

MSELP Self-Assessment – Introduction and Instructions

Introduction

Providers of legal services must now develop an effective Management System for Ethical Legal Practice (MSELP) and demonstrate their engagement and commitment to each of ten Elements ([Subregulation 8.3.2](#)):

- Element 1 — Maintaining appropriate file and records management systems
- Element 2 — Communicating in an effective, timely and civil manner
- Element 3 — Ensuring confidentiality
- Element 4 — Avoiding conflicts of interest
- Element 5 — Developing competent practices
- Element 6 — Ensuring effective management of the legal entity and staff
- Element 7 — Charging appropriate fees and disbursements
- Element 8 — Sustaining effective and respectful relationships with clients, colleagues, courts, regulators and the community
- Element 9 — Working to improve diversity, inclusion and substantive equality
- Element 10 — Working to improve the administration of justice and access to legal services

The MSELP self-assessment helps you fulfill this obligation by asking you to reflect on your practices (including written and unwritten policies and procedures) and how they meet your professional obligations (e.g. the *Code of Professional Conduct*, Practice Standards), and to identify ways to improve. You will be asked to do this every three years.

The MSELP self-assessment is a central feature of the Society's 'Triple P' (proactive, principled and proportionate) approach to regulating law firms, which include sole practitioners.

There are no right answers and the Society will not use the information you provide for disciplinary purposes. The intention of the program is to build awareness of best practices and encourage continuous improvement.

The program also provides the Society with information about where lawyers may require additional practice resources and support.

If you are in a firm of more than one lawyer, the responsibility to complete the process rests on the firm's Designated Lawyer, who may delegate as appropriate.

The goal is to meet the stated Objective for each Element. How you meet the Objective will be unique to your practice: this is not "one size fits all."

After completing the MSELP Self-Assessment, you will:

1. have a better idea of how you meet your obligations;
2. have chosen up to three priorities for potential development;
3. be acquainted with resources that could help you; and
4. have given feedback to make this process work better.

For more information, see [Frequently Asked Questions](#). You can find details of the self-assessment requirement in [Regulations 4.6 & 8.3](#) of the *Legal Profession Act*.

Instructions

Self-Assessment Process at a glance:

Steps

- 1) Review the [MSELP Workbook](#) (recommended)
- 2) Complete and submit the online Self-Assessment Tool (mandatory – link sent via email)
- 3) Society staff respond and provide you with suggested tools / resources
- 4) Make your chosen improvements

Resources available to you

- A) These instructions, [FAQs](#) & [Regulations](#) to understand the process
- B) Practice resource links in the [Workbook](#)
- C) [Legal Services Support](#)

General pointers:

- ❖ You can do the Self-Assessment in one sitting, or over time. If you have staff, you might seek their input. You might tackle one or two Elements at a time over several weeks. There is no one right way and how you choose to approach the process is up to you.
- ❖ We recommend using the [Workbook](#) while working through your online self-assessment. You can print it off, or keep it open in another window your browser. It goes into more detail about the kinds of practices and considerations that apply to each of the ten Elements. The Workbook is optional and is not to be submitted to the Society – please keep it for your own personal use.
- ❖ A couple of notes about language: “You” and “your” refer to your legal services entity, whether a sole practice or any size of law firm.

- ❖ Your “practices” mean the way you and your staff, if any, do things, and includes systems, guidelines, policies and procedures. Some practices are in writing, others are unwritten and understood. While written policies and procedures are encouraged as best practice, this is not always appropriate or feasible in the circumstances.
- ❖ Don’t hesitate to contact us with questions [by email](#) or by phoning the Legal Services Support team at (902) 422-1491.

Step 1: The Workbook

The [Workbook](#) is optional but recommended. In fact, the firms that participated in the consultation and pilot found it to be the most useful part of the process.

The Workbook is, on one level, a checklist and a list of corresponding practice tools resources. But it also provokes you to think as you dive more deeply into the ten Elements that make up an effective Management System for Ethical Legal Practice.

You can save a copy of the Workbook and make notes. You might keep it as a record of your assessment and ongoing progress. The Society does not ask to see it.

Step 2: The Self-Assessment Tool (SAT)

A link to your firm’s personal online Self-Assessment Tool (SAT) is sent to you via email. Completing and submitted the SAT is the only mandatory component of the self-assessment process and in doing so, you fulfil your requirement for the three-year reporting period.

The Society uses the information you provide so it can identify specific tools and resources that might assist you in making improvements in the areas you identify. Second, and more generally, the information helps identify any education and resources lawyers need. This in turn helps the Society to prioritize and provide better support to lawyers.

Navigating the SAT

- **Email invitation:** To start, we send you an email from ‘MSELP’ providing you a link to your firm’s personal online SAT. You click the link at the bottom of the email to open the online survey. There is no need for a Username/Password – just click on the link.
- **SAT layout / navigation:** The online SAT starts with basic information and instructions and then an overview of the 10 Elements of a management system for ethical legal practice, with corresponding Objectives for each. You continue navigating through the SAT by clicking the ‘Next’ button at the bottom right of

each page. To return to previous pages, click the 'Previous' button at the bottom left.

As you progress, you see a list of indicators under each of the 10 Elements to reflect on. Using check boxes, you identify the extent to which your firm's practices are developed and consistently followed in relation to each Element. You also indicate whether there are issues or areas in which practice resources might assist you in making improvements.

Some questions are optional and others mandatory. If you try moving to the next page before completing a mandatory field, you see an error message prompting you to complete those questions.

Once you've assessed your practices in relation to each of the 10 Elements, you are asked to identify up to three priorities for MSELP practice improvements. These can be as narrow or broad as you like – for example, a very specific improvement to your voice messaging system, or a broader goal such as developing a succession plan. The intent here is to help you identify specific and achievable goals for continuous improvement.

The final section provides a summary of all your answers and identified priorities on a single page. You can review your answers and click the 'Previous' button to go back and change them. You can also print out the Summary page and keep it for your records.

From the Summary page, clicking the 'Next' button will take you to the final page where you are asked to submit your SAT by clicking the "Submit" button at the bottom left of the screen. Clicking "Submit" records your answers with the Society.

- **Providing feedback:** Space for providing comments are available after your assessment of each Element. There is also space for general comments and feedback at the end of the SAT. We take your feedback seriously and ask you to be frank – it will assist us in continuously improving the self-assessment process.
- **Saving your results and continuing where you left off:** Answers are automatically saved as you progress through the report. Clicking on the original link in the original email will take you back to where you left off (or reasonably close).
- **Seeing/Editing previous questions:** If you haven't yet clicked on 'Submit' on the last page, you are able to change any answers by clicking on the "Previous" button to scroll through earlier pages in the SAT.

- **Printing your results:** After you have completed your SAT but prior to submitting it, on the last screen you will be shown a summary of your answers. You can perform a print screen to print these results. But remember, you must still click the Submit button at the bottom of the screen to submit your report to the NSBS.
- **Confirmation Email:** After successfully your firm's SAT the system will send you a confirmation email to acknowledge it.
- **CPD:** The time spent on this exercise can be counted toward your CPD requirement.
- **One time submission:** Although the system will allow you to save, edit, and restart your un-submitted report, you can only submit the report once, and you cannot edit a submitted report.
- **Junk folder:** Before making a call to the Society with respect to reporting a missing email, please check your mail client's Junk Mail folder, just in case your system inadvertently saved it there.

Step 3: Legal Services Support follow-up

Legal Services Support administers the MSELP self-assessment program. We are comprised of two staff lawyers dedicated to supporting lawyers in their practices, plus a wider team including a lawyer and an accountant who devote a substantial amount of their time supporting lawyers with ethics and trust account questions.

Within 10 days of submitting your SAT you will hear from us, either by phone or email. We will have reviewed your responses and considered what practice tools and resources are available to help you make the priority improvements you identified.

The nature of the support we give related to MSELP will evolve to meet your needs. We plan to visit groups of lawyers (e.g., county bars) to help you get started with MSELP. We will do follow-up visits to firms at the end of your MSELP process, but probably not every firm. The focus will be making sure you have the resources you require and learning more about your needs.

At any time you can contact the Legal Services Support team [by email](#) or by phoning (902) 422-1491.

Step 4: Making improvements

As you go about this final step, don't forget that resources are available to help:

- Resources in the [Workbook](#)

- [Legal Services Support](#) (advice and support across: practice management, starting a new firm, exiting practice, managing trust monies, ethics, regulatory compliance, etc.)
- The [Code of Professional Conduct](#)
- Practice Standards
- Experience of others – contact colleagues direct, or reach out to [Legal Services Support](#) to be connected with lawyers with relevant knowledge and experience.