review as possible so we are certain that the work we do is relevant, can clearly demonstrate the impact we have, and is done as efficiently as possible.



Darrel I. Pink
Executive Director

EDUCATION & CREDENTIALING

Between May 1, 2012 and April 30, 2013, staff made **681** in-house rulings. This is compared to the 2012 fiscal year when staff made 336 in-house rulings and the 2011 year, when staff made 376 rulings. In the year before the *Fair Registration Practices Act* was introduced, staff made 121 rulings.

In November 2012, the Society's Education & Credentials department took over responsibility for all changes of category and certificates of standing, which has increased the rulings processed by **49.33 per cent**. We are expecting this to increase again when a full year of those applications have been processed.

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

CREDENTIALING RULINGS

TYPE OF RULING	FISCAL YEAR 2010	FISCAL YEAR 2011	FISCAL YEAR 2012	FISCAL YEAR 2013
Temporary Practice Permit	24	21	13	19
Change of Category (up)	45	51	58	53
Change of Category (down)	-	-	-	135
Domestic transfers	24	30	13	26
Foreign transfers	-	7	4	4
Foreign Legal Consultants	2	1	0	0
Temporary mobility from outside Canada	-	6	5	0
Readmission following resignation	-	1	0	0
Resignations	-	-	-	22
Retirements	-	-	-	19
Certificates of Standing	-	-	-	77

ARTICLING 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 rulings staff make and statistics for most of those rulings. We do not yet capture statistics for secondment of articles.

TYPE OF RULING	FISCAL YEAR 2010	FISCAL YEAR 2011	FISCAL YEAR 2012	FISCAL YEAR 2013
Articled clerk applications	59	67	55	65
Articling plans	-	57	48	62
Education plans	11	20	15	61
Principal applications	6	11	12	39
Change in supervising lawyer	-	3	2	2
Extension of articles	-	-	29	16
Applications for admission	88	99	81	81
Secondment of articles	-	-	-	0
Application to work outside articles	-	1	1	0

There are two ways to employ an articled clerk. An individual lawyer may have a clerk or a firm can employ clerks and assign a supervising lawyer to oversee the articling process. In the last few years, we have seen the number of firms/lawyers employing clerks decline. In the 2013 fiscal year, **31** firms/lawyers employed articled clerks. In the 2012 fiscal year, **33** firms/lawyers employed articled clerks. This compares to **46** in the 2011 fiscal year

and **41** in the 2010 fiscal year.

In the last number of years, Nova Scotia has seen an overall decline in the number of clerks each year, although there were more in 2011. We had **67** clerks in the 2009 fiscal year, **59** in 2010, **67** in 2011, **55** in 2012 and **65** in 2013. For the 2014 fiscal year, we have **58** articled clerks to date.

There does appear to be a trend toward more firms hiring articled clerks after the June 1 start date. We are also aware that the Schulich School of Law at Dalhousie University graduated more students this past May, so there are likely more people looking for articling positions.

SKILLS COURSE

As has been the case in recent years, we continue to see a fluctuation in the number of students enrolled in the Skills Course. The numbers over the last four years have looked like this:

FISCAL YEAR	NS STUDENTS	PEI STUDENTS	TOTAL STUDENTS
2013	64	8	72
2012	54	8	62
2011	65	9	74
2010	57	4	61

We have now completed our third year with the new Skills Course format. The in-person course is three weeks, while legal writing, legal drafting and practice management modules are completed online. We contract eight trained lawyers to act as learning group facilitators, who assist us in giving feedback

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to students in the online modules and who also assist in marking. The model is working well and will undergo some changes over the next year to get us in line with the newly approved National Admission Standards.

BAR EXAMINATION

In the last fiscal year (2013), 85 applicants wrote the Bar Examination. In the 2012 fiscal year, 60 applicants wrote the Bar Examination, as compared to 79 in the 2011 fiscal year and 77 in the 2010 fiscal year.

In July 2012, 55 individuals wrote the Bar Examination and 16 failed. None were successful at the remarking of the examination. The failure rate was 29.09%. The pass rate was 70.91%. No one was successful at remarking.

In January 2013, 30 wrote the Bar Examination and 4 failed. The failure rate was 13.33%. The pass rate was 86.67%.

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

EXAM SITTING	TOTAL WRITING	PASSES	FAILURES	FAILURE RATE (%)
2013-01	30	26	24	13.33
2012-07	55	39	16	29.09
2012-01	16	15	1	6.25
2011-07	44	42	2	1.5
2011-01	23	18	5*	17.4
2010-07	56	53	3	

**One applicant who requested a remarking was successful.*

Although there was an increase in the percentage of failures in the July 2012 exam, the questions and results were reviewed and the failures do not appear due to the difficulty of the examination. Many students who wrote the examination were able to achieve a full ten points on each of the 10 questions and therefore it appears that some students were simply not prepared for the exam overall.

CALL TO THE BAR

In the last fiscal year, 81 lawyers were called to the Bar in Nova Scotia. This is the same as in the 2012 fiscal year and down from the 2011 fiscal year, when 99 lawyers were called. The previous two years saw 88 and 99 called, respectively.

By far the majority of these calls happen

in June each year, when the clerks complete articles. Of the 54 clerks being called to the Bar on June 7, 2013, 36 have secured work in Nova Scotia or elsewhere in Canada (66.67%), eight are leaving the province and eight are still seeking employment. Generally, we find that by the fall of each year, most new lawyers have found a position.

MONTH OF CALL	TOTAL NUMBER CALLED	ARTICLED CLERKS	TRANSFERS
June 2012	49	46	3
July 2012	4	1	2
Sept. 2012	5	2	3
October 2012	7	1	6
December 2012	6	1	5
February 2013	4		4
March 2013	1		1
April 2013	5	2	3

In the last year, we had five or fewer calls in five of our eight call ceremonies. In an effort to increase efficiency and reduce the use of resources, the Society has determined that it will hold only

four ceremonies in the coming year. The large call ceremony will be in June 2014, with smaller call ceremonies in October 2013, January 2014 and April 2014.

EDUCATION & CREDENTIALING

CREDENTIALS COMMITTEE

The Credentials Committee spent the year on national initiatives and policy work. There were four regularly scheduled meetings and two special meetings to discuss amendments to the National Mobility Agreement.

Much of the year was focused on issues arising from initiatives begun by the Federation of Law Societies. There is a concerted effort to create harmonization nationally and as a result, the Committee was asked to look at a variety of changes, including amendments to the Canadian Legal Advisor regulations, amendments to the National Mobility Agreement, National Admission standards, approval of new Canadian law schools and looking at character and fitness questions.

The Committee also spent time updating and creating additional policies in furtherance of the Society's obligations under the *Fair Registration Practices Act* (FRPA). To that end, regulations were updated, including those dealing with the Skills Course and Bar Examination. In addition, the Committee reviewed monthly calls to the Bar and attempted to have the process changed to paper calls. While that initiative was not accepted by the Supreme Court, the Society will be moving to quarterly calls, which will cut down on inefficient use of resources.

The Committee also agreed that Aboriginal legal issues should be included in the Bar Review materials and the implementation of that decision is underway. Finally, the Committee is considering whether the articling education plans should be changed in a manner that is more in keeping with current practice realities. In particular, the Committee is considering whether differentiating between barristers' and solicitors' skills in the education plan is a distinction without a difference.

The Committee continues to watch, with interest, the developments in Ontario as they move to a two-tiered articling system where some students attend a professional legal development course rather than articles. The Society continues to have approximately the same number of articulated clerks each year.

In the upcoming year, the Committee will look at a variety of issues, including further work on national initiatives as well as implementing any changes to the education plans used for articling. The Committee will also review the regulations for inter-jurisdictional practice, consider whether partial credit can be given for any work outside of articles, and work on developing an articling handbook for both principals and articulated clerks.

ONGOING ISSUES

Over the last fiscal year and going into this new one, we are working with a number of initiatives that are national in scope. Currently, the Federation of Law Societies of Canada is leading projects on National Admission Standards, National Standards for Character and Fitness, Amendments to the National Mobility Agreement, and the regulations dealing with accrediting law schools.

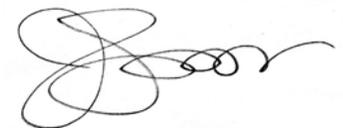
Council passed an amendment to the regulations permitting a committee of the Federation to determine whether a law school should be accredited. In addition, Council passed the new national admission standards competency profile and agreed to look at implementation in the coming year. A committee led by the Federation has been studying the character and fitness questions asked by the law societies and a report from that committee is forthcoming. Finally, Council recently passed a resolution that will ultimately lead to mobility for lawyers who want to practise in Quebec and for lawyers who want to leave Quebec to practise elsewhere in Canada.

The *Fair Registration Practices Act* (FRPA) has raised significant challenges for the Society. The policies surrounding credentialing, as well as the processes employed, underwent significant changes and continue to do so as we begin to work in this new world. As most decisions are now made by staff and are subject to internal review, an additional layer of administration and complexity has been added to the work. Every decision – from failure of a component of the Skills Course to a Bar Exam to a change of category or articling ruling – are subject to internal review, which means the Society must ask more of its volunteers and must administer the process.

Since the inception of FRPA in 2010, we have had four internal reviews. None have been successful to date. We had no internal reviews of decisions made in the last fiscal year. Although the reviews have not been successful, they require volunteers to review the decisions of staff, consider the file and write their own decisions. They involve substantial work for both staff and volunteers.

In addition, the process takes substantially more time than when decisions were not subject to internal review, which adds to the applicant's waiting time.

The government has now started the reviews of each regulator and the Society is working with the FRPA Review Officer to conduct a review of our admission practices.



Jacqueline Mullenger
Director, Education & Credentials

EQUITY OFFICE

As part of the Society's ongoing efforts to review its activities, the Equity Office recently completed a process that allowed for the development of a clear mandate for the work of this Office.

The newly drafted [Equity Office mandate](#) promotes the interests of equity-seeking groups in Nova Scotia by seeking to improve the administration of justice; addressing issues of racism, sexism and other forms of discrimination in the legal profession; and ensuring that the legal profession adequately reflects the public it serves.

As part of the Society's mandate to protect the public interest, the Equity Officer seeks to build equity and diversity values and principles into the policies, programs and procedures of the Society and for its members. The Society and its Equity Office also seek to ensure that both law and the practice of law reflect Nova Scotia's diverse population, including African Nova Scotian, Mi'kmaq and other racialized and linguistic communities, as well as other equity-seeking communities.

Through the Equity Office, the Society actively addresses ways to make the profession more diverse and reflective of Canada's multicultural communities. The Equity Office is responsible for a range of programs designed to increase lawyers' understanding of issues related to human rights and all forms of harassment and discrimination across the diversity spectrum. The Equity Office supports the Racial Equity Committee and the Gender Equity Committee, in accordance with their mandates. The Equity Office provides resources for all Society departments, Council and Committees on issues of equity, diversity and discrimination, and plays a leadership and consultative role when the Society engages in community outreach.

Over the past year, the Equity Officer has also been engaged in a number of activities that support the purpose of

the Society to uphold and protect the public interest in the practice of law. In keeping with section 4(2)(d)(i) of the amended Legal Profession Act, the Equity Officer continues to seek to improve the administration of justice in Nova Scotia through consultation with organizations and communities that have an interest in the Society's purpose and reflect the economic, ethnic, racial, sexual and linguistic diversity of the province.

4 (1) The purpose of the Society is to uphold and protect the public interest in the practice of law.

(2) In pursuing its purpose, the Society shall

(d) seek to improve the administration of justice in the Province by

(i) 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 following is a summary of the Equity Officer's activities over the past three years, beyond working closely with the Racial and Gender Equity Committees:

ACCREDITATION AND INTEGRATION OF INTERNATIONALLY TRAINED LAWYERS (ITLS) IN NOVA SCOTIA

In May of 2013, the Society received funding from the Nova Scotia Department of Labour and Advanced Education to implement an Observership Program for Internationally Trained Lawyers (ITLs) in Legal Workplaces.

An observership is a volunteer arrangement between an ITL and a supervis-

ing lawyer in a field that is relevant to the ITL's career goals. The program is flexible; time frame and arrangements are customized to fit well with both the objectives of the participating ITL and the availability of the supervising lawyer and legal workplace.

The Observership Program is designed to expose internationally trained lawyers to professional legal practice in Nova Scotia. The objective is to provide ITLs with a first-hand opportunity to learn about the legal profession by observing the practice of law in Canada and, more specifically, in Nova Scotia. The program is not intended to fill in any gaps that may exist in substantive legal knowledge, but rather to familiarize ITLs with legal workplaces and Canadian norms and expectations, thus helping to identify next steps for the ITL in terms of accreditation and career path.

Participating legal workplaces will also benefit through exposure to new cultural perspectives and ideas and connections to underserved communities and clients.

Recruitment and program content creation will be finalized by the end of August and the program will launch officially in September.

ORIENTATION TO THE PRACTICE OF LAW: LEGAL EDUCATION WORKSHOPS

During the fall of 2010, the Equity Officer worked with pro bono law students to develop a number of PowerPoint presentations designed to orient and introduce internationally trained lawyers to the practice of law in Canada. These workshops focus on such issues as division of powers, constitutionalism, the role of the Crown, civility, court procedure, and youth and the law. In 2011, 2012 and again in 2013, these presentations were offered free of charge at the Immigrant Settlement & Integration Services (ISIS) as part of its Newcomers Legal Education Workshop Series.



EQUITY OFFICE

CULTURAL COMPETENCE

Cultural competence refers to an ability to work competently with individuals and communities from cultures, races and backgrounds that differ from one's own. This is an important skill for lawyers who represent clients from a wide diversity of communities, backgrounds and experiences. The Equity Officer, with support from the Racial Equity Committee, developed a set of guidelines that set standards for cultural competence for lawyers in Nova Scotia.

The Equity Officer has also recently introduced a section on cultural competence in her presentations to the Society's Skills Course. All Skills Course students receive a brief overview of the following: What is cultural competence and why is it important for Nova Scotian lawyers? Cultural competence is also beginning to be taught at the Schulich School of Law at Dalhousie University through an orientation to law lecture on cultural competence and to the third-year ethics class. Finally, the REC has also been offering cultural competence CPD at conferences and to law firms.

PRIDE MENTORSHIP PROGRAM

In March 2010, the Equity Office, in collaboration with the CBA Sexual Orientation Gender Identity section, introduced a mentorship program for lesbian, gay, bisexual, and transgendered lawyers. New matches were made in the fall of 2011 and fall of 2012.

This new mentorship program was launched in conjunction with a talk at the law school and a Lunch and Law featuring LGBT legal issues and landmarks. The purpose of this mentorship program is to provide a community of support for students and new lawyers entering the profession. LGBT lawyers can face specific challenges and barriers, and this program will provide a forum for discussion, strategy and support that

may improve the practice experience for this community of lawyers.

LGBT LAW REFORM PROJECT

Last year, the Equity Office began a project with the Nova Scotia Rainbow Action Project to jointly supervise a law reform project for a team of four pro bono law students. The students recently produced two final research documents.

The first is titled *A Brief Look at Legislative Reform in Nova Scotia: Reflecting Same Sex Marriage*. It is a comprehensive review of Nova Scotia legislation that highlights terminology that describes couples and families in language that does not reflect same-sex unions and then provides suggestions for more inclusive language.

The second is titled *Birth Registration Regulations – Suggestions for Change and Ongoing Issues*. It discusses the challenging situation that exists for a lesbian mother, who is not the birth mother, to become legally registered as the second parent. This document highlights the challenges for the non-birthing lesbian mother, proposes a solution to the language of the *Vital Statistics Act* and raises a number of ongoing issues to be considered by policy makers.

The work produced by the *pro bono* students raises a range of legislative issues that have a direct impact on many same-sex couples and families in Nova Scotia. Recently, we have been reviewing and revising these documents and seeking further consultation from others in the legal community. The Society's Executive Committee has also agreed to raise these issues in its liaison work with the Department of Justice.

PRIDE RECEPTION

The Canadian Bar Association – Nova Scotia and the Society have jointly hosted a Pride reception event since

2003. The reception is viewed as an opportunity to celebrate diversity within the legal profession, and to show support for lesbian, gay, bisexual and transgendered lawyers in Nova Scotia. It coincides with Halifax Pride, the largest Canadian Pride celebration east of Montreal and the fourth largest in the country.

Past speakers at the event have included local lawyers and judges, as well as the Hon. Justice David Corbett of the Brampton Superior Court of Justice (2008) and Kenneth Upton, a Texas-based lawyer with Lambda Legal (2009). In 2011, we welcomed Pooja Gehi, a transgendered lawyer and activist from New York who heads the litigation team for the Sylvia Rivera project. In 2012, we welcomed Robert Leckey, a Law professor from McGill University and in July 2013, we will be welcoming Toronto's Michael Battista, who will present on the challenges faced by LGBT refugees.

THE MODEL ACCOMMODATION POLICY

The [Model Policy on Accommodation](#) was formulated after a thorough review of a variety of policies from various jurisdictions in Canada, including law societies, Bar associations, corporations and governmental agencies. The model policy was recently reviewed by the Nova Scotia Human Rights Commission and some changes were made. It is currently available in the [Equity Program](#) section of the Society's website for adoption by legal workplaces. Beginning in May 2012, presentations on the model accommodation policy were offered in legal workplaces to encourage its adoption.

THE ACCESS TO JUSTICE WORKING GROUP

The Access to Justice Working Group (ATJWG) was struck on July 12, 2010 and is advisory to the Joint Meeting. The ATJWG supports the work of the



EQUITY OFFICE

Joint Meeting and its participants to better coordinate their individual efforts, by identifying gaps and overlapping programs and services relating to the access of Nova Scotians to the justice system in general and the family law system in particular.

The ATJWG's first accomplishment was the creation and development of the Access to Justice Inventory Database in order to provide a comprehensive understanding of the work that has already been accomplished in the area of access to justice in Nova Scotia, to identify notable gaps in programming and services, and to bring clarity to the possible future direction for access to justice initiatives.

Last year, the ATJWG engaged in a number of discussions about access to justice priorities. Family law was the focus of many of these discussions because, despite the fact that there are a number of programs currently in place to support family law clients, this remains an area where there is an overwhelming need for services. In response to this need, the Equity Officer has been working closely with Pam Kachafanas, the Family Lead at Court Services for the provincial Department of Justice, on www.nsfamilylaw.ca. Since its launch in July 2012, this online family law website has increased access to family law information, processes and services for all Nova Scotians.

The ATJWG is also working on the development of a pilot project in Bridgewater that will support early referral to Nova Scotia Legal Aid in *Children and Family Services Act* matters.

In June 2013, the Society is hosting a strategic planning workshop designed to improve collaboration and coordination among community and justice participants, and to identify strategic initiatives the Society will undertake in the future. We are also working on a research initiative that will provide a comprehensive overview of access to justice initiatives nationally and help

guide our future direction in this work.

ACCESS TO JUSTICE COMMUNITY GROUP LIAISON MEETINGS

The Society seeks to enhance access of all Nova Scotians to both the justice system and legal services in this province. It is a key strategic priority to improve and enhance access and to ensure that the public has it, regardless of personal circumstances or community.

As the regulator of lawyers, the Society plays a unique role in addressing issues of access to justice, not only to establish standards and regulate the practice of law but also to ensure that justice is administered in a fair and equitable manner. Access to justice covers a wide spectrum of issues such as understanding individual rights and responsibilities as well as timely availability of the courts, and affordable legal services that respect and understand diverse cultural and community backgrounds. It touches all areas of the law that impact on the day-to-day lives of the public including immigration, landlord and tenant issues, employment matters, criminal law, and family law areas such as marriage, divorce, custody and access.

To adequately understand the access challenges, the Society will examine how individuals and communities obtain legal information and intersect with the justice system. The Society is holding a series of community meetings to gather input on experiences with the justice system and reflections on access to justice challenges and priorities.

This initiative is designed to help us identify ways that we can effectively collaborate with community organizations to enhance the legal system and the capacities of individuals and communities to work in it, for the justice system should be perceived as belonging not only to lawyers and judges but to the community.

These meetings will also serve to help us identify where there is the greatest need for improvement in regard to issues of access and where the Society can have the greatest impact.

Meetings have taken place with representatives of women's organizations and the LGBT communities, and interviews have happened with individual new Canadians. Issues have been raised about the 'cultural' competence of lawyers working with individuals whose sexual orientation, gender, culture or socioeconomic background is different from their own.

Over the next six months, the Society will meet with representatives from these four groups:

- African Nova Scotian communities,
- Mi'kmaq communities,
- people living with a disability, and
- mental health consumers.

The learnings from each meeting will be used to create a report to Council, which will include a plan for addressing those issues that are within the Society's access to justice mandate. All efforts will be made to communicate back to the organizations and individuals findings from these meetings and plans for the Society's future work in this area.

THE SOCIETY RECORD

The Equity Officer works closely with the Communications Officer to ensure that the content of the [Society Record](#) and [InForum](#) reflects the diversity of our membership and the public. Input on the *Society Record* ranges from writing articles and interviewing featured individuals to discussion of content and material.



EQUITY OFFICE

GENDER EQUITY COMMITTEE INITIATIVES

RETENTION OF WOMEN IN THE LEGAL PROFESSION IN NOVA SCOTIA

We engaged a student through Pro Bono Students Canada to research and write a report summarizing and providing an opinion on the retention of women in the practice of law. The student provided a comprehensive review of various studies and statistics on this topic. This study and other significant data gathered on the topic of the retention of women in the legal profession is being used by a team at Saint Mary's University, which is conducting a seven-year longitudinal study looking at the retention of women in the legal profession.

The Gender Equity Committee has committed to supporting this team of researchers and working with the data gathered. This past year, the Committee provided feedback on the questionnaire and consultation opportunities for the researchers. The Committee had ongoing consultation with the researchers and will assist in providing access to lawyers to further their research.

ACCOLADES

The Accolades column in every edition of the *Society Record*, which focuses on people in the profession who are doing work that deserves recognition, has been a great success. During this Council year, two columns were submitted: one concerning the Uncommon Law 4 event held in Sydney in June 2012, and the other showcasing the work of Madonna Doucette, a community activist in Sydney.

THE PARENTAL LEAVE SUPPORT PROGRAM

The [Parental Leave Support Program](#) supports the retention of women in the legal profession. Although more women than men are currently graduating from law school and entering the legal profession in Nova Scotia, well

over half of the individuals who change their category from practising to non-practising lawyers each year are women. Women are leaving the practice of law for many reasons, one of which is the reality that it is very challenging to practise law while raising a family.

The program is designed to support new parents – including fathers – as they balance family and professional responsibilities, with the following services:

- up to six one-on-one parental leave coaching sessions with the Equity Officer or a trained coach from the Gender Equity Committee or the Nova Scotia Lawyers Assistance Program;
- the opportunity to meet one on one and discuss your experience with another lawyer who has taken maternity and/or parental leave and is willing to share their experience and advice; and
- a wide range of information and resources available through the LAP website (www.nslap.ca).

Since the launch of this program, three program participants have attended sessions with volunteers from our Gender Equity Committee.

COCKTAILS AND CONVERSATIONS

In 2012, the Committee hosted its fifth Cocktails and Conversations: Your Finest Hour in Front of a Judge, for the first time in Sydney. This event brings together women lawyers and judges, and is very popular among female lawyers. The feedback has been overwhelmingly positive, in that it provides women an opportunity to gather and discuss issues affecting women in the legal profession.

The standard C&C event did not take place in 2013. Rather, the GEC designated one of its members to sit on the Ad Hoc Dara Gordon Event Committee of the Society, which was charged with organizing an event in honour of the late Dara Gordon QC. Focusing

on strength in leadership, the event was held in Halifax in February 2013 and was well received. C&C will be discussed during the upcoming Council year with a view to holding the event outside of Halifax in June 2014.

GLASS CEILING ISSUES: THE POSTCARD CAMPAIGN

The GEC is committed to seeking information/data from lawyers with respect to glass ceiling issues and concerns around gender discrimination and harassment in the profession. The postcard campaign, It will be Our Little Secret, provides an outlet for members to relay their stories and experiences regarding barriers encountered while practising law in Nova Scotia. We have received more than 40 responses to this campaign. The postcards have been used by members of the GEC to write articles for InForum, addressing the issues raised via the postcards. These articles were compiled into a [booklet](#) and circulated to law offices and other legal organizations throughout the province. The Committee will also discuss how the articles can continue.

SEXUAL ASSAULT INFORMATION BOOKLET

The GEC and Avalon Sexual Assault Centre co-supervised *pro bono* law students who researched and designed a booklet to provide information about the myths and stereotypes that exist about sexual assault. Unfortunately, sexual assault is underreported in Canada. Therefore, the purpose of this booklet is to educate victims and to encourage them to come forward. It is also important to make the criminal justice system more sensitive to victims' rights and needs and hopefully this booklet will be a step in that direction. Titled [Sexual Assault: Dispelling the Myths](#), this booklet is available on the Society's website, at the Avalon Sexual Assault Centre, Department of Justice Victim Services Offices and through the Public Prosecution Service.

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UNCOMMON LAW 4: ACCESS TO JUSTICE FOR WOMEN IN NS

In June 2012 in Sydney, the GEC hosted an access to justice workshop with various women's community organizations, to identify the most pressing access to justice issues for women in Nova Scotia and how the Society could best support these organizations in the future.

One of the main concerns raised by the attendees of the forum was that access to justice challenges exist due to the lack of cooperation and cross-referencing of the various parties involved (community services, lawyers, etc.), and lack of knowledge as to what resources are available for women seeking access to justice. The Committee is considering other rural locations with limited resources for the next discussion.

CAREER DEVELOPMENT FOR WOMEN: EVENTS BASED ON YEAR OF CALL

The GEC held two career development events last year: one for women with nine or more years of call and one for women with less than nine years of call. These two events were designed to help the GEC learn of the issues facing women lawyers, and to see if there are specific projects and initiatives that would support the retention of women at different stages in their careers. The feedback from these events was extremely positive. Women indicated that they were interested in having more opportunities to get together in a supportive environment and work through challenges and share successes of their legal careers.

An event for senior women at the Bar was hosted in April 2013 to discuss succession planning. Eighteen women attended, and the information was well received. An email containing information on succession planning was sent to all 35 women who registered for this event. Further discussions will determine how best to distribute this information to all women lawyers in the province.

REPRESENTATION OF WOMEN IN THE JUDICIARY

To increase the number of qualified women applying to be appointed to the Bench, and to encourage the consideration of diversity in the appointment process, an email was sent out to female lawyers in the fall. It encouraged them to consider applying for a judicial appointment and provided details and links to the application process.

Research has been conducted on this issue with a view to analyzing the statistics nationwide, and considering such recommendations as encouraging greater involvement of women on selection committees.

BERTHA WILSON TASK FORCE REPORT: 20-YEAR ANNIVERSARY

The year 2013 marks 20 years since the release of *Touchstones for Change: Equality, Diversity and Accountability*. A luncheon event is planned for September 2013 to commemorate this milestone. Confirmed guest speakers include Ann Marie MacInnes, one of the authors of the Nova Scotia Working Group Report on Gender Equity Within the Legal Profession, which was published in 1993 and is an appendix to the *Touchstone* report, as well as Naomi Metallic. It is hoped that the Hon. Judge Corrine Sparks will speak about the preparation of the *Touchstones for Change* Report and reflect on changes she has seen in the profession. Judge Sparks was a member of the Task Force on Gender Equity that prepared the report.

The anticipated outcome is to celebrate the positive changes for women in the profession since the report was published, and to evaluate whether the recommendations made by the report have been achieved.

RACIAL EQUITY COMMITTEE INITIATIVES

A REPRESENTATIVE LEGAL PROFESSION

The Racial Equity Committee (REC) continues its vital work in making efforts to increase diverse representation and perspectives on Council and in the Judiciary. The Committee has continued, with the support of the Executive, to encourage the Department of Justice to reconsider the change of the Judicial Appointment Guidelines requirement from 10 to 15 years at the Bar. We also continue to educate and encourage racialized and Aboriginal lawyers to apply for judicial appointments and have circulated information about the new guidelines.

Council, prior to 2007, was poorly representative of the diverse communities it serves, specifically a concerning lack of representation from African-Nova Scotian and Mi'kmaq members of the Bar. The REC began encouraging members of the Bar from these diverse backgrounds to apply for Council appointments. In the 2009-2011 Council, there was an increase in representation from both the African-Nova Scotian and Mi'kmaq community. Again for the years 2011-2013, the REC encouraged members of the Bar from diverse backgrounds to run in the Council election. The current Council is the most diverse Council in the Society's history. This year, the REC again encouraged racialized and Aboriginal lawyers to run for Council and we continue to see diversity around the Council table. In fact, this diversity has been recognized widely through a recent nomination for an Excellence in Governance Award from the Canadian Society of Corporate Secretaries (CSCS), which has nominated the Society in the "Best Practices in Managing Boardroom Diversity" category.

RACE AND THE LAW ESSAY PRIZE

The REC, with the financial assistance from Stewart McKelvey, created a [Race and the Law Essay Prize](#) competi-



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tion open to students of the Schulich School of Law at Dalhousie University. Currently in its fifth year, the prize is presented at the law school's annual Discretionary Awards. This year's recipient, Allison Smith, was also honoured at an REC recognition event on June 6 for her winning paper, "Corporal Punishment: Canadian Legal Culture, the Legacy of Colonialism, and the Bodies of Aboriginal Women".

COMMUNITY BUILDING

In the fall and spring, the REC continues to organize events that provide opportunities for racialized and Aboriginal members of the Bar to get together, along with students from the Schulich School of Law and internationally trained lawyers. In June 2013, an event was held in Halifax to celebrate the call to the Bar for racialized and Aboriginal clerks and to recognize the Race and the Law Essay Prize recipient.

CULTURAL COMPETENCE TRAINING AND SUPPORT

The REC has been offering its expertise in cultural competence in a number of areas over the past year. Committee members presented to first-year law students and lawyers on a wide range of cultural competence topics. The REC also works closely with Council and staff to ensure that the Society's programs, policies and operations take a culturally competent approach.

LEGAL INFORMATION SESSIONS FOR RACIALIZED AND ABORIGINAL COMMUNITIES

The REC has also provided eight legal information sessions at the Immigrant Settlement & Integration Services (ISIS) on a wide variety of legal topics. We have, on occasion, also been able to provide ongoing summary advice to ISIS clients on an as-needed basis. Last year, we presented a legal infor-

mation series to clients of the Mi'kmaq Child Development Centre and the Native Friendship Centre. This year, we are also working closely with the Black Educators Association and the Association of Black Social Workers to put together a legal information series that will benefit their clients.

ABORIGINAL LAW MATERIALS IN BAR COURSE

A subcommittee of the REC has begun working with the Society's Credentials Committee to discuss the inclusion of Aboriginal Law content in the Bar Examination materials package and on the Bar Examination. Aboriginal materials for inclusion within six sections of the Skills Course are also in the process of being drafted. It is expected that these additions will be included in the Skills Course materials for June 2014.

GOVERNANCE AND NOMINATING COMMITTEE

The Governance and Nominating Committee supports Council in the governance of the Society by assisting with the recruitment of officers of the Society and members of Council and in supporting Council's commitment to the principles and practices of good governance.

In carrying out its work this year, there were a number of significant accomplishments.

Committee appointment process

The Committee reviewed processes used for the appointment of committees by Council and the Executive Director. It developed procedures that have been approved and were applied toward making recommendations to the new Council for committee appointments of the next committee terms.

Honorarium for the President

The Committee reviewed the current situation regarding the honorarium provided to the Society's President. Following the review of our policies as well as those in other provinces, the Committee recommended that in addition to an honorarium paid to the Society's President, smaller sums should be provided to the First and Second Vice-Presidents. This recommendation was approved by Council and starting in 2013, each of the Society's Officers will receive an honorarium as partial compensation for the time and effort spent on behalf of the Society.

Recruitment of the Second Vice-President

The Committee undertakes an extensive process before making a recommendation to the membership, by means of a nomination, for the Second Vice-President position. The Committee starts with identifying the specific criteria that are applicable in any given year. This year it was necessary that the Second Vice-President be from outside the Halifax Regional Municipality. A long list of possible names of individuals who might be appropriate for the position is developed by the Committee. Following review of those individuals' previous involvement with the Society and other not-for-profit leadership experience, the Committee reduces the list to a shorter one. A detailed review of those names is undertaken following which a list of prospective candidates is developed, each of whom is interviewed. Recommendations following those interviews are made to the entire Committee, which in turn makes its recommendation by nomination to the membership.

Overseeing the election process

This was the second election in which the Society has had two rounds of voting for members of Council – those in the districts and at-large members. The Committee is aware of the low turnout of voters and has raised this issue with Council. Further evaluation will be undertaken by the Committee in the coming year to examine this issue and what might be done to address this.

Public Representatives

With the end of George MacDonald's term on Council, the Committee undertook a recruitment process and made a recommendation to Council for a new Public Representative.

Ongoing mandate

As part of its ongoing mandate, the Committee also reviews the Council Policies and makes any recommendations for changes that are believed to be necessary. This year, some small changes to Council Policy 1 were proposed and approved by Council. They deal with the role of Council members. The Committee also does a post-election review to look at any issues that have arisen during the election that might need further consideration.

In the coming year, the Committee will continue to play the role assigned to it by Council to ensure that the Society uses best practices and achieves its goal of excellence in regulation.

Daniel M. Campbell QC, Chair

PROFESSIONAL RESPONSIBILITY

SUMMARY

The purpose of this report is to inform Council about the responsibilities and work of the Professional Responsibility (PR) department through 2012/2013, providing three-year comparisons where possible, and to identify trends with regard to complaint matters.

The PR department is responsible for the following regulatory and compliance matters:

- Complaints intake, mediation/resolution, dismissal and letters of advice;
- Complaints investigation;
- Prosecutions and hearings;
- Fitness to Practise Program;
- Trust account regulation breaches, Trust Audit Program, and unclaimed trust fund applications;
- Monitoring bankruptcies and judgments;
- Unauthorized practice investigations;
- Ethics education and advice;
- Custodianships and receiverships; and
- Lawyers' Fund for Client Compensation claims.

The 2012/2013 budget for PR was \$1,191,839. This represented a reduction in budget compared with the previous year of almost \$100,000. The actual expenses for 2012/2013 are forecast to be below budget again by approximately \$105,595, for a total of \$978,820. In the result, the budget for Professional Responsibility has **decreased by over 16%** (\$200,000) in the past two years.

In 2012/2013, 30% of the total expenditures related to external legal and other professional services including investigations, audit, prosecutions, custodians and receivers (reduced from 47% in 2008/2009, 45% in 2009/2010, 43% in 2010/2011, and 37% last year); 55% related to staff salaries and benefits (up 7% from last year).

This year saw a sharp reduction in complaints investigation expenses by 37% as compared with budget, and a similar reduction in prosecution and hearing-related expenses, with actual forecast expenses of \$113,600 compared with the budget of \$203,400, representing a 44% reduction. Some of these reductions have been achieved by increasing the legal work carried out by staff, rather than outsourcing this work.

Significantly contributing to the cost reductions referred to above is the fact that the number of complex investigations has decreased as compared with the last two years, from an average of eight to three. Some potentially complex matters were able to be referred through the Fitness to Practise Program. In addition, while we experienced an increase in complaint calls, we saw a decrease in written complaints.

During the past year, the Society was required to take steps to protect the public and solicitor-client privilege in relation to one civil matter, one CRA investigation and prosecution, and two criminal prosecutions involving current and former lawyers (lawyer J, Mark David, Richard Murtha and Michael Iosipescu). The Society's role has been to ensure that appropriate protections are in place respecting client files and information during these proceedings, and execution of warrants for seizure of potentially privileged information.

In addition to the 'routine' work above, the PR department undertook the following initiatives:

- Continued to implement the new *Code of Professional Conduct*, including development and delivery of training across the province;
- Developed and conducted an ethics culture audit for a law firm in HRM to enhance risk identification and management, and promote a high level of ethical service provision for clients;
- Completed year one of implementation of the Federation's national discipline standards, as part of the

two-year pilot project;

- Completed development of a more independent committee structure, review process and regulations for the new Complaints Review Committee;
- Participated on a national Law Office Search and Seizure Committee;
- Implemented a new case management system for hearings and developed various related supporting policies and procedures;
- Participated in the work of the Trust Accounts Working Group; and
- Completed research and development of policies and regulations respecting the calculation and recovery of costs following hearings, members' bankruptcies following hearing, and respecting Compensation Fund claims payments.

INTRODUCTION

The Professional Responsibility department manages the Society's key public protection and regulatory risk management processes and tools. We are, in effect, responsible for ensuring that members comply with the *Legal Profession Act* and Regulations, the Nova Scotia Barristers' Society *Code of Professional Conduct*, the *Legal Ethics Handbook* and, where applicable, the *Land Registration Act*, the Real Property Practice Standards and the Family Law Practice Standards.

Sections 33 to 55 and Part 9 of the Regulations set out the authority of Committees and staff with regard to complaints, investigations and hearings. These and other relevant sections of the *Act* are discussed in more detail in each section below.

Purpose and values

Our role with regard to compliance and public protection includes the following:

- i. complaints intake, mediation/resolution, dismissal and Letters of Advice;
- ii. complaints investigation;

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- iii. prosecutions and hearings;
- iv. trust account regulation breaches, the Trust Audit Program, and unclaimed trust fund applications;
- v. the Fitness to Practise Program;
- vi. monitoring member bankruptcies and judgments;
- vii. unauthorized practice investigations;
- viii. ethics education and advice;
- ix. Custodians and Receivers; and
- x. the Lawyers' Fund for Client Compensation.

In terms of the vision and values of the Society, the Professional Responsibility Department is focused on protection of the public and excellence in regulation. These values guide all programs, services and work. Our role is also to enhance the competence of members and assist them in adhering to the rules of professional conduct. A foundational principle for this department is to identify opportunities to educate, assist, monitor and guide members where problems have been found or reported, and to only use 'disciplinary' measures where required in the public interest. What is referred to public hearing, and reported in the media, represents only about one per cent of the work of this department and its committees. Fairness, transparency and accountability are key to effective regulation of members in these areas.

Committees and volunteers

The PR department supports a number of key Society committees and volunteer functions:

- **Complaints Investigation Committee (CIC)** – meets regularly 8-10 times per year plus 3-6 special or emergency meetings; reviews staff and counsel complaint investigation reports; carries out authority with regard to compliance and public protection under Part 3 of the Act, and Part 9 of the Regulations
- **Review Subcommittee** – processes requests for review from members of the public who have had their complaints dismissed by staff;

- meets 6-8 times per year
- **Fitness to Practise Committee** – receives referrals respecting a lawyer's potential incapacity through self-reports, complaints or referral from the CIC, to assess these reports and, where appropriate, take such steps as needed and agreed upon between the member and the Committee to resolve conduct concerns
- **Hearing Committee** – carries out authority under Part 3 of the Act, and Part 9 of the Regulations with regard to compliance and public protection once complaint matters have been referred to hearing by the CIC; conducts 2-4 hearings per year; meets at least once annually for training and orientation
- **Ethics Advisory Committee** – provides ethics advice, education and guidance to lawyers
- **Code of Conduct Committee** – reviews and makes recommendations for adoption of amendments to the *Code of Professional Conduct*
- **Professional Responsibility Policies and Procedures Committee (PRPPC)** - reviews, amends and develops operational policies and procedures for the professional responsibility process, including complaints handling and investigation, settlement and hearing procedures
- **Lawyers' Fund for Client Compensation Committee (LFCCC)** – reviews and investigates claims relating to misappropriation and conversion by lawyers and approves or makes recommendations to Council re payment of claims, and policy and procedure

There are 99 volunteer positions on these committees, currently filled by about 75 lawyers and eight public representatives. The volunteers in the PR process generally have heavy workloads and are very involved in our peer review and public protection mandate.

For example, CIC members assist with investigations and presentation of re-

ports to the committee, serve on special panels for section 36(2) meetings or section 37(1) hearings, and provide significant assistance to staff with review of complaint files at earlier stages in investigations. The Review Subcommittee is required to review the files in respect of dozens of requests for review annually. This task is shared by five CIC members, led by one of our public representatives. The Ethics Advisory Committee members provide a great deal of guidance to staff with regard to ethics inquiries from lawyers, and participate via email or phone with regard to many of the 50+ inquiries per year. The Hearing Committee members devote many hours before, during and after hearings to their important role.

Budget and financial picture

The 2012/2013 annual budget for Professional Responsibility was \$1,191,839, and the forecasted actual costs at year end are \$978,820. This represents a 16% decrease in total PR costs over the past two years.

Of the actual expenditures, 15% related to staff and CIC complaints investigation (significantly decreased from 34% in 2010/2011, and 21% last year), and 11% related to hearings and prosecutions (down from 21% in 2009/10, 13% in 2010/11 and the same as 11% last year).

A further breakdown of the actual expenditures provides the following:

- 23% related to external legal services for investigations, advice, prosecutions and other representation, e.g., responding to search warrants and applications for disclosure (the same as last year, and down from 28% and 24% in the previous two years);
- 55% related to salaries and benefits (compared with 47% last year and 44% the year before);
- 5% related to the costs of practice reviews and forensic audits (reduced from 6.5% the past two years); and

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- 6% related to the cost of receivers and custodians (down from 12% and 10% in 2009/2010 and 2010/2011 respectively, and unchanged from last year).

The budget for the first full year of the Fitness to Practise Program was \$26,500, and the actual expenses are forecast to be \$10,500. Four matters proceeded through the FTPC in the past year. Given the unpredictable level of uptake for this program, the budget for 2013/2014 will be \$24,000.

The reduction in PR costs for the second year in a row is attributable in part on the unpredictability of our complaints experiences year over year, and the number of matters requiring additional resources for investigation. Hearing costs were kept lower than average in the past year due to the number of matters able to proceed by way of settlement agreement.

In addition, successful efforts continue to be made to improve cost controls by such measures as:

- reducing the cost of forensic audits by making greater use of the Trust Audit Program auditor for initial audits;
- planning and budgeting for complex investigations;
- improved use of the computerized document and information management system;
- increasing existing staff capacity and training to undertake more investigations and legal work in-house (this has necessitated an increase in staff professional development and travel costs); and
- obtaining decisions of the CIC, where appropriate, via email and reducing the number of CIC meetings.

COMPLAINTS OVERVIEW AND TRENDS

Complaints

This was the first full year of the two-year pilot project relating to implementation of the Federation of Law Societies' National Discipline Standards. The purpose of this initiative is to articulate clear and measureable standards for timeliness, accountability, transparency and effective communications within the complaints intake, investigations and hearings processes across the country, and to support and encourage all jurisdictions in the attainment of these benchmarks. Attached as Appendix A is a chart showing each proposed standard, where we are with regard to implementation of each, and any steps left to be taken. To date overall, we have had significant success in meeting or exceeding the proposed standards.

With regard to our complaints experience this year, we experienced an increase in intake calls, but an overall decrease in written complaints as compared with the last two years. In the past four months alone, we have received 177 intake calls. This may point to increased success in reaching our goal to better manage the public's expectations of the complaints resolution process, and the ability of our intake staff to assist the public during the inquiry stage while filtering out those matters that are not appropriate for our process.

This being said, the number of written complaints received has dramatically increased in the last four months: since January 2013, we have received 71 new written complaints (as compared with 46 in the previous four-month period). This has a direct impact on our ability to meet timelines for processing and responding to complaints.

- **Complaint intake calls:** This year, we have seen a large increase in intake calls (442) compared with 2009/2010 (399), 2010/2011 (373), and 2011/2012 (394). In response to the 2008 and 2010

Professional Responsibility Satisfaction Surveys, we continue to streamline our intake process through the use of a dedicated voicemail system, and take steps to clarify for the public what our role is and isn't in order to better manage their expectations. The average length of time the Officers spend on each complaint call is 21.37 minutes, which is longer than the average last year of 20.55 minutes.

The areas that form the most frequent basis for intake call complaints:

- delay in moving a file forward.
- client unhappy/surprised with outcome of case, and
- poor communications by lawyer.

The most frequent areas of law involved in complaint intake calls:

- Family (separation/divorce),
 - Civil litigation,
 - Criminal defense,
 - Family (custody/access),
 - Real estate (purchase and sale),
 - Wills and estates,
 - Real estate (other), and
 - Personal injury.
- **Complaints mediated / resolved:** We mediated or otherwise resolved 17% of complaints that entered the system by phone or mail this year. Many phone resolutions are achieved within a few days, while others take longer.
 - **Complaints received:** As of April 19, 2013, we received 139 written complaints, compared with 154 in 2011/2012 (a 9% decrease), 150 in 2010/2011, 182 in 2009/2010, and 253 in 2008/2009. There was a small increase in the number of complaints from financial institutions with regard to lawyers' failure to complete reports and follow up in real estate financing matters, as well as an increase in the number of complaints filed by complainants with mental health concerns, but a decrease in the number of

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complainants filing complaints against multiple lawyers. As noted above, however, we received 71 complaints between January 1 and May 15, 2013.

- **Complaints closed:** We closed 113 complaint files in 2011/2012, compared with 128 the previous year. This number is important because it helps us track how long files are open, which is often a reflection of the complexity of complaints and investigations, but can also indicate areas where resources may be insufficient, or procedures need to be improved. Due to an increase in the number of complaints received and under investigation since last fall, the number of complaint files remaining open longer with staff has increased, but the number which have been fully investigated and closed by the CIC are being closed more efficiently:

Average # of days complaints open

	2010/ 2011	2011/ 2012	2012/ 2013
Staff	100	32	45
CIC	581	231	190
FH	964	none	749

A further breakdown of complaints opened and closed by staff from May 1, 2011 to April 25, 2012:

- May 1 – August 31, 2012
19 days (2010/2011 – 21)
- September 1, 2012 to February 1, 2013
44 days (2010/2011 - 36)
- February 2 – April 25, 2013
52 days (2010/2011 – 31)

In the past year,

- For matters outside our jurisdiction (Reg. 9.2.2(a)(i)), dismissal letters were prepared within an average of **18 days** (25 complaints), compared with 23 days (36 complaints) in 2010/2011, an improvement of 26%.
- For matters where the complaint was filed for an extraneous or im-

proper purpose (Reg. 9.2.2(a)(ii)), dismissal letters were prepared within an average of **14 days** (2 complaints), compared with the same number in 2011/2012, and 95 days in 2010/2011.

- For matters where the complaint alleged facts that, if proven, would not amount to a violation of the rules of conduct (Reg. 9.2.2(a)(iii)), dismissal letters were prepared within an average of **24 days** (7 complaints), compared with 12 days (16 complaints) in 2011/2012, and 46 days in 2010/2011. This 100% increase in time required to close requires further examination, but involves very few files.
- For matters where one lawyer response was required (Reg. 9.2.10(a)), dismissal letters were prepared within an average of **39 days** (11 files), compared with 46 days (32 files) last year, and 128 days in 2010/2011, a 15% improvement.

- For matters where a full document exchange was required between the complainant and the lawyer (Reg. 9.2.12(a)), the dismissal letters were prepared within an average of **78 days** (9 complaints), compared with 82 days (8 complaints) last year, and 150 days in 2010/2011, a 5% improvement.
- For matters where the complaint was dismissed with a staff Letter of Advice after one response from the lawyer, the letters were prepared within an average of **52 days** (2 complaints), compared with 65 days last year, and 146 days in 2010/2011, representing a 20% improvement.
- For matters where the complaint was dismissed with a staff Letter of Advice after two responses from the lawyer, the letters were prepared within an average of **112 days** (4 complaints), compared with 90 days last year, and 401 days in 2010/2011. Again, this minor decrease in performance will require further investigation.

Disposition of written complaints closed during the reporting periods

	2010/2011	2011/2012	2012/2013
Resolved/other	49 (32%)	22 (17%)	11 (14%)
Staff dismissals	73 (47%)	95 (75%)	25 (31%)
Staff LOA	13 (8%)	6 (5%)	10 (12%)
CIC	16 (10%)	9 (7%)	12 (9%)
FH	1 (< 1%)	1	8 (7%)

The three areas that form the most frequent basis of complaint, and which are ultimately dismissed by staff with or without Letters of Advice:

- Delay in moving a file forward – 25 complaints (vs. 30 last year and 40 the previous year)
- Poor communications – 13 complaints (vs. 12 last year and 9 the previous year)
- Client unhappy with outcome of case – 12 complaints (vs. 27 last year and 21 the previous year)

The most prevalent areas of law involved in these complaints are family, criminal defence and real estate. This is comparable to last year.

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Area of law	2011/2012	2012/2013
Family – separation/divorce	61	15
Criminal/defence	34	13
Family – custody/access	24	10
Real estate – purchase/sale	23	10
Real estate – other	22	7
Civil litigation	20	6
Personal injury	14	5
Wills/estates – undue delay	11	1
Wills/estates – other	10	3
Real estate – title dispute	6	4
Employment	6	0
Real estate – LRA	6	1
Administrative – human rights	5	0
Wills/estates – estate mismanagement	5	0
Administrative – other	4	1
Criminal/prosecution	3	4
Debt/credit	3	1
Insurance	3	4
Wills/estates – dispute with executor	3	1
Wills/estates – PoA	2	0
Landlord/tenant	2	0
Corporate/commercial	2	0
Bankruptcy	2	0
Regulation of the profession	2	0
Immigration law	2	1
Family – CAS	1	0
Mechanics’ Lien	1	0

Therefore, in addition to a reduction in the frequency of complaints in the past year, we are also seeing fewer complaints in the areas of family law, real estate, personal injury and wills and estates, which is a positive trend.

Complaints Investigation Committee

Other than those matters referred to formal hearing or resolved by way of public Consents to Reprimand, the vast majority of the work of the CIC is done ‘behind closed doors’. Other than reports such as this, and quarterly statistical reports to Council, there is little opportunity for lawyers and the public to fully understand the challenging matters that are brought to the CIC, nor the often very creative and rehabilitative approach taken by the CIC whenever possible and appropriate.

The CIC held eight regular meetings this year (seven last year), as well as three teleconference meetings, and made two decisions via email. This number of regular and special meetings is comparable to last year. One s. 37(1) hearing was scheduled, but the hearing did not proceed based on the member’s cooperation and efforts to address practice concerns. One section 38(1) show cause hearing was held in early May, resulting in a practice agreement, and another

is to be scheduled for the summer; a third s. 38(1) hearing is awaiting the results of a member’s trial for charges of driving while impaired.

In this reporting period, the CIC made the following decisions:

- dismissed one complaint;
- directed that one complaint be held in abeyance due to concurrent civil proceedings relevant to the complaint investigation;
- decided to take no further action in relation to one complaint stemming from the lawyer’s self-report of criminal charges and a guilty plea, based on the manner in which the lawyer responded to this incident;
- considered two complaints resolved – one due to the lawyer satisfactorily addressing practice issues, and a second after the lawyer attended a mentoring meeting with two CIC members;
- issued one counsel (compared with three last year) in relation to failure to effectively communicate with a client and document the file;
- issued three cautions (compared with one last year) relating to poor quality of service and breach of confidentiality, conflict of interest and failure to advise a client of an error; and breach of confidentiality and failure to provide a client’s files in a timely manner;
- held one s. 38(1) show cause hearing based on a lawyer’s guilty plea relating to charges under the *Excise Tax Act*, and gave notice to a second member of a s. 38(1) show cause hearing resulting from the lawyer’s recent suspension and penalty ordered by another law society;
- ordered three practice reviews relating to three sole practitioners – one completed
- in conjunction with a forensic audit, which resulted in a Consent to Reprimand; one resulted in



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the requirement to implement practice changes, particularly for avoiding conflicts between clients; and one that remains under consideration;

- issued two reprimands with the lawyers' consent (none last year) – one relating to lack of competence and failure to be honest and candid with a client; and one relating to lack of competence, lack of integrity, engaging in questionable conduct and failing to deal appropriately with an unrepresented party;
- ordered one forensic/financial audit, resulting in ongoing practice and trust account restrictions;
- appointed one new receiver due to a lawyer's suspension;
- retained external counsel to provide a legal opinion and/or assist with an investigation in one matter (compared with three last year);
- made no new referrals to the Fitness to Practise Program (compared with two last year, and one re-referral);
- referred three matters to formal hearing (one scheduled to be heard May 30 and July 8, the other September 11 - 12), compared to four referred last year; and
- recommended approval of two Settlement Proposals in relation to charges against two lawyers, one of which was accepted and the second of which was rejected.

The CIC also devoted time to articulating clearer thresholds relating to counsels, cautions and Consents to Reprimand, as well as ungovernability.

REVIEW SUBCOMMITTEE

The Review Subcommittee carries out its work in accordance with Regulation 9.3. The mandate of this Subcommittee is to conduct reviews of complaints in cases where a complainant is dissatisfied with a staff dismissal made pursuant to Regulations 9.2.2, 9.2.10 or 9.2.12. The Subcommittee may either confirm

the dismissal of the complaint, direct that an investigation be commenced (in cases where the complaint was dismissed without obtaining a response from the member), or direct that the investigation be completed. Complainants have thirty (30) days after receiving staff's notification that their complaint was dismissed to request a review to the Executive Director.

During this reporting period, the Review Subcommittee met nine times, and reviewed 19 files (compared with 38 and 34 files in the previous two years). This represents almost 17% of all complaint files closed, which is a decrease from the average annual number of requests for review of about 20%. The Subcommittee upheld the decisions of staff to dismiss in 18 of 19 matters. In one matter, staff was directed to complete the investigation, and this resulted in the member being cautioned by the CIC.

In terms of timeliness benchmarks, the Review Subcommittee has this year continued to make great progress in reducing the time required to process requests for review. The average number of days from receipt by the Subcommittee of a request for review and accompanying materials to issuance of a decision was 14 days compared to 27 days last year. The average number of days from receipt by staff of a request for review to referral to the Subcommittee and issuance of their decisions, has also decreased further from 35 days in 2009/2010, to 33 days in 2010/2011, to 14 days in the past year.

Over the past year and a half, a PRPPC Subcommittee evaluated best practices with regard to similar review processes across the country, which resulted in recommendations to Council in January 2013 to create a new and more independent Complaints Review Committee. This Committee will continue to be chaired by a public representative, but as of June 2013,

that public representative and all lawyer members of the new Committee will have no current involvement in any aspect of the professional responsibility program. In addition, the new Committee will now issue decisions with reasons.

PROFESSIONAL RESPONSIBILITY POLICIES AND PROCEDURES COMMITTEE

This committee supports Council in its governance of the Society by recommending changes to the *Legal Profession Act* ("the Act"), Regulations and policies and by developing procedures for the professional responsibility (PR) process.

Composition of the PRPPC changed significantly this year as part of a plan established by Council to move work through this committee more expeditiously. As a result, a small but mighty committee of five was appointed, consisting of those with significant experience with the PR process from the perspective of counsel for members, counsel for the Society, a Past President, a current officer and a regulation and governance specialist. This new format has worked extremely well and few matters remained on the agenda for more than two meetings.

In an effort to better manage the heavy workload of this Committee, subcommittees have been established in the last couple of years to take on particular projects. These subcommittees have included the Hearing Subcommittee, the Review Subcommittee and the Law Office Search and Seizure (LOSS) Subcommittee. There were fewer subcommittees appointed after January 2013, as most matters were able to be dealt with by the small full committee.

The Hearing Subcommittee was tasked to consider and recommend to the PRPPC policy direction relating to the hearing process, recommend operational and administrative procedures that support the



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hearing process, and to consider and recommend changes to the Hearing Committee Policies and Procedures Manual. The bulk of this Subcommittee's work was reviewed by Council in January 2013 and regulatory amendments supporting significant changes to the hearing process were approved at that time.

The Review Subcommittee reviewed the process by which staff dismissals of complaints are reviewed. In January 2013, Council accepted the Subcommittee's proposed changes to the review process that are designed to ensure that the review process is, and is perceived by the public to be fair and independent of the Society. The regulatory and process changes that will come into effect in June 2013 will create a new, independent committee that will be chaired by a public representative and be comprised of volunteer lawyers who are not associated with the Professional Responsibility process.

The LOSS Subcommittee is currently tasked with reviewing the Society's Law Office Search and Seizure Guidelines that were originally published in 2002. The review is intended to ensure currency and relevancy, and the Subcommittee is considering the incorporation of the new directions regarding the seizure of electronic records and equipment, cloud data, etc from Guidelines recently published by the Law Society of Upper Canada. The work of this Subcommittee will also be influenced by work that is being done by the Federation of Law Societies of Canada's LOSS Committee, which is made up of representatives of the law societies of British Columbia, Saskatchewan, Manitoba, Ontario, Nova Scotia and the Barreau du Quebec.

In the coming year, the PRPPC will develop a new policy on the use of cameras and recording devices during hearings, considering an appropriate threshold for charges against a lawyer

for ungovernability, and assisting with complete review and updating of the policies and procedures manuals for the CIC and Hearing Committee.

FITNESS TO PRACTISE PROGRAM

The Fitness to Practise Program has now been in place since February 2011. This Program helps the Society deal more effectively with members suffering from a physical, mental or emotional incapacity who are engaged in the professional responsibility process. Referrals to the Program can come through self-referral, as well as through referrals from the Executive Director or the Complaints Investigation Committee.

The Committee is currently comprised of seven members, including five lawyers and two medical doctors. The Committee's composition is very important, as there is a need for medical professionals as well as lawyers with experience in the fields of health care and member assistance. This assists the Committee in effectively assessing member incapacity, and creating appropriate agreements with members for ongoing practice or voluntary interim cessation of practice.

The Committee is still quite new and continues to learn and grow as it works its way through difficult and diverse matters. There are currently three matters before the Committee, and all come with unique challenges. The goal is to try to find positive ways to address a lawyer's incapacity, if an incapacity is demonstrated, while ensuring that the public is protected.

During the year, the Committee dealt with two referrals from the CIC from the previous year, as well as one member self-report. All three resulted in remedial agreements with the members, and none have had to be referred back to the CIC at this time.

ETHICS ADVISORY COMMITTEE

The Ethics Advisory Committee is responsible for assisting staff in considering and responding to ethical inquiries from members.

The Society's Professional Responsibility department regularly receives calls from lawyers seeking guidance with regard to ethical dilemmas they have encountered, and in many cases the input of the committee as a whole is sought and relayed to the lawyer. In 2012/2013, we received 84 ethics inquiries. This represents a 45% increase in the number of inquiries from the 58 received in 2011/2012 and a 50% increase from the 56 inquiries received in 2010/2011. While the reason for the dramatic rise in ethics inquiries is not entirely clear, it is likely related to the coming into force of the new *Code of Professional Conduct* in January 2012.

Inquiries from lawyers over the past year have most often focused on conflicts of interest between clients, duties of confidentiality, particularly regarding the future harm exception and duties to other lawyers, and the duty of courtesy and good faith. We are very pleased to know that lawyers are reading the *Code* and taking the time to ensure they are meeting their ethical obligations, and to reach out to the Society for assistance when faced with difficult circumstances.

The most common areas of law with regard to these inquiries are civil litigation, criminal defence, family law, real estate and corporate/commercial. Conflicts of interest arise in every area of law and we have had many calls from lawyers who request assistance in working their way through the new rules. As well, the conflicting duties and various uncertainties that surround a lawyer's duty to report a threat made by a client to harm themselves or a third party has been raised many times in recent months, and we are working hard to ensure we are able to provide lawyers

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with as much guidance as possible.

In the coming year, it will be a priority to create an online resource for lawyers to be able to search summaries of ethical advice provided to other members.

CODE OF PROFESSIONAL CONDUCT COMMITTEE

The *Code of Professional Conduct* Committee is an advisory committee to Council that was first tasked with reviewing the Federation of Law Societies' *Model Code of Professional Conduct* and ultimately recommending its adoption to Council. The Committee's work was completed in September 2011, when Council voted to adopt the Nova Scotia Barristers' Society's *Code of Professional Conduct* with an effective date of January 1, 2012.

In the past year, the Committee considered the Federation's proposed amendments to what was Rule 2.04 of the *Code* (now Section 3.4) regarding conflicts of interest. The new rule starts from the premise that the duties owed by lawyers to their clients require that a lawyer not act in a situation in which there is a conflict of interest unless the client consents. It is also intended to reflect existing law on conflicts of interest including the duty of loyalty. Following consultation with the membership generally and with the managing partners specifically, the amendments were recommended to Council and adopted in July 2012.

In February 2013, the Committee recommended to Council that the *Code* be renumbered. The new numbering scheme that was adopted assigns a number to every chapter, section and rule in the *Code* and to each paragraph of the commentaries accompanying the rules. It is hoped that these amendments will make the *Code* a document that is easier to search and therefore more user friendly.

The Committee also reviewed the new limited scope retainer rule proposed by

the Federation. This rule provides guidance to lawyers regarding the provision of legal services for part of a legal matter without the expectation that the lawyer will represent the client generally, or become the solicitor of record for the client. Unbundling occupies the middle ground between full representation and no representation.

The Committee recommended the adoption of this rule to Council, as it was of the view that these amendments are a positive change that may go some way in contributing to an increase in access to justice by allowing members of the public to access some legal representation even in circumstances where they may be unable to afford representation for their complete legal matter. Council adopted the amendments in February 2013.

Currently under consideration are amendments relating to streamlining the "transferring lawyer rule" under the conflicts rules, changes to the duty to report (Rule 7.1-3), creating a Table of Concordance between the old *Handbook* and the new *Code*, and considering issues relating to the language rights rule.

EDUCATION

In addition to responding to ethics inquiries from lawyers, PR Counsel and the PR Director often participate in a number of educational events for purposes of training members on new rules of ethics, how they apply to different areas of practice, and to speak about ethical issues of interest to various groups of lawyers. Over the past year, this included the CBA In-House Counsel Section and annual Immigration Law Conference, the NSBS Annual Meeting, the First Annual Professional Development Conference of the Cape Breton Law Society, teaching at the Society's Skills Course and the third-year Professional Responsibility course at the Schulich School of Law at Dalhousie University, as well as presentations on discipline and ethics standards at

national conferences. In addition, the Director participated as a speaker at the International Legal Ethics Conference in Banff, the International Bar Association annual conference in Dublin, and the International Regulatory Authority conference in London on topics including the ethics of billings, fitness to practise issues, and ethics and risk management.

Victoria Rees conducted the first 'ethics culture audit' of a mid-sized HRM law firm last fall, which was well received. The purpose of this exercise was to assist the firm in identifying its own ethical strengths and areas of risk, having an open and safe discussion about how ethical matters are handled within the firm, improving standards and quality of service to clients, and becoming its own champion of ethical conduct. It is hoped that other firms will be interested in hosting similar workshops.

LAWYERS' FUND FOR CLIENT COMPENSATION

The Lawyers' Fund for Client Compensation (the "Fund") was established under Part IV of the *Legal Profession Act* to provide compensation to persons who have sustained pecuniary losses due to misappropriation or wrongful conversion of the claimants' money or property by a member of the Society or by a law corporation. The Fund is one of 'first resort,' and the payments made out of it are made on an *ex gratia* basis. The Compensation Fund Committee has authority under the Regulations to approve claims less than \$5,000, and Council receives Committee recommendations respecting payment or denial of claims over \$5,000.

The claims experience in Nova Scotia remains very favourable compared to other jurisdictions. In 2009/2010, seven claims were received resulting in payment of five claims totalling \$119,636.08; two claims were denied. In 2010/2011, seven claims were received resulting in payment of payment of five claims totalling \$64,016.95; two claims were denied. In 2011/2012, four claims

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were opened amounting to \$560,360: two totalling \$345,360 were denied by Council in full (relating to a mortgage fraud scheme), one claim in the amount of \$35,000 remains outstanding (relating to conflict of interest and alleged fraud), and one in the amount of \$180,000 (relating to investment fraud) was denied in full by Council.

In 2012/2013, this \$180,000 claim was reviewed by the Committee in light of new evidence provided by the claimant and was ultimately denied in full by Council. The claim in the amount of \$35,000 (relating to conflict of interest and alleged fraud) remains outstanding pending the outcome of a discipline hearing against the lawyer. We have opened two new claims amounting to \$75,000 this year: one in the amount of \$60,000 (relating to an investment transaction) will remain outstanding pending the completion of the discipline investigation in the matter; another in the amount of \$15,000 (relating to conversion of funds intended for a settlement payment) is being recommended to Council for approval.

The majority of the claims approved over the past three years have involved:

- unearned retainers – where a lawyer receives and applies for his/her own use retainers for legal work which is either never completed or has no value;
- misappropriation of client funds arising from lawyer impecuniosity;
- misappropriation of funds entrusted to a lawyer for purposes of investment with another client; and
- misappropriation arising from participation in mortgage fraud.

Canadian Lawyers' Insurance Association

Pursuant to Section 58(9)(d) of the Act, in June 2005 Council approved Nova Scotia's subscription to the Canadian Lawyers' Insurance Association (CLIA), a reciprocal insurance exchange that also includes several other provinces.

Through CLIA, the Society now has access to catastrophic claims coverage of up to \$10 million, with a self-retention level of \$100,000 per occurrence and a stop loss of \$500,000. Since obtaining insurance through CLIA, the Society has paid out no claims of over \$100,000.

As a CLIA participant, the Society files quarterly reports on all claims against the Lawyers' Fund for Client Compensation, including potential claims that come to the attention of the Society.

LRA Compensation Fund

The Act and Regulation 11.2.2 establish a *Land Registration Act* (LRA) Compensation Fund for the purpose of reimbursement in the event the Minister of Finance is required to pay compensation pursuant to the LRA for claims arising out of dishonesty, fraud or criminal acts in the certifying of title by a practising lawyer.

No claims have been filed against this Fund in this or previous reporting years since inception of the Fund.

TRUST ACCOUNTS – EXCEPTIONS AND AUDIT PROGRAM

Trust Account Monitoring and Audits

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 lawyers are maintaining their trust accounts in accordance with Part 10 of the Regulations. Council was provided with a Trust Accounts Monitoring Report last fall.

The new trust account regulations came into effect in January 2013, and lawyers and firms were required to file their part of the annual trust account report by mid-February. For the 2012 reporting period, 344 lawyers and firms filed annual trust account reports, of which 79% (271) reported violations of

the trust account regulations.

Trust account monitoring of a lawyer's practice can arise from the review of a lawyer's annual Trust Account Report, a trust account audit through the Society's Trust Audit Program, the reporting of a judgment or bankruptcy, or as a result of conditions imposed by the Complaints Investigation Committee or an order by a Hearing Panel.

In 2009/10, three lawyers and/or firms filed monthly trust account reconciliations (MTRs) for monitoring, and all of these were able to be released from this obligation after a few months.

In 2010/2011, nine lawyers/firms had their MTRs monitored. For the 2011/2012 year, three lawyers/firms ceased having to file MTRs, and six new lawyers and firms were required to commence filing MTRs, the majority of these filing MTRs for a number of months. In 2012/2013, three lawyers/firms ceased filing MTRs and eight new lawyers began filing MTRs. Of these, five began filing as a result of poor trust audit results, and all are sole practitioners.

Trust Audit Program

The Trust Audit Program is an important risk management tool for the Society, and assists with our mandate to protect the public, and to enhance the competence of lawyers. As noted in the Annual Scope of Audit Report, the vast majority of lawyers and firms are very receptive to the audits and responsive to recommendations for improvement of their trust account management systems. The audit results inform future education programs, and the development this year of new online trust account education tools and resources for lawyers.

For the last four years, the Trust Audit Program budget has remained at \$50,000. In 2009/2010, 45 trust audits were conducted and all revealed exceptions to the trust account regulations requiring followup by lawyers/firms and staff. In 2010/2011,

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43 trust audits were conducted: 22 related to lawyers/firms in HRM, and 21 in areas outside HRM; 19 were sole practitioners, and 24 were firms or lawyers who practise with other lawyers. In 2011/2012, 26 audits were conducted: 16 related to lawyers/firms in HRM and 10 in areas outside HRM; 15 were sole practitioners.

In 2012/2013, 33 audits were conducted: 12 related to lawyers/firms in HRM, and 10 in outlying areas; 23 related to sole practitioners and 10 related to firms of two or more lawyers.

The key concerns from these audits, as identified in Annual Scope of Audits Report by Graham Dennis, CA:

- a high number of stale and inactive trust balances;
- a failure to implement appropriate controls relating to electronic funds transfers, including obtaining written confirmation of receipt of funds by EFT;
- failure to reconcile trust bank accounts to client trust ledger balances;
- overdrafts in large client trust balances;
- failure to retain cashed cheques or images; and
- failure to adhere to client identification and verification regulations.

In all cases above, there has been staff followup to confirm rectification of errors and system compliance. On a positive note, very few of the exceptions reported are cause for serious concern, and/or result in the opening of complaints for investigation. In the coming year, considerable attention will be devoted to improving our risk identification and management with regard to lawyers' trust accounts, and assessing where our resources should be best allocated in the interests of public protection and minimizing intervention with firms where the risk does not warrant it.

Bankruptcies & Judgments

As part of the Professional Responsi-

bility department's role to protect the public, the department also monitors other compliance-based work including lawyers' bankruptcy and judgment files. Pursuant to Regulations 4.2.8 through 4.2.12, if a lawyer or a law corporation is served with a petition in bankruptcy, makes an assignment of property for the benefit of creditors, presents a proposal in bankruptcy to creditors, or learns of a judgment order against him or her, he or she is required to report immediately to the Executive Director of the Society.

These requirements are to ensure the Society is aware of the matters that affect the solvency of its members and so the Society can take the necessary steps to ensure adequate protections are in place for clients in these circumstances. These steps may include any combination of the following:

- the removal of the lawyer as sole signing authority and subsequent appointment of a co-signer on all trust accounts;
- filing a Trust Account Report (TAR) for the period from the date that was last covered by the previously submitted TAR and the date of the Assignment in Bankruptcy; and
- commencement of filing Monthly Trust Reconciliation Reports.
- If there appears to be evidence of professional misconduct, conduct unbecoming or incompetence, the bankruptcy or judgment matter may be referred to the Complaints Investigation Committee as a complaint.

In 2009/10, 13 such lawyers were monitored. In 2010/2011, 10 lawyers were monitored, including two bankruptcies, four consumer proposals and four judgments. In 2011/2012, there were eight open bankruptcy files, eight open judgment files, and we closed two judgment and one bankruptcy files.

Currently, four bankruptcy and seven judgment files are being monitored, including five lawyers who owe substantial amounts to CRA. Two judgment

files and three bankruptcy files were closed during this period.

Undistributed Trust Fund Applications

The Society provides a means each year for lawyers and firms to dispose of undistributed trust funds, through application to the Court, and payment of these funds to the Public Trustee. Lawyers must have made reasonable efforts to identify the source of funds and to return the funds to those entitled, and have held the funds for at least two years.

In 2009/10, two applications were made on behalf of 24 lawyers and firms, respecting funds totalling \$25,351.54. In 2010/2011, two applications were made on behalf of 25 lawyers and firms, respecting funds totalling \$40,102.72. In the 2011/2012 year, one application was made on behalf of 11 lawyers and firms respecting funds totalling \$11,799.63. Last year's application became more complex than those previously filed, as the Society determined that some of the affidavits filed by lawyers and law firms included information that was confidential and possibly privileged. As a result, an application was made to seal the file and an Order in this regard was granted in February 2012.

Based on this experience, changes were made to our process for the application that was made in March 2013 in an effort to ensure there was no risk of disclosure of privileged information in the application. The requirements for information to be included in a lawyer's affidavit to be included in the application are set out on the Society's website. It is specifically noted that lawyers must not include privileged or confidential information and that copies of trust ledgers and the like should not be attached as exhibits. The March 2013 application was made on behalf of 23 lawyers and law firms with respect to funds totalling \$39,968.79.

PROFESSIONAL RESPONSIBILITY

HEARING COMMITTEE

The Hearing Committee is a fully independent committee of the Society, which carries out responsibilities assigned to it under Sections 41 to 48 of the *Legal Profession Act* and Part 9 of the Regulations made pursuant to the Act. The Committee and any hearing panel thereof have all the powers conferred by the Act and the Regulations as well as the powers, privileges and immunities of a commissioner under the *Public Inquiries Act*. Members are appointed by Council. The Committee members for this year included 24 lawyers and four public representatives. The work of the Hearing Committee is of the highest importance in terms of the Society's right to self-govern and to enhance the public's level of trust and respect for the profession. The Society's Hearing Committee operates under the most independent authority and process in the country.

This past year has seen many positive changes to the regulatory authority, policies and procedures relating to the hearing process, in part in response to the National Discipline Standards:

- a new case management system that includes Proceedings Management Meetings and Pre-Hearing Conferences in order to address administrative matters early on and expedite the hearing process;
- a policy on composition of hearing panels, and creation of the default number of three rather than five – including rejection of the concept of having one-person or single adjudicator panels;
- a policy on remuneration of hearing panels when hearings are longer than three days (none have been in the past five years), and for payment of \$1,000 to the Chair or whomever writes the panel decision;
- creation of the role of Vice Chair, to whom tasks under the new case management system can be delegated by the Chair;
- development of a skills matrix for

Hearing Committee members, to ensure a complete range of skills and experience from which to draw for panels;

- research toward development of a policy on use of all forms of recording devices at hearings;
- policy on use of electronic document submission by counsel and panels; and
- policy on calculation of costs by hearing panels, including a summary of the applicable common law.

The Hearing Committee Chair is responsible for empanelling a hearing panel and appointing a Panel Chair. As noted above, hearing panels generally now consist of three members, including one public representative.

Hearings are open to the public. However, a hearing panel has the authority to make orders necessary to prevent public disclosure of matters disclosed at a hearing in the interest of protection of solicitor-client privilege, or where the lawyer demonstrates that compelling circumstances exist to justify a temporary limitation on publication. These matters and other procedural or substantive issues are usually addressed in a pre-hearing conference between the Chair of the hearing panel and both parties. At the formal hearing, the panel hears evidence, asks questions, makes evidentiary rules and receives submissions. The panel has the authority to ask for written submissions from counsel at any time. The panel has the authority under Section 45 of the *Legal Profession Act* to impose a penalty and/or to impose restrictions or conditions on the member's practise. The panel may render an oral decision. However, a written decision must also be prepared within sixty (60) days following a full hearing and thirty (30) days following a penalty hearing.

A resolution confirming the acceptance or rejection of a settlement agreement or the acceptance of an agreed statement of facts is due within 30 days of the hearing. Decisions and resolutions

are filed with the Prothonotary and posted to the Society's website. This year, we faced the unique situation of having a settlement proposal rejected, and a new hearing ordered. Based on legal advice and in the interests of fairness principles, it was determined that there would be no publication of the rejected settlement proposal, so that no reference to it could be made at the new hearing. A regulation amendment to address this situation is now being considered.

Staff is not involved in the decision making process and is not responsible for preparing the decision or the resolution following the hearing. The Professional Responsibility Administrator is responsible for assisting the Chair with communicating with committee members for panel appointments and arranging the hearing facilities, as well as posting any electronic submissions on our secure website with the Chair's approval.

Matters referred to hearing

During the 2008/2009 reporting period, four matters were referred to formal hearing, of which one was carried forward from the previous year. In 2009/2010, three new matters were referred to hearing, with the same matter as in 2008/2009 being carried forward. In 2010/2011, the same matter was carried forward as in previous years, and four new matters were referred to hearing. In 2011/2012, due to the timing of completion of major investigations, there were no full hearings held; rather, in relation to one matter referred to hearing in 2010/2011, scheduled to be heard on May 9, 2012, a hearing was held to hear arguments with regard to an issue of disclosure.

Six matters were heard in 2012/2013: all proceeded by way of settlement agreement, five of which were approved. As a result, there were no contested hearings held in this period. One matter set down for a two-day hearing in May was adjourned to July 8, 2013, and the hearing respecting the matter for which the settlement proposal was

PROFESSIONAL RESPONSIBILITY

rejected has been scheduled for mid-September 2013.

Trends

The areas of professional misconduct, conduct unbecoming, professional incompetence and professional incapacity precipitating referral to formal hearing in this reporting period:

- criminal conduct (Anne Calder – consent resignation)
- incapacity and misappropriation of funds (Peter van Feggelen)
- incapacity and incompetence (Ritchie Wheeler – consent resignation)
- conflict of interest between lawyers and between lawyer and client (Iosipescu – consent resignation; Philip Whitehead – TBD)
- mortgage fraud and being used as a dupe (Raymond Jacquard – 12-month suspension)

Education

The Hearing Committee met for a full day of orientation and professional development on October 18, 2012. Presentations included use by panels of E-Communities for receipt and circulation of hearing materials and decisions, decision-writing and updates in administrative law, and use of cameras in hearings.

CUSTODIANSHIPS AND RECEIVERSHIPS

In accordance with the Society's mandate to protect the public, whenever a lawyer in active practice involuntarily ceases practice with little or no notice (due to ill health, death, or as a result of suspension or disbarment), if no plans have been made for transfer of the lawyer's practice to another lawyer or firm, or for a planned wind-down of the practice, then the Society will appoint a Receiver (by the CIC) or a Custodian (by the Court) to protect client interests and manage or wind-down the practice. The authority for this is found in Sections 51 and 53 of the Act. In each case, an external lawyer is retained to serve as Receiver or Custodian,

and these lawyers are provided professional and administrative support, as needed, by PR Counsel and the Director of Professional Responsibility.

The costs in relation to this work have varied greatly over the years, from \$30,000 in 2003/2004 to \$154,136 in 2006/2007, to the current budget for 2013/2014 of \$70,000. Actual costs in 2012/2013 were \$65,000, and the budget is based on the average of the past three to five years. Costs in this area are being reduced primarily through the use of an experienced team at Burchell MacDougall consisting of a senior counsel (John Rafferty QC), an associate and a legal assistant, and by arranging for storage of as many files held by the Society as possible in one secure location.

During 2012/2013, there were 15 open receiverships and seven open custodianships, which include one new receivership file and one new custodianship file from the 2011/2012 year. Some have been open since 2003. Efforts will be made in the coming year to apply for closure of inactive receiverships and custodianships, and to appropriately disburse funds remaining in trust.

Last year, there were 14 open receiverships and six open custodianships.

UNAUTHORIZED PRACTICE OF LAW

Unauthorized practice (UAP) means practising law without being permitted to do so by the *Legal Profession Act*. UAP is monitored by the Society, as we have the responsibility to protect the public by taking action against non-lawyers who illegally offer legal services or misrepresent themselves as lawyers. On receipt of the information suggesting the unauthorized practice of law, staff will gather appropriate information and begin to investigate the allegations.

The powers of the Society with respect to the unauthorized practice of law are found in Sections 17 and 18 of

the *Legal Profession Act*, and include the ability to seek injunctions and to prosecute those who violate the Act. If there is some evidence that the person is engaged in unauthorized practice of a minor nature or if the specifics are not clear, staff will seek an undertaking from the person whereby he/she will provide a written commitment not to engage in unauthorized practice.

In the 2012/2013 reporting year, nine instances of UAP were reported and followed up on by PR Counsel. Most of those contacted in relation to UAP allegations signed the undertaking as requested; however, this past year saw a higher than usual number of non-lawyers who denied that the activity in which they were engaged violated the Act. However, there were no circumstances that required the initiation of an injunction or other legal recourse.

CONCLUSIONS

For 2012/2013, the key challenges focused on continuing to reduce PR costs where possible, creating greater efficiencies in the hearing process, and achieving the goals set in relation to the National Discipline Standards. With the help of our excellent volunteers and capable staff, all of these goals have been achieved:

- the total cost of the professional responsibility process is always a concern and steps continue to be taken to find ways to reduce costs, with great success evidenced by the 16% reduction in costs over two years;
- a significant number of hearing process policies and procedures were developed and approved including the new case management system; and
- we have met or exceeded all but two of the 23 proposed national standards.

For 2013/2014, the Professional Responsibility department will continue to process the "routine" work, as well as:

- continue to fine-tune and enhance

PROFESSIONAL RESPONSIBILITY

- the Fitness to Practise Program and policies;
- work with the Federation’s Discipline Standards Committee to fully implement the standards during year two of the initiative;
- develop online trust accounts resources for practising lawyers (deferred to this year);
- implement the new proceedings management and pre-hearing conference regulations to expedite the conduct of hearings;
- capture and reproduce ethics advice provided to lawyers, for ongoing education purposes (deferred to this year);
- reduce the number of open custodian and receiver files, and dispose of funds as appropriate (deferred to this year);
- create policies respecting recovery of hearing costs;
- provide leadership and assistance with Council’s new strategic direction of developing a new regulatory model for the Society;
- implement the new Complaints Review Committee and enhanced procedures for independence;
- develop new Law Office Search and Seizure Guidelines for the Society and nationally;
- completely revise the Complaints Investigation Committee and Hearing Committee policies and procedures manuals; and
- consider ways to interact more directly with complainants and lawyers throughout the complaints process, with a view to reducing the number of complaints requiring written responses by lawyers, and enhancing the levels of public satisfaction following interaction with the complaints resolution process.

PROFESSIONAL RESPONSIBILITY

APPENDIX A: NATIONAL DISCIPLINE STANDARDS PILOT PROJECT

NOVA SCOTIA BARRISTERS' SOCIETY
STATUS – FEBRUARY 2013

STANDARD		CURRENT STATUS	ISSUES WITH STANDARD?
1.	Telephone inquiries: 75% of telephone inquiries are acknowledged within one business day and 100% within 2 business days.	MEET	None. We exceed this standard.
2.	Written complaints: 100% of written complaints are acknowledged in writing within three business days.	MEET	None. We have adopted this as our standard.
3.	Timeline to close or refer complaint: 90% of all complaints are closed or referred for a disciplinary or remedial response within 12 months.	MEET	None.
4.	Contact with complainant and lawyer: for every open complaint, there is contact with the complainant and the lawyer at least once every 90 days once the lawyer has been notified to report on progress.	MEET	None. Our standard is contact within 30 days. We believe this should be the standard.
5.	Each citation or notice of hearing is issued and served upon the lawyer within 90 days of authorization.	MEET 100% within average of 61.6 days	None
6.	75% of all hearings commence within 6 months of service of the citation.	MEET 80% within average of 5.1 months.	None. New case management regulations approved 2013-01-25
7.	90% of all hearings commence within 12 months of service of the citation.	MEET 100% within average of 10.2 months	None
8.	90% of all hearing decisions are rendered in within 60 days of the last date the panel hears submissions.	MEET 100% within 60 days as required by regulations	None. Required under Reg. 9.11.2.
9.	Where any of standards 3 through 8 is not being met, all parties are advised of this, and of when it is estimated the citation, notice of hearing, hearing or decision will be complete and, except where privacy or other similar reasons make it inappropriate, all parties are given the reasons why the standard is not being met.	N/A Standards 3 - 8 are met.	YES, hypothetically. We question the appropriateness, and ability to be accurate. For example, in the past, we would have had to tell a complainant that the delay is as a result of a failure to cooperate by the member and/or his or her counsel. Delays are often outside our direct control, and I would not want to provide this kind of information to a complainant.

PROFESSIONAL RESPONSIBILITY

STANDARD		CURRENT STATUS	ISSUES WITH STANDARD?
10.	There is public participation at every stage of discipline, i.e., on all hearing panels of three or more, at least one public representative; on the charging committee, at least one public representative.	MEET There is at least one public representative on every disciplinary panel, two on our charging body, and one chairing our review committee.	None
11.	There is a complaints review process in which there is public participation for complaints that are disposed of without going to a charging committee.	MEET	None. 2013-01-25 approval of a new Review Committee structure to ensure greater level of independence; i.e., public rep to Chair and four other lawyer members will not currently serve on any professional responsibility-related committee.
12.	Hearings are open to the public.	MEET	None
13.	Reasons are provided for any decision to close hearings.	MEET Required under s. 44(1) of Act	None
14.	Notices of hearings are published once the citation has been served.	MEET Our process is to publish our citations 15 days after the respondent has been served, allowing time for lawyer to request variation of content.	None
15.	Notices of hearing dates are published at least 60 days prior to the hearing, but if the citation is served less than 60 days before a hearing commences, publication takes place as soon thereafter as practical.	MEET 2012-07 We now have Notices of Referral to Hearing, followed by Notices of Hearing once dates are confirmed, both of which include lawyer's name and summary of charges.	None
16.	There is an ability to share information about a lawyer who is a member of another law society with that other law society when an investigation is underway in a manner that protects solicitor-client privilege, or there is an obligation on the lawyer to disclose to all law societies of which he/she is a member that there is an investigation underway.	MEET There is an ability to share information about a lawyer who is a member of another law society with that other law society when an investigation is underway in a manner that protects solicitor-client privilege.	None. Provided for in our Act.
17.	There is an ability to report to police about criminal activity in a manner that protects solicitor/client privilege.	MEET Specific rule and policy in place	
18.	A complaints help form is available to complainants.	MEET We also have a complaint intake line that provides information at start of recording to help clarify process and manage expectations.	None

PROFESSIONAL RESPONSIBILITY

STANDARD		CURRENT STATUS	ISSUES WITH STANDARD?
19.	Complainants may file their complaints electronically.	DO NOT MEET We expect to have the technology in place to permit this later this year.	None
20.	There is a lawyer directory available with status information, including discipline history and information on how to access more information about that history.	MEET IN PART There is an online membership directory, but it is not linked to lawyer discipline records.	MAYBE. This will require a policy discussion about facilitating access to such information. We are presently considering pardons vs. limited publication, and that will impact a decision to allow easy access
21.	The recidivism rate is 25% or less.	MEET? Our rate of recidivism is 27.7% over the past five years.	YES. If this is to be a standard, there needs to be greater clarity around how this is measured. Further, we are not convinced that the rate of recidivism is an accurate measure of success. We have begun process to examine whether what we do actually MAKES A DIFFERENCE in terms of public protection and changing lawyers' attitudes and practice. To us, this is a more important measure of the effectiveness of our complaints system (see note 1)
22.	There is ongoing mandatory training for all adjudicators, including training on decision writing, with refresher training no less often than once a year and the curriculum for mandatory training will comply with the national curriculum if and when it is available.	MEET	None. But we strongly encourage development of a national curriculum and resources.
23.	There is mandatory orientation for all volunteers involved in conducting investigations or in the charging process to ensure that they are equipped with the knowledge and skills to do the job.	MEET	None

- 1. Are we missing something?** As noted under #21, these standards greatly help us measure how we are doing our work and achieve important benchmarks for timeliness, transparency and communications (areas which have given rise to crises in other countries' regulatory processes when done badly). But as a next phase, we should consider how what we do actually protects the public and makes a difference. While we can say that hearings are open, and are hopefully held in a timely manner with appropriate notice to the public, how do we measure whether we have achieved general and specific deterrence? Has the lawyer's attitude changed, or have we considered all possible options short of disbarment? I can see that to some extent, measuring recidivism begins to drill down into this, but I don't think it is enough. We recently had a study completed that identifies means by which we might measure this, but it would be quite resource-intensive.]
- 2. How hard has it been to track our ability to meet these standards?** Not at all. Our data and information management systems required only a minor amount of tweaking to allow us to have system-generated reports to allow us to track this information.



PROFESSIONAL STANDARDS

PROFESSIONAL STANDARDS COMMITTEE – FAMILY LAW

COMMITTEE'S MANDATE

The Committee deals with issues relevant to family law practice, as well as reviews and recommends to Council improvements to the Professional Standards (Family Law) in Nova Scotia.

The following issues were addressed by the Committee this year:

REVIEW OF STANDARDS

- 1. General review of all Standards to ensure they are current:** All Standards were reviewed, with the exception of Standards 13 and 14 (Adoption and Human Reproduction), which were new standards formulated last year.
- As a result of the review of Standards 1 – 12, footnotes were updated, case law was added and helpful reference information was included. Also, all standards were updated to reflect the Society's current *Code of Professional Conduct*.
- 3. Update of Standard 11:** Standard 11, Scope of Representation, was reviewed specifically to ensure that no changes needed to be made

in light of the Society's work in relation to limited scope retainers. The Committee felt that no changes were needed to Standard 11 and that its current version is broad enough to deal with limited scope retainer situations.

- 4. Standard 10 - Children:** The Committee spent a considerable amount of time reviewing Standard 10, with a view to updating it to reflect the duty to report under the *Children and Family Services Act*. The Standard has been redrafted to recognize that a lawyer has a duty, where appropriate, to advise a client of the legal requirement to make a report to a child protection agency if the client has information indicating a child is in need of protective services or if the client has reasonable grounds to suspect that a child is or may be suffering abuse, or has suffered abuse.
5. The changes also address the relationship between solicitor-client privilege and child protection legislation, and the factors a lawyer must consider in deciding whether to report information obtained in the course of a solicitor-client relationship.

The Committee will continue its work in identifying new standards, drafting same, adding resource materials and conducting consultation before submitting them for approval to Council in the next year. The Committee will also review the existing standards and resources, with a view to improving them and ensuring they remain a current, accurate and useful reference to family law lawyers in the province.

Thanks to all Committee members for their incredible work over this past year. The Committee wishes to extend its thanks to staff for their support over the past year as well.

*Respectfully submitted,
Tilly Pillay QC, Chair*

PROFESSIONAL STANDARDS

PROFESSIONAL STANDARDS COMMITTEE – LAW OFFICE MANAGEMENT

COMMITTEE'S MANDATE

The Committee supports Council in the governance of the Society with respect to its primary purpose of protecting the public interest in the practice of law, by developing professional standards and a range of related best practices in the management of law offices and practices in Nova Scotia.

This Committee was appointed by Council in January 2012 and commenced its work in February 2012. The Committee is comprised of privately practising lawyers from throughout Nova Scotia and includes those from various practice circumstances, various firm sizes and all or virtually all subjects of practice concentration.

STANDARDS DEVELOPMENT

This year, the focus of the work of the Committee was on the following areas:

1. Record retention
2. Maintenance and backup of lawyer/law firm electronic data
3. Client service
4. Lawyer-law firm information management systems
5. Timekeeping
6. Retention, legal fees and taxation

The Committee presented its first Standard, on Record Retention, to Council in March 2013. Following introduction, the Standard on Record Retention was communicated broadly to the membership for consultation and feedback. With the benefit of this feedback, the Standard was amended and presented to Council for approval in April 2013. It was approved and formally adopted and is now available online to assist lawyers.

The Committee also presented to Council, for introduction, a Standard with respect to Client Service. This Standard has also been distributed to the membership for its input and some comments have been received. The Standard on Client Service will be brought back to Council for its approval and adoption in due course.

The Committee is also actively working on a Standard with respect to backup of lawyer/law firm electronic data and a separate Standard on the maintenance of those records. Work also continues on the other areas identified above.

In conclusion, I would like to thank Raffi Balmanoukian, Bob Carter, Jim Dewar QC, Kathryn Dumke, Bruce

McLaughlin, Mary Jane McGinty, Jamie MacGillivray, David Parker and Elizabeth Van Den Eynden QC. This is a diverse, knowledgeable and highly experienced group of practitioners whose efforts have been invaluable in pursuing the Committee's work and engaging in the Committee's forms of study and reporting.

Additionally, but for the effort, commitment and initiatives of Melanie McGrath and Erin McKiel, both of LIANS, the work of the Committee would be heavily compromised. Thank you to them as well.

*Respectfully submitted,
Gavin Giles QC, Chair*

PROFESSIONAL STANDARDS

PROFESSIONAL STANDARDS COMMITTEE – REAL ESTATE

COMMITTEE'S MANDATE

The Committee deals with issues relevant to real estate practice, as well as reviews and recommends to Council improvements to the Practice Standards for Real Property Transactions in Nova Scotia.

The following issues were addressed by the Committee this year:

REVIEW OF STANDARDS

Practice tools and checklists

A new section to the Standards was added to give guidance to the practitioner on how meet them. This was done based on comments from practitioners that the Standards were not user friendly. In addition, an explanation was added to the preamble that the practice tools are not intended to increase the Standard or make a new standard, but rather to assist in meeting the Standard. The index to the Standards was updated to refer to checklists for purchase and sales, found under the [Real Estate Resources](#) section of the [LIANS](#) website.

“BELOW THE LINE AMENDMENTS”

These amendments are not required to be approved by Council. The following amendments were made by the Committee:

- a) Standard 2.1 Legal Descriptions and Parcel Identification – Under “Additional Resources”, a reference to *Delport Realty Ltd. v. Nova Scotia* 2012 NSSC 416 was added.
- b) Standard 3.5 Judgments – Cross references were added to Standard 4.3 and the Demont Chart.

STANDARDS UPDATED AND APPROVED BY COUNCIL

These are amendment to the actual Standards, which require Council approval and were approved this past year:

- a) Standard 3.1 Abstracting – Language was updated for precision, consistency and readability, with addition of legislative references and footnotes.
- b) Standard 3.6 Restrictive Covenants – A major update included the addition of case law *Rice v. Condran*.
- c) Standard 1.3 – The Standard was updated to change language for consistency and readability, with addition of corresponding footnotes.

WORK IN PROGRESS

The following are new standards being drafted and updates to others. These are partially complete and will be in final form and presented to Council for approval in the next session:

- a) Standard 4.3 Naming – The rules for naming under PPSA and LRA are different. Also, it is apparent that use of names amongst cultures varies. The standard is being developed to assist the practitioner with understanding such differences.
- b) Standard 5.2/5.3 PPSA / Chattels – The rules for searching are being better described.
- c) Standard 3.18 Builders’ Lien – This is being updated to reflect the name change of legislation and give guidance as to when lawyers must consider whether holdbacks apply.

The Committee also clarified the purpose of “practice notes” to the Standards, to assuage concerns of lawyers that additional requirements were being created. This Committee is very conscious that the Standards are drafted to reflect the existing law. Practice notes within the Standards are below the line and are added to assist the practitioner in safe and effective practice, but are not intended to restate the Standard. Practice tools are resources for reference. Professional judgment must always be exercised when using such practice notes and/or tools.

All of this work takes much time and will continue over the next year and likely into the future. The Committee also intends to continue to develop practice notes and tools for as many Standards as possible, including opening letters from lawyer to buyer and seller.

Thanks to the Committee members and staff for their efforts over the last year.

Respectfully submitted by:
Erin O'Brien Edmonds QC, Co-Chair
K.H. Anthony Robinson QC, Co-Chair

PUBLIC REPRESENTATIVES

Annually, the Public Representatives are invited to offer perspective by way of a report on the work of the Society over the course of the previous year. The current three Public Representatives all have at least two years' service on the governing Council of the Society. It is this cumulative experience that has led us to acknowledge at the outset the singular significance of the Annual Meeting convened in June of each year.

The Annual Meeting forum has evolved from a meeting primarily focused on a business agenda to one where members can now attend and receive credit for participation in optional professional development sessions. More importantly, however, is the value of the meeting for informing lawyers and non-practising members about the content and scope of regulatory activity, both provincially and nationally, together with the future priorities and direction proposed by the Society's Executive officers.

Last year, for example, the Executive Director made a presentation on "The Revolution in the Delivery of Legal Services". Returning to our earlier points about context and direction, this excellent presentation really acted as a catalytic point of departure for an ongoing iterative conversation that might well impact future work plans. Quite simply, the mindset of the Society's governing Council has shifted from continuing on the long-standing and sometimes expensive path of prescriptive regulation to one wherein it is committed to a thorough examination of trends, opportunities and optional self-regulatory pathways.

In taking the initiative to examine alternatives, the Society has continued its top to bottom review. Every bundle of work and every position have been scrutinized through the lens of a structured organizational review. The aim has been to ensure greater transparency in Society operations, while squeezing every ounce of efficiency from existing resources and regulatory processes. This has involved long hours of work for Society staff and considerable flexibility. Accordingly, we would like to commend the staff for their attentiveness and diligence.

Superimposed on these initiatives has been a chorus of consensus surrounding a reframing of the governance role and purposive work performed by Council. We suggest that this will pay dividends in the future and permit a rapid transition to potentially new ways of regulating the delivery of legal services, whatever their form.

In scanning the year's achievements, we would offer the following for your thoughtful consideration. First is the progress in clarifying the role of the Equity Office, and the work by the PRPPC in streamlining the hearing process and restructuring the review of staff decisions of complaints in an effort to achieve a new and improved standard of independence. All of this has been initiated to ensure greater visibility, transparency and independence in the work of the Society.

Second, we also observe that strides continue to be made in making more widespread use of technology, both as a source of information and as an organizational or administrative tool to assist members.

Third, we compliment the efforts of those members of Council involved in formalizing a process for assessing the performance and evaluation of the Executive Director in an effort to ensure improved accountability.

Lastly, we applaud the work of Council in reshaping its strategic directions and reconsidering its options for self-regulation with the aim of committing to meaningful and consequential work, which will benefit both members and the public in the longer term.

In conclusion, we would be remiss if we did not acknowledge with gratitude the change to Society regulations, which now permit Public Representatives to serve three consecutive two-year terms, assuming satisfactory performance and availability. This extension now aligns the Public Representatives' term length with that of the elected members of Council. We believe such continuity may well benefit the Society as issues become more complex and interdependent.

It has been a most rewarding and productive year, during which it has been our privilege to serve as Public Representatives.

*Respectfully submitted,
George MacDonald
Annette Marshall
Ken Nason*



NEW MEMBERS

NEW MEMBERS OF THE NOVA SCOTIA BARRISTERS' SOCIETY

The Society welcomes the following 81 new lawyers, called to the Nova Scotia Bar between May 1, 2012 and April 30, 2013:

Thomas Lloyd Archibald	Margaret Jean George	Aileen Kerr McGinty
Graeme Edward Bailey	Claire Frances Gillivan	Ian Augustine McIsaac
Vikaas Bansal	Martin Philip Glogier	Kelsey Alberta McLaren
Jennifer Elaine Barnes	Matthew Clark Gorman	Kelly Eileen McMillan
Waverly Ann Bird	Lauren Alicia Grant	Stephanie Anne Myles
Michelle Anne Black	Daniel Arthur Hawkwood	Hasan Shahan Naqvi
Marie H�elene Brunelle	Stephen David Hiscock	Ivan George Cecil Nault
Catherine Jennifer Campbell	Mary Jane Hyslop	Richard Watson Norman
Jessica Danielle Chapman	Elinor Caitlin Holton Ireland	Brandy Elizabeth Anne Parenteau
Jennifer Marie Chiasson	Virginia Haley Lynne Jones	Jonathan Michael Pendrith
Edward Jonathan Comeau	Lauren Amanda Kautz	Amber Natasha Penney
John Lewis Dobson Cook	Danielle Elicia Jacinta Kershaw	Scott Arthur Pickup
Charlotte Hoegg Crosbie	Janine Lynne Kidd	Daniel Pink
David Albert Curry, Jr.	Ethan Shi-Eun Kim	Jennifer Leanne Pink
Donna Lynn Davis	Jennifer Elaine Knebel Reid	Daniel Lawrence Rideout
Richard Leonard Deveau	Leah Jane Kutcher	Sarah Ann Robicheau
Susanne Marie Dixon	Leora Jean Lawson	Jos�e Miguel Antonio Rodriguez
Danielle Amaris Hillary Dorn Kouwenberg	Shawn David LeBlanc	Michael Drew Rogers
Laura Rose Dowling	Peter Armand LeCain	Betony Mimi Lassey Rowland
Jessica Michelle Drohan	Kathryn Anne Lo	Donald Gregory Rushton
Kim Thien Duong	Sara Nicole MacIsaac	Nathaniel Brice Saruk
Ashley Dawn Anne Dutcher	Thomas Leonard MacLaren	Starla Anita Tanshel Sheppard
Rick James Eng	Mary Bernadette MacLeod	Jennifer Dawn Snow
Sean Christopher Farmer	Eric Patrick MacRae	Laura Elizabeth Spurway
Cristina Edivige Firmini	Susannah Margison	Mallory Christine Treddenick
Nicholaus S.A. Fitch	Eliza Amaryllis Maynes	Aaron Matthew Lucis Ward
Erin Rebecca Fowler	Sean Phillip McCarroll	No�mi Sloop Westergard

IN MEMORIAM

The following lawyers and colleagues passed away between May 1, 2012 and April 30, 2013.
The Society extends condolences to their friends and families.

2012

- Donnie Doucet, Lethbridge, Alberta (formerly of Cheticamp) – May 5, 2012
- Cecil William Moore QC, Halifax – June 16, 2012
- Bruce M. Nickerson QC, Halifax – August 9, 2012
- Harvey A. Newman, Ottawa – September 3, 2012
- Daniel Joseph McGrath QC, Berwick – September 8, 2012
- J. David F. Theakston QC, Bridgewater – September 16, 2012
- Raylene Rankin, Mabou and Halifax – September 30, 2012
- David Robertson Campbell QC, North Sydney – October 26, 2012
- John T. Smith, Halifax – October 29, 2012
- John W. Hatherly QC, Halifax – November 13, 2012
- Robert S. Huestis QC, Halifax – November 20, 2012
- Bruce Edward Davidson QC, Halifax – December 5, 2012
- George Hubert MacNeill QC, Amherst – December 8, 2012

2013

- The Hon. William Andrew MacKay, Halifax – January 12, 2013
- Charles Broderick QC, Glace Bay – January 20, 2013
- Daurene Lewis, Annapolis Royal – January 26, 2013
- John Dougall MacIsaac QC, Antigonish and Halifax – February 26, 2013
- David Murray Cooper, West LaHave – March 2, 2013

OFFICERS & MEMBERS OF COUNCIL 2012-2013

This year's Council met eight times. The following chart lists the Officers and members for 2011-2012.

OFFICERS	ATTENDANCE
Timothy G.J. Daley QC, First Vice-President	7
René Gallant, Second Vice-President	4
Tilly Pillay QC, Second Vice-President	7

MEMBER	DISTRICT/CAPACITY	MUNICIPALITY	ATTENDANCE
David Bartol	Representative of the Attorney General (NS)		6
Dean Kimberley Brooks	Schulich Law of Law - Dean		5
Christa M. Brothers	Halifax	Halifax	6
Lynn M. Connors QC	Southwestern	Kentville	5
Aleta C. Cromwell	Halifax	Halifax	6
Gavin Giles QC	At Large	Halifax	6
George MacDonald	Public Representative		5
Darren MacLeod	Southwestern	Annapolis Royal	3
William L. Mahody	Halifax	Halifax	5
David Mahoney	Central	Truro	7
Annette Marshall	Public Representative		6
Candee J. McCarthy	Cape Breton	Sydney	6
David W. McNairn	Central	Amherst	6
Naiomi Metallic	At Large	Halifax	6
Kenneth A. Nason	Public Representative		6
Erin E. O'Brien Edmonds QC	Halifax	Halifax	6
Jill Perry	Cape Breton	Sydney	7
Alonzo Wright	At Large	Halifax	5

Honorary President – David F. Wallace QC
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SOCIETY COMMITTEES

REGULATORY COMMITTEES

Complaints Investigation Committee
Credentials Committee
Hearing Committee

COUNCIL COMMITTEES

Code of Professional Conduct Committee
Continuing Professional Development Working Group
Council Evaluation Committee
Distinguished Service Award Committee
Executive Committee
Finance Committee
Fitness to Practise Committee
Gender Equity Committee
Governance and Nominating Committee
Lawyers' Fund for Client Compensation Committee
Professional Responsibility Policies & Procedures Committee
Professional Standards (Family) Committee
Professional Standards (Law Office Management) Committee
Professional Standards (Real Estate) Committee
Racial Equity Committee

LIAISON COMMITTEES

Court of Appeal Liaison Committee
Department of Justice Liaison Committee
Family Court Liaison Committee
Provincial Court Liaison Committee
Service Nova Scotia & Municipal Relations Liaison Committee
Supreme Court Liaison Committee

OPERATIONAL COMMITTEES

Access to Justice Working Group
Bar Examination Screeners Subcommittee
Civil Procedure Rules Committee
Ethics Advisory Committee
Expansion of Family Division Working Group
Land Registration Act Management Committee
Lawyers Assistance Program Committee
Rural Practice Working Group

APPOINTMENTS TO OUTSIDE BODIES

Advisory Committee on Judicial Appointments – Federal
Advisory Board on Judicial Appointments – Provincial
Canadian Lawyers' Insurance Association – Advisory Board
Family Law Expert Advisory Panel
Federation of Law Societies of Canada Council
Indigenous Black and Mi'kmaq Initiative – Advisory Council
Judicial Council
Law Courts Users' Committee
Law Foundation of Nova Scotia
Law Reform Commission of Nova Scotia
Lawyers' Insurance Association of Nova Scotia Board of Directors
NS Land Surveyors – Board of Examiners
Nova Scotia Legal Aid Commission
QC Appointments Advisory Committee
Small Claims Court Adjudicators Advisory Committee
Statutory Costs and Fees Committee

For a current list of committee members and terms of reference for each committee, please visit the Committees page of the Society's website: http://nsbs.org/about_us/committees.