



NOVA SCOTIA BARRISTERS' SOCIETY

**COUNCIL MEETING AGENDA
INPERSON & VIA ZOOM**

Date	Friday, March 25, 2022
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. POLICIES & PROCESSES					
2.1.	Systemic Discrimination Review Update	15	D. Ruck	4	Update
3. BIG ITEM					
3.1.	Budget Detailed Overview and Approval in principle <i>Including overview of Annual Compensation & Benefit Review and Amended Reserve Policy</i>	60	K. Shewan/ M. Chiasson		Discussion & Approval
4. POLICIES & PROCESSES					
4.1.	Activity Plan Check In	10	J. Mullenger	11	Information
4.2.	Governance Report	30	B. Darrell	21	Discussion & Approval
4.3.	Training for Council – Leadership, EDI & Governance Update	10	M. Petrunia		Discussion
4.4.	LIANS Six-Month Report & Motion to appoint new Chair	15	L. Rubin		Information & Approval
5. IN CAMERA – 5 Items					
6. 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.

6.1.	Minutes of the January 28, 2022, Council Meeting				Approval
6.2.	Member Resignations: Mr. Mark Clayton Wells				Approval
6.3.	Committee Resignations: Hearing Committee - Dr. Wayne MacKay, C.M., Q.C. & Michael Baker LOMC - Piotr (Peter) Luczak				Approval
6.4.	Committee Appointments: Supreme Court Liaison committee - Shauna MacDonald QC.PPS nominee				Approval
6.5.	Law Foundation of Nova Scotia Reappointment of Douglas Ruck QC as member of the Board and Robert MacKeigan QC as Chair of the Board both for two year term from January 1, 2022 to December 31, 2023.				Approval
6.6.	Nova Scotia Legal Aid Commission Reappointment of Chris Boyd				Approval
7. FOR INFORMATION					
7.1.	2021-2022 Council Calendar			33	Information
7.2.	President's Report			35	Information
7.3.	Executive Director's Report			37	Information
7.4.	REC Letter & Memo				Information
7.5.	Finance Statement - January 31, 2022				Information
7.6.	Executive Committee December & January Minutes approved in February & March				Information
7.7.	Committee Progress Reports: • Credentials Committee			40	Information

	<ul style="list-style-type: none"> • Finance Committee • Governance Committee • Nominating Committee • Professional Standards (Criminal) Committee • Professional Standards (Family) Committee • Professional Standards (Law Office Management) Committee • Professional Standards (Real Estate) Committee • Professional Standards (Wills, Power of Attorney & Personal Directives) Committee <p>To follow in April CIC, CPCC, GEC, PRPCC, REC</p>				
7.8.	Provincial Judicial Advisory Committee				Information
7.9.	Bourinot's Quick Reference Guide			82	Information
8. WRAP UP					
9. The 2 Minute Evaluation <i>Council members are asked to complete the evaluation</i>					
10. MEETINGS					
	<ul style="list-style-type: none"> • April 22, 2022, at 9:00 a.m • May 20, 2022 at 9:00 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 				

NOVA SCOTIA BARRISTERS' SOCIETY SYSTEMIC DISCRIMINATION REVIEW

Outline for presentation to Council – March 25, 2022

A MATTER OF TRUST?

1. Response to the Society's Acknowledgement of Systemic Discrimination

Some have challenged the acknowledgment as disingenuous given what is considered the reality within the Society and Council.

2. Terms of Reference

Is there a need to revise or expand the terms of reference given recent public developments in Council?

3. The Process

- A) To assess the degree to which systemic discrimination is affecting Council and employees of the Society
- B) To assess the degree to which systemic discrimination is affecting the members of the Nova Scotia Barristers' Society and the public

4. Interviews

- a. Individuals and groups or organizations who request in-person interviews
- b. Current and former employees of the Society
- c. Current and former members of Council
- d. Current and former members of the Executive Committee
- e. Current and former committee chairs
- f. Current and former Executive Directors of the Society
- g. Selected members of the Barristers' Society and the public.

5. Recommendations

Recommendations that will assist with:

- Understanding the invisibility of the processes involved in systemic discrimination,
- Understanding the connection between situations of disadvantage and specific systems within the organization.
- Addressing the lack of knowledge about and understanding of the complex nature and widespread implications of systemic discrimination.
- Developing techniques and understanding to promote constructive discussions about systemic discrimination.

Nova Scotia Barristers' Society – Review on Systemic Discrimination

Terms of Reference

May 10, 2021

Introduction

Systemic discrimination is often unacknowledged and unrecognized particularly by those who are not disadvantaged by its existence. A focus on individual actions, although justified, does not address the systemic or structural nature of discrimination in all its forms. Despite past efforts, including legislative measures, individual racist and discriminatory acts have continued to occur. But we diminish their significance and impact if we view them exclusively as individual acts rather than as part of a larger system of interlocking dynamics. It's the existence of these dynamics that negatively impact members of the Black and Indigenous communities, women, peoples of Colour (BIPOC), the disabled, the LGBTQ2 communities, and religious minority communities. The key element in systemic discrimination is not the intent but the effect of keeping certain groups in a subordinate position.

Establishment of the External Review

1. The Nova Scotia Barristers' Society has acknowledged the existence of systemic discrimination within the Society and established an independent External Review to identify and address any areas of systemic discrimination that exist within the Society.
2. Douglas G. Ruck Q.C. will conduct the independent review.

Purpose of the review

The purpose of an external review on systemic discrimination is to make recommendations to the Society as to how it can change its legislation, regulations, policies, procedures, practices, and governance to address areas where systemic discrimination may exist within the Society.

Scope of the Review

The review will consist of:

- **Regulatory review:** Review of the Society's legislation, regulation, policies, procedures, and practices in the regulatory aspects of its mandate (including credentialling, professional responsibility, trust/audits), identify where systemic discrimination may exist. The Reviewer will recommend how the Society can change these areas or improve them to eliminate systemic discrimination.
- **Operational review:** Review of the Society's operational policies, procedures, and practices to identify where systemic discrimination may exist within our operations. The Reviewer will recommend how the Society can change these areas or improve them to eliminate systemic discrimination.
- **Interim and final reports:** As this will be a detailed and lengthy process the Reviewer will provide an interim and final report which will include the Reviewer's findings and recommendations of improvements and changes to the Society's policies and processes. The reports will also provide short-and long-term goals, solutions and changes required to eliminate or mitigate systemic discrimination in the Society and encourage an organizational culture free of bias.

The Reviewer will:

- Review the Society's enabling legislation and regulations.
- Review all policies, procedures, and practices in the regulatory aspects of the Society's mandate.
- Review the Society's operational policies, procedures, and practices.
- Review the Society's policies, procedures, and practices in relation to human resources including those concerning hiring, retention and exit interviews.

- Review all training taken by human resources, staff, and Council members in relation to equity, diversity, and inclusion as well as current and past Respectful Workplace Policies.
- Examine the numerical representation and distribution of members of racialized and marginalized persons working in the Society's offices.
- Review the organizational culture including patterns of organizational behaviour involving communication, informal social relations, decision-making behaviour, norms, and response to concerns about discrimination.
- Review Council's role in the governance, management, and coordination of all phases of the operation, administration, finances, organization, supervision, and maintenance of all activities of the Society.
- Review the terms of reference of all committees of Council.
- Review the investigation and hearing process including all documents and materials issued by the Society in relation to investigations and hearings.
- Conduct interviews with present staff and Council members, including committee chairs, as well as selected former staff.
- Review the scope and effectiveness of any initiatives implemented or contemplated to address systemic discrimination within the society.
- Consider best practices for preventative, remedial and/or support strategies in response to systemic discrimination.
- Review the Society's relationship with groups and organizations representing racialized and marginalized members of the broader community.
- Review the Society's relationship with groups and organizations representing racialized and marginalized members of the Bar.
- Review any policy statements regarding or related to systemic discrimination.
- Identify barriers within the Society that may prevent the Society from identifying and addressing systemic discrimination.

- Provide a means by which members of the Bar may provide the Reviewer with their opinions and views respecting systematic discrimination and the Society.
- Provide a means by which members of the public may provide the Reviewer with their opinions and views respecting systemic discrimination and the Society.
- Provide an interim and final report to the Society containing findings and recommendations arising from the review. (Dates to be determined once the review is underway)
- Prior to the completion of the review and where appropriate, make concrete proposals for immediate action. Such proposals may be included in the interim report.
- any other relevant and necessary matters.

Privacy and Confidentiality

Respecting the privacy and confidentiality of those who may participate in the review as well as the potential sensitivity of information collected during this review, the following measures will be taken:

- a. The review will take all reasonable steps to collect information in a manner that protects the security of the person interviewed and respects their confidentiality.
- b. The review will not disclose personal information of affected individuals without their informed consent.
- c. All data and information collected or created by the review is confidential, and privacy of individuals will be ensured through anonymous reporting so that nothing in any referenced comments, including content, vocabulary and/or style of writing, could serve to identify the individual.

Budget

The total budget for the expanded project will be in the range of \$55,000 to \$65,000 including disbursements.

DGR



May 25, 2021

Via email: do.ruck@gmail.com

Douglas G. Ruck QC
Barrister & Solicitor
4-31 John Gorham Lane
Bedford, NS B4A 4A9

Dear Doug,

I wanted to let you know that Council approved your Terms of Reference on Friday at their monthly meeting.

We now have your email set up and are ready to accept your notice for the website and other social media platforms whenever you are ready.

We also have a SharePoint site set up. I will start populating it this week and will let you know as we post things there.

Council asked that we pass on to you that, in addition to the stated Terms of Reference, they would very much appreciate if you would also liaise with the following Committees:

1. The Gender Equity Committee
2. The Racial Equity Committee
3. TRC Working Group

These committees would very much like to speak with you and give you information about their committees and their function in the Society.

I will be in touch with additional information, shortly.

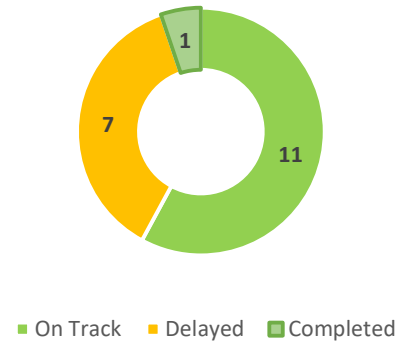
Sincerely,

Jacqueline Mullenger
Acting Executive Director

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	Delayed
1.5 Create an advocacy policy	On Track
Goal #2: More Nova Scotians will have access to ethical and competent legal services	
2.1 Promote access to legal services	Delayed
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	Delayed
3.5 Addressing barriers to entry to the legal profession	On Track

Current Task Activity Status





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)	Notes
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	Standard once equity review is completed will be brought to Council
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	On Track	Raised with NSDOJ
	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	Reviewing information from other Law Societies who are/have implemented MDPs
	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	On hold



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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	Recommended direction to be reviewed and approved in April
1.4 Communicate and engage with members	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	In discussions with law school
	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	Delayed	



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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	On Track	Policy and process draftrted once equity review is completed will be brought to Council



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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	Next Fiscal	On Track	As per approved work plan end date pushed to December 2022
	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	Delayed	



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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	Recommendations with CPCC



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2021-2023 COUNCIL ACTIVITY PLAN

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	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	Completed	



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2021-2023 COUNCIL ACTIVITY PLAN

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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 then 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	Equity Lens training currently being scheduled for all Committes
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	
	<p>FIRST: Receive GEC report following their analysis of survey results</p> <p>THEN: Create implementation plan for report recommendations</p>	GEC	<p>*J. Dickison</p> <p>* J. Willwerth</p>	<p>* Report Created</p> <p>* Recommendations</p> <p>* Recommendation Implementation</p>	Q1	Delayed	Survey completed in fall of 2019



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2021-2023 COUNCIL ACTIVITY PLAN

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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	Delayed	Recommendations to be reviewed and approved in April



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2021-2023 COUNCIL ACTIVITY PLAN

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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 TO COUNCIL

From: Governance Committee

Date: March 17, 2022

Subject: Governance Review by Paula Minnikin

For:	Approval	Introduction	X	Information
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Attached with this Memo is the Governance Engagement Review, conducted by Paula Minnikin on behalf of the Committee.

As you will note from reviewing the report, Ms. Minnikin has made 30 recommendations with regard to our current situation. The Committee accepts the recommendations and is presenting them to Council for your review.

In reviewing report the committee's advice to Council is to amalgamate and prioritize the recommendations in order to achieve the most impact.

We have reviewed the list and assessed the recommendations using a common policy option standard, efficiency, and effectiveness. We have only included items that we believe would be both (1) Efficient- easy to implement and (2) Effective – positive impact to improve our mandate outcomes.

For example, we did not include meeting materials being too long, as we expect long documents with complicated language, and we acknowledge this is part of the legal culture and language.

From our assessment there are four themes arising from the report. They are:

1. Organizational Structure
2. Strategic Planning and Engagement
3. Committees
4. Meetings

We will review each one in turn and look at possible actions that can be taken.

Our review of the recommendations in the report suggests that we need to do the following:

1. **Organizational Structure:**

- a) Research and identify best practices in law societies' organizational structure and use this information to evaluate the current structure of NSBS. This would include the size of council and its committee structure. (Governance sub-committee)
- b) Develop a report outlining the member election processes/procedure for other jurisdictions. Identify best practices. (staff)
- c) Continue to develop and enhance an onboarding process for council members that includes specialized training (Staff and Executive)
- d) Continue the policy of pairing an experienced council member as a mentor with new council members (Staff and Executive)
- e) Ensure policy reflects a cooling-off period from board member to employee and vice versa (Governance Committee)
- f) Review confidentiality agreements to ensure both policy and consequences are clearly identified. (Governance Committee)
- g) Better understand the current competencies of Council members and ensure any gaps are addressed in future members (Staff)
- h) Ensure all members of council receive governance training and executive members receive training in leadership for regulatory, not-for-profit organizations. (Staff and Executive)
- i) Ensure that public representatives are full-service equal members of Council (staff, Nominating committee)

1. Strategic Planning & Engagement

- a) Council will review their current engagement processes and explore new opportunities to better understand members and stakeholder needs, i.e., an annual learning event or conference. (staff)
- b) Council will adopt an integrated strategic planning model using action plans, deliverables, milestones, and a framework for evaluation. Focusing on mission clarity and relevance to mandate should be considered. (Staff and Executive)
- c) Council will continue to use a "dashboard" approach to monitor and report on action items from the Strategic Plan. (Staff and Executive)

2. Committees

- a) Council will conduct a review of existing committees as they relate the to the strategic plan and dissolve any committees that are not relevant. Functional committees will be maintained at a minimum. (Governance Committee)
- b) Committees that are not focused strategically on functions, goals or outcome will be placed on hold until relevancy to the strategic plan is determined. (Governance Committee)
- c) Committees will be established by the Executive and assign action items and goals (Staff and Exec)
- d) Committee will not be established without set goals and objectives. (Staff and Exec)
- e) Ensure the Executive Selection Process is established clearly in written policy. (Nominating Committee)

3. Meetings

- a) The meeting process will be reviewed. Guidelines will be developed regarding time allocation, engagement process, conflict resolution, and standards of behavior & participation. (Staff and Executive)
- b) Behavior Standards for Council and meetings will be developed to identify respectful meeting behavior. (already being done).
- c) NSBS will design an effective process for committees to present recommendations and options. Council and Executive will assign committee actions items and activities. Chairs will report to the Executive. (Executive and Staff)

Our suggestion is that each of the items under the four themes should be reviewed and broken down into concrete action items that would assist in making it easy to report as to the progress being made. As an example, we have used the first item listed under the Committee theme and broken it down:

Action Item - Council will conduct a review of existing committees as they relate the to the strategic plan and dissolve any committees that are not relevant. Functional committees will be maintained at a minimum.

Deliverable - written report with recommendations of committees to be maintained, restructured, or dissolved

Milestones:

- Development of Assessment Template
- Each Committee Chair will use the Assessment Template to assess their committee
- Completed templates are resubmitted
- Staff will use the collected material and prepare a draft report
- Draft report will be submitted for review
- Finalize report will be presented to Council
- Action plan and timelines will be developed
- Action items implemented

We have attached a spread sheet with the beginning of a plan for reference. The Committee has e not drafted all the milestones for each theme. We believe it would be best if Council determine who should be responsible for developing the milestones for each theme. In order to assist you in your deliberations we have identified in brackets after each item who might be responsible for creating the milestones. This is for discussion. Council may determine that someone other than those identified should create the milestones. We have tried to spread out the work so that it can be done more quickly. Of course, Council will ultimately approve all of the milestones once they are created.

We look forward to discussing this with you at the next Council meeting.

NSBS Initial Governance Engagement Review

The Nova Scotia Barristers' Society regulates Nova Scotia's legal profession, granted through Nova Scotia's Legal Professional Act. The purpose of the Society is articulated within the act as follows:

Purpose of Society

- 4 (1) The purpose of the Society is to uphold and protect the public interest in the practice of law.
- (2) In pursuing its purpose, the Society shall
- (a) establish standards for the qualifications of those seeking the privilege of membership in the Society; (b) set standards for the professional responsibility and competence of members in the Society;
 - (c) regulate the practice of law in the Province. *2004, c. 28, s. 4*; and (d) seek to improve the administration of justice in the Province by
 - (i) regularly consulting with organizations and communities in the Province having an interest in the Society's purpose, including, but not limited to, organizations and communities reflecting the economic, ethnic, racial, sexual and linguistic diversity of the Province, and
 - (ii) engaging in such other relevant activities as approved by the Council

The Society publishes the following plain language version on its website

- Accredits articling clerks and lawyers through rigorous admission and licensing process;
- Establishes ethical standards through our Code of Professional Conduct;
- Ensures the professional responsibility of lawyers, including by receiving and investigating complaints concerning lawyers' quality of service and allegations of professional misconduct;
- Sets practice standards and competency requirements for lawyers;
- Strives to improve the administration of justice – we work with the Courts, government departments and justice system participants and facilitate dialogue

and cooperation to help improve all aspects of the justice system for Nova Scotians.

All of these happen under the umbrella of “uphold and protect the public interest in the practice of law.”

As we undergo this review, it’s essential to keep that statement in view and reflect on it.

Council has three separate functions

- 1) It must regulate the profession. This duty is cleaning separated from the organization's operations, as is best practice.
- 2) It is responsible to the membership for stewardship of the corporate functions of the organization (paying staff and remitting taxes and the like)
- 3) it is responsible to the membership for its larger goals and the business of the Society as noted above.

The focus of this report is the role council plays in achieving its goals and conducting the business of the society.

It would not be in either the public interest or in the interest of improving the practice of law in Nova Scotia to provide detailed quotes that could reveal the source.

Members often drill down to a level of detail that is not in keeping with best practices for the role of council member.

The nascence of the situation where the NSBS finds itself includes the level of detail and the volume of material with which the board concerns itself.

Without exception, each person with whom I interacted believes that they have the best interests of the society at heart and a desire to invest their time, energy and expertise in the organization for its betterment.

There isn’t strong alignment on the definition of the “best interests of the society” or, for that matter, “of society.”

Common sentiments and orientation

The input and intent of all of the participants, lawyers and public reps alike can be summarized as follows:

- We are meant to protect the public and to ensure that we have the highest professional standards
- We are supposed to do everything we can to ensure that the public has equitable access to legal representation and the legal system.
- Our experience of the return on our invested time did not match the expectations we had when we agreed to participate.
- There is an inequitable sharing of time and influence on Council. Council does not have a shared understanding of the roles of different members and bodies of council.
- The experiences of council members are shallow in their raters agreement. A few members feel that the experience of being on the board is positive and fulfilling; others think precisely the opposite. In general, the feedback has not been positive, but it should be noted that this is not the case for some members.

Executive Summary

There is a pervasive lack of trust across the majority of council members. The origins of this trust deficiency can also be found in the absence of precise shared alignment on purpose etc.

“Our Triple P regulation gives appropriate consideration to the risks to the public and the profession. It encourages innovative approaches to risk reduction, providing a regulatory system that serves the best interest of the public in having access to competent and ethical legal services.”

The alignment on Purpose could provide the fourth P.

How these ends are achieved is perceived as crucial as their achievement. This stance causes progress toward goals to be frustrated and frustrating.

The meaning and effectiveness of the clear statements above has eroded over time due, in part, to their dilution into a solution of far too many words and far too many participants. This is circular. The lack of trust leads to more committees with more participants and decisions requiring all members to vote. Doing so perpetuates the lack of trust.

If the Barristers Society focusses on its core mandate and then has one committee to ensure that it delivers on its order equitably, the likelihood of success would be increased. Simply put, adding more Equity Committees is more likely to impede progress than improving it.

There is a cultural mismatch between public lawyers and private lawyers. The time required to achieve various ends also contributes to the perpetuation of the lack of trust in the structure and the organization.

There are members of many demographic groups represented at Council. Some council members focus on their differences, and others on their common shared background and purpose. There would be considerable benefit to establishing and supporting stronger social relationships on Council.

More rules, committees, and structure are almost certainly not the answer.

Suppose council documents, reports, bylaws, and the like looked and read less like legal documents and more like Board appropriate documents. In that case, it could help remind members that when they walk into a council meeting, they are expected to behave like board directors and not litigators when they are convened as a board.

It bears repeating that no council member has the authority to speak or act on behalf of the council when the council is not convened unless such a privilege has been granted for a specific instance or purpose. Some council members do not appear to have a solid understanding that they must bring their perspective and background with them to the council meeting, to listen to their fellow council members, to speak their mind, to integrate their fellow council members thoughts into their own and that they are obliged when they leave the room to support the decisions made by council as if they are their own.

Some council members are so concerned with being heard that they cannot listen. New members often feel dismissed and disrespected. Some members are focused on who speaks rather than what they have to say. In a system and implementation that is broken, new input is greeted with either distrust or disdain.

Important messages and suggestions were collected during this exercise

The first step to improvement is to understand where we are.

The solutions will likely be found in a combination of structural, cultural and practical changes.

- 1) Overall, governance is not well understood; Simplicity and clarity in mission, meetings and mandates will engender trust.
- 2) Meetings are too long and too detailed.
- 3) The council is too large. The maximum number of people at council meetings should be about 14 if the meetings are to be effective. There is ample research

- to show that when boards grow beyond 14, there is a significant transfer of power and responsibility to the executive. The board often becomes dysfunctional. This can be accomplished over time to ease the Society into it.
- 4) Meetings and meeting preparation are not action-oriented (Done, Done or action log)
 - 5) Meeting materials are prepared like legal documents and interoffice memos.
 - 6) There is no respect for the value of time. Considerably more effort needs to be spent on being concise and presenting material at an appropriate board level. Kudos should be given for material that is strategic in nature and presented in plain English. Simplicity rather than complexity should be rewarded.
 - 7) Equity in service of a goal is better than efforts in service of equity for equity's sake. For example, it would be more productive to have a diverse committee working to improve access to legal services for the underserved public than to have so many committees focussed internally on equity. You build a team by pursuing a common goal, not by forcing people onto a team with no apparent purpose and the passion for pursuing goals that can be quickly delivered and measured.
 - 8) The importance of social time and personal connection between council members cannot be overstated. This is yet again another indicator for a smaller group.
 - 9) Member engagement is not where it could or should be. Consideration of an annual convention or professional development weekend with "can't miss" material and sessions would help with professional development and engagement. Further, it would serve as an essential tool for identifying potential council members for succession planning.
 - 10) Bi-annual strategic planning and governance education sessions should be integrated into the board calendar.
 - 11) Many boards across the province have sub-optimal governance. It is often the case that lawyers are asked to serve on Boards. The NSBS experience and education should be coveted amongst lawyers for the increased value it allows them to deliver on other boards. Improving NSBS governance will improve governance in the wider community and elevate the profession while doing it.
 - 12) As with most constituent representative boards, several skills, perspectives, and competencies are not resident within the membership. Seek to obtain these skills within the public reps. There is a significant blind spot concerning the absent skills. These public reps can also be used to balance public and private sector orientation and address any equity issues that the membership does not resolve through its internal selection process. Public reps should be full and equal council members in every aspect, including the ability to serve on the executive.
 - 13) The Chair or President chooses the executive and committee chairs. While it is wise for the President to consult and seek input, the final say is theirs. This should be clearly stated in a policy. There are committee chairs who feel that they should be consulted and included as executive members.
 - 14) It would be wise to seek out the provincial equivalents in other jurisdictions that have solved the engagement challenge and to emulate their election process

where appropriate. There are also other models in other professional associations that might be transferrable.

- 15) Each person feels they have the right to speak on every issue and be considered equally. This is a portion of why little is accomplished or completed in a timely fashion. Again, some education on the best practices in board governance would likely be beneficial.
- 16) Some members feel that others are dismissive or patronizing. This is a serious concern as some members are hesitant to speak or offer their whole thoughts and opinions. Each new member could be paired with a more experienced member invested in ensuring their success for the duration of their first year
- 17) There are committee chairs that feel they should be consulted on every executive decision. Yet they do not consult their members when they make decisions on behalf of their committees. It is consistency that breeds trust. Such inconsistent behaviour is not healthy for the success of the organization.
- 18) Consideration should be given to special committees with sunset clauses; It is essential to be thoughtful about what the organization should stop doing as what it should start.
- 19) The board should understand its responsibility to solve structural issues and remove work from the next board.
- 20) Some members feel that irrespective of the commonly understood principles and best practices of good governance, they know better and are unwilling to consider other points of view. They do not understand their duty of collegiality. They do not understand or accept their duties as council members. When it is explained that something they are requesting is not reasonable, they state that it's wrong and ask for literally the letter of the law to be shown to them. This behaviour is unacceptable.
- 21) The two primary responsibilities of any board are the selection, recruitment motivation and retention of the CEO, and the council owns the strategic plan. There is considerable activity, but there is no strategic plan with clearly documented and easily communicated strategic alignment supporting strategic objectives that further the vision and align with the organization's values. The board would do well to host a strategic planning session to provide shared goals for at least the next 18-24 months so that it is better able to make decisions on how it focuses and spends its time.
- 22) There is no trust that conversations at the council meetings will remain there. This lack of confidence again is leading to poor governance.
- 23) There is no trust that the board evaluations remain private and confidential. There is a genuine fear that stating their truth will come with repercussions. Thus, the current evaluation system is not extracting the whole truth and providing all of the value it could. Consideration might be given to an anonymous ombudsman service.
- 24) It is best practice to have cooling-off periods between being a board member and an employee. Three years is the suggested period. The sources of at least two incidents of mistrust and claims of lack of transparency are directly related to the absence of this practice.

- 25) More than one council member described this board experience as the worst of their life.
- 26) The chair is responsible for managing the behaviour and professionalism of council members. A code of conduct and a letter of commitment may help, but building trust and respect is more important.
- 27) Some council members have gone so far as to threaten to go public if they do not get their way—this type of behaviour warrants removal from the council. Again, I cannot state emphatically enough that, irrespective of what constituency put a member on council, their allegiance is owed not to that group but council and the organization's benefit.
- 28) There are natural health, personal and professional consequences of some of the behaviour at council. Again, the duty of collegiality is not understood. I do not feel some members are aware of their impact on their colleagues.
- 29) The only employee of council is the CEO/ED. Council owes this person their support. When council disrespects the ED but gives direction directly to a staff member, the dysfunction of council cascades through the organization and the staff.
- 30) When committees present staff options to the board, it might be more efficient to provide two or three choices rather than invite general feedback and offer the entire team the chance to edit.

Nova Scotia Barrister's Society Governance Action Plan (DRAFT)	2022-23		2023-24
ORGANIZATIONAL STRUCTURE NSBS will ensure their structure & governance supports their mandate			
Research and identify best practices in law societies organizational structure and use this information to evaluate the current structure of NSBS.			
Develop a report outlining the member election processes/procedure for other jurisdictions. Identify best practices.			
Develop an onboarding process for council members that includes specialized training			
Continue the policy of pairing an experienced council member as a mentor with new councils members			
Ensure policy reflects a cooling-off period from board member to employee and vice versa			
Review confidentiality agreements to ensure both policy and consequences are clearly identified.			
Better understand the current competencies of Council members and ensure any gaps are addressed in future members.			
Ensure all members of council receive governance training and execture members receive training in leadership for not-for-profits			
Public representatives are full-service equal members of Council			
Ensure the Executive Selection Process is established clearly in written policy			
STRATEGIC PLANNING & ENGAGEMENT NSBS will ensure their mandate is supported by a strategic planning process that includes regular and meaningful engagement of members and stakeholders.			
Council will review their current engagement processes and explore new opportunities to better understand members and stakeholder needs; i.e. an annual learning event or conference			
Council will adopt an integrated strategic planning model using action plans, deliverables, milestones, and a framework for evaluation.			
Continue to use a "dashboard" approach to monitor and report on action items from the Strategic Plan			

COMMITTEES NSBS will ensure committees are developed and organized to best support the strategic plan and mandate			
Council will conduct a review of existing committees as they relate the to strategic plan and dissolve and comittees that are not relevant. Functional committees will be maintained at a minimum.			
Committees that are not focused strategically on goals or outcome will be placed on hold until relevancy to the strategic plan is determined.			
Committees will be established by the Executive and assign action items and goals. Committee will not be established without set goals and objectives.			
MEETINGS NSBS will ensure meetings are structured and delivered in a manner that ensurres both effectiveness and efficiency			
The meeting process will be reviewed. Guidelines will be developed regarding time allocation, engagement process, conflict resolution, and standards of behavior & participation			
Behavior Standards for council and meetings will be developed to identify respectful meeting behavior.			
NSBS will design an effective process for committees to present recommendations and options. Council Executive will assign committee actions items and activities. Chairs report to the Executive			

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 progress/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. Meetings with Executive about the ED Search committee.
3. Executive Committee meeting on January 14, 2022
4. Finance Committee meeting on January 14, 2022
5. Executive Directors Search Committee initial meeting with Royer Thompson.
6. Arranged and facilitated on 2nd Legal Mentoring & Legal Issues Ad hoc committee of KilmukKulwaqan.
7. Ongoing participation with KMKNO about the development of a Federal & Provincial IndigenousJustice Strategy.
8. Represented and participated in a panel hosted by SOGIC on Feb 14.
9. Represented and participated in a panel hosted by the BC Branch of SOGIC and by the BC Indigenous Lawyers forum on Essential Law and practice points when dealing with 2 Spirit Clients.
10. Presented to the Indigenous Advisory Admissions Committee to the Medical School about Legal issues related to Indigeneity (Feb 22)
11. Hosted a cooking class for St. Josephs United Church using traditional L'nu cooking foods (Salmon Lollipops). Normally this would not be considered society business, but I was introduced as the President of the NSBS.
12. Attended the Symposium for Chief Staff and Chief Elected offices as hosted by the Canadian Society of Association Executives (Feb 24 & 25).
13. Participation in Service NS Birth Registration proposed legislation consultation process. (March 2)
14. Presentation on Legal Issues and Cultural Competency for Engineers, Dalhousie School of Engineering (March 4).
15. Initial Meeting with St. Paul's Anglican Church Reconciliation Committee (March 5).
16. Attended the Leadership Forum at Cape Breton University (March 9).
17. Attended the First Nations University Conference on Indigenous Identity.
18. Continued representation and participation with the Treaty & Aboriginal Rights Centre Research (March 14)
19. Governance & Ethics Presentation/L'nuwey Tplutaqan to Millbrook First Nation Band Council (March 16)
3520. Facilitated the Elders Lodge meeting of the Atlantic First Nations Water Authority (again,

this is not normally a Presidential role but I was introduced as the President so I include the event here).

21. Member engagement with several our members (through emails, phone calls and personal meetings (social distancing).
22. Participating in the Ku'TawTinu sharing articles process (taking on 2 L'nu clerks over the spring).
23. Indigenous Law panel participation with the Political Science Class, University of Toronto (March 21)
24. Represented the NSBS at a presentation given by Justice Lynch on the work of IAWJ in bring Afghanistan Women Judges to safety (March 21).

I will be happy to answer any questions.

Wela'li'oq



Tuma T.W. Young, QC



NOVA SCOTIA
BARRISTERS' SOCIETY

MEMORANDUM TO COUNCIL

From: Jacqueline L. Mullenger

Date: March 17, 2022

Subject: ED Report

It has now been 2 years since we entered our alternate reality of Covid19. We are finally coming to point where we can get to a new normal. If things continue as they have for the last month staff at the Society will return to their regular schedules in April. As you are aware, prior to Covid, Society staff were moving to a flexible work schedule which means that not everyone works in the office 5 days per week. Some have chosen to continue their full week in the office, but most are working, at least partly, from home. We do have two anchored positions, which are the reception and the library. Those positions will move back to being in the office full time in April. That will mean that the office will be more open to the public. As yet, the library is not open to the public or lawyers as the Courts are still only permitting those who have matters being heard to enter the courthouse. We are hoping this will change soon.

It has been amazing to me the flexibility both staff, members and volunteers have shown throughout the pandemic. We have had more participation in events that often would have excluded those who are outside metro. Although not perfect, virtual meetings do work and save a lot of time for those who have other work to do.

It is our plan to continue meetings and other events in hybrid formats so that people will have a choice as to how they participate. In addition, as the Society will be releasing the classroom space at the end of the month, we will have less space in which to hold In-person committee meetings. We will continue to hold Council meetings at a hotel.

Staffing

Our Communications Advisor, Collette Deschenes, will be leaving for parental leave in June. As a result, we are looking for a replacement for her. We recently posted an advertisement on our website, so if you know of anyone who might fit the bill, please pass it on to them.

Equity and Access

Since the last Council meeting the Equity Office has been working on scheduling training sessions on the Equity Lens for Society Committees. I am pleased to provide you with an update in that regard.

Schedule of Committee's Equity Lens Sessions

Date	Committee Name	Staff support to committee
January 20, 2022	Hearing Committee	Elaine Cumming
March 24, 2022	Credentials Committee	Jennifer Pink
April 8, 2022	Finance Committee	Kate Shewan
April 20, 2022	Nominating Committee	Katie Lister
May 9, 2022	Law Office Management Standards Committee	Jennifer Pink, Jane Willwerth
May 12, 2022	Governance Committee	Katie Lister
May 12, 2022 (tentative)	Family Law Standards Committee	Caron Ferguson Eagan
Elaine to poll committees for Spring lunch and learn date	Complaints Investigation Committee & Complaints Review Committee	Elaine Cumming
Elaine to poll committees for Spring lunch and learn date	Code of Professional Conduct Committee & Professional Responsibility Policies & Procedures Committee	Elaine Cumming
TBD	Fitness to Practice	Elaine Cumming
TBD	Criminal Standards Committee	Rob McCleave
TBD	Real Estate Standards Committee	Lisa Wright
TBD	Wills and Power of Attorney Standards committee	Lawrence Rubin
TBD	Distinguished Service Committee	Katie Lister

Education

I wanted to keep you in the loop about an upcoming event that is being hosted by LIANS on March 30th. It is a virtual wellness Session on Breaking the Cycle of Stress and Poor Sleep. You can sign up here:

<https://nsbs.org/events/virtual-wellness-session-break-the-cycle-of-stress-and-poor-sleep/>.

In addition, the Society has launched a Practice Resource site, which we invite you to take a look at and offer us some feedback. The site is located here:

<https://nsbs.org/legal-profession/resource-search/>

Finally, I invite you to have a look at our Equity in Action Blog. The latest post is on making your workplace more accessible. You can find it here:

<https://nsbs.org/nsbs-blog/equity-in-action/equity-in-action-identifying-opportunities-to-make-your-workplace-more-accessible/>



NOVA SCOTIA
BARRISTERS' SOCIETY

MEMORANDUM TO COUNCIL

From: Cheryl Canning Q.C, Chair, Credentials Committee

Date: March 3, 2022

Subject: Update on 2021-2022 Workplan

Date –	Executive Committee	N/A
Date –	Council	

Recommendation/Motion:

For information only.

Analysis:

Attached is the Committee's approved 2021-2022 Workplan.

The Committee had three regular meetings (July 2021, November 2021, January 2022) during the term of this workplan. In addition, it held a special meeting in October 2021 when it received training in the application of administrative law principles in the context of its work.

Further, the Committee has a special meeting on one matter scheduled for March 7, 2022. This relates to an application for readmission after disbarment, the first such application heard by the Society in over 20 years. It is anticipated that the Committee will need at least one further special meeting on this issue.

The Committee has advanced several workplan items during the reporting period. It has also addressed several unplanned matters that required timely attention.

At regular meetings the Committee continued to address amending and creating **regulations and policies to deal with implementation of PREP** (Practice Readiness Education Program) offered by CPLED – and the transition away from a bar examination (and in-house

skills course). We rescinded multiple redundant policies and reviewed and updated several more (e.g. the policy on taking PREP prior to securing articles; on absence from the Cultural Competence Workshop). A number of housekeeping changes to the Regulations were also recommended.

The implementation of PREP has meant the need for an Appeals Committee to handle academic appeals among the PREP jurisdictions. Committee members have agreed to serve on this committee and undergo training administered by CPLED.

Staff reported to the Committee that the inconsistencies and lack of clarity in the regulations around **interjurisdictional law firms** (and other forms of cross-borders practice) are increasingly troublesome and time consuming to navigate, in light of the upward trend they are seeing in these applications. As reported to Council previously, we continue to hope that the Federation of Law Societies will work toward framework that can be applied across the country.

As a starting point to this work, we understand that there is a multi-jurisdictional firm working group as part of the national Trust Assurance Group (TAG), which is tasked with looking at how different jurisdictions handle monitoring members and firms operating and accepting trust money in multiple jurisdictions. We will follow the progress on this issue and hope that the Federation will build upon this with corresponding work to address wider credentialing and mobility issues, and then our workplan items relating to interjurisdictional practice will be addressed as a priority.

The Committee had a presentation last July from staff working on **the Multi-Disciplinary Practices** project in anticipation of its work to approve appropriate credentialing processes to support these new practice entities. However, that work was put in abeyance last Fall while further research was undertaken by the implementation group. We anticipate returning to this later in the calendar year.

Outstanding projects from our workplan to address over the coming year:

1. Requirements to act as principal/supervising lawyer
2. Regulation and policy regarding requirement for international lawyers to be legally entitled to be employed in Canada
3. Admission Requirements for lawyers from Quebec who have civil law degrees
4. Restorative approaches to credentialing (this work started)

Finally, the Committee continues to monitor the PREP program on an ongoing basis. In summer 2022 CPLED is piloting an accelerated program (14 weeks) with a cohort of 32 NS students. We will monitor the experience of students and principals with the program and make recommendations as necessary.

Matters outside of the Committee's Workplan

Two matters came to the Committee from the Federation of Law Societies for its input during the reporting period. First, the application of the National Mobility Agreement to the unique circumstances of Federal Government lawyers has been an ongoing issue since the implementation of the NMA. The Federation prepared a preliminary draft Memorandum of

Understanding for each Society's consideration regarding a proposal from the Department of Justice. The Committee was asked to review and advise of any significant concerns; it had none.

Second, the Committee's input was sought on a proposal from the Federation of Law Societies' NCA Assessment Modernization Committee (NCA AMC) for movement toward a competency-based assessment system for NCA applicants. To ensure that the competency profile accurately reflects the competencies required at bar admission and licensing, feedback on the draft competency statements was sought from the law societies (and, by way of a series of focus groups, from other justice system stakeholders, including the legal academy). The Committee provided feedback on the competency profile, including concerns about ensuring students can meet the competencies deemed mandatory at the end of law school when there is no consistency in curriculum or course requirements among Canadian schools.

Following on from the educational training meeting in October 2021, the Committee determined that its "Policy on decision making in the public interest" required updating as a matter of priority. In particular, the Committee is working on outlining considerations to apply in determining the public interest in credentialing decisions to create transparency in the process and consistency across the Society's work. That work is underway and will continue through Spring 2022.

During one of its regular meetings, the Committee engaged in discussion about incorporating the *Gladue* factors into the Society's credentialing decisions making, as well as acknowledging intergenerational trauma and the concept of reconciliation. It was agreed that this would be added to the Workplan at the next opportunity.

Finally, during this reporting period the Internal Review Subcommittee was not asked to review any internal credentialing decisions.

All of which is respectfully submitted.



NOVA SCOTIA BARRISTERS' SOCIETY

COMMITTEE WORK PLAN 2021-2022

Credentials Committee	
Committee Mandate and Responsibilities	
Mandate: <u>Terms of Reference for the Credentials Committee</u>	
Credentials Committee - Terms of Reference	
Type	Regulatory Committee
Mandate	<ul style="list-style-type: none"> 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 and 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 <ul style="list-style-type: none"> 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 Part 13 Real Estate Practice The Committee provides policy advice to ensure that regulation is proactive, principled and proportionate
Responsibilities	<ul style="list-style-type: none"> 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

	<ul style="list-style-type: none"> To make recommendations to Council for its approval respecting the <i>Legal Profession Act</i>, and Regulations governing the credentialing process Appoint a Credentials Internal Review Sub-Committee
Composition	<ul style="list-style-type: none"> At least six and no more than nine members Appointments shall be made and vacancies filled by Council The Chair of the committee shall be appointed from Council
Committee Chair	<ul style="list-style-type: none"> The Committee Chair shall be appointed by Council The Committee Chair is responsible for annually reviewing with the Committee: Council Policy 16, these Terms of Reference, and the Society's Strategic and Annual Plans
Procedures and Work Product	<ul style="list-style-type: none"> Quorum for the committee shall consist of three members The Committee shall operate in accordance with Council policies The Committee shall maintain minutes of its meetings The Committee may appoint sub-committees to assist it with its work
Reporting	<ul style="list-style-type: none"> The Committee performs a regulatory function for the Society and in that respect is independent from Council In its advisory capacity, the Committee may make recommendations for policy The Committee shall provide a report on its work to Council no later than the May Council meeting
Staff support	<ul style="list-style-type: none"> Director, Education & Credentials
Committee Chair: Cheryl Canning, Q.C.	
Sub-committees:	
Internal Review Sub-committee: Sarah Kirby, Chair	

Details for each Project/Initiative	
1.	<p>Name of Project:</p> <p>Policy and Regulatory updates as a result of PREP</p>
	<p>Goal/outcome of project:</p> <p>All policies and regulations pertaining to PREP and Bar Admission Program are up to date and in keeping with strategic plan.</p>
	<p>Time Frame for completion:</p> <p>Completed by June 2021</p>
	<p>Resources Needed:</p> <p>E&C staff, Credentials Committee, Council, Equity and Access Office, Communications Officer</p>
2.	<p>Name of Project:</p> <p>Regulation of Interjurisdictional Law firms</p>
	<p>Goal/outcome of project:</p> <p>The regulation of interjurisdictional law firms is triple “p” and, where possible, is in harmony with other Canadian law societies.</p>
	<p>Time Frame for completion:</p> <p>January 2022</p>
	<p>Resources Needed:</p> <p>E&C staff, Credentials Committee, Council</p>
3.	<p>Name of Project:</p> <p>Restorative approaches to credentialing</p>
	<p>Goal/outcome of project:</p> <p>Review the credentialing policies and materials that may need to be updated to take restorative approaches into consideration</p>
	<p>Time Frame for completion:</p> <p>Spring 2022</p>

4.	<p>Name of project:</p> <p>Regulating lawyers who live in Nova Scotia but work for firms/organizations in other provinces or countries</p>
	<p>Goal/outcome of project:</p> <p>The regulation of these individuals will be triple “p”, and, will reduce barriers where possible, while still fulfilling our protection of the public mandate</p>
	<p>Timeframe for completion:</p> <p>November 2021</p>
	<p>Resources required (volunteer, staff):</p> <p>E&C staff, Credentials, Council, Trust Account Working Group, Federation of Law Societies</p>
5.	<p>Name of project:</p> <p>Regulation and Policy regarding requirement to be legally entitled to be employed in Canada</p>
	<p>Goal/outcome of project:</p> <p>The Society has appropriate regulations governing the current requirement for lawyers from foreign jurisdictions being legally entitled to be employed in Canada and to ensure that this regulation is triple “p” and in line with other Canadian jurisdiction, FRPA and Immigration Legislation</p>
	<p>Timeframe for completion:</p> <p>September 2021</p>
	<p>Resources required (volunteer, staff):</p> <p>E&C staff, Credentials Committee and Council</p>
6.	<p>Name of project:</p> <p>Private Bar Admission Ceremonies</p> <p>Goal/Outcome of Project Assess feasibility and desirability of holding private bar admission ceremonies outside the annual ceremony in June, when requested</p>
	<p>Timeframe for completion:</p> <p>June 2022</p>
	<p>Resources required (volunteer, staff):</p> <p>E&C staff, Credentials Committee, ED, CJ Nova Scotia Supreme Court</p>

7.	<p>Name of project:</p> <p>Posthumous call to the bar for World War 2 veterans who were attending law school</p>
	<p>Goal/outcome of project:</p> <p>To honour those who fought for Canada and lost their lives in War</p>
	<p>Timeframe for completion:</p> <p>Unknown at this time</p>
	<p>Resources required (volunteer, staff):</p> <p>Credentials Committee, archivist, volunteers</p>
8.	<p>Name of project:</p> <p>Admission Requirements for lawyers from Quebec who have civil law degrees</p>
	<p>Goal/outcome of project:</p> <p>To have an effective and triple “p” regulatory regime for lawyers wanting to transfer permanently from Quebec. To review the Quebec mobility agreement and ensure that Nova Scotia is harmonized with other provinces around these requirements. To ensure we are not erecting unnecessary barriers while protecting the public interest.</p>
	<p>Timeframe for completion:</p> <p>June 2022</p>
	<p>Resources required (volunteer, staff):</p> <p>Credentials Committee Staff, other law society’s, Council</p>
9.	<p>Name of project:</p> <p>Lawyers as principals while under investigation by PR</p>
	<p>Goal/outcome of project:</p> <p>To determine the appropriate way to deal with situations where lawyers who want to be principals are under investigation or who PR has concerns about</p>
	<p>Timeframe for completion:</p> <p>June 2022</p>
	<p>Resources required (volunteer, staff):</p> <p>Credentials Committee, staff, PR staff</p>

10.	Name of project: Requirements to act as principal/supervising lawyer
	Goal/outcome of project: Update and harmonize requirements for principals
	Timeframe for completion: June 2022
	Resources required (volunteer, staff): Credentials Committee, staff
11.	Name of project: Multi-Disciplinary Practices Credentialing Regime
	Goal/outcome of project: The Society has appropriate regulations governing the Credentialing of MDPs in Nova Scotia
	Timeframe for completion: September 2022
	Resources required (volunteer, staff): E&C staff, Credentials Committee, Council, PR staff
12.	Name of project: Review of PREP program
	Goal/outcome of project: The Committee keeps abreast of the PREP implementation and reviews the results, student feedback and makes recommendations to Council if need be. A tool is developed to solicit feedback from Nova Scotia students about their PREP experience. Monitoring should also ensure the PREP program is playing an appropriate role in the cultural competence of articulated clerks.
	Timeframe for completion: June 2022
	Resources required (volunteer, staff): E&C staff, Credentials Committee and Council



NOVA SCOTIA
BARRISTERS' SOCIETY

MEMORANDUM

From: NSBS Finance Committee

To: NSBS Council

Date: March 4, 2022

Subject: 2022 Finance Committee Report to Council

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

In addition to the regular mandated functions, the Finance Committee has been active in a number of areas, including reviewing issues continuing to arise from the financial impact of the pandemic.

The Finance Committee completed all the regular and annual recurring mandated responsibilities outlined in the work plan. These were:

Under Financial Reporting Responsibilities

- Monitored the Executive Director's prudent and effective management of the Society's resources
- Monitored Executive Director's internal controls and policies for areas of risk
- Monitored Executive Director's preparation of the annual budget for presentation to Council (Completed for 2021/22, in progress for 2022/23)
- Reviewed performance against budget during the course of the year
- Received 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
- Encouraged efficiency in the management of the Society's finances and in the expenditure of Society funds
- Presented the annual financial statements at the AGM

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

- Recommended the appointment of the external auditor to the annual meeting of members of the Society
- Met 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
- Approved the Audited financial statements and the Auditor's Report on behalf of Council for 2021
- Completed everything required for the 2021 audit and preliminary 2022 audit work.



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Additional projects undertaken by the Finance Committee included:

Continued Annual Monitoring of the Multi-Year Budget

- Completed all budgeting for 2021/22 in April 2021
- Recommended approval of the budget and management of reserves for 2021/22; 2021/22 budget was approved
- Review of budget and proposed recommendations for 2022-23 in progress

Review and update of Financial, Administration and Operational Policies

As part of the review and update of financial, administration and operational policies, the Finance Committee has reviewed the Financial Reserves Policy and the Lawyers' Fund for Client Compensation ("LFCC") Reserves Policy and will be recommending revisions to both policies as outlined below.

General Fund Reserve Policy: The primary substantive change to the Financial Reserves Policy is amending the benchmark values of reserves to be held. It is proposed that the Society hold Operational reserves in the value of not less than the value of three months of regular operational expense, and not more than the value of five months of regular operational expenses. These amended policies are awaiting review from the Equity Office, per the new Equity Consultation Policy after which they will be forwarded for Council consideration and approval.

The Finance Committee also reviewed and approved the investment policy in September 2021. The existing asset mix was retained, and the policy was updated with guidance around when funds are to be transferred into and held within the Investment Portfolio. This amended policy was approved by Council.

The Acceptable Methods of Payment Policy was reviewed and approved in principle in September 2021. It was forwarded to the Equity office and is awaiting completion of the equity lens review.

The Finance Committee has identified additional policies that are ready for review with the following identified as the next priorities:

1. Refund Policy; and
2. Fees/Insurance for Lawyers Suspended for Discipline.

Review of Cybersecurity and Data Protection

The Committee reviewed a report on the major changes that were made in 2021 to the IT systems by the Society in order to facilitate working from home with remote access. Some of the changes include:

- Moved all employees to laptops and provided webcams and headsets for online meetings
- Started using Zoom, Teams and Eastlink phone app for communication
- Moved from on-premise hosted exchange server to Microsoft 365
- Implemented two factor authentication for remote access.
- Implemented staff training and testing for data security and anti-phishing.
- Upgraded internet connection - new provider, with double the connection speed and upgraded firewall hardware for better Internet connection
- Further upgrades to our backup system and emergency restoration procedures.



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The Committee discussed potential cybersecurity audit; directed staff to proceed; currently in process.

Committee Membership and Acknowledgements

We thank all members of the Committee for their time and for their thoughtful contributions to the work of the Committee. We also thank the Society staff for the work they have done to support the Committee and particularly, Kerry Foss, for her careful minute-taking and organizing.

During the year, the Committee welcomed the following new members:

Melanie Petrunia

Mark Scott, QC

We also said thank you and farewell to the following departing committee members:

Andrew Nickerson, QC. We are looking forward to welcoming Andy Nickerson back next year.



NOVA SCOTIA BARRISTERS' SOCIETY

COMMITTEE WORK PLAN 2021-2022

Governance Committee	
Committee Mandate and Responsibilities	
<p>Mandate The Committee supports Council in the governance of the Society by supporting Council's commitment to the principles and practices of good governance.</p>	
<p>Responsibilities: Support Council's governance and best practices of the Society, including but not limited to:</p> <ul style="list-style-type: none"> • 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 <p>The Committee shall report annually to the Executive and Executive Director the status of Council's governance policies, in accordance with Council Policy 8.</p>	
Committee Chair: Bryan Darrell	
Details for each Project/Initiative	
1.	<p>Name of project: Review Council Policies for current governance best practices</p> <p>Subcommittee Chair: Bryan Darrell</p> <p>Members: Rebecca Hiltz LeBlanc, Paula Minnikin, Patrick Young</p> <p>Goal/outcome of project:</p> <ul style="list-style-type: none"> ▪ Fulsome review of current policies ▪ Align Policies with Legislation, Regulations and current best practices. ▪ Convert to plain English <p>Timeframe for completion: December 2022</p> <p>Resources required (volunteer, staff): ED, Governance, Policy & Planning Advisor & Contracted Consultants</p>
2.	<p>Name of project: Review of Council composition and election procedures</p> <p>Subcommittee Chair: Patrick Young</p> <p>Members: Rebecca Hiltz LeBlanc, Andy Nickerson QC, Nancy Rubin QC, Josh Santimaw, Michelle Higgins</p>

	Goal/outcome of project: <ul style="list-style-type: none"> ▪ Review of how we populate Council and election procedures ▪ Recommended changes
	Timeframe for completion: December 2022
	Resources required (volunteer, staff): ED & staff research
3.	Name of project: 2 Year Agenda/Work Planner for Council Subcommittee: Paula Minnikin
	Goal/outcome of project: <ul style="list-style-type: none"> ▪ Review of current processes ▪ Creation of 2 Year Agenda/Work Planner
	Timeframe for completion: September 2021
	Resources required (volunteer, staff): ED
4.	Name of project: Review of standard Committee Terms of Reference Subcommittee Chair: ED
	Goal/outcome of project: <ul style="list-style-type: none"> ▪ Review Standard Terms of Reference
	Timeframe for completion: June 2022
	Resources required (volunteer, staff): none
5.	Name of project: Council Commitment Letter Subcommittee: Paula Minnikin
	Goal/outcome of project: <ul style="list-style-type: none"> ▪ Creation of Council Commitment Letter
	Timeframe for completion: May 2021
	Resources required (volunteer, staff): ED
6.	Name of project: Council Engagement Survey & Review Subcommittee: Paula Minnikin
	Goal/outcome of project: Review of the Council to determine the underlying issues to be addressed
	Timeframe for completion: March 2022
	Resources required (volunteer, staff): ED
7.	Name of project: Review of Current Council Evaluation Process (2 Minute Evaluations, Mid Term Survey, End of Term Survey & Exit Interviews) Subcommittee: Carole Lee Reinhardt & Jennifer MacDonald
	Goal/outcome of project:

	Review of current process and provide recommendations
	Timeframe for completion: December 2022
	Resources required (volunteer, staff): ED
8.	Name of project: Executive Committee Population Process
	Subcommittee: To be created in May
	Goal/outcome of project: Review the Executive Committee Population Process
	Timeframe for completion: January 2023
	Resources required (volunteer, staff):
Additional Comments on Committee's Plans or Progress	
<p>Status as of March 1, 2022</p> <ul style="list-style-type: none"> ▪ Project 1 – Ongoing, initial review completed by Contracted Consultants completed currently being converted to Plain Language and then Committee will start their review of the work in March ▪ Project 2 – Ongoing, research completed, key priorities outlined by committee and currently awaiting Council approval of consultation ▪ Project 3 complete – needs to be operationalized by Council ▪ Project 4 – New chair assigned and work to be started ▪ Project 5 complete ▪ Project 6 – new project added mid-year, report has been drafted and recommended workplan currently being prepared for the March Council agenda ▪ Project 7 – new project currently on hold pending the review report ▪ Project 8 - new project requested by Council – Committee to discuss at their May meeting 	



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MEMORANDUM TO COUNCIL

From: Mark Scott QC, Chair of the Nominating Committee

Date: March 10, 2022

Subject: 2021-2022 Nominating Committee Progress Report

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

It is my honour to provide the first report from the Nominating Committee following the separation from the Governance Committee. As you know the Nominating Committee has been busy over the past year. The key accomplishments being:

- 2020/2021 Second Vice President Vacancy Recruitment
- 2020/2021 Central District Vacancy Recruitment
- 2021/2022 Second Vice President Recruitment
- Public Representative Recruitment
- 2021-2023 Council Elections Vacancy Recruitment – Central District & At Large
- Committee Appointments:
 - CIC Committee
 - Hearing Committee Chair
 - NSCA Liaison Committee
 - Nominate Committee
 - Disability Equipment Committee
 - Supreme Court of Nova Scotia (Family Division) Liaison Committee
 - Real Estate Professional Standards Committee
 - 5 other committee expressions of interests
- External Body Appointments:
 - Indigenous Black and Mi'kmaq Initiative Advisory Council Appointment
- 2022-2023 Second Vice President Recruitment
- Reviewed Terms of Reference

As you can see from the attached updated work plan for the Nominating Committee plans to complete:

- Public Representative Recruitment
- Halifax district Vacancy Recruitment
- Committee Vacancies – CPCC, CIC, DSA, FTP, GEC, Hearing, LFCC, PRPPC, Professional Standards (Criminal, Family)
- Nominating Committee Policy Review
- Biannual Committee Population

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NOVA SCOTIA
BARRISTERS' SOCIETY

COMMITTEE WORK PLAN AND PROGRESS REPORT 2021-2022

Nominating Committee	
Committee Mandate and Responsibilities	
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:	
<ul style="list-style-type: none"> 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 	
Committee Chair: Mark Scott QC	
Details for each Project/Initiative	
1.	<p>Name of project: Recruitment of 2nd Vice President</p> <p>Goal/outcome of project: As regulated the committee nominates a candidate for 2nd Vice President who can ensure that Council's leadership will have adequate skills, diversity, and experience to achieve the objectives established by Council's Strategic Framework.</p> <p>Timeframe for completion: Annual</p> <p>Resources required (volunteer, staff): ED & Governance, Policy & Planning Advisor</p>
2.	<p>Name of project: Council Vacancies</p> <p>Goal/outcome of project: As regulated the committee supports Council in filling vacancies from the Election Process and as they occur.</p> <p>Timeframe for completion: As required</p> <p>Resources required (volunteer, staff): ED & Governance, Policy & Planning Advisor</p>



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COMMITTEE WORK PLAN AND PROGRESS REPORT 2021-2022

3.	Name of project: Appointment of Public Representatives
	Goal/outcome of project: As regulated the committee recruits Public Representatives who full participate in Council and ensure Council focus on public interest in all aspects of the work and pose difficult questions.
	Timeframe for completion: Ongoing
	Resources required (volunteer, staff): ED & Governance, Policy & Planning Advisor
4.	Name of project: Committee & External Bodies appointments
	Goal/outcome of project: Committee supports council by managing the Biannual Committees appointment process 2023-2024 and by recruiting Committee's members as vacancy occur
	Timeframe for completion: Biannual & as required
	Resources required (volunteer, staff): ED & Governance, Policy & Planning Advisor
5.	Name of project: Review Terms of Reference
	Goal/outcome of project: Review existing terms of reference and update accordingly
	Timeframe for completion: March 2022
	Resources required (volunteer, staff): ED & Governance, Policy & Planning Advisor
6.	Name of project: Confirm Committee policies and practices
	Goal/outcome of project: <ul style="list-style-type: none">• Review existing GNC Policies so confirmed Nominating Committee Policies• Confirm the current policies of the Committee and ensure they aligned with governance and best practices
	Timeframe for completion: June 2022
	Resources required (volunteer, staff): ED & Governance, Policy & Planning Advisor

Additional Comments on Committee's Plans or Progress



NOVA SCOTIA BARRISTERS' SOCIETY

COMMITTEE WORK PLAN AND PROGRESS REPORT 2021

Professional Standards (Criminal Law) Committee

Work Plan 2021

Committee Mandate and Responsibilities

Mandate:

The Professional Standards (Criminal Law) 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 practice and emerging criminal law issues which may require the development of professional standards;
 - Changes in the professional standards of criminal law practice and emerging criminal practice issues that 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;
- Identify and provide resources and tools to assist members to practice in accordance with the Standards;
- Act as a resource on issues of professional standards for criminal law as may be requested by Council.

Committee Chair – Brian F. Bailey

Sub-committees, if any, and names of Chairs – N/A

Matters assigned to Committee by Council's Activity Plan

1. Review of Council Policy 16 and the Society's Strategic Framework
2. Review Committee TORs and recommend changes to Council as required.
3. Continue the review of all Standards to ensure they are Triple-P compliant (principled, proactive and proportionate) and culturally competent.



NOVA SCOTIA BARRISTERS' SOCIETY

**COMMITTEE WORK PLAN AND PROGRESS REPORT
2021**

Details for each Project/Initiative	
The Committee will review and update, or create, a variety of Standards. The Committee will measure its success by the amount of work in the chart is completed. The Committee partners with the Equity Committees, as well as lawyers, by asking for their input prior to finalization of any amendments and/or new Standards. The Standards are communicated to the membership by email and are available to lawyers and members of the public via the internet.	
1.	Name of project: Cultural Competence
	Goal/outcome of project: To research and develop a standard with respect to cultural competence in criminal law.
	Timeframe for completion: Ongoing
	Progress Update: This standard was reviewed by REC and approved in draft by the Committee. It was sent to the Equity Office for consultation in January 2022 and once feedback is received and incorporated, it will be advanced to Council.
2.	Name of project: Guilty Pleas
	Goal/outcome of project: To research and develop a standard with respect to guilty pleas.
	Timeframe for completion: Ongoing
	Progress Update: This standard was reviewed by REC and approved in draft by the Committee. It was sent to the membership for feedback and to the Equity Office for consultation in January 2022. Once feedback is received and incorporated, it will be advanced to Council.
4.	Name of project: Charter Applications
	Goal/outcome of project: To research and develop a standard with respect to charter applications for lawyers in the context of criminal proceedings.
	Timeframe for completion: Ongoing
	Progress Update: This standard was reviewed by REC. It will be sent soon to the Equity Office for consultation, prior to introduction to Council.



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COMMITTEE WORK PLAN AND PROGRESS REPORT 2021

5.	Name of project: Bail Hearings
	Goal/outcome of project: To Research and develop a standard with respect to bail hearings.
	Timeframe for completion: Ongoing
	Progress Update: A draft standard is almost complete and is on track to be sent to the Equity Office for consultation in Spring 2022.
6.	Name of project: Conflict of Interest
	Goal/outcome of project: To research and develop a standard with respect to issues of conflict of interest for lawyers in the context of criminal proceedings and being retained by clients to assist them with criminal charges.
	Timeframe for completion: Ongoing
	Progress Update: This standard was approved in draft by the Committee. It was sent to the Equity Office for consultation in January 2022 and once feedback is received and incorporated, it will be advanced to Council.
7.	Name of project: Jordan Standard
	Goal/outcome of project: To research and develop a standard with respect to <i>Jordan's Principle</i> .
	Timeframe for completion: Ongoing
	Progress Update: A draft standard is being worked on with a view to sending to the Equity Office for consultation in Spring / Summer 2022.
8.	Name of project: Young Offender Standard
	Goal/outcome of project: To research and develop a standard with respect to young offenders and the differences between youth and adult offenders.
	Timeframe for completion: Ongoing
	Progress Update: Work is underway on a draft standard.



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**COMMITTEE WORK PLAN AND PROGRESS REPORT
2021**

9.	Name of project: Resolution Discussions & Plea Arrangements
	Goal/outcome of project: To research and develop standards with respect to resolution discussions and plea arrangements.
	Timeframe for completion: This standard was approved in draft by the Committee. It was sent to the Equity Office for consultation in January 2022 and once feedback is received and incorporated, it will be advanced to Council.
	Progress Update: The draft standard was sent to the Equity Office for consultation in January 2022. Once feedback is received and incorporated, it will be advanced to Council.
10.	Name of project: Interaction with a Witness
	Goal/outcome of project: To research and develop a standard with respect to issues of competence for criminal lawyers, specifically interactions with a witness.
	Timeframe for completion: Ongoing
	Progress Update: Work is underway to develop the draft standard.
11.	Name of project: Proposed Standards to be considered for drafting in 2020:
	Research and develop standards with respect to <i>Bradshaw</i> Applications, Special Applications or warnings (Vetrovic; Scopeletti, Garafoli, etc), Third party Record (O'Connor), Prior sexual History (Seaboyer), Prior Criminal History (Corbett) Applications, Dangerous Offender Applications; Conduct of Jury Trials, Conduct at Preliminary Inquiries, Aspects of a Jury Trial, Self-Represented Litigants, Pre-Trial Motions
	Goal/outcome of project: To create new standards on the above topics.
	Timeframe for completion: Ongoing
	Progress Update: Work to develop ss. 276 & 278 Applications Standards (ie evidence of past sexual activity & production and use of private records) is assigned, but the Committee is holding this work in abeyance while waiting for a significant SCC decision that will inform content.
12.	Name of project: Other



NOVA SCOTIA BARRISTERS' SOCIETY

COMMITTEE WORK PLAN AND PROGRESS REPORT 2021

	<p>Development of practice tools; ongoing review and update of all standards; addition of practice notes/best practice tips when applicable; addition of new resources and case law.</p> <p>The work of this Committee advances the Society's Strategic Framework by supporting the Foundational Activities relating to engagement with the membership when Standards are drafted, as well as by identifying best practices for lawyers in the province as noted above.</p>
	<p>Progress Update:</p> <p>The Committee was consulted by LIANS about the possibility of a practice standard relating to ineffective counsel, as a response to the increasing claims of this nature. The Committee is discussing and considering this matter.</p>



NOVA SCOTIA BARRISTERS' SOCIETY

COMMITTEE WORK PLAN AND PROGRESS REPORT 2021-2022

Professional Standards (Family Law) Committee
Committee Mandate and Responsibilities
Mandate Supports Council in the governance of the Society by developing professional standards for the area of family law.
Responsibilities <ol style="list-style-type: none">1. Make recommendations to Council with respect to identification of:<ol style="list-style-type: none">a) existing applicable professional standards of family law practice and emerging family law issues which may require the development of professional standards; andb) changes in the professional standards of family law practice and emerging family issues which require amendments to existing NSBS Professional Standards – Family Law.2. Annually review the NSBS Professional Standards – Family Law and advise Council with respect to potential amendments to the Standards, including providing a draft of proposed amendments for Council approval.3. Annually review the footnotes and references to the NSBS Professional Standards – Family Law and provide notice to Council with respect to amendments thereto.4. Identify and provide resources and tools to assist members to practice in accordance with the Standards.5. Act as a resource on issues of professional standards for family law as may be required by Council.
Committee Chair – Jeanne Desveaux
Sub-committees, if any, and names of Chairs n/a
Matters assigned to Committee by Council's Activity Plan
<ol style="list-style-type: none">1. Review of Committee TOR and Council Policy 162. Society's Strategic Framework – Consider revising the approach to Standards (proactive, principled and proportionate) such that Standards are drafted based on known risks associated with the area of practice.



NOVA SCOTIA BARRISTERS' SOCIETY

COMMITTEE WORK PLAN AND PROGRESS REPORT 2021-2022

Details for each Project/Initiative	
1.	<p><u>Name of project:</u></p> <p>Domestic Violence in the context of family law</p>
	<p><u>Goal/outcome of project:</u></p> <p>To consider the development of a Standards and Best Practices with respect to domestic violence in the context of family law.</p>
	<p><u>Timeframe for completion:</u></p> <p>On-going.</p>
	<p><u>Resources required (volunteer, staff):</u></p> <p>The committee will rely on assigned staff, volunteer committee members, outside experts, and (if necessary) other NSBS staff who may have specific expertise required (eg: website, communications).</p>
2.	<p><u>Name of project:</u></p> <p>Revise the lawyer's competence standards to expressly include cultural competence</p>
	<p><u>Goal/outcome of project:</u></p> <p>To include cultural competency expressly as an element of lawyer competence.</p>
	<p><u>Timeframe for completion:</u></p> <p>On-going.</p>
	<p><u>Resources required (volunteer, staff):</u></p> <p>The committee will rely on assigned staff, volunteer committee members, and (if necessary) other NSBS staff who may have specific expertise required (eg: website, communications).</p>
3.	<p><u>Name of project:</u></p> <p>Annual Review of Standards</p>
	<p><u>Goal/outcome of project:</u></p> <p>Ensure Standards and their references/footnotes remain a comprehensive, accurate reflection of current law and apply an equity lens. Ensuring the standards reflect changes to the Divorce</p>



NOVA SCOTIA BARRISTERS' SOCIETY

COMMITTEE WORK PLAN AND PROGRESS REPORT 2021-2022

	<p>Act will be a focus for the current year.</p> <p>The Committee will undertake to review a number of standards each year with the intention in a three to four year cycle to review all standards. We are currently reviewing the existing Family Law Standards with a Triple P approach to ensure that they are reflective of the current work of the Society.</p> <p><i>The standards to be considered this year are:</i></p> <p>Conflict of Interest – This standard was reviewed by the Committee in 2019-2020. They determined it required a complete overhaul. The Committee is currently working on revising the format and content of the standard.</p> <p>Client Competence – This standard was reviewed by the Committee in 2019-2020. Changes have been made to the standard below the line (e.g. updating old links, updating legislation). Above the line changes to the standard are currently being discussed by the Committee.</p> <p>Lawyers' Competence – This standard was set to be reviewed in the 2020 year. The Committee is working on revising the standard with a focus on cultural competence as it pertains to family law (e.g. parenting assessments, First Nations law and acts.) The Committee is also discussing whether it would be helpful to have a separate standard for cultural competence.</p> <p>Assisted Human Reproduction – The standard requires below the line changes.</p> <p>Additional standards to receive a focus next year will be chosen based on this year's annual review.</p>
	<p><u>Timeframe for completion:</u></p> <p>Present any necessary "above-the-line" changes to Council in order to ensure changes are made within the 2021-2022 Council year. Make "below-the-line" changes as the need for same arises.</p>
	<p><u>Resources required (volunteer, staff):</u></p> <p>The committee will rely on assigned staff, volunteer committee members, and general membership (by way of consultation with family lawyers prior to finalizing any "above the line" amendments).</p>
4.	<p><u>Name of project:</u></p> <p>Consider new areas for Standard / Best Practice development</p>
	<p><u>Goal/outcome of project:</u></p> <p>To identify new areas for the development of Standards and Best Practices, including standards with a focus on Indigenous law.</p>
	<p><u>Timeframe for completion:</u></p> <p>On-going. To be completed in conjunction with annual review of the existing standards.</p>



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	<p><u>Resources required (volunteer, staff):</u></p> <p>The committee will rely on assigned staff, and volunteer committee members, other NSBS committees if appropriate, and will reach out to Indigenous members of the Bar for input up front.</p>
5.	<p><u>Name of project:</u></p> <p>Withdrawal as counsel in the context of family law</p>
	<p><u>Goal/outcome of project:</u></p> <p>To consider the development of a Standards and Best Practices with respect withdrawal as counsel in the context of family law.</p>
	<p><u>Timeframe for completion:</u></p> <p>On-going.</p>



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	<p><u>Resources required (volunteer, staff):</u></p> <p>The committee will rely on assigned staff, volunteer committee members, and (if necessary) other NSBS staff who may have specific expertise required (eg: website, communications).</p>
6.	<p><u>Name of project:</u></p> <p>Costs</p>
	<p><u>Goal/outcome of project:</u></p> <p>To consider the development of a Standards and Best Practices with respect to costs in a family law context.</p>
	<p><u>Timeframe for completion:</u></p> <p>To be completed by the end of the current work plan term.</p>
	<p><u>Resources required (volunteer, staff):</u></p> <p>The committee will rely on assigned staff, volunteer committee members, and (if necessary) other NSBS staff who may have specific expertise required (eg: website, communications).</p>
7.	<p><u>Name of project:</u></p> <p>Checklist Update</p>
	<p><u>Goal/outcome of project:</u></p> <p>To review and consider amendments to the existing Family Law checklists originally developed in 2003. See note below as well.</p>
	<p><u>Timeframe for completion:</u></p> <p>On-going.</p>
	<p><u>Resources required (volunteer, staff):</u></p> <p>The committee will rely on assigned staff, volunteer committee members, and (if necessary) other NSBS staff who may have specific expertise required (eg: website, communications).</p>



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8.	<u>Name of Project</u> Domestic Contract
	<u>Goal/outcome of project:</u> The Committee has determined that a larger review and possible re-formatting/re-design of this standard is needed. The Committee will undertake to move forward from the work of Kay Rhodenizer on this standard to complete its revision.
	<u>Timeframe for completion:</u> To be completed by the end of the current work term. A draft has been completed that is nearly ready for introduction to Council.
	<u>Resources required (volunteer, staff):</u> The committee will rely on assigned staff, volunteer committee members, and (if necessary) other NSBS staff who may have specific expertise required (eg: website, communications).
Additional Comments on Committee's Plans or Progress	
<p>The Committee lost two members in 2020 and had requested to replace these members and to add additional members through the Governance and Nominating Committee's processes. The Committee added two new members in January and continues to seek to add an Indigenous member to the Committee. The extraordinary circumstances resulting from the pandemic and its effect on members' practices, together with the loss of two Committee members, has meant that the Committee has not finalized the work on the Client Competence, Lawyer Competence and Conflict of Interest standards as it had planned this year; however, progress has been made and work continues. A draft of the Domestic Contracts Standard is nearly ready for introduction to Council.</p> <p>The Committee has engaged in discussions and will continue to discuss how to incorporate the TRC Report into its work, including revising the Lawyer Competence Standard to expressly include cultural competence and considering developing a standalone Cultural Competency Standard, following consultation.</p> <p>The Committee will consider discussing Certification surrounding Collaborative Law.</p> <p>The Committee will review the changes to the Divorce Act and will amend the standards, as required.</p> <p>The work of this Committee advances the Society's strategic framework by supporting the Foundational Activities relating to engagement with members when standards are drafted and by identifying best practices for lawyers in the province as noted above.</p>	



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PROGRESS REPORT – March 2022

The Committee held three meetings (May 2021, September 2021, January 2022) during the term of this workplan.

The focus to date on the Committee's two-year work plan has been finalizing its review of the Client Competence, Conflict of Interest and Domestic Contracts Standards. The Committee has been reviewing these standards for both above and below-the-line changes. The Committee has made progress on each of these standards and final drafts are expected within the current year.

The Committee has reviewed the Assisted Human Reproduction Standard and will be considering the proposed amendments at its May meeting.

The Committee has also prioritized reviewing each of the current standards and revising them as necessary to incorporate changes necessitated by amendments to the Divorce Act. Work is ongoing, and the Committee expects to complete review of each of the standards in the current year.

As the Committee reviews the various standards, it does so also with an eye to cultural competence. The Committee will receive equity lens training at its May meeting and will further apply this training to its ongoing review.

As Committee members' practices continue to be affected by the ongoing pandemic, resulting in increased workloads and progress on the workplan moving ahead more slowly than anticipated, the decision was made to focus the Committee's work on the above projects in an effort to complete them, rather than over-stretching resources. As the pandemic appears to be winding down, it is our hope that we will be able to return to other items on the workplan. In particular, the Committee will be working on drafting a standard on Cultural Competency in family law. Additionally, the Committee plans to work on adjusting the formatting of the existing standards to make them more user-friendly and to improve readability.

All of which is respectfully submitted.



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Law Office Management Standards Committee
Committee Mandate and Responsibilities
<p>Mandate:</p> <p>The Law Office Management Standards Committee supports Council in the governance of the Society and its purpose of protecting the public interest in the practice of law by developing professional standards for the management of law offices in Nova Scotia.</p>
<p>Responsibilities:</p> <ol style="list-style-type: none">1. Identify for Council:<ol style="list-style-type: none">a) existing professional standards of law office management and emerging law office management issues which may require the development of professional standards that fulfill the Society's obligations to regulate in the public interest; andb) changes or variations in standards of law office management and emerging law office management issues which may require amendments to the NSBS Law Office Management Standards and make recommendations to Council accordingly.2. Identify, and assist lawyers in the establishment and implementation of, resources and tools to assist with practice in accordance with the Standards.3. Annually review the NSBS Law Office Management Standards and advise Council with respect to potential amendments including a draft of proposed amendments.4. Annually review the footnotes and references to the NSBS Law Office Management Standards and provide notice to Council with respect to any amendments.5. Act as a resource on issues of law office management standards as may be requested by Council.
Committee Chair: Bob Carter QC
<p>Sub-committees, if any, and names of Chairs:</p> <p>Technology sub-committee – Chair, Paul Saunders</p>
Matters assigned to Committee by Council's Activity Plan
<ol style="list-style-type: none">1. Review standards for appropriate references to lawyer cultural competence in the delivery of legal services2. Have the Law Office Management Committee consider a technology competency standard based on changes to FLSC Model Code



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1.	<p>Name of project:</p> <p>Standard(s) review re: Technology in practice</p> <p>Goal/outcome(s) of project:</p> <ul style="list-style-type: none">• Complete a comprehensive review and update of LOM Standard #6 (Cloud Computing) and its supporting Practice Notes and Additional Resources, in order to:<ul style="list-style-type: none">○ ensure it remains a comprehensive, accurate reflection of current law; and○ help small firms manage risk in migrating their practice to the cloud.• Identify and recommend potential new practice standards – or revisions to existing standards - relating to use of technology in practice, in order to:<ul style="list-style-type: none">○ ensure the standard(s) reflect a comprehensive, accurate reflection of current law; and○ support lawyers and firms in navigating their obligations while integrating technology solutions into their practices. <p>Timeframe for completion:</p> <p>September 2021 for Cloud Computing Standard review. September 2022 for additional recommendations.</p> <p>Resources required (volunteer, staff):</p> <p>Technology Standards subcommittee; Committee members and NSBS staff support, as required.</p>
2.	<p>Name of project:</p> <p>Standard review re: Client service</p> <p>Goal/outcome of project:</p> <ul style="list-style-type: none">• Complete a comprehensive review and update of LOM Standard #2 (Client Service) and its supporting Practice Notes and Additional Resources, in order to ensure it remains a comprehensive, accurate reflection of current law and in particular:<ul style="list-style-type: none">○ Includes specific reference to communication as a key aspect of client service; and○ apply an equity lens to the standard and include direction regarding cultural considerations in providing competent client service. <p>Timeframe for completion:</p> <p>May 2021</p>



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	<p>Resources required (volunteer, staff):</p> <p>Committee members and NSBS staff support, as required.</p>
3.	<p>Name of project:</p> <p>Standards review re: professional fees</p> <p>Goal/outcome(s) of project:</p> <ul style="list-style-type: none">• Ensure NSBS LOM Standards (namely, Standards #3, 5, and 7) provide a comprehensive, accurate reflection of current law and practice relating to professional billing and fees.• Determine whether and how 'timekeeping' is addressed appropriately in the context of the practice standards.• Ensure an access to justice lens is applied in reviewing the standard(s) and supporting resources. <p>Timeframe for completion:</p> <p>October 2021</p> <p>Resources required (volunteer, staff):</p> <p>Committee members and NSBS staff support, as required.</p>
4.	<p>Name of project:</p> <p>Standard(s) review re: Record Retention</p> <p>Goal/outcomes of project:</p> <ul style="list-style-type: none">• Consolidate and update NSBS LOM Standards #1 and #4 (and references/footnotes) to reflect a comprehensive, accurate reflection of current law.• Provide lawyers guidance in navigating their obligations while they seek to reduce the cost and burden of old files. <p>Timeframe for completion:</p> <p>October 2022</p> <p>Resources required (volunteer, staff):</p> <p>Committee members and NSBS staff support, as required. Input from LIANS re insurance considerations.</p>



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5.	Name of project: Standard review re: equity and diversity
	Goal/outcome(s) of project: <ul style="list-style-type: none"> In consultation with the Equity and Access Office (and the Equity Committees), review LOM Standard #8 (and its footnotes) and ensure it remains a comprehensive, accurate reflection of current law and best practices. If determined appropriate, develop a supporting Commentary to help lawyers and firms understand and achieve compliance with the practice standard. Review and update the referenced practice resources.
	Timeframe for completion: December 2022
	Resources required (volunteer, staff): Committee members and NSBS staff support, as required. NSBS Equity and Access Office staff and Equity Committees.
Additional Comments on Committee's Plans or Progress	
Progress report February 2022: Project #1: <ul style="list-style-type: none"> The Cloud Computing Standard has been updated by the Technology subgroup and is with the Committee for review at its March meeting. The Tech group has developed a Cloud Computing Checklist – a tool that smaller firms (in particular) can use to help them in procuring appropriate cloud computing service providers. This has been soft launched already and will be distributed to the wider Society membership this Spring. The Tech group is starting work to determine where the new tech competence provisions in the Code should be reflected in the practice standards. This is anticipated to be a focus for the Committee's work in Summer / Fall 2022. Project #2: <ul style="list-style-type: none"> The Committee completed its review and updates to the Client Service standard in Fall 2021, resulting in updating the standard's name to Client Service and Communication. A requirement that lawyers have the requisite cultural competence in the context of client service and communication was added. 	



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Feedback has since been received from the Equity Office and is being reviewed and incorporated at the Committee's March meeting.

- The Committee anticipates the updated standard will be presented to Council at its April meeting.

Project #3:

- Three standards were reviewed, updated and consolidated into one draft, **Standard #3 – Fees** (replacing Standards 3 (Timekeeping), 5 (Retention and Billing) and 7 (Limited Scope Retainer) in Fall 2021, following a thorough review and updating of case law and *Code* references. The new consolidated standard is with the Equity office for input.

Project #4:

- Extensive work was undertaken to consider the appropriate Standard and accompanying guidance for lawyers around file retention and destruction, including consultation with LIANS, plus consideration of limitation periods and the impacts of privacy laws on retaining client information. A draft standard, consolidating existing Standards #1 and #4, is being presented to the Committee at its March meeting for approval, after which it will be sent to the Equity office for input before presentation to Council.

Project #5:

- Committee members leading the review of the Equity Standard have started their consultations including meeting with NSBS President, Tuma Young QC for input on the review process. The Committee expects this will be a focus for its work in Fall 2022, including consideration of where reference to cultural competence in the delivery of legal services should be reflected in the standards.

Other:

- Jennifer Dickison and Jubanti Dhan Toppo are attending the May 2022 meeting to guide the Committee in a training session for applying an equity lens in its work. As part of that training and discussion, further consideration will be given to where cultural competence should be explicitly referenced in the Standards.



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Real Estate Standards Committee	
Committee Mandate and Responsibilities	
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:	
<ol style="list-style-type: none">1. Make recommendations to Council with respect to identification of:<ol style="list-style-type: none">a) existing applicable professional standards of real estate law practice and emerging real estate law issues which may require the development of professional standards.b) changes in professional standards of real estate law practice and emerging real estate law issues which require amendments to standards.2. Annually review the NSBS Professional Standards – Real Estate Law, amend as necessary, and advise Council with respect to potential amendments, including providing notice of the amendments for Council approval;3. Annually review the footnotes and references to the NSBS Professional Standards – Real Estate Law;4. Identify and provide resources and tools to assist members to practice in accordance with the Standards.5. Act as a resource on issues of professional standards for real estate law as may be requested by Council.	
Committee Chair:	
Danielle MacLean	
Sub-committees, if any, and names of Chairs:	
N/A	
Matters assigned to Committee by Council's Activity Plan	
<ol style="list-style-type: none">1. Review of Council Policy 16 and the Society's Strategic Framework2. Review Committee TORs and recommend changes to Council as required3. Continue the review of all Standards to ensure they are Triple-P compliant (principled, proactive and proportionate)	
Details for each Project/Initiative	
1.	Name of project: Existing Standard Review



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	<p>Goal/outcome of project:</p> <p>To review and consider whether amendments are required for current standards:</p> <ul style="list-style-type: none">(1) Builder's Liens,(2) Personal Property,(3) Proof of Execution,(4) Tidal Waters,(5) HST,(6) Plans and Surveys <p>Review current standards with regard to LTCA references.</p> <p>To review all existing standards with an equity lens</p> <p>To review all hyper-links in standards to ensure they are active/accurate</p> <p>Draft updates to standards as required.</p>
	<p>Timeframe for completion: End of 2022</p>
	<p>Resources required (volunteer, staff): N/A</p>
2.	<p>Name of project: New Standard Drafting</p>
	<p>Goal/outcome of project:</p> <p>To consider new standards relating to:</p> <ul style="list-style-type: none">(1) Property Tax,(2) Non-Resident Dispositions, <p>To draft a Commercial real property transaction checklist</p>
	<p>Timeframe for completion: End of 2022</p>
	<p>Resources required (volunteer, staff): N/A</p>



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3.	Name of project:
	Case Review
	Goal/outcome of project: The committee reviews several times a year relevant case law. Any relevant caselaw will be added to the standards.
	Timeframe for completion: End of 2022
	Resources required (volunteer, staff): N/A
4.	Name of project:
	Goal/outcome of project:
	Timeframe for completion:
	Resources required (volunteer, staff):
Additional Comments on Committee's Plans or Progress	
<p>The Committee will measure its success by the amount of work in the chart is completed. The Committee partners with the NSBS Equity Committees, as well as lawyers, by asking for their input prior to finalization of any amendments / new Standards. The Standards are communicated to the membership by email and are available to the membership and the public via the internet. The work of this Committee advances the Society's strategic framework by supporting the Foundational Activities relating to engagement with members when Standards are drafted and by identifying best practices for lawyers in the province as noted above.</p> <p>These standards were completed in 2021:</p> <ol style="list-style-type: none">1. Opening letter for mobile home purchase2. Leaseholds3. Opinion of Title and Certificate of Legal Effect4. Annual review of standards5. We reviewed multiple other standards and determined updates were not required at this time. <p>The following are with NSBS Equity Committee Approval:</p> <ol style="list-style-type: none">1. Documentation of Advice and Instruction	



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2. Quieting Titles
3. Debentures
4. Judicial Sales
5. Tax Deeds

The committee is working on reviewing drafts based on member comments relating to:

1. Expropriations
2. Judgments



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COMMITTEE WORK PLAN AND PROGRESS REPORT 2021-2022

WILLS, POWERS OF ATTORNEY, AND PERSONAL DIRECTIVES COMMITTEE	
Committee Mandate and Responsibilities	
<p>Mandate: The 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.</p>	
<p>Responsibilities:</p> <ol style="list-style-type: none">1 Make recommendations to Council with respect to identification of:<ol style="list-style-type: none">a) professional standards and emerging issues in Wills practice that may require the development of professional standards; andb) changes to the Wills Standards and emerging issues that require amendments to existing Wills Standards.2 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;3 As required, review, and amend or revise if necessary, the footnotes and references to the Wills Standards;4 Identify and provide resources and tools to assist members to practise in accordance with the Standards;5 Act as a resource on issues of professional standards for Wills as may be requested by Council.	
Committee Chair: Timothy C. Matthews, QC, TEP	
Sub-committees, if any, and names of Chairs: N/A	
Matters assigned to Committee by Council's Activity Plan	
<ol style="list-style-type: none">1. Drafting and annual review of Committee Terms of Reference and review of Council Policy 162. Society's Strategic Framework – Consider revising the approach to Standards (proactive, principled and proportionate) such that Standards are drafted based on known risks associated with the area of practice.3. Review of Standards	
Details for each Project/Initiative	



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1.	STANDARDS approved by Council:
	Revocation Standard
	Income Tax Standard
2.	STANDARDS introduced to Council and circulated to the membership for comments:
	Planning for Assets in Multiple Jurisdictions Standard
	Designation of Beneficiary Standard
3.	STANDARDS under discussion in the Committee:
	Execution of Wills Standard
	Further Estate Planning Arrangements Standard
4.	Possible Future STANDARDS:
	Trusts Standard
Additional Comments on Committee's Plans or Progress	



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**COMMITTEE WORK PLAN AND PROGRESS REPORT
2021-2022**

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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 differed 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.