



NOVA SCOTIA BARRISTERS' SOCIETY

**COUNCIL MEETING AGENDA
VIA VIDEO CONFERNECE**

Date	Friday, January 28, 2021
Time	9:00 a.m.
Chair	Tuma Young QC, President

ITEM	TOPIC	TIME ALLOTTED	SPEAKER	MATERIALS (Pg #)	ACTION
1. INTRODUCTORY MATTERS/CALL TO ORDER					
1.1.	Introductory remarks	5	T. Young	1	Discussion
2. BIG ITEM					
2.1.	Strategic Plan Check In, Activity Plan Check In & Preparation for next Strategic Initiative	20	J. Mullenger	4	Discussion & Approval
3. POLICIES & PROCESSES					
3.1.	Award for Mi'kmaq & Indigenous Peoples Excellence in the Legal Profession	10	J. Vacon		Discussion
3.2.	Initial budget snapshot highlighting the anticipated "big picture"	30	K. Shewan		Discussion
3.3.	Final report of the Trust Account Regulation Working Group and recommendation of motion to wind up working group	10	K. Shewan	15	Update & Approval
3.4.	Report to Council on the ALR results	15	K. Shewan	18	Update
3.5.	Governance Professional Development Session	5	B. Darrell		Information
3.6.	Council Composition Public Engagement	5	B. Darrell	30	Approval
4. IN CAMERA – Three items to be discussed					
5. CONSENT AGENDA					

The Consent Agenda matters are proposed to be dealt with by unanimous consent and without debate. Council members may seek clarification or ask questions without removing a matter from the consent agenda. Any Member may request that a consent agenda item be moved to the regular agenda by notifying the President or the Governance Officer (Katie Lister) prior to the meeting.

5.1.	Minutes of the November 26, 2021 Council Meeting				Approval
5.2.	Committee Resignations: Tony Amoud – Racial Equity Committee effective December 7, 2021				Approval
5.3.	Committee Appointments: Disability Equity Committee - Mallory Adams, Allison Harris, Peter Harrison, Andrew Hill, David Hirtle (C), Archibald Kaiser, Thomas LeBlanc, Adam McQuarrie, John Morgan, Tova Sherman and Andrew Taylor Nominating Committee - Peter Harrison Real Estate Professional Standards Committee Appointments - Elliot Fraser, Lindsay Hawker, Carmel Lavinge, Matthew Moir Rural Practice Working Group - Jessie Denny				Approval
6. FOR INFORMATION					
6.1.	2021-2022 Council Calendar			31	Information
6.2.	President's Report			33	Information
6.3.	Executive Director's Report			34	Information
6.4.	Executive Committee November Minutes approved in December				Information
6.5.	FLSC Report on the Abrametz Hearing at the Supreme Court				Information
6.6.	Vulnerable Afghan legal professionals				Information
6.7.	Bourinot's Quick Reference Guide			35	Information

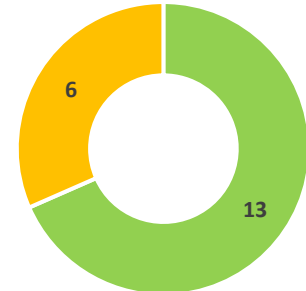
7. WRAP UP	
8. The 2 Minute Evaluation <i>Council members are asked to complete the evaluation</i>	
9. MEETINGS	
	<ul style="list-style-type: none"> • March 25, 2022, at 9:00 a.m • April 22, 2022, at 9:00 a.m • May 20, 2022 at 9:300 a.m • June 17, 2022, at 1:00 p.m. • June 18, 2022, at 8:30 a.m (AGM) - Council meets briefly after AGM to deal with any urgent business

Activy Plan Quick Reference Dashboard - January 2022

Overview of Current Status by Objective

Goal #1: The Society regulates the legal profession in the public interest in a proactive, principled, and proportionate manner	
1.1 Support members at every stage of their careers	On Track
1.2 Identify and remove regulatory barriers to support innovation in the delivery of legal services	Delayed
1.3 Investigate and implement, if appropriate, differential membership fee models	Delayed
1.4 Communicate and engage with members	On Track
1.5 Create an advocacy policy	Delayed
Goal #2: More Nova Scotians will have access to ethical and competent legal services	
2.1 Promote access to legal services	On Track
Goal #3: Nova Scotians will be served by a legal profession that is diverse, inclusive and culturally proficient	
3.1 Promotion of Substantive Equality and Freedom from Discrimination in Delivery of Legal Services and the Justice System	On Track
3.2 Promotion of Equity, Diversity and Inclusion in the Legal Profession	Delayed
3.3 Implementing meaningful responses to the TRC Calls to Action and MMIWG Inquiry Call to Justice 10	On Track
3.4 Develop mechanisms to hold members accountable for the delivery of culturally proficient legal services	On Track
3.5 Addressing barriers to entry to the legal profession	On Track

Current Activity Status



■ On Track ■ Delayed



NOVA SCOTIA
BARRISTERS' SOCIETY

2021-2023 COUNCIL ACTIVITY PLAN

Goal #1: The Society regulates the legal profession in the public interest in a proactive, principled, and proportionate manner

Objective	Tasks	Lead (Specific Person)	Contributors (optional)	KPIs/Deliverable(s)	Timeline (Q1 - Jul-Sept Q2 - Oct- Dec Q3 - Jan -Mar Q4 - Apr - Jun)	Status (Completed, On Track, Delayed, Cancelled)
1.1 Support members at every stage of their careers	Have the LOMC consider amending its standards to reflect changes to the FLSC Model Code around technology competence obligations	Chair of LOMC	* CPCC * E. Cumming * J Pink	* Standard Created * Resources Created * Standard Implemented	Q4	On Track
1.2 Identify and remove regulatory barriers to support innovation in the delivery of legal services	Continue to seek proposed legislative amendments	President & ED		* Advocate * Legislation amended	Q4	Delayed
	Implementation of multi-disciplinary practices in Nova Scotia	ED	* J. Willwerth * E. Cumming * J Pink	* MDPs Created * Resources Created * Insurance Solution Created * Implemented	Next Fiscal	Delayed
	Assess the feasibility of an “innovation sandbox” model for use in Nova Scotia	ED		* Research completed * Assessment Plan created * Confirm Resources Required * Recommendation reviewed	Q4	Delayed



NOVA SCOTIA
BARRISTERS' SOCIETY

2021-2023 COUNCIL ACTIVITY PLAN

Objective	Tasks	Lead (Specific Person)	Contributors (optional)	KPIs/Deliverable(s)	Timeline (Q1 - Jul-Sept Q2 - Oct- Dec Q3 - Jan -Mar Q4 - Apr - Jun)	Status (Completed, On Track, Delayed, Cancelled)
1.3 Investigate and implement, if appropriate, differential membership fee models	Assess the feasibility of a differential fee model for use in Nova Scotia to increase access to legal services	ED	* K Lister * J Willwerth * K Shewan * J Pink	* Survey of the membership * Needs assessment * Recommendation Reviewed	Q4	Delayed
	Develop a new mentorship approach that is "Triple-P" and applies the equity lens	J. Pink	* Credentials Committee * J. Dickison * C Ferguson	* Program Developed * Resources Created * Program Implemented	Q4	On Track



NOVA SCOTIA
BARRISTERS' SOCIETY

2021-2023 COUNCIL ACTIVITY PLAN

Objective	Tasks	Lead (Specific Person)	Contributors (optional)	KPIs/Deliverable(s)	Timeline (Q1 - Jul-Sept Q2 - Oct- Dec Q3 - Jan -Mar Q4 - Apr - Jun)	Status (Completed, On Track, Delayed, Cancelled)
1.4 Communicate and engage with members	FIRST: Devise new ways for Council to engage and communicate with members THEN: Identify member groups for more targeted engagement or collaboration in conjunction with targeted engagement or collaboration of a related community group.	President & ED	* C. Deschenes * J. Dickison	*Strategic communication audit and recommendations to improve engagement and communications - Member communications and engagement survey? *New Council communication and engagement strategy and plan *Consult with GEC/REC/TRC WG update Key stakeholder list * Targeted engagement plan * Build relationships - joint projects	Q2	On Track
1.5 Create an advocacy policy	Develop a public interest advocacy policy to guide Council's work when advocating for improvements to the administration of justice	ED	* K. Lister *T. Young QC * J. Dickison	* Policy Created * Resources Created * Policy Implemented	Q4	Delayed



NOVA SCOTIA
BARRISTERS' SOCIETY

2021-2023 COUNCIL ACTIVITY PLAN

Objective	Tasks	Lead (Specific Person)	Contributors (optional)	KPIs/Deliverable(s)	Timeline (Q1 - Jul-Sept Q2 - Oct- Dec Q3 - Jan -Mar Q4 - Apr - Jun)	Status (Completed, On Track, Delayed, Cancelled)
Goal #2: More Nova Scotians will have access to ethical and competent legal services						
	Provide recommendations to Council to address the challenges of Rural Practitioners	Rural Practitioners' Working Group		* Recommendations	Q3	On Track
	FIRST: Develop an overall strategy for meaningful engagement with Community THEN: Use information gathered to begin to understand and address barriers these communities face in accessing legal services	Council	* C. Deschenes * J. Dickison	*Strategy for community engagement *Consult with GEC/REC/TRC WG update Key stakeholder list *Gather information from sessions * Identify Barriers * Potential Recommendations	Q4	On Track



NOVA SCOTIA
BARRISTERS' SOCIETY

2021-2023 COUNCIL ACTIVITY PLAN

Objective	Tasks	Lead (Specific Person)	Contributors (optional)	KPIs/Deliverable(s)	Timeline (Q1 - Jul-Sept Q2 - Oct- Dec Q3 - Jan -Mar Q4 - Apr - Jun)	Status (Completed, On Track, Delayed, Cancelled)
2.1 Promote access to legal services	FIRST: Review Code of Conduct requirements regarding competence to determine if changes are recommended in relation to a lawyer's obligation to be culturally competent THEN: If changes are recommended, refer to the Code of Professional Conduct Committee	CPCC	* E. Cumming	* Review Completed * Recommendations to CPCC	Q4	On Track



NOVA SCOTIA
BARRISTERS' SOCIETY

2021-2023 COUNCIL ACTIVITY PLAN

Objective	Tasks	Lead (Specific Person)	Contributors (optional)	KPIs/Deliverable(s)	Timeline (Q1 - Jul-Sept Q2 - Oct- Dec Q3 - Jan -Mar Q4 - Apr - Jun)	Status (Completed, On Track, Delayed, Cancelled)
	FIRST: Explore potential creation of Disability Equity Committee of Council. THEN: If approved Committee created.	D. Hirtle J. McKinney J. Vacon	* J. Dickison * Member of Governance Committee	* Subcommittee Struck to explore options * Detailed plan for creation of DEC, including process, timelines, draft Terms of Reference, and cost prepared * If approved Committee Struck	Q2	On Track



NOVA SCOTIA
BARRISTERS' SOCIETY

2021-2023 COUNCIL ACTIVITY PLAN

Objective	Tasks	Lead (Specific Person)	Contributors (optional)	KPIs/Deliverable(s)	Timeline (Q1 - Jul-Sept Q2 - Oct- Dec Q3 - Jan -Mar Q4 - Apr - Jun)	Status (Completed, On Track, Delayed, Cancelled)
Goal #3: Nova Scotians will be served by a legal profession that is diverse, inclusive and culturally proficient						
3.1 Promotion of Substantive Equality and Freedom from Discrimination in Delivery of Legal Services and the Justice System	<p>Review standards for appropriate references to lawyer cultural competence in the delivery of legal services.</p> <p>And ensure all Committee Chairs receive the n Equity Lens Toolkit & New Equity consultation Process training.</p>	<p>Professional Committee - Family, Real Estate, Wills & Probate</p> <p>J. Dickison</p>	<p>* C. Ferguson</p> <p>* L. Rubin</p> <p>* Committee Chairs</p>	<p>* Standards Committee Review Completed</p> <p>* Recommended updates</p> <p>* Committee Chair Training</p>	Q2	On Track
3.2 Promotion of Equity, Diversity and Inclusion in the Legal Profession	<p>FIRST: Continue to develop and leverage our education, experiences and networks to promote equity, diversity and inclusion in the legal profession</p> <p>THEN: Share with each other how we are doing this in our communities</p>	Council	<p>* J. Mullenger</p> <p>* J. Dickison</p>	<p>* Gather Information -Narratives feedback</p> <p>* Learn from shared experiences</p> <p>*Recommendations</p>	Q2	On Track



NOVA SCOTIA
BARRISTERS' SOCIETY

2021-2023 COUNCIL ACTIVITY PLAN

Objective	Tasks	Lead (Specific Person)	Contributors (optional)	KPIs/Deliverable(s)	Timeline (Q1 - Jul-Sept Q2 - Oct- Dec Q3 - Jan -Mar Q4 - Apr - Jun)	Status (Completed, On Track, Delayed, Cancelled)
	FIRST: Receive GEC report following their analysis of survey results THEN: Create implementation plan for report recommendations	GEC	*J. Dickison * J. Willwerth	* Report Created * Recommendations * Recommendation Implementation	Q1	Delayed



NOVA SCOTIA
BARRISTERS' SOCIETY

2021-2023 COUNCIL ACTIVITY PLAN

Objective	Tasks	Lead (Specific Person)	Contributors (optional)	KPIs/Deliverable(s)	Timeline (Q1 - Jul-Sept Q2 - Oct- Dec Q3 - Jan -Mar Q4 - Apr - Jun)	Status (Completed, On Track, Delayed, Cancelled)
3.3 Implementing meaningful responses to the TRC Calls to Action and MMIWG Inquiry Call to Justice 10	Continue to support the TRC Working Group by funding its work and ensuring its input influences Council decisions	Council	*J. Dickison	* Funded * Regular reports from the Committee * Seeking input when required	Ongoing	On Track
	Apply our familiarity with the history of colonization, the legacy of residential schools, and Nova Scotia's treaty environment to our decision-making	Council	*J. Dickison	* Continue TRCWG Education for Council & Committees * Decisions influenced survey	Q2	On Track
3.4 Develop mechanisms to hold members accountable for the delivery of culturally proficient legal services	Implement mandatory cultural competency education for members	Council	* J. Pink * J. Dickison * Credentials Committee * GEC * REC * TRCWG	* Education Created * Education Plan Implemented	Q3	On Track



NOVA SCOTIA
BARRISTERS' SOCIETY

2021-2023 COUNCIL ACTIVITY PLAN

Objective	Tasks	Lead (Specific Person)	Contributors (optional)	KPIs/Deliverable(s)	Timeline (Q1 - Jul-Sept Q2 - Oct- Dec Q3 - Jan -Mar Q4 - Apr - Jun)	Status (Completed, On Track, Delayed, Cancelled)
3.5 Addressing barriers to entry to the legal profession	FIRST: Make a policy decision on what community engagement should look like CONSIDER: Identify community groups for more targeted engagement or collaboration in conjunction with targeted engagement or collaboration of a related member group.	Council	* C. Deschenes *J. Dickison	* Policy decision * Policy/Process Created * Groups identified (as noted in 2.1) * Communication plan created (as noted in 2.1)	Q3	On Track



NOVA SCOTIA
BARRISTERS' SOCIETY

MEMORANDUM

From: Trust Account Regulations Working Group

To: Council

Date: September 15, 2021

Subject: Final Report of the Trust Account Regulations Working Group

For: Approval

Recommendation/Motion:

It is recommended that the final report from the Trust Account Regulations Working Group be accepted, and the Trust Account Regulation Working Group be formally wound up.

1. Introduction:

The Trust Accounts Regulations Working Group (TARWG) was formed and approved by Council on July 20, 2018. As outlined on the attached Terms of Reference, the mandate of the working group is to review the Trust Account Regulations and the current Trust Assurance Program to ensure alignment with our Triple-P approach, and recommend improvements to regulations where appropriate.

Responsibilities of the working group were as follows:

- The TARWG shall review current Regulations
- The TARWG may consult with financial institutions to understand current banking practices
- The TARWG will review the work done by the Federation on Trust Accounts and recommend what improvements should be made to the Trust Assurance program and regulations
- The TARWG shall report its findings and recommendations to Council

The Working Group has completed its review of the Trust Account Regulations. The Federation's Model Rules have been implemented many regulation changes have been recommended to, and approved by, Council.

Further major Trust Account Regulatory changes are not anticipated in the upcoming year.



NOVA SCOTIA
BARRISTERS' SOCIETY

2. Report on the Activities and Achievements of the TARWG:

Since its formation in 2018, members of the TARWG have been instrumental in recommending improvements to the Trust Account Regulations, reviewing regulation changes to incorporate the model rules of the Federation of Law Societies, making recommendations to improve the Trust Assurance Program, providing feedback from the practitioners perspective, and making recommendations on the provision of additional education and resources for lawyers.

The Society staff would like to thank the volunteer members of the working group for their dedication and their contributions.

The following is a list of Regulations, forms, and educational material the TARWG members have contributed to by providing recommendations, opinions, and feedback:

Reporting and Addressing Errors (Reg's 10.6)

TARWG recommended the use of a new Trust Account and Client Ledger Shortages form. This form allowed for the streamlined and consistent reporting of shortages in trust. Regulation change was approved by Council.

Trust Account Applications and Assessments (Reg's 4.10.2 – 4.10.4)

TARWG recommended that non-practicing lawyers be allowed to apply for a trust account. This allows for a lawyer to have adequate time to complete the trust account assessment in advance of starting their practice. Regulation change was approved by Council.

Trust Account Signing Authority (Reg's 4.10.4.1 – 4.10.4.2 and 10.3.5.1)

TARWG recommended that any new signatory to a trust account complete the trust account assessment. This helps ensure that individuals involved with the trust account process have demonstrable knowledge of how to operate a trust account. Regulation change was approved by Council.

Requirements for Withdrawals (Dual Authorization) (Reg's 10.3.5)

TARWG recommended the removal of dual authorization requirements to ensure alignment with Triple-P initiatives. Regulation change was approved by Council.

Lawyer's Certification

TARWG recommended the revision of the Lawyer's Certification form to operate a trust account to ensure alignment with Triple-P initiatives. Regulation change was approved by Council.



NOVA SCOTIA
BARRISTERS' SOCIETY

Federation Model Rules

TARWG recommended the adoption of Federation Model Rules and provided valuable feedback on any application concerns. Regulation changes were approved by Council.

CDIC Compliance (Reg's 10.2.11)

TARWG recommended a new Regulation to ensure that lawyers are aware of, and complying with, the disclosure and reporting obligations of Canada Deposit Insurance Corporation ("CDIC"). Regulation change was approved by Council.

Trust Accounts Frequently Asked Questions (FAQ's)

TARWG **reviewed and** made recommendations for updates to the FAQs to better inform practitioners around the operation of Trust Accounts.

Trust Account Report (TAR)

TARWG reviewed the annual TAR on a yearly basis.

Accountant's Report on the Trust Account Report (ARTAR)

TARWG reviewed the annual ARTAR on a yearly basis.

Specified Procedures

TARWG reviewed the annual Specified Procedures on a yearly basis. Changes were made to ensure compliance with CPA standards.

Trust Account Assessment

TARWG provided feedback and reviewed proposed changes to the trust account assessment.

3. Trust Account Advisory Group

While the Working Group has completed its mandate, NSBS Staff and group members believe there is a tremendous benefit of continuing the group in an advisory capacity and as a means of providing a forum for feedback and two-way communications between NSBS staff and practitioners.

The intention of the group is that following dissolution as a formal Working Group, reporting to Council, the group will transition to an operational Advisory Group, working with NSBS staff to continue to provide feedback, recommendations and information sharing around trust account issues.

MEMORANDUM TO COUNCIL

From: Kate Shewan, Director, Finance & Administration

Date: November 26, 2021

Subject: Annual Lawyer Report – 2021 Analysis

For: **Approval** ☐ **Introduction** ☐ **Information** X

Recommendation/Motion

This report is provided for information only; there are no recommendations or motions.

Executive Summary

The Annual Lawyer Report (ALR) was sent to all lawyers with a practicing status in May 2021, with filing required by June 30th.

The ALR covers questions related to demographics, employment type/type of practice, area of law, equity and diversity within the profession, access to justice issues and compliance related questions. There is also an opportunity for respondents to provide comments on any issues they wish to address.

As background, when the first Annual Lawyer (Member) Reports were filed in 2006, respondents were split among four, roughly equal-sized, quartiles to facilitate analysis. The breaks were based on years since the respondent's call to the Bar: 0-7 years, 8-16 years, 17-26 years, and 27+ years. Those four quartiles continue to be used for analysis and time-based trending.

This year's analysis is based on the 2,085 Annual Lawyer Reports (ALR) filed for June 30, 2021 (2,048 ALR's were filed for 2020).

Highlights included:

- Continued growth in the number of practicing members, with membership increasing by 37 to 2,085.
- The growth in practicing members is mostly occurring in newer members (0-7 years from call), with a decline in members with 27+ years' experience.
- Of those in N.S., 72% are in the HRM. For sole practitioners, 50% are in HRM and 50% outside HRM.
- There has been an increase in the number of newer lawyers operating as sole practitioners. However, lawyers with 27+ years of experience still make up 50% of sole practitioners.
- 54% of lawyers with up to 7 years from their call to the bar identified as female/women, compared to only 22% in the 27+ years' experience group.
- Diversity within the profession is increasing. Both the number and the percentage of those self-identifying as members of equity-deserving communities has increased every year for the last 10 years. The newer lawyer demographic (0-7 years from their call) is significantly more diverse than the more experienced lawyers.
- 27 languages are spoken by lawyers in Nova Scotia. However, some large communities may be underserved by the profession, such as Mi'kmaq and Arabic speakers.

General comments received through the ALR have been forwarded to the appropriate groups for response and to inform decision making.

Analysis

Membership growth:

Membership numbers increased to 2085 in June of 2021 (up from 2048 in 2020); an increase of 37 practising lawyers, or 2%. The ALR does not reflect the very large call to the bar in June 2021, and high numbers of transfers we have seen in the current year so we anticipate that there will be even higher growth reflected on next year's ALR report.

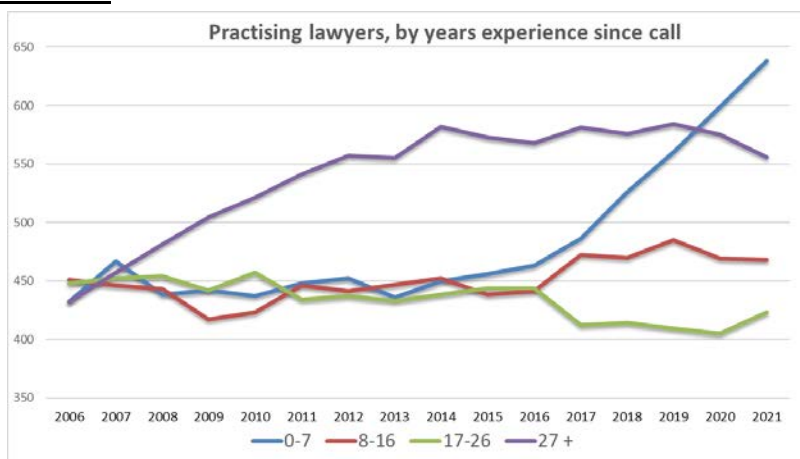
Over the last ten years, the number of practicing lawyers has increased from 1,869 to 2,085; an increase of 216 (12%). Growth has been particularly pronounced in the last 5 years. The period from 2017 to 2021 accounted for growth of 169 practising lawyers or 78% of the ten-year growth.



Age/Experience levels of the Membership since 2006:

The 2006 data is our baseline, when the numbers of lawyers were divided into four roughly equal quartiles, based on number of years since the call. We have continued to track numbers based on those levels of experience.

Over the past 5 years, there has been rapid growth in the number of new lawyers (under 7 years of practice), with an increase of 175 members over the last 5 years. The number of practicing lawyers with 27+ years of experience has declined slightly in the same period.



5 year growth by experience	
0-7 yrs	175
8-16 yrs	27
17-26 yrs	(21)
27+ yrs	(12)
	169

This is a reversal of the ageing trend seen from 2006 to 2016, and somewhat reduces the previous concerns that a large portion of practicing lawyers may retire in the short term, leading to declines in overall numbers (and revenue), or succession planning risks.

Location of Lawyers

Of the 2,085 respondents, 1,967 (94%) are located in Nova Scotia.
Of the 1,967 in Nova Scotia, 1,425 (72%) are in HRM.

More experienced lawyers are somewhat more likely to be practicing in areas outside of HRM. Of those practicing within Nova Scotia, 32% of those with 27+ years of experience are located outside of HRM vs 24% for all of the less experienced groups.

Of the 222 sole practitioners practicing within Nova Scotia, 110 (50%) are located in HRM.

Location by County	
County	
HRM	1,449
Cape Breton	120
Colchester	68
Kings	68
Lunenburg	56
Pictou	46
Yarmouth	25
Other	135
Total in NS	1,967
Outside NS	118
Total	2,085

Equity and Diversity

There is a clear trend of the profession becoming both more gender balanced and more diverse.

Gender equity:

Lawyers were asked how they identify their gender. Options were provided for male / female / an identity outside the m/f binary (with an option to describe), or an option not to answer.

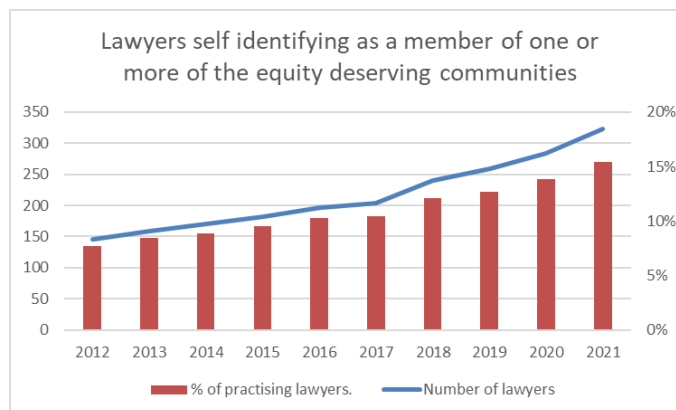
While, overall, 56% of those who responded identified as male and 44% female, there were clear differences in the breakdown by level of experience. Of the 27+ years quartile, 78% of those who answered identified as male, while in the three less experienced (younger) quartiles, in total, 52% identified as female and 48% male. (For long term trends in gender mix, and gendered analysis of those leaving practice, please see the 2020 report.)

Experience	Female	% of those answering	Male	% of those answering	Outside M/F Binary	% of those answering	Choose not to answer	Total
0 - 7 years	328	54%	275	45%	3	0.5%	32	638
8 - 16 years	217	48%	233	52%	1	0.2%	18	469
17 - 26 years	218	53%	190	47%	-	0.0%	16	424
27 + years	117	22%	409	78%	-	0.0%	28	554
	880	44%	1,107	56%	4	0.2%	90	2,085

Equity-deserving communities:

Respondents were given the opportunity to self-identify as a member of one or more diverse communities. Over the last 10 years, those self-identifying as members of the listed communities has increased every year, both in terms of number of lawyers and as a percentage of total practising lawyers.

In 2021, 322 practising members identified as part of one or more of the specified equity-deserving communities. (284 in 2020)



In reviewing members identifying as part of an equity-deserving community, segregated by year of call quartiles, it is clear that the newer lawyer quartile is considerably more diverse than the older lawyer quartile.

The table below includes all respondents within each community and includes those who identified within more than one community.

Members of Equity Deserving Communities, by years since call.							
	African N.S.	Black	Mi'kmaq	Indigenous	Racialized	2SLGBTQ+	Person with a disability
0 - 7 years	20	21	13	13	50	50	26
8 - 16 years	13	11	13	14	13	22	19
17 - 26 years	11	9	14	7	12	17	21
27 + years	4	3	3	2	3	5	20
Total	48	44	43	36	78	94	86

This data is further summarized below, grouping the data to show unique responses. For example, 61 individuals identified as either Mi'kmaq, Indigenous or both)

Unique respondents for various combinations							
	African N.S.	Black	Mi'kmaq	Indigenous	Racialized	2SLGBTQ+	Person with a disability
All responses	48	44	43	36	78	94	86
	68 individuals (24 in both)		61 individuals (18 in both)				
	119 individuals						
	178 individuals						
	322 individuals identified in at least one of these communities.						

Within the question on equity-deserving communities, respondents also had the option of selecting “Not specified above” and specifying the community. There were a variety of responses. The most common being female or woman, which was reflected in comments such as: *“Female - sexism is still very much an issue in the legal profession”*. Other more common responses included people identifying as being of Asian or Middle Eastern descent, and new Canadians.

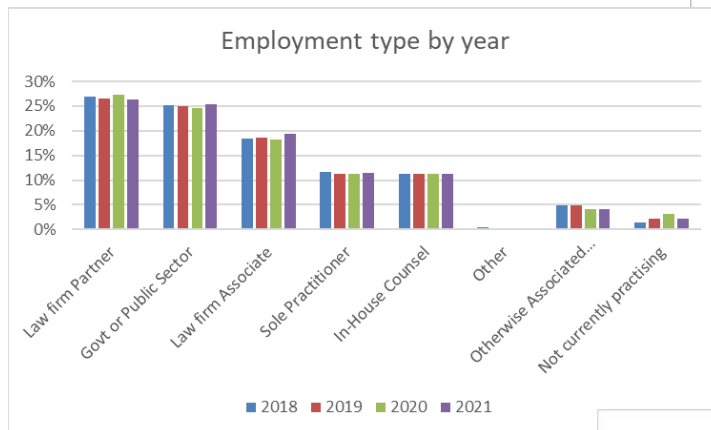
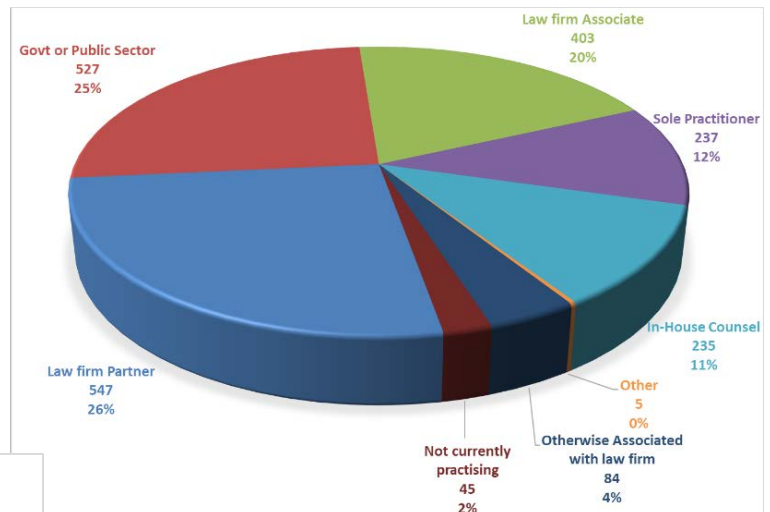
Languages Spoken

In addition to English, respondents identified 26 other languages spoken. The most common are shown in the table. Statistics Canada reports that, after English and French, the next most common “mother tongues” in Nova Scotia are Arabic and Mi'kmaq. There is limited capacity within the profession to provide services in these languages.

Languages spoken	
English	2,080
French	168
German	13
Spanish	10
Mi'kmaq	5
Mandarin	4
Urdu	4
Afrikaans	3
Arabic	3
Italian	2
Korean	2
Punjabi	2
Yoruba	2

Employment Type:

Overall, 547 (26%) of respondents identified that they were a partner, 527 (25%) reported as being employed by the government or Legal Aid, 403 (20%) reported as being an associate, 237 (12%) reported as being a sole practitioner and 235 (11%) reported being employed as In-House Counsel (various sub-categories), 84 (4%) reported being associated with a law firm, but not as Partner or Associate. The remaining 50 (2%) are not currently practicing or reported "other".

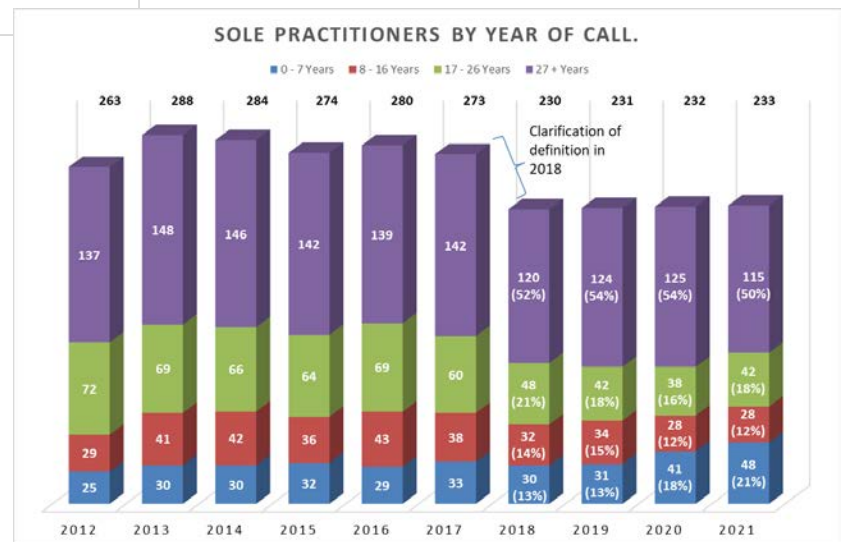


Looking at the movement from last year, there has been an increase in the percentage of members working as associates in law firms and those working in the public sector (includes legal aid). The offsetting declines have been a drop in the percentage working as partners in firms, and a drop in those not currently practising.

Sole Practitioners:

233 respondents reported they were sole practitioners in 2021. This number has been very consistent over the last 4 years. (Data prior to 2018 is not as comparable due to clarification on what was considered a sole practitioner.)

Over the last two years, while the total number of sole practitioners has been almost unchanged, the composition of these numbers has seen a move towards newer practitioners. 48 sole practitioners were only called to the bar in the last 7 years, up from 31 just two years ago. While lawyers with 27+ years' experience still make up 50% of sole practitioners, this is down from 54% two years ago, while those with 0-7 years from their call now make up 21% of sole practitioners, up from 13% in two years.



Overall, of the 233 who reported being sole practitioners, 222 are practicing in Nova Scotia. Of those in N.S. 50% are in HRM and 50% outside of HRM. This has been a fairly consistent ratio over the last 10 years.

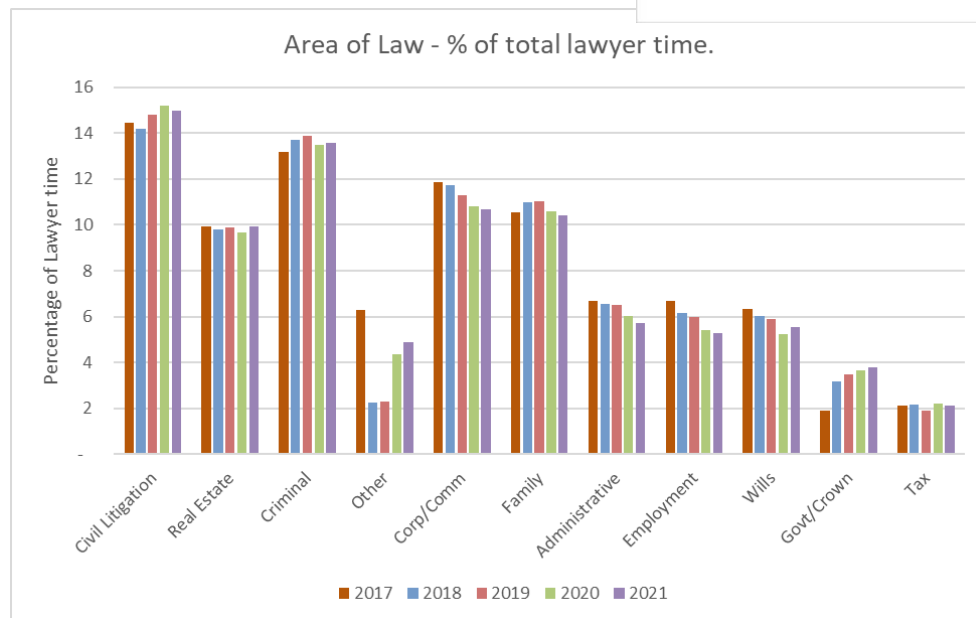
There has been concern that we could see succession planning issues and a decline in sole practitioners as older lawyers retire, which may impact access to legal services, particularly in rural communities. If the trend of increasing numbers of newer members becoming sole practitioners continues, this may potentially start to reduce this concern. However, while larger numbers of newer lawyers are becoming sole practitioners, only 43% of those

in N.S. are practicing outside of the HRM, whereas 52% of the more experienced sole practitioners are in the smaller centers or rural areas outside of HRM.

Area of Law:

The most common practice areas continue to be Civil Litigation at 15%, Criminal 14%, Corporate / Commercial 11%, Family 10%, and Real Estate 10%. There is almost no change in this split year over year.

The trend over the last five years (since the last change in categories) is shown on the chart below.



Compliance Questions

Continuing Professional Development

The following two questions were asked:

1. I am familiar with and to the best of my knowledge am in compliance with my obligations regarding continuing professional development, including that I implemented a written plan for continuing professional development and made a record of my plan for the period of June 1, 2020 to May 31, 2021 (i.e., last year).

Responded "No"

2021 33 (1.6%). Of these 11 were called in 2021

2020 23 (1.1%)

2019 16 (0.8%)

Response data has been passed to Education and Credentialling for follow-up.

2. I have prepared and made a record of my professional development plan for the period of June 1, 2021 to May 31, 2022 (i.e., next year).

Responded "No"

2021 80 (3.8%)

2020 89 (4.3%)

2019 60 (2.9%)

Response data has been passed to Education and Credentialling for follow-up.

Cultural Competence

The Cultural Competence questions were revamped in 2020, with the following questions:

1. I have reviewed my obligations regarding equity and diversity as set out in the Law Office Management Standard #8 and have adopted into my practice the level of competence required for my circumstances.
32 respondents answered "NO" (41 in 2020)
2. I would like more information to understand my obligations in regards to this Standard.
261 respondents answered "Yes (154 in 2020)
3. I am familiar with resources available from the Society in relation to advancing diversity and fostering inclusion including the Equity Lens Toolkit, the Equity Portal and the MSELW Workbook Element #9?
123 respondents answered "No"

Details of these negative responses have been passed on to the Manager of Equity and Access for review and follow-up.

The following questions were asked, requiring a written answer:

4. *Last year I took the following new steps toward cultural competence, advancing diversity, and fostering inclusion [Mandatory comment box] These steps were similar to those reported in June 2020: [yes/no]*
96 respondents commented None, N/A or a similar response.
43% said the steps were similar to last year, 41% were unsure and 16% said the steps were not similar to last year.
5. Can you share any barriers you encountered in improving your cultural competence, advancing diversity and fostering inclusion in the profession? How can the Society better support you in meeting these obligations?
 - a. 175 respondents answered None. N/A, None needed or something similar
 - b. 43 respondents mentioned the Pandemic

Due to the open text response field, questions 4 & 5 generated 145 pages of responses which have been shared with the Manager of Equity and Access for review.

Duty to Report

6 respondents indicated that they did not understand what and when they need to report to the Society.
48 respondents requested additional information on this topic.

Details have been passed on to the Professional Responsibility Counsel (Elaine Cumming) for follow-up.

Client Identification and Verification

Questions:

- (1) I reviewed and, where appropriate, adopted into my practice the Client Identification, Client Verification, and “no cash” rules.
 - a. 2 respondents answered “No”, 717 respondents responded Does not apply to my practice.
- (2) I would like more information to understand my obligation
 - a. 63 respondents requested more information.

Details have been passed on to the Professional Responsibility Counsel (Elaine Cumming) for follow-up.

Amendments to the Representative Capacity Regulations

Changes to the regulations around Representative Capacity were highlighted, and the following questions asked:

- (1) I understand when this Regulation applies
- (2) I understand what and when I need to report to the Society
- (3) I would like more information to understand my obligation

12 Respondents indicated that they did not understand when the regulations apply.
19 Respondents indicated that they did not understand what and when they needed to report.
120 Respondents requested additional information.

Details have been passed on to the Trust Assurance team and P.R. Counsel for follow up.

New Law Office Management Practice Standard #9 – Succession Planning

Resources were shared around the Succession Planning Standards.
Respondents were asked whether they have a succession plan that reflects the obligations in Practice Standard #9 – Succession Planning?

965 responded Yes
11 responded No
6 were unsure
The remainder indicated it was not applicable as they were not sole practitioners.

Details have been passed onto the LSS team for follow-up.

Updated Real Estate Practice Standards

Changes to the Real Estate Practice Standards were highlighted. Respondents were asked if they had read the new practice standards, and where appropriate, adopted them into practice.

556 responded Yes
6 responded No
The remainder indicated they were not applicable

Appendix 1 General Comments

Although I will soon be retired, I think it would be of interest/use to the members if the Bar Council would report on what has been going on over the past year which has resulted in the resignation of the President, the First Vice President and the Executive Director of the Society.
If I attend more than the annual mandatory 12 hours of professional development in a year, can I use the extra seminars as a credit against the future year professional development requirements?
I suggest this annually - estate litigation is a specific type of litigation that is not reflected in the practice areas.
I am not sure what you mean by "Family" litigation - these days, estate litigation is almost like family litigation, Do you include "Adult Capacity and Decision-making Act" applications and "Guardianship Act" applications (related to financial management and not custody) under Family (other) litigation? The first could be considered "Elder Law" if it involves people of a certain age, but someone who is 25 would not be a child or an elder. The latter is closer to Civil Litigation than to Family Law. Where do you want us to put applications to be appointed trustee under the "Trustee Act" not related to an estate administration.
There is a difference between solicitor's work preparing trust agreements and litigation work enforcing those agreements, etc. that is not reflected by the formal categories assigned in the survey. This needs an overhaul and there should be definitions (i.e., what is included), so that the data you collect are correct. Statistically, we are not comparing apples to apples, as each practitioner assigns whatever category the practitioner wants, which may not be a true reflection of their actual practice. Perhaps we could start by asking what percentage of time is spent doing solicitor/transactional work and what percentage is spent doing litigation (which could even be broken down into settled matters - someone starts an action only and may go to discovery before a resolution - and litigated matters - trial work and appeal work). Then, we could do the breakdown for each category, which would be far more informative, especially to see who is using the courts and at what level (including administrative tribunals).
If we do not take our information gathering seriously, then why ask what we do? Just ask for a qualitative answer, rather than a quantitative answer - in your own words, how would you describe your practice? This is the most difficult section of the survey for me because I find it hard to categorize what I do. I also note that the articulated clerk skills & competencies are totally different and maybe we should mesh those skills to the annual survey. We are not training lawyers for substantive law areas any longer.
Thanks for asking.
The pandemic has made Skype and Zoom very useful and I found the new webinar offerings, both here and in Ontario, very helpful.
the survey is getting VERY long.
I understand the need to ensure competency of those in the profession. I understand the need to be able to assess liability. I am curious as to the benefit we as a society receive from the completion of this type of survey. I am wondering what the value added is of this process.
I believe that I made this comment last year as well. In asking about "diversity" categories you provide a list with "none of the above"
That is not respectful of the fact that as individuals we are all unique.
If the Society wants to know its numbers in terms of particular categories of diversity, then simply ask whether the members self-identify as belonging to the categories or groups that you want to know about. As you have it now, it is similar to asking "Are you Roman Catholic, Anglican, Presbyterian, or none of the above?"
Reminder for next year: better clarity in questions on what accounts/trust accounts a lawyer may have and not have when dealing with estate funds. ie Have this and not that.
Likewise for succession planning how about something like: 1) I am a sole practitioner, or have a practice "on the side." I am required to have a succession plan and I have one. yes/no

2) I practice with a firm, thus my firm is required to maintain a succession plan that covers my practice. I have no private practice apart from with my firm.
3) I am in-house counsel or practice with government, the Crown or Legal Aid. I have no private practice "on the side."
Is the society really interested in changing racism or only paying some lip service to the idea?
Thank you for making the form quick and easy to complete.
I'm pleased the association is emphasizing and promoting diversity and inclusion.
I found the society to be very helpful and supportive throughout the covid period where out of the ordinary events have affected practice. I can say that everyone I have dealt with at the society has been so helpful and accommodating. I report that I am very pleased and feel you are there for us and to support us which is very much appreciated. I encourage this positive and supportive environment to continue.
No further comments, other than to thank the Society for the good work it does, and for continuing its solid support of the practicing Bar throughout Covid-19, and all of the service (and emotional) challenges it posed for us all. I am proud to be a member, and have been since day one (two weeks from now marks my 20th Bar call anniversary, which went by in a blink!).
I think it may be helpful for statistical purposes to identify the nature of a disability of a person elects to do so: eg a physical disability, a learning disability, cognitive, etc. because the broad range of personal circumstances may require different resources from the regulator.
I want to acknowledge again, the Society's work around equity and inclusion and the appointment of our first Mi'kmaq Bar Society President, Tuma Young!
Thanks for continuing to develop the requirements, process, guidance and materials on cultural competency.
I really appreciate how easy it is to complete the annual report online - the setup and format are very well done!
With regard to the requirement to report when I am acting as a personal representative of an estate, or under a power of attorney, etc. (Regulation 10.1.2--5), it is unclear to me if those requirements apply when I am fulfilling that role in a strictly "personal" capacity. More specifically, my elderly mother and an aunt have both identified me to fulfil such roles for them, which would not be for remuneration or as a professional, etc. As I read the Regulations, I am required to report that to the Society when the time comes. Is that correct? Thank you.
The first question under 'Professional Development in Cultural Competence, Advancing Diversity and Fostering Inclusion' does not really fit someone in my situation - practicing status category for NSBS purposes, but not currently engaged in the practice of law. It probably should be adjusted to include an option for someone not presently engaged in the practice of law. I answered 'yes' anyway because I have reviewed my obligations under Law Office Management Standard #8 and because I run and support programs in the areas of cultural competence, inclusion and diversity in my present work/office environment (which is not a law practice).
Since becoming an academic, every year, I find myself quite anxious for several of my students who are graduating and who have yet to find articles. These can be Mi'kmaq and African Nova Scotian students, but I also find that there are several women and LGBTQ students who are still scrambling to find articles at this point. I try to do what I can by connecting with and cajoling lawyers within my network to see if they can take promising aspiring lawyers. Working with the IB&M Director, we have usually been fairly successful at finding placements for our IB&M students by working our networks. The NSBS' Credential Committee has been really flexible, allowing for shared articles and in reducing the amount of time for articles in Covid. No complaints there. The issue is money for salaries. With the Indigenous students, there are sometimes pots of funding we have been able to creatively draw from for salary (e.g., a grant for a particular community project, or funding through the Mi'kmaq Employment Training Secretariat). Even then, accessing such funds can be challenging, and that is often not an option in the case of ANS, female or LGBTQ students.
I often wonder if there is more that we can be doing as a profession? The way we structure articling makes us the gatekeepers of our profession. If we are primarily allowing the market (e.g., big firms and government) to dictate who gets articling positions, we are not doing such a great job of enabling equitable access to the profession. I think you would probably all agree that who gets articling positions is not simply a matter of 'merit', but historical and social factors influence who get the jobs and that tends disadvantaged equity seeking groups. Because we are the gatekeepers of our profession, I think we have an obligation to facilitate

equitable access to the profession through articles, and I think we could be doing more. At a minimum, could we not raise more awareness among the profession about the need for articles and communicate an expectation we all should be making efforts to help students obtain articles (and share the fact that NSBS allows flexible arrangements like shared articles, which would allow for cost-sharing)?

What I would love to see is a fund created by the NSBS that would facilitate soles, small firms and in-house operations to take on an articling student, perhaps in a shared articles context (so 2-4 months). Maybe the objective is to facilitate 5-6 paid articling positions each year? Could a portion of the bar fees go in to such a fund? Or could the NSBS lead a fundraising campaign to seed the fund initially and then seek to add to it over time with contributions from our fees? I think this would be a very progressive move. We are known across Canada for being a very progressive bar. This would be an awesome initiative.

I thank the Society for its continued support in regulating our profession and protecting the public interest in the practice of law in Nova Scotia.

I understand and support the idea of understanding the barriers that have faced various races throughout history and trying to get everyone back on an even ground, which will take a lot of work, but I feel through the pandemic the issues facing women in practice has been completely forgotten.

I am a mother of three young children, 5, 7 and 3. I have an extremely busy family law practice, which has picked up throughout the pandemic. I have never stopped working, despite two complete shutdowns. I have homeschooled throughout, with one being homeschooled in the spring of 2020 and two in the spring of 2021. I also had to care for a toddler. I was the primary individual for homeschooling as I also have a husband who has been diagnosed with PTSD due to military service and is in the process of leaving the military. We have no family in the province, leaving us alone when borders are shutdown.

I have worked many nights to midnight or later trying to keep on top of everything. I have felt little to no support from the court or opposing counsel, and definitely nothing from NSBS. I know I have faced burnout at least once during this past year and am likely on the verge of a second burnout. Yet there is no talk of what women in the practice has faced, and it has largely fell on women to take up these extra jobs of teaching and caring for children at home, while maintaining a full practice.

I don't want to downplay the tragic discoveries that have been made, as there are also things that need to be talked about. I just want the society to understand a bit more about the difficulties that women in the law have faced, which have only been multiplied given the pandemic.

Please evaluate the fee structure. This would be the best support you could offer solo practitioners. I am EVEN MORE privileged than the average solo practitioner because I have a full-time employer who pays my fees but without that, I would not be able to offer my services to the average-income communities and low-income communities I try to help through my solo practice.

Once again, I am proud to be a member of the Society and thank all the staff for making it easy to understand and comply with my obligations.

Regarding the "Areas of Law" categories, I would suggest that Military Law and Aviation law are distinct from each other and should not be considered together.

I consider myself an ally to several minority communities across Canada. As a member of the NSBS who regularly volunteers time and resources to disenfranchised groups, I appreciate each of us has a role to play in ensuring Canadian society remains equitable. While I applaud the NSBS for undertaking efforts aimed at increasing cultural understanding and sensitivity, I must report that some of the recent questions relating to culture appear to impose an arbitrary standard with which to assess a member's qualifications. Such situations can lead to error and abuse.

I would like to have a mentor who could understand the barriers I encounter as a visible minority to help me resolve these obstacles to open my practice.

Thank you for including sections related to diversity and equity. As a multi-racial individual, of African descent, I often feel isolated in private practice. I am hopeful change will come as we normalize discussions of equity and challenge the status quo.

cultural competence is not necessarily a current or sufficient term. NSBS should explore when / whether other terms might be more appropriate, like "cultural humility"(as discussed during Myrna McCallum's Trauma-Informed Lawyering training).

I appreciate the standards with regards to equity, diversity, and inclusion need to be met and I feel the standard has an important place in our profession, but I don't feel that requiring a lawyer to answer how the standard was met is appropriate. Simply having the lawyer confirm they understand and have met the standard should be sufficient - this is how the other questions are handled. The ways in which a lawyer satisfies this obligation may be deeply personal, perhaps exposing troubling biases that one should be permitted to grapple with outside the view of their regulator. Any specifics should be optional (helpful certainly), but optional. Willing to discuss further.
I would be comfortable adding my pronouns to the public facing lawyer search info on the NSBS website. Might be worth while to consider adding this to the first section next year. Great way to show allyship.
As a new lawyer, I am very much looking forward to the possibility of future in-person law conferences that will allow for professional development in terms of presentations and seminars, but also to allow for discussions and workshops with other lawyers in attendance.
I know the NSBS is trying to reach rural lawyers more and this will be very helpful, especially with succession planning.
I would like to see discounted rates on CPD's held by the NSBS for new lawyers. Also, NSBS needs to provide more free CPD programs for young lawyers covering key competency areas such as family, wills and estates, and litigation. Also, when identifying as an Indigenous person the society does not allow you to identify with another Indigenous group other than Mi'kmaq. There is no option for Metis people to select.

In addition, there were a number of comments related to the ALR form and/or process. These are not included here but have been reviewed for consideration for future years. The general comment section was also used to clarify personal situations, these have also not been included here.



NOVA SCOTIA
BARRISTERS' SOCIETY

MEMORANDUM TO COUNCIL

From: Bryan Darrell, Chair of the Governance Committee

Date: January 19, 2022

Subject: Council Composition

For: Approval x

Introduction "

Information "

Background

Council is aware that the current structure, composition, and role descriptions of council need to be revisited.

Council has delegated authority to the Governance Committee to conduct this review.

The Governance committee informs council that possible engagement strategies include focus groups, in-person meetings with county bars, surveys.

The Committee has identified specific areas that need to be addressed: election/appointment process for District representatives, the overall size of the council, public representatives' eligibility for officer positions and election/appointment process for Members-At-Large.

Resolution/Motion

Council understands and accepts that public consultation is needed at the onset to gather feedback on the composition options and confirm the priorities and grants the Committee authority to carry out this work.

Council accepts and understands that the report provided by the Committee will be accepted as presented or rejected and is not to be considered a starting point for discussions.

Council accepts and agrees that it is in the best interests of the NSBS to carry this work out efficiently and expeditiously. The committee will present its results prior to the next election.

I am happy to answer any questions and look forward to discussing further at the Council meeting.

Council Year: July 2021 – June 2022

To be slotted in: Meetings in the Community, Regular Council Education Sessions (OnBoard, Risk, Governance Refresher), County Bar Visits, Managing Partner Visits, Committee Chair Orientation, and other annual social events (e.g. Recognition Reception)

JULY	AUGUST	SEPTEMBER	OCTOBER
<u>Council Meeting – July 23</u> <ul style="list-style-type: none"> Activity plan <u>Other Activities</u> <ul style="list-style-type: none"> Committee Chair Orientation (TBD) 	<u>No Council Meeting</u> <u>Other Activities</u> <ul style="list-style-type: none"> Pride virtual events – 15th – 25th 	<u>Council Meeting – September 24 – IN THE COMMUNITY (TBD)</u> <ul style="list-style-type: none"> Business Continuity Planning Update from TRCWG and Equity & Access office LIANS six-month Report Review Activity plan <u>Other Activities</u>	<u>No Council Meeting</u> <u>Other Activities</u> <ul style="list-style-type: none"> Notice re: 2nd VP out to membership FLSC Conference – 12-15th Dara Gordon Event (TBD) LIANS Board & Executive (19th 3pm)
NOVEMBER	DECEMBER	JANUARY	FEBRUARY
<u>Council Meeting – November 26</u> <ul style="list-style-type: none"> Activity Plan Check In Annual Strategic Initiative Review <u>Other Activities</u> <ul style="list-style-type: none"> Posthumous Call to the Bar (TBD) Call to the Bar (19th, The Law Courts) 	<u>No Council Meeting</u> <u>Other activities</u> <ul style="list-style-type: none"> Possible TRC Education session 	<u>Council Meeting – January 28 – IN THE COMMUNITY (TBD)</u> <ul style="list-style-type: none"> High Level Overview of Budget Strategic Plan Activity Plan Check In Annual Enterprise Risk Management Report and Update Approval of 2nd VP Recommendation <u>Other Activities</u> <ul style="list-style-type: none"> Nominating Committee interviews Second VP Call to the Bar (14th – 10:30am -The Law Courts) Ministers' reception honouring IB&M Law students (TBD) 	<u>No Council Meeting</u> <u>Other Activities</u> <ul style="list-style-type: none"> Council Governance Training Session to be scheduled 18th or 25th

Council Year: July 2021 – June 2022

To be slotted in: Meetings in the Community, Regular Council Education Sessions (OnBoard, Risk, Governance Refresher), County Bar Visits, Managing Partner Visits, Committee Chair Orientation, and other annual social events (e.g. Recognition Reception)

MARCH	APRIL	MAY	JUNE
<u>Council Meeting – March 25</u> <ul style="list-style-type: none"> Budget (detailed overview) Activity Plan Check In Committee Year end reports Equity and Access Monitoring Report Annual Monitoring reports – LSS Annual Compensation and Benefits Review LIANS six- month Report <u>Other Activities</u> <ul style="list-style-type: none"> 2nd VP election (if required) FLSC Conference (TBC) 	<u>Council Meeting – April 22</u> <ul style="list-style-type: none"> Approval of Budget Activity Plan Check In PR Monitoring Report <u>Other Activities</u> <ul style="list-style-type: none"> Call to the Bar (8th – 10:30am - The Law Courts) Possible Education session for Council and Committees 	<u>Council Meeting – May 20 – IN THE COMMUNITY (TBD)</u> <ul style="list-style-type: none"> Activity Plan check in & look ahead to 22/23 Education & Credentials Monitoring Report Board Succession Planning Review Operational Succession Planning Review Stakeholder Relations Review <u>Other Activities</u> <ul style="list-style-type: none"> Council evaluation ED Performance Management Review/Survey 	<u>Council Session – June 17</u> <ul style="list-style-type: none"> Orientation for new and returning Council members Annual report of Board Technology requirements Approve Annual Report Receive and Review Audit Review initial draft of Activity plan for coming year <u>Other Activities</u> <ul style="list-style-type: none"> Main Call to the Bar (17th – 10am – Pier21)) REC Event Honouring Articled Clerks from Racialized & Indigenous Communities (TBD) • Council Dinner – 17 • Annual Meeting – 18 • ALR filings due – June 30 • All Fees due – June 30

Updated: Jan 2022



NOVA SCOTIA
BARRISTERS' SOCIETY

MEMORANDUM TO COUNCIL

Date: January 24, 2022

Fr: Tuma Young, President

Re: President's report for the period December 2021 to January 2022

Kwe Msit Wen:

Meeting & Presentation held to date:

1. Weekly telephone calls with Acting ED every Monday at 3pm.
2. Zoom meeting with large law firm managing partners.
3. Congratulatory speech and participation in the QC Ceremony at Province House
Speech focused on bit on QC's special relationship with the Crown and urged them to think about Reconciliation
4. Meetings with Executive about the ED Search committee.
5. Executive Committee meeting on January 14, 2022
6. Finance Committee meeting on January 14, 2022
7. Arranged and facilitated on Legal Mentoring & Legal Issues Ad hoc committee of Kilmuk Kulwaqan.
8. Discussion with Provincial Minister of Justice's office about the new process for the JAC.
9. Participation with KMKNO about the development of a Federal & Provincial Indigenous Justice Strategy.
10. Planning committee meeting with SOGIC and ALF about a future panel presentation on 2S & Indigenous LGBTQ+Lawyering in Canada
11. Planning Committee meeting with Egale Canada over Consultation proposal on the Development of the National 2SLGBTQ+ Justice Strategy.
12. Saw 3 clients at our Pro Bono legal Clinic on January 21.
13. Zoom meeting with the LOSMC on the development of the E&DI standard.
14. Member engagement with a number of our members (through emails, phone calls and personal meetings (social distancing).
15. Participating in the Ku'TawTinu sharing articles process (taking on 2 L'nu clerks over the spring).
16. Sent out condolences to several member families
17. Participating in several L'nu cultural activities and personal healing ceremonies.

Wela'li'oq

Tuma T.W. Young, QC



NOVA SCOTIA
BARRISTERS' SOCIETY

MEMORANDUM TO COUNCIL

From: Jacqueline L. Mullenger

Date: January 27, 2022

Subject: ED Report

Here are some highlights of what has been going on since my last report of November 2021.

Office

Our office has closed and Library appointments were suspended due to the evolving COVID-19 situation in the province. Staff are predominantly working from home. We were hoping to be in a position to reopen again in the next few months and we will of course make an announcement when that happens.

Ruck Review

Mr. Ruck is continuing his interviews and has reported significant uptake from his offer to speak with and meet both lawyers and members of the public.

Solo and Small Firm Conference

The conference was well attended on November 24th and was a great success and for those interested replays are available on our [website](#).

Practice Resources Search Tool

In January we introduced our [new practice resource search](#), accessible on our website, which will help Members find websites, articles, webinars, podcasts, videos and more on topics from law firm management to equity and cultural competence. We'll be updating this search often, to ensure results are relevant, updated and useful resources.

Overall, it has been a busy few months but Staff have managed to take breaks and keep moving on all our projects.

Bourinot's Rules of Order at a Glance

To take this action:	You say:	May interrupt the speaker?	You must be seconded?	Is the motion debatable?	Is the motion amendable?	What majority is required?
Move a motion	I move...	No	Yes	Yes	Yes	Majority
Change a motion (you may not merely amend to negate)	I move that the motion be amended to read...	No	Yes	Yes	Yes	Majority
End debate on a motion	1. I call the question...	No	Yes	Yes	No	Motions on which question is called will be debated at the next meeting if the motion fails
	2. I move that Council proceed to the next order of business	No	Yes	No	No	Majority
Consider something out of its scheduled order	I moved the agenda be amended in order to deal with the following item....	No	Yes	No	No	Majority
Have a motion studied more before voting on it	I move that the motion be referred to...	No	Yes	Yes	Yes	Majority
Postpone further discussion on a motion until a more desirable/appropriate time	I move that the motion be deferred until.... (a specific time or indefinitely)	No	Yes	Yes, only to time	Yes	Majority
Postpone consideration of a motion so that more urgent business can be attended to	I move that the motion be tabled. (Consideration of motion may resume upon motion that the matter be taken from table.)	No	Yes	Yes	No	Majority
Raise a matter previously deferred (if at a different time from when was decided)	I move that the motion about _____, previously deferred be considered at this time.	No	Yes	No	No	Majority
Raise a matter previously tabled	I move that the motion about.... be lifted from table	No	Yes	No	No	Majority
Reconsider a motion that has failed	I move that the motion about... be reconsidered at the next meeting. (Written notice of motion must then be provided, advising that the matter will be readdressed at the next meeting).	No	Yes	Yes	No	2/3 Majority
Object to something which prevents your continued participation (e.g. excessive noise)	Point of Privilege	Yes	No	No	No	No vote taken, Chair rules
Seek clarification from the previous speaker	Point of Information	Yes, if urgent	No	No	No	No vote taken, Chair rules
Overturn the ruling of the Chair	I challenge the Chair on...	Yes	Yes	Yes	No	Majority
Enquire about procedure or consequences	Point of Order	Yes	No	Yes, only on the point	No	No vote taken, Chair rules
Object to incorrect procedure being used	Point of Order	Yes	No	Yes, only on the point	No	No vote take, Chair rules

Rules of order are procedures by which meetings can be conducted in an orderly fashion, issues debated and motions passed according to the majority but with due regard to the rights of the minority. For the most part, Rules of Order are based on common sense and the need to move through an Agenda expeditiously.

Duties of the Chair: The Chair conducts meetings, preserves order and decorum, and interprets the Rules of Order. The Chair is impartial and may not take part in the debate nor vote.

Agenda and Minutes: The Agenda is the order of business for the meeting. It describes the items for consideration and gives the order in which they will be taken up. The Agenda must be passed or adopted before the meeting can commence. The adoption of the minutes of the last meeting ratifies any decisions taken at that time. Any changes in the Agenda or minutes must be proposed and considered before the Agenda and minutes are adopted. An item on the Agenda may be taken out of sequence and disposed of only by majority consent.

Motions: A motion is a proposal made pursuant to an item of the agenda that certain actions be taken, certain views become policy, etc. which is then debated, possibly amended and voted on. There are also motions that propose procedures for considering other motions, e.g. Motions to Table, to Divide the Question, to Put the Question, to Adjourn, to Amend. Any member may move a substantive or procedural motion as long as it is 'in order'. A substantive motion or "an important motion, or one containing a number of considerations, should be prepared in writing and given to the Chair, preferably in advance of the meeting." The mover of a motion is allowed to speak first on the motion followed by the seconder. Questions about the motion are directed to the Chair, thence to the mover or person to whom they are addressed. The mover may withdraw her/his motion with majority consent.

Amendments: A motion to amend a (main) motion must be relevant to that motion and properly moved and seconded. An amendment may propose: (a) to leave out certain words, (b) to insert or add certain words, (c) to leave out certain words in order to insert or add other words. When 'in order', an amendment takes precedence over the main motion and becomes the subject of debate. It must be accepted or rejected before debater everts to the main motion. If accepted, the main motion as amended is debated. If it fails, the main motion is unchanged. A sub-amendment may be proposed to an amendment under the same conditions as an amendment is moved to a main motion. At no time may there be more than one main motion, one amendment and one sub-amendment on the floor. When all three exist, the Chair submits them in the reverse order to which they were moved. A motion, once defeated, cannot be re-introduced as an amendment to some other motion. The mover, with the consent of the seconder, may incorporate a 'friendly' amendment into the main motion if the mover and seconder of the amendment are agreeable.

Quorum: The quorum of a meeting is the minimum number of members required by the Constitution to conduct business. When the absence of a quorum is brought to the attention of the Chair the meeting adjourns and sets a date for a future meeting. The agenda item then being considered dies for that meeting but may be re-introduced at the next meeting. Motions passed and items considered prior to the absence of a quorum being noticed are valid and may stand.