



NOVA SCOTIA
BARRISTERS' SOCIETY

COMMITTEES

TERMS OF REFERENCE

Note: These Terms of Reference should be read in conjunction with the [Legal Profession Act](#), ('Act'), the [Regulations](#) issued there under, and the [Council Policies](#) relating to committees.

Amended to October 2021

CODE OF PROFESSIONAL CONDUCT COMMITTEE (CPCC)

Council Committee

Mandate

- The Code of Professional Conduct Committee supports Council in the governance of the Society by advising with respect to potential amendments to the Code of Professional Conduct (the Code) with reference to:
 - the Society's mandate to protect the public and to promote the competent and ethical practice of law by our members; and
 - the benefits of maintaining uniform national rules of ethics and professional conduct for lawyers.
- The Code of Professional Conduct Committee supports the Executive Director in the promotion of the ethical and competent practice of law by members of the Society and provides guidance and advice to members in respect of inquiries about the application of the Code to the practice of law.

Responsibilities

- Reviews any matters identified by Council as being in need of further consideration and report to Council.
- Liaises with Federation Model Code of Conduct Committee and Council on proposed changes to the Model Code.
- Consults and engages with members, committees, and other stakeholders as appropriate, respecting proposed amendments to the Code.
- Makes recommendations to Council respecting amendments to the Code, consistent with the Committee's mandate.
- Responds to ethics inquiries as presented by the Society's Professional Responsibility Counsel or Director and provide timely guidance and advice on the application of the Code of Conduct to particular practical scenarios presented by members.
- Assists with the provision of ethics education for students, members and others on request.

COMPLAINTS INVESTIGATION COMMITTEE (CIC)

Regulatory Committee

Mandate

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

Responsibilities

- Refer to Part III of the Act and Part 9 of the Regulations.
- The Committee shall approve the minutes of its previous meeting.

COMPLAINTS REVIEW COMMITTEE (CRC)

Regulatory Committee

Mandate

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

Responsibilities

- Part 9 of the Regulations.

COURT OF APPEAL, SUPREME COURT LIAISON AND PROVINCIAL COURT (CIVIL, CRIMINAL & FAMILY) LIAISON COMMITTEES

Liaison Committees

Mandate

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

Responsibilities

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

CREDENTIALS COMMITTEE

Regulatory Committee

Mandate

- The Credentials Committee supports Council in the governance of the Society by recommending to Council changes to policy relating to the credentialing process, which includes the opening and closing of practices, the requirements to remain in practice,
- The Credentials Committee carries out the responsibilities assigned to it under Part I of the Act and supports Society staff in addressing their responsibilities under:
 - Part 3 Admissions;
 - Part 4 Trust Accounts;
 - Part 5 Membership Categories and Changes in category;
 - Part 6 Lawyers from other jurisdictions;
 - Part 7 LLPs and Law Corporations;
 - Part 8 Mandatory CPD; and
 - Part 13 Real Estate Practice.
- The Committee provides policy advice to ensure that regulation is proactive, principled and proportionate.

Responsibilities

- Refer to Part I of the Act and Parts 3, 4, 5, 6, 7, 8 and 13 of the Regulations.
- To consider and recommend to Council policy direction relating to aspects of the credentialing process that impact the Society's obligations to applicants, members, and other affected individuals, or that impact key outcomes of the credentialing process.
- To make recommendations to Council for its approval respecting the *Legal Profession Act*, and Regulations governing the credentials process.
- Appoint a Credentials Review sub-committee.

DISTINGUISHED SERVICE AWARD COMMITTEE

Council Committee

Mandate

- To make a recommendation to Council for a recipient of the Distinguished Service Award.

Responsibilities

- To follow the approved criteria in making the recommendation:
 - **Integrity** - The recipient is of unimpeachably good character, with a reputation for the highest

- professional integrity.
- **Professional Achievement** - The recipient is amongst the leaders in the practice of law or the academic realm.
- **Service to the Profession** - The recipient has made long-term, exceptional volunteer contributions to the legal profession and the Society.
- **Community Service** - The recipient is an outstanding contributor to the community, through volunteer service and a commitment to making the world a better place.
- **Reform** - The recipient has made an outstanding contribution to the betterment of the law or the improvement of the justice system.
- **Overall** - The recipient espouses the highest ideals of the legal profession and is a person to whom all members can look for inspiration.
- The Committee will bring forward a single nomination.

EXECUTIVE COMMITTEE

Council Committee

Mandate

- The Executive Committee support Council in the governance of the Society by ensuring matters are ready for consideration by Council, and undertaking matters that are delegated to it by Council.
- The Committee assist Council in carrying out the work of the Society and act on behalf of Council in matters of urgency.

Responsibilities

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

FINANCE COMMITTEE

Council Committee

Mandate

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

Responsibilities

Financial Reporting Responsibilities

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

Investment Responsibilities

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

Audit Responsibilities

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

FITNESS TO PRACTISE COMMITTEE (FTPC) *Regulatory Committee*

Mandate

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

Responsibilities

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

GENDER EQUITY COMMITTEE *Council Committee*

Mandate

- The Gender Equity Committee advises, monitors and supports Council in the work and governance of the Society on Gender Equity Issues, consistent with the Responsibilities below.
- Gender Equity Issues are those related to the protection, advancement and promotion of those who are equity-seeking on the basis of gender, gender identity and sexuality.

Responsibilities

- Develop policy and program options for the promotion and advancement of equity and diversity in the legal profession in Nova Scotia.
- Develop policy and program options to increase access to the legal profession by members of equity seeking groups.
- Raise awareness of historic and current Gender Equity Issues as they relate to the legal

profession and the administration of justice.

- Identify issues, provide advice to Council and carry out assigned work regarding:
 - Barriers and impediments to entry into the Nova Scotia legal profession and involvement in the Society by women;
 - Barriers and impediments in the access of justice
 - Experiences of women, as members of the Nova Scotia legal profession and with regard to the administration of justice, and
 - The intersection of Gender Equity Issues with those issues affecting additional equity seeking groups
- Assist the Equity Officer, as requested, in:
 - promoting awareness of equity issues in the legal profession and the administration of justice;
 - carrying out the Society's programs and initiatives that address equity issues in the legal profession and the administration of justice; carrying out programs and initiatives for the legal profession in Nova Scotia on equity and cultural competency.¹
- Working collaboratively with the Society's Racial Equity Committee on matters of mutual interest and with particular focus on promoting and addressing issues of equity generally in the legal profession and the administration of justice.

GOVERNANCE COMMITTEE

Council Committee

Mandate

- The Committee supports Council in the governance of the Society by:
 - Supporting Council's commitment to the principles and practices of good governance.

Responsibilities

- Support Council's governance and best practices of the Society, including but not limited to:
 - recommending changes to the Legal Profession Act and Regulations as requested by Council.
 - reviewing and recommending changes to Council Policies.
 - Monitoring, reviewing, and recommending to Council governance policies.
 - Supporting, as requested by the Executive Committee or by Council, the regular evaluation of Council or its Committees.
 - Supporting, as requested by Council, the delivery of Council orientation.
- The Committee shall report annually to the Executive and Executive Director the status of Council's governance policies, in accordance with Council Policy 8.

HEARING COMMITTEE

Regulatory Committee

Mandate

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

Responsibilities

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

¹ The 2015 report of the Truth and Reconciliation Commission calls on the Federation of Law Societies of Canada, and implicitly the individual law societies to ensure that lawyers receive appropriate cultural competency training, which includes the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

LAWYERS FUND FOR CLIENT COMPENSATION COMMITTEE (LFCC)

Council Committee

Mandate

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

Responsibilities

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

NOMINATING COMMITTEE

Council Committee

Mandate

- The Committee supports Council in the governance of the Society by:
 - Assisting with the recruitment, appointment and election of members of Council, Officers, Committees, working groups and Society's representatives.

Responsibilities

- Establish and ensure an open, fair, objective and transparent nominating and election process for Council positions, that identifies candidates for all positions.
- Recruit a Second Vice President nominee.
- Recruit Public Representative candidates for consideration by Council.
- Consult with the Equity Officer, the Racial Equity Committee, Gender Equity Committee, and other relevant organizations respecting nominations.
- Biannually, and as otherwise required, recommend for Council approval, committee appointments.
- Encourage and facilitate access to leadership roles within the Society for members of equity-seeking groups.
- Provide advice to the Governance Committee to make recommendations respecting best practice in nominations and elections.

PROFESSIONAL RESPONSIBILITY POLICES & PROCEDURES COMMITTEE (PRPPC)

Council Committee

Mandate

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

Responsibilities

- To consider and recommend to Council policy direction relating to aspects of the professional responsibility process that impact the Society's obligations to members, complainants and other affected individuals, or that impact key outcomes of the professional responsibility process.
- To consider and, following consultation with the Complaints Investigation Committee, recommend to Council for its approval policies to be applied by the Complaints Investigation Committee in the investigation and disposition of complaints.
- To consider and recommend to the Complaints Investigation Committee, for its approval, procedures to be applied by the Complaints Investigation Committee in the investigation and disposition of complaints.
- To consider and recommend to the Executive Director, for approval, operational and administrative procedures for the investigation of complaints;

- To consider policy and procedure matters referred to the PRPPC by the Complaints Investigation Committee, Hearing Committee, Fitness to Practise Committee and PR staff.
- To ensure that policies and procedures that apply to the Complaints Investigation Committee are regularly reviewed and published in the Complaints Investigation Committee Policies and Procedures Manual.
- To consider and recommend to the Hearing Committee, for its approval, policies and procedures with respect to the operation of the Hearing Committee and the conduct of hearings, and in particular those policies published in the Hearing Committee Policies and Procedures Manual.
- To make recommendations to Council for its approval respecting the *Legal Profession Act*, and Regulations governing the professional responsibility process.

PROFESSIONAL STANDARDS (CRIMINAL) COMMITTEE

Council Committee

Mandate

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

Responsibilities

- Make recommendations to Council with respect to identification of:
 - existing applicable professional standards in criminal law practise and emerging criminal law issues which may require the development of professional standards;
 - changes in the professional standards of criminal law practise and emerging criminal issues which require amendments to existing NSBS Professional Standards – Criminal Law.
- Annually review the NSBS Professional Standards – Criminal Law, amend as necessary and advise Council with respect to potential amendments to the Standards, including providing notice of the amendments for Council approval;
- Annually review the footnotes and references to the NSBS Professional Standards – criminal Law and provide notice to Council with respect to amendments thereto;
- Identify and provide resources and tools to assist members to practise in accordance with the Standards;
- Act as a resource on issues of professional standards for criminal law as may be required by Council.

PROFESSIONAL STANDARDS (FAMILY) COMMITTEE

Council Committee

Mandate

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

Responsibilities

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

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

PROFESSIONAL STANDARDS (LAW OFFICE MANAGEMENT) COMMITTEE (LOMC)

Council Committee

Mandate

- The Professional Standards (Law Office Management) Committee supports Council in the governance of the Society by developing professional standards for the area of law office management.

Responsibilities

- Make recommendation to Council with respect to identification of:
 - existing applicable professional standards in law office management law practice and emerging law office management issues which may require the development of professional standards;
 - changes in the professional standards of Law Office Management law practice and emerging Law Office Management practice issues that require amendments to existing NSBS Professional Standards – Law Office Management Law.
- Annually review the NSBS Professional Standards - Law Office Management amend as necessary and advise Council with respect to potential amendments to the Standards, including providing notice of the amendments for Council approval.
- Annually review the footnotes and references to the NSBS Professional Standards -Law Office Management and provide notice to Council with respect to amendments thereto.
- Identify and provide resources and tools to assist members to practise in accordance with the Standards.
- Act as a resource on issues of professional standards for law office management law as may be requested by Council.

PROFESSIONAL STANDARDS (REAL ESTATE) COMMITTEE

Council Committee

Mandate

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

Responsibilities

- Make recommendations to Council with respect to identification of:
 - existing applicable professional standards of real estate law practise and emerging real estate law issues which may require the development of professional standards;
 - changes in professional standards of real estate law practise and emerging real estate law issues which require amendments to existing NSBS Real Estate Law Professional Standards;
- Annually review the NSBS Professional Standards – Real Estate Law, amend as necessary and advise Council with respect to potential amendments to the Standards, including providing notice the amendments for Council approval.
- Annually review, and amend or revise if necessary, the footnotes and references to the NSBS Professional Standards – Real Estate Law.
- Identify and provide resources and tools to assist members to practise in accordance with the Standards.
- Act as a resource on issues of professional standards for real estate law as may be requested by Council.

PROFESSIONAL STANDARDS (WILLS, POWERS OF ATTORNEY AND PERSONAL DIRECTIVES) COMMITTEE

Council Committee

Mandate

- The Professional Standards (Wills, Powers of Attorney and Personal Directives) Committee supports Council in the governance of the Society by developing professional standards for the practice of wills, powers of attorney and personal directives (collectively referred to as “Wills”). Included, though in the Committee’s discretion, is the development of standards in the related practice areas of estates and trusts.

Responsibilities

- Make recommendations to Council with respect to identification of:
 - professional standards and emerging issues in Wills practice that may require the development of professional standards; and
 - changes to the Wills standards and emerging issues that require amendments to existing Wills Standards;
- As required, review the Wills Standards, amend as necessary and advise Council with respect to potential amendments, including providing notice of the amendments for Council approval.
- As required, review, and amend or revise if necessary, the footnotes and references to the Wills Standards.
- Identify and provide resources and tools to assist members to practise in accordance with the Standards.
- Act as a resource on issues of professional standards for Wills as may be requested by Council.

RACIAL EQUITY COMMITTEE

Council Committee

Mandate

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

Responsibilities

- Develop and advise on policy options for the promotion of equity and diversity in the legal profession in Nova Scotia for adoption by Council;
- Advise Council on the application of professional standards in relation to equity and diversity.
- Identify barriers to and facilitate active involvement of racialized and Indigenous lawyers in the volunteer functions of the Society, on Council and on other Committees;
- On behalf of Council, maintain awareness and information regarding issues of race as they relate to the legal profession, access to justice or the administration of justice;
- Raise, for Council and members of the Society, awareness of the issues of racial inequity in the legal profession;
- Identify barriers and provide advice to Council about:
 - How to facilitate entry into the Nova Scotia legal profession and promote retention and advancement of racialized and Indigenous Peoples;
 - Racial equity related experiences encountered by racialized and Indigenous Peoples as members of the Nova Scotia legal profession;
 - Programs and initiatives for the Nova Scotia legal profession on racial equity and cultural competency.
- Under the direction of the Manager, Equity & Access, assist in carrying out the Committee’s approved programs and initiatives.
- All of the responsibilities will be carried out with particular attention to the experience of

African Nova Scotian and Mi'kmaq people who continue to face structurally entrenched barriers arising from colonialism, enslavement and segregation in the part of Mi'kma'ki we now call Nova Scotia.

RURAL PRACTICE WORKING GROUP

Council Working Group

Mandate

- To advise and make recommendations to Council relating to:
 - improving access to legal services in rural NS; and
 - addressing the challenges and needs of lawyers and firms servicing clients in rural NS.

Responsibilities

- Identify barriers and challenges for rural lawyers that might be addressed in furthering Strategic Goal #2: More Nova Scotians will have access to ethical and competent legal services
- Make recommendations to Council for addressing these challenges
- Identify and make recommendations to Council for addressing the unique challenges relating to legal practice succession in rural NS
- Learn from the COVID-19 Task Force how the pandemic may be impacting rural members and provide recommendations to Council to address these challenges

TRUTH & RECONCILIATION WORKING GROUP

Council Working Group

Mandate & Responsibilities

- The TRC Working Group is established with a mandate to make recommendations to the Council on a response to the Calls to Action. In developing recommendations for consideration by the Council, the TRC Working Group will consider the role of the NSBS in responding to the Calls to Action and the value in supporting any activities the NSBS may undertake. In particular, the TRC Working Group will:

- Develop recommendations on a response to Calls to Action 27 and 28, as its first priority given their urgency and relevance to the regulation of the legal profession;
- Facilitate the exchange of information to the NSBS members about NSBS initiatives related to the Calls to Action and the initiatives of other relevant stakeholders;
- Develop annual work plans and priorities for review and support of Council;
- Work with other relevant NSBS Committees and the County Bar Associations to develop a strategy as to how the NSBS members should receive cultural competency training and education, which includes the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law and Aboriginal-Crown relations, as recommended in Call to Action 27;
- Consider actions the NSBS can take to support the establishment and incorporation of Indigenous law and languages in the Nova Scotia legal profession, including Mi'kmaw Elder participation and consultation;
- Evaluate and consider actions the NSBS can take to support Indigenous lawyers and law students, and work towards having the NSBS membership reflect the Indigenous population of Nova Scotia;
- Work with Indigenous communities to access and promote Indigenous laws, legal traditions and knowledge to be shared with the NSBS membership;
- Identify challenges faced by Indigenous peoples in accessing justice and appropriate legal counsel, by providing recommendations to relevant stakeholders on remediating the gap in access to legal services;
- Engage Indigenous members of the NSBS and Indigenous law students in the work of the TRC Working Group; and

- Work in partnership to build relationships with the Schulich School of Law, as the law school works on their activities in relation to the TRC Call to Action 28.