



NOVA SCOTIA BARRISTERS' SOCIETY

**COUNCIL MEETING AGENDA
IN PERSON & VIA ZOOM**

Date	Friday, May 20, 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	4	Discussion
2. BIG ITEM					
2.1.	Education & Credentials Update	45	J. Pink	10	Discussion
2.2.	Annual Lawyers Report 2022 – edits	30	K. Shewan and J. Mullenger	48	Discussion and Approval
3. POLICIES & PROCESSES					
3.1.	ICD introduction	30	Alison Ground		Information
3.2.	June training and orientation session, Council dinner, October retreat	20	M. Petrunia		Update
3.3.	Federation update	15	F. DeMont		Update
3.4.	Honourary Membership for Brad Johns, Minister of Justice and Attorney General	30	T. Young		Information
4. IN CAMERA					
5. CONSENT AGENDA					
The Consent Agenda matters are proposed to be dealt with by unanimous consent and without debate. Council members may seek clarification or ask questions without removing a matter from the					

consent agenda. Any Member may request that a consent agenda item be moved to the regular agenda by notifying the President or the Governance Officer prior to the meeting.					
5.1.	Minutes of the April 22, 2022, Council Meeting			70	Approval
5.2.	Resignations: Ms. Jennifer Sarah Bond Ms. Susan C. Brousseau – <i>effective 07/01/2022</i> Ms. Susan Rita Hope Winfield				Approval
5.3.	Committee appointments: Jamie Vacon, Nominating Committee Bruce McLaughlin, Complaints Investigation Committee Jessica Lyle, Chair, Wills, POA and Personal Directives Standards Committee MJ Saunders, Vice Chair, Wills, POA and Personal Directives Standards Committee				Approval
6. FOR INFORMATION					
6.1.	2021-2022 Council Calendar			74	Information
6.2.	2021-2022 Activity Plan			76	Information
6.3.	President's Report			86	Information
6.4.	Executive Director's Report			87	Information
6.5.	Consultation policy			89	Information
6.6.	Law Society of Alberta Benchers Approve Acknowledgment of Systemic Discrimination			95	Information
6.7.	Bourinot's Quick Reference Guide			98	Information
7. WRAP UP					
8. The 2 Minute Evaluation					
Council members are asked to complete the evaluation					

9. MEETINGS

- June 17, 2022, at 1:00 p.m.
- June 18, 2022, at 8:30 a.m (Annual Meeting) - Council meets briefly after the Annual Meeting to deal with any urgent business



NOVA SCOTIA
BARRISTERS' SOCIETY

MEMORANDUM TO COUNCIL

FROM: Jennifer L. Pink, Acting Director, Education & Credentials

DATE: May 2, 2022

SUBJECT: Monitoring Report – Education and Credentials

For: Approval ☐

Introduction ☐

Information ☒

Recommendation/Motion:

Executive Summary:

The purpose of this report is to brief Council about the Society's credentialing responsibilities and the work of the department of Education & Credentials.

Analysis:

Introduction

Section 4 of the *Legal Profession Act* defines the purpose of the Nova Scotia Barristers' Society - to "uphold and protect the public interest in the practice of law". In pursuit of this purpose, one of the responsibilities of the Society is to establish standards for the qualifications of those seeking membership in the Society. The Society's Regulations and credentialing policies provide specifics as to how this mandate is accomplished.

The Education & Credentials department ("E&C") processes and advises on a wide range of applications and credentialing requests relating to the practice of law in Nova Scotia, each of which involves advisory support for applicants and members. For example:

- Applications to be Articled Clerks and Principals
- Applications for admission on transfer
- Applications for temporary practice permits

- Applications from current members seeking to change their membership category upward (i.e., to practising lawyer) or downward (to non-practising, retired or to resign), or to a life member (after 50 years in practice)
- Applications for permits to operate law corporations (and renew annually)
- Applications for admission (post-articles)
- Requests to register NS LLPs
- Other applications for change of membership status (appointment to the bench, life membership, reinstatement of former judges, readmission after disbarment)
- Registration of new NS law firms (including interjurisdictional law firms)
- Foreign legal consultant applications
- Certificate of Standing requests
- Applications to abridge articles to accommodate the 'gap' between articling end dates and the next bar admission ceremony

In addition to our formal applications and decisions, the department is responsible for:

- Providing staff support to the Credentials Committee, including administration of applications before the Committee, drafting policies, and general advice on credentialing issues
- reviewing and approving articling plans and education plans
- facilitating applications to be a Notary Public (note: we collect the application materials during our Bar Call process on behalf of the Legal Services Division of the DoJ)
- administering the Management for Ethical Legal Practice (MSELP) self-assessment program
- planning and co-hosting with LIANS the annual Solo and Small Firm Conference
- administering the Mandatory CPD requirement
- providing timely practice advice relating to regulatory obligations, practice management, and practice transition (ie Legal Services Support)
- organizing and administering bar call ceremonies
- administering and evaluating 2 competency assessments: the Land Registration Act Qualification Assessment and the Trust Account Assessment
- providing staff support to the Family Law Standards Committee, the Criminal Standards Committee, the Law Office Management Standards Committee and the Rural Practice Working Group. Staff also sit on the Real Estate Standards Committee.

In all our work we recognize the need to bring Triple-P, risk focus and equity lens perspectives to our analysis of the issues being addressed. Our work is constantly evolving as a result and the Credentials Committee is continually reviewing and updating relevant policies and procedures.

Fair Registration Practices Act

Since February 2010, the inception of the *Fair Registration Practices Act*, the responsibility for making initial admissions and credentialing decisions has shifted to the Executive Director. Those decisions, except where good character or fitness to practice are at issue, have been delegated to the Director, Education & Credentials. Only decisions involving a determination of character or fitness are referred to the Credentials Committee in the first instance.

The *Fair Registration Practices Act* is mentioned because it demands additional staff resource. We are required to complete yearly reports and undergo a review of all admission processes every two years. As has been reported previously, FRPA caused the Society to review all admission processes and ensure that information regarding admissions is available and easy to understand. We regularly review our website, policies, and applications to ensure we meet those standards.

The Work of E&C

The work of the department can be broken down into four core areas: Credentialing, Bar Admission Program, Legal Services Support (i.e., MSEL, New Firm Registration, practice advisory services) and other education / continuing professional development; each will be dealt with in turn.

1. Credentialing

Most of the Society's credentialing work involves applicants seeking membership to the Society, or changes in practising category.

There are three avenues by which a person may become a member of the Society:

1. Article and complete the Bar Admission Program – i.e. the Practice Readiness Education Program (PREP) delivered by CPLED, and the Society's Cultural Competence Workshop;
2. Transfer from another province within Canada; or
3. Transfer from outside Canada.

The Credentials Committee is responsible for making decisions on applications where the applicant's character or fitness is in issue. In the past fiscal year two such applications were taken to the committee. These are time intensive applications that rely heavily on both our volunteer and staff time.

Members of the Society hold one of the following categories:

1. Practising Lawyer;
2. Non-Practising;

3. Resigned;
4. Life Member; or
5. Articled Clerk.

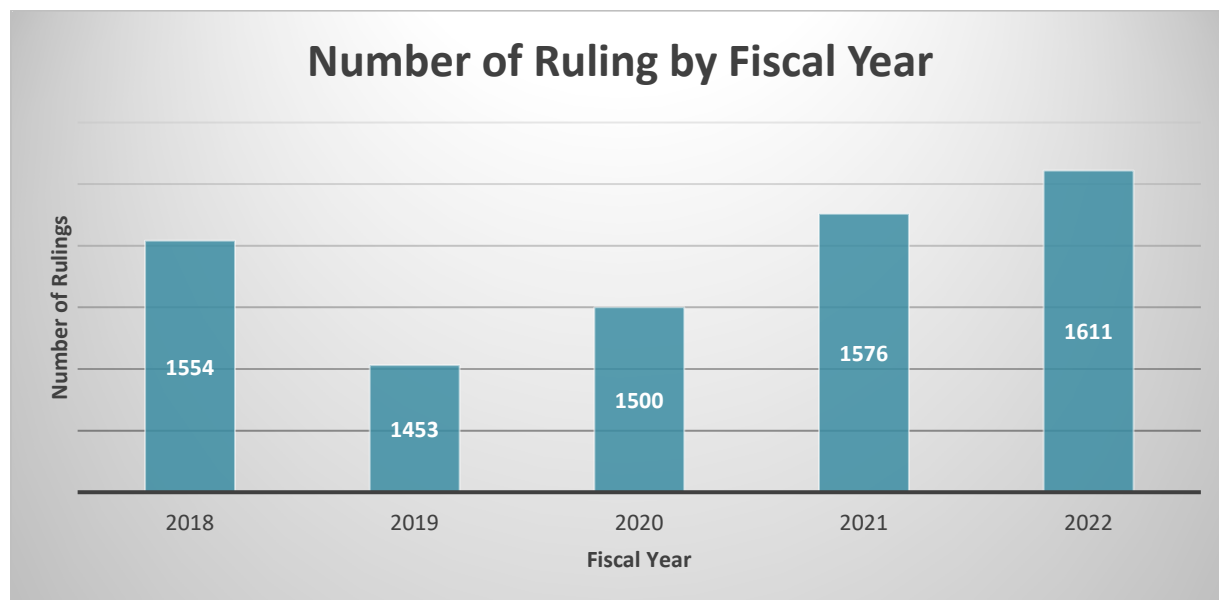
We have been issuing electronic rulings for many years which served us well during the pandemic. Staff have been able to maintain their work volumes and deadlines without interruption while working from home because our files are electronic.

Both staff and the Credentials Committee continually review processes, policies and decision making to ensure that risk and triple “P” principles are applied in all situations. After framing our decision making within its authority, we start each analysis by looking at what risk may be involved to the public by the request that is being made. We also apply an equity lens to decisions and have dealt with a variety of applications involving individuals from equity seeking communities requiring consideration of situational circumstances and impacts.

We consider what is the most proactive, principled and proportionate way to approach each decision, within the scope of our authority. Examples include: applying our ‘exceptional circumstances’ policy to not require original documentation for applications where it is not feasible to provide (and seeking alternative sources for confirmation); finding ways to permit people to return to practice or to transfer to Nova Scotia without necessarily requiring all components of the Bar Admission Program; permitting more flexible articling arrangements and abridging articles to avoid creating unnecessary burdens; finding ways to test the skills of a foreign transfer without necessarily insisting that they article or work under supervision.

As you’ll know, we made a dramatic change to our Bar Admissions Program in 2020 when we moved away from the Bar Examination and introduced the requirement for new admittees to complete CPLED’s PREP program. This forced us to re-evaluate other aspects of our requirements. As we no longer can ask foreign transfers to write the Bar Examination, we considered whether there is a reasonable alternative to that requirement. As a result, we often require international applicants to demonstrate their competency by completing the PREP final (competency) assessment and undertake a review of our Bar Review Materials which outline the main areas of law in Nova Scotia. Equally, we often require the same of a lawyer returning to practice after many years away, where it is appropriate to (re)assess their competence to practice law.

What follows is a presentation of the numbers of in-house rulings for the past 5 fiscal years. Note that the year we are reporting on (ending April 30 2022) is referred to as ‘2022’ throughout this report. In assessing team resourcing and workloads, it’s important to note that some applications require more analysis than others. For example, making a ruling on a foreign transfer takes significantly more resource and time than processing an application for a notary public. Nevertheless, each application must be processed, a decision must be made and communicated to the applicant, and most often requires a degree of back-and-forth communication between applicant and staff.



Credentialing Applications and Rulings

E&C issued 20 types of rulings during the year in addition to Articling Rulings. In most categories numbers have remained relatively consistent – other than a notable increase in Foreign Transfer applications. This type of application is resource intensive, requiring extensive time for document and information collection and a detailed ruling letter. We also saw a significant increase in applications for law corporation permits (and note that we now renew close to 400 permits annually) and expect that trend to continue.

In the past, the majority of our foreign transfer applicants were resident outside of Canada at the time of their application. That was not the case this past year; staff noted the majority of applicants were already residing in NS at the time they applied.

We had our first ever application for status as Canadian Legal Advisor. This is equivalent to a transfer from Quebec – like a domestic transfer, but with practice restrictions.

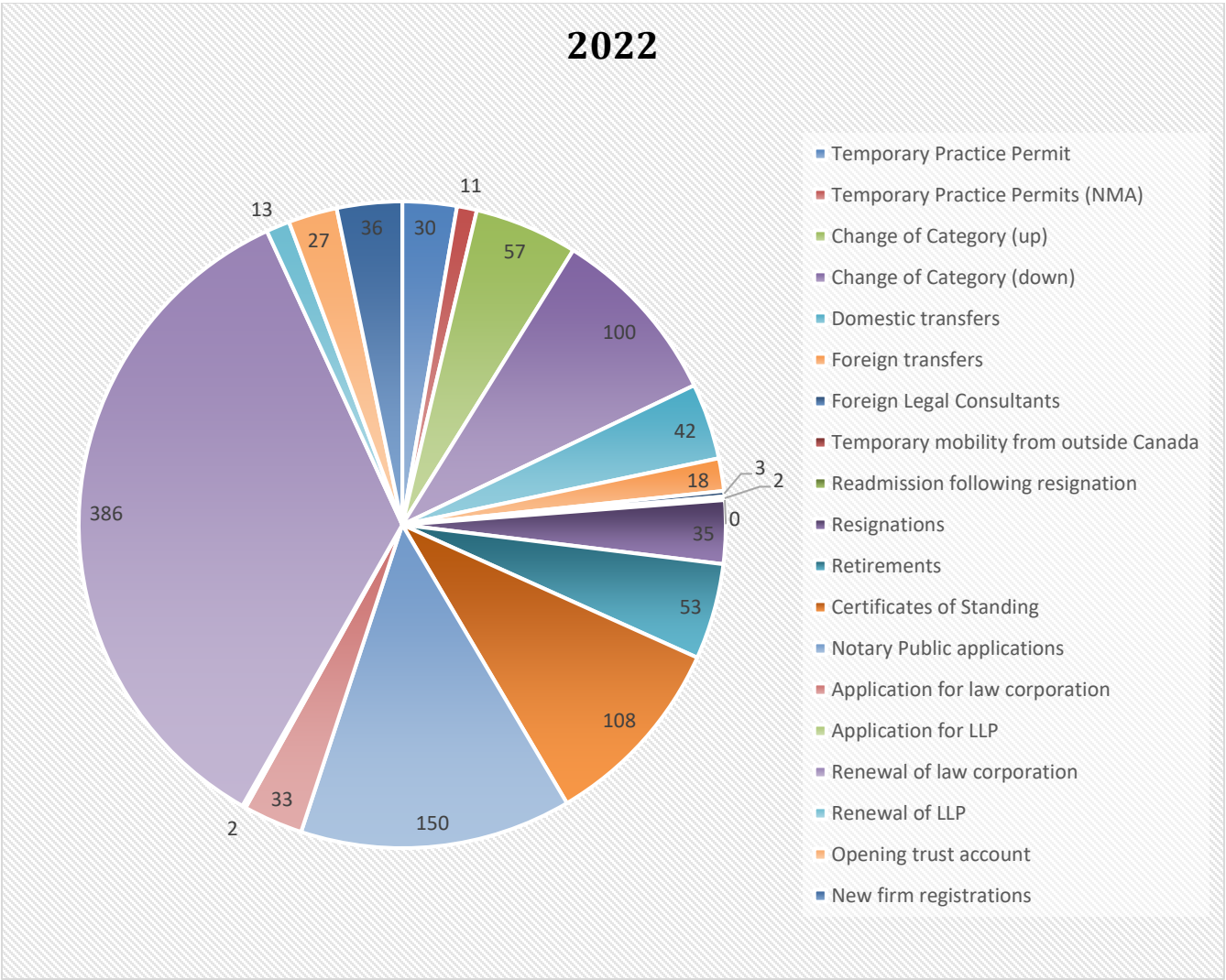
What follows is a breakdown of the types and numbers of staff rulings:

	Fiscal year 2018	Fiscal year 2019	Fiscal year 2020	Fiscal year 2021	Fiscal year 2022
Temporary Practice Permit	41	43	29	39	30

Temporary Practice Permits (NMA)	9	5	6	6	14
Change of Category (up)	60	54	47	51	57
Change of Category (down)	112	96	115	104	100
Domestic transfers	42	55	33	56	42
Foreign transfers	11	4	13	13	18
Foreign Legal Consultants	4	1	1	0	3
Temporary mobility					
	Fiscal year 2018	Fiscal year 2019	Fiscal year 2020	Fiscal year 2021	Fiscal year 2022
Readmission following resignation	0	0	1	0	0
Resignations	45	27	25	43	35
Retirements	41	58	43	46	53
Canadian Legal Advisors					1
Reinstatement of Former Judge					1
Certificates of Standing	120	77	105	101	108
Notary Public applications	123	137	115	139	150
Application for law corporation	17	20	19	19	33
Application for LLP	2	2	1	2	2
Renewal of law corporation	418	401	393	399	386
Renewal of LLP	12	13	13	13	13
New firm registrations	14	23	32	27	36

Please note: The Society's fiscal year runs from May 1 to April 30

This chart represents numbers of rulings of different types over the last fiscal year:



Articling Applications and Rulings

The Articling process involves a variety of applications and rulings starting with the articling application up to and including the application for admission. A list of the types of rulings staff make and related statistics are represented below. Note that the number of articulated clerks in the last fiscal year (90) was typical, falling between the numbers from the two years prior.

When the pandemic started, we feared the implications for articling positions and hire back rates. The data does not support these fears and we are seeing our usual volume of applications coming in now for the traditional June 1 start date.

Applications for extensions of articles are down somewhat because of us adding additional (administrative) bar call dates during the year.

Where we do see a slight upturn in numbers is overall applications for admissions. The increase is a result of an increasing number of lawyers transferring from other jurisdictions or being admitted from foreign jurisdictions. Anecdotally, we noted several lawyers returned to NS from other provinces during the reporting period, noting that (reasons relating to) the pandemic motivated them to do so.

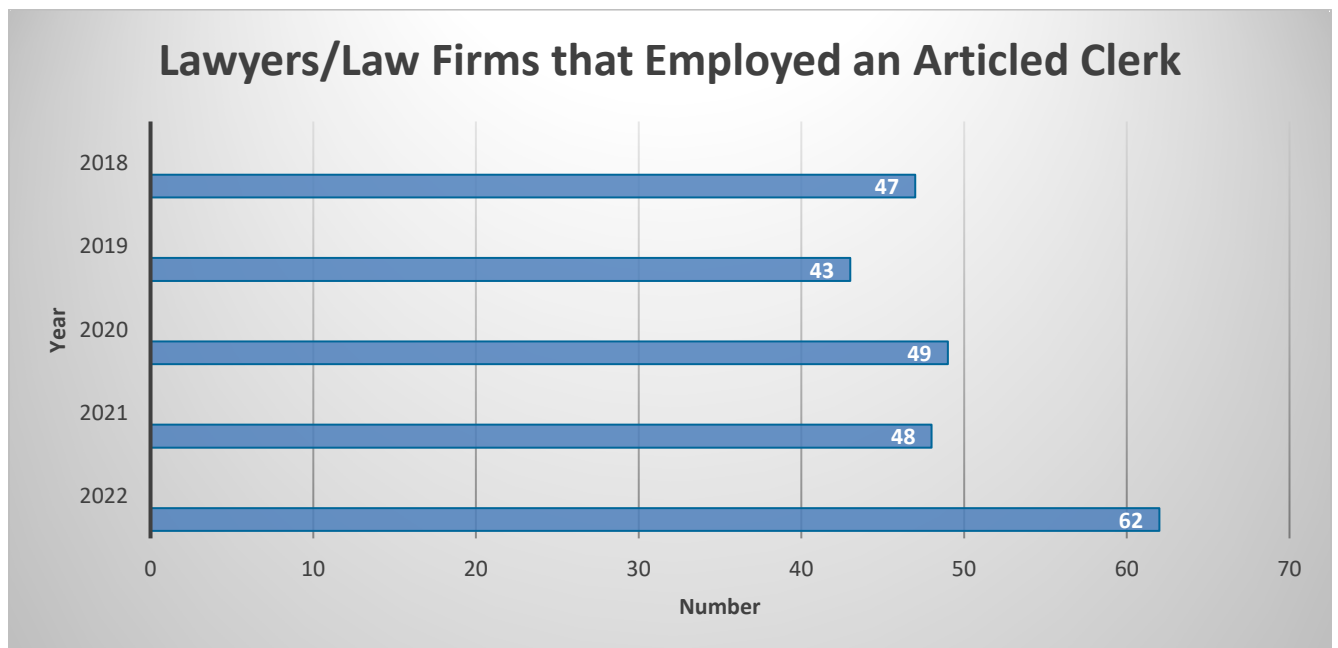
Type of ruling	Fiscal year 2018	Fiscal year 2019	Fiscal year 2020	Fiscal year 2021	Fiscal year 2022
Articled clerk applications	78	70	84	94	90
Articling plans	86	54	84	94	90
Education plans	57	43	73	48	59
Principal applications	61	48	72	51	63
Change in supervising lawyer/principal	0	1	1	0	0
Extension of articles	24	53	22	36	28
Applications for admission	131	136	113	137	148
Termination of articles	0	0	0	0	0
Secondment of articles	18	13	19	17	14
Application to work outside articles	0	1	0	3	0
Abridgement of articles	5	6	4	5	0
Leaves of absence	5	1	2	2	3

A notable change in the last fiscal year was a 29% increase in the total number of law firms / entities employing articled clerks. Most years the variations in numbers are caused by the differences in rural lawyers taking clerks as well as sole practitioners and

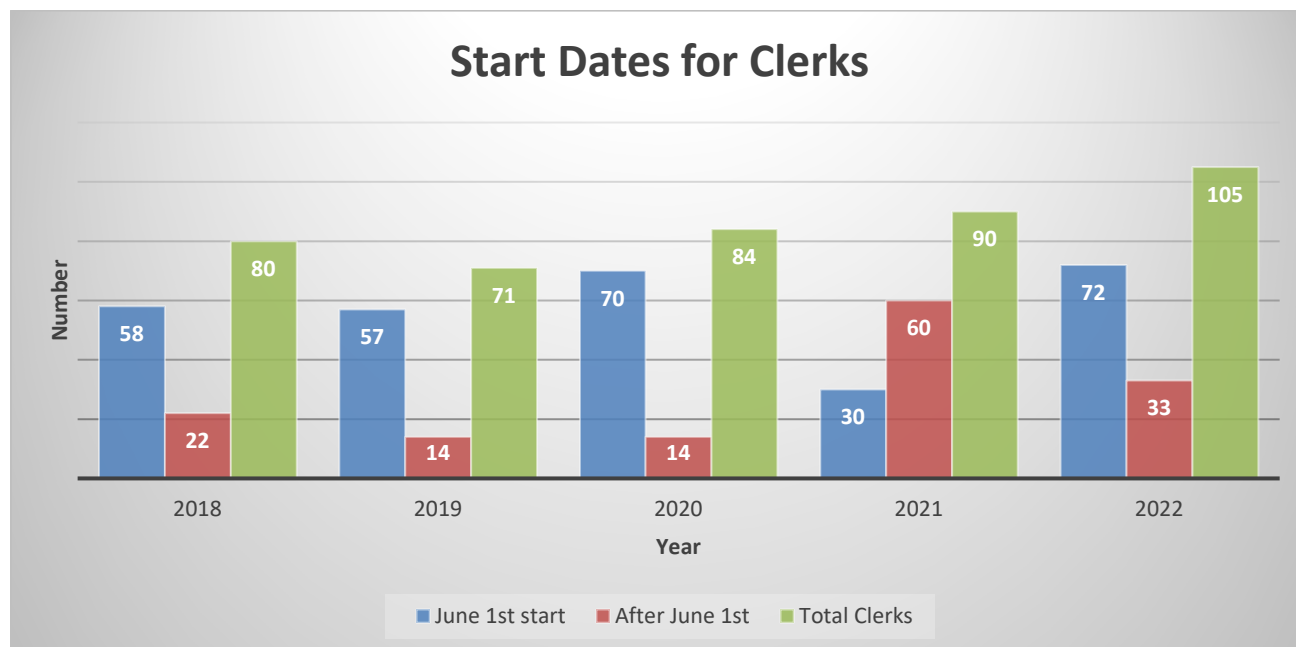
government. This year the spread of new employers from the year prior is not specific to any region or demographic, and includes not-for-profit (e.g. EcoJustice), small and medium firm employers. It is interesting that the increase happened during COVID, albeit the second year.

My theory is that 'but for' COVID we would have seen a moderate increase in employer numbers last year, but instead the number in 2021 remained static from the year prior. If that is so, the number of employers for articulated clerks is probably on the (gradual) rise, meaning more variety of NS articling experiences is becoming available to our clerks.

The number of employers against previous years is as follows:



Represented here is the total number of Clerks and also start times over 5 years:



Note that at the start of the pandemic we saw a significant increase in the number of clerks starting articles after the regular June 1st intake. Early in the pandemic we amended the regulations to allow for a reduced articling term. Clerks were permitted to article for the full year but could choose to article for as few as 8 months. We extended this optional reduced term into reporting period and are currently reviewing whether it will extend further into the current fiscal year.

The statistics for 2022 suggest that things are slowly shifting back to pre-pandemic figures. During the reporting period, 72 students were able to start on June 1 and complete a full 12 months of articling (versus 30 the year prior). The PREP program takes 12 months to complete which means a 12-month term will enable students to maintain employment while they complete the requirements for admission.

The Society does not gather statistics about students looking for articling positions, as we are not involved in employment arrangements and so, are only aware of employment trends and issues anecdotally. Of course, we know the pandemic presented many challenges for students and employers. To assist with this where we could, we permitted students to enroll in the PREP program prior to obtaining an articling position. Of the 98 students enrolled in the June 2021 PREP intake, only 3 were enrolled without articles.

We continue to work with potential clerks and principals to create articling plans that are outside the traditional model of articles but still offer the student a valuable and workable articling experience that achieves the competency requirements for newly called lawyers.

Bar Admissions

Since June 2014, the Society has changed the model for its admission ceremonies. Prior to then, they were offered most months of the year – they were often unnecessary and resource intensive.

As a result, the Society moved to four ceremonies per year, including the ‘big’ call in June. This means operational resourcing is more appropriate for the number of admittees – but it does mean there is often a period of waiting for those articulated clerks and transfers who fall outside the traditional (June start) articling schedule.

The need for students to wait until the next call date results in their inability to work as a lawyer. In many cases we solved this issue for Clerks by abridging articles, or by having them called before their articles were complete but requiring them to fulfill the rest of their articling term post-Call. So far, this has worked well. As noted above, the recent reduction of the articling term to as little as 8 months has mostly eliminated the need to abridge articles.

The admissions dates and figures for the reporting period and four years prior are:

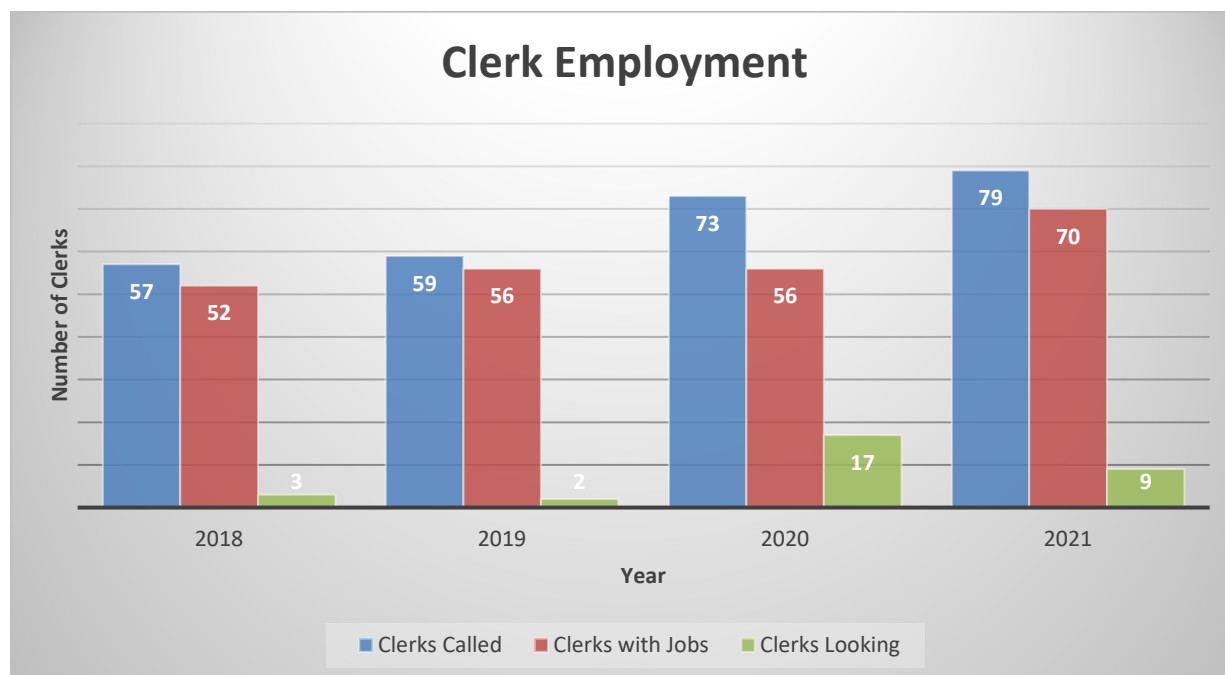
Month of call	Total number called	Articled clerks	Transfers	Readmission following resignation
January 12, 2018	15	3	12	0
April 20, 2018	9	1	8	0
June 15, 2018	62	58	4	0
October 19, 2018	41	11	30	0
January 11, 2019	20	6	14	0
May 3, 2019	13	1	12	0
June 7, 2019	60	59	1	0
October 11, 2019	20	12	9	0
November 8, 2019 Posthumous call	11			
January 17, 2020	12	1	11	0
April 16, 2020	21	2	18	1
June 5, 2020	77	73	4	0
October 14, 2020	21	4	17	0
January 13, 2021	17	1	16	0
April 16, 2021	22	0	22	0
June 18, 2021	93	79	14	0
August, 2021	6	5	1	0
November 19, 2021	28	4	24	0
January 14, 2022	8	0	8	0
April 8, 2022	13	1	12	0

Due to the pandemic, the Supreme Court agreed to move forward with a paper (administrative) call for the April 2020 ceremony and we have continued with paper calls for the smaller ceremonies since that time. Paper calls involve applicants swearing or affirming their oath before a notary public (E&C staff) via video conference, filing an affidavit with the courts confirming they had done so, and signing the roll electronically. These have enabled our admissions to continue in timely way and accommodate applicants who aren't able to travel.

Generally, transfer applicants prefer the paper call format as they've already attended a ceremonial bar ceremony in their home jurisdiction. Some first time admittees prefer it to as it enables family and friends around the world to 'attend' virtually and witness their oath and signature.

The June 2021 call was a 'virtual' call, meaning the Court held a Zoom hearing to have the new lawyers take their oaths before Justice Brothers. Note that we are planning June 2022 to be hybrid in-person event and administrative call, enabling admittees to choose their preference, assuming Public Health guidelines allow for this. Justice Jamieson will preside over the in-person ceremony.

The numbers for the large June call (only) over the last few years are set out in the table below. In June 2021, we called 79 articulated clerks. Of those, 70 had secured employed positions at the time of their call. This was an improvement on the year prior when 17 were still looking for post-call jobs. (Note that we anticipate calling 105 new lawyers this coming June 2022.)



2. Bar Admission program

As you know, we transitioned to a new Bar Admission Program in June 2020. It comprises PREP offered by CPLED and the Society's Cultural Competence Workshop (currently offered twice annually in July and December).

CPLED's Practice Readiness Education Program (PREP)

As of May 2022, we've had four intakes of CPLED's PREP program, including two (June 2021 and December 2021) that began the program during the reporting period.

Since then, we've worked to monitor and continually enhance the program and the NS student experience. As Acting Director, I sit on the CPLED User Group that meets quarterly and receives bi-weekly updates. The CPLED Board of Directors comprises individuals from the four respective provincial law societies and includes the Society's Acting Executive Director. Finally, the Credentials Committee monitors the results from and evolution of PREP at every stage.

For those new to Council since the program began, I provide below a brief overview of Then, summaries of the results of the June 2020, December 2020, and June 2021 intakes (appendices 'A', 'B', and 'C' to this report correspond to these summaries).

The last report to Council on PREP was in May 2021. Significant improvements and developments have occurred over the past 12 months, I attempt to outline those here and highlight the upcoming pilot for an accelerated program.

a. PREP – an overview

The Canadian Centre for Professional Legal Education (CPLED) provides pre-call legal skills training to the Bars of Alberta, Manitoba, Nova Scotia and Saskatchewan.

Several years back we began working with CPLED to transition away from the previous NS Bar Examination. As of June 2020, NS articling students must complete CPLED's [Practice Readiness Education Program \(PREP\)](#) as part of the NS Bar Admission Program.

In Nova Scotia, we now rely upon PREP as the primary source for competency assessment for lawyers entering the profession, or returning to practice after a significant absence. In addition to our clerks, international lawyers applying for NSBS membership are often required to take part or all of PREP as a condition to their admittance. Infrequently, law school graduates without articles can also take PREP with a view to assisting them in securing articles later.

PREP delivers practical lawyering skills and competencies in an integrated approach that combines interactive, transactional learning and simulation within four distinct phases:

i. Foundation Modules

Online modules that combine self-directed study and interactive assessments with multimedia learning to provide a foundation in all the CPLED competencies.

[Lawyer Skills](#) – what a lawyer does

[Practice and Self Management](#) – how a lawyer practises

[Professional Ethics and Character](#) – who a lawyer is and how a lawyer behaves

Through these modules students have an opportunity to develop and assess skills, building a strong foundation from which to tackle increasing complexity as they progress through the program.

ii. Foundation Workshops

Here, students interact with each other and facilitators through interactive workshops that include role-playing in the areas of interviewing, negotiating, and advocacy. They participate in simulations and practice management.

The focus is on integrating knowledge and skills development in social environments, getting feedback from peers and experienced lawyers, and applying what they learned in the Foundation Modules. The workshops prepare them to manage a legal matter during the next phase.

iii. Virtual Law Firm

Students put their foundational training to the test, working as lawyers in a Virtual Law Firm, where they manage multiple aspects of a legal file throughout its life cycle in an online environment. They work through three legal matters comprised of four practice areas, business law, criminal law, family law, and real estate.

These transactions include interviewing simulated clients within a learning management system to allow assessors with practice area expertise, and practice managers to assess students' skills, knowledge, and progress as they complete each task. Students also receive coaching and mentoring from a practice manager for the duration of the practice rotations.

iv. Capstone

In this final assessment, students demonstrate their skills and competencies in one final simulated transaction. They complete tasks demonstrating their competence in decision-making, provide clients with ethical and professional representation and use the appropriate case management and technical tools

to guide their work. Finally, they submit a final reflection on the entire program.

The program builds on each prior phase, building in complexity and requiring students to develop competencies through tasks that assess not just knowledge, but how they apply lawyer and practice management skills and demonstrate professionalism, ethics, and values.

b. Results, feedback and program improvements – June 2020, December 2020, June 2021 intakes

June 2020

The first PREP offering for NS students was in June 2020. The students completed their Capstone Assessment in March 2021 and received their results in May 2021. (See Appendix 'A')

In summary, of 98 students: 77 passed the Capstone (pass rate 87%), 8 failed, and 5 wrote supplementals. The students who wrote supplementals were all successful. The 8 students who failed challenged the Capstone Assessment again and all but one passed.

Across the CPLED jurisdictions, a total of 765 students completed the March 2021 Capstone and the overall pass rate was 86%, meaning NS students had comparable results. The overall fail rate was 8%, as it was for NS students.

As we would previously for students unsuccessful with the bar exam, staff offered assistance (ie review, feedback and preparation) to NS students who failed the Capstone or were required to write a supplemental.

The timing of the launch of PREP posed obvious challenges. Due to COVID, the program was required to pivot and move to a fully virtual format, which was not ideal and put administrative strain on the CPLED staff. It also took away from the intended collaborative in-person experience for students during the Workshop phase.

CPLED undertook an intensive review of the results of its first program offering as part of a continuous improvement initiative. It surveyed its students and external contractors throughout the June 2020 intake, asking for feedback. It also invited Principals and firm contacts with students enrolled in the program to engage in collaborative conversations with the management team. Four one-hour sessions took place during the summer of 2021 with 34 firm representatives across all CPLED jurisdictions. Society staff also participated in an observer role.

A full report from CPLED on the outcome from this initiative and feedback received is attached as Appendix 'D' to this report. The core feedback that required addressing can be summarized in 5 headings:

- i. Assessors' and assessment feedback (eg inconsistent feedback delivered by assessors to the students; lack of interaction between students and Assessors)
- ii. Demanding Program (eg stress from the demands of balancing articling requirements with PREP studies; challenges for firms / principals to schedule student work during specific program phases)
- iii. Lack of customer service (eg CPLED responses to student inquiries were perceived at times as non-helpful)
- iv. Issues finding / locating program content online\
- v. Communicating with other students and principals about PREP (ie students had the impression they could not speak to fellow students, Principals, or other lawyers about PREP or their assignments)

The enclosed report goes into more detail on each area of feedback and CPLED's response to ensure these areas were addressed. In short, to improve the quality of feedback for students, significant work was undertaken to improve Assessor training and calibration sessions. Assessment guidelines were introduced to provide both Assessors and students clearly outlined feedback expectations.

Regarding concerns about the schedule, CPLED now shares the PREP schedule and a phase description with all Principals before the start of each phase.

Significantly, regarding the perceived issues in customer service, CPLED hired additional staff to its education team (two lawyers as Education Counsel and four Program Assistants) to ensure a more timely and fulsome response to questions on its discussion boards, and to reduce reliance on the discussion boards generally (via question triage).

Other improvements included: improving information organization online, clarifying assignment instructions, and updating the PREP Orientation and student handbooks.

Although we knew that PREP was conducting a thorough feedback and improvements process, the Society also reached out to its students and principals to solicit feedback after the first program cycle. The student feedback received echoed much of what was reported by CPLED. In addition, we received specific negative feedback about CPLED's cultural competence session on the last day of the Workshops, including concerns about content and format. We had heard similar concerns about this session from students anecdotally, too, and provided it to CPLED so it could be addressed. We also relied upon this feedback in revising our own Cultural Competence Workshop, which received positive feedback after the December 2021 session.

December 2020

Appendix 'B' provides an overview of the results of the second PREP intake, representing a much smaller student cohort.

Of 17 NS students, 11 passed the Capstone (65%), 3 failed (18%), 3 required supplementals (18%). The three supplemental rewrites were successful. Two of the students who challenged the Capstone a second time were successful.

June 2021

The results for the June 2021 intake were released May 12, 2022 and are affixed as Appendix 'C'.

Of 102 NS students, 95 passed the Capstone (93%), 2 failed (2%), 5 are required to write supplementals (5%).

We are connecting now with the students who must write supplements to offer support in their review and preparation. They are on a short timeline as they are hoping to be called to the NS bar on June 17.

The increase percentage of students passing (87% last year to 93% this year) might be an indicator that CPLED's improvements are bearing fruit. Again, CPLED is surveying students and principals to solicit feedback, and we are doing the same.

Note that results for the December 2021 intake will be released in October 2022.

c. Accelerated PREP

Based on feedback received from firms and students – specifically, around challenges experienced balancing competing priorities between their Bar admission program and articles – CPLED is testing out a new accelerated PREP format this summer.

Accelerated PREP is a virtual full-time 14-week compressed version of PREP. While enrolled in Accelerated PREP, students must dedicate a full day (seven and a half hours) of study, five days a week to the program. Due to the program's fast-paced nature and heavy workload, firms are advised they should not assign work while students complete the program. Students are advised it does not permit time for students to be absent or take breaks / vacation while enrolled.

CPLED decided to limit the number of Accelerated PREP cohorts to focus on the quality of delivery rather than quantity. There will be one NS student cohort with a maximum of 32 students enrolled. We will find out how many are enrolled after May 20, when registration closes.

Accelerated PREP begins on May 30, 2022 and concludes on September 2, 2022. We will conduct a survey of the participants and in particular, seek the feedback of principals who supervised students in both the regular and accelerated PREP formats, for comparison purposes.

The outcomes from the pilot this summer will determine if CPLED offers an accelerated program as a permanent alternative to the regular PREP format.

d. ***PREP Summer 2024 Law Society Project***

You may have seen the notice shared with all members earlier this month from CPLED, advising of its plans to engage with key stakeholders this summer to gather information on potential skill gaps experienced by lawyers who have been called to the Bar in the last five years.

This project is part of CPLED's stated commitment to continuous improvement. CPLED contracted with ACT, an educational non-profit, to facilitate and analyse the feedback received and provide a report that CPLED will use to update PREP for implementation in their Summer 2024 program.

Sessions for NS participants will be held:

- for Principals and Supervisors: Thursday June 16 and Tuesday June 21
- for recent Calls: Wednesday June 8 and Tuesday June 14

Council members who have supervised PREP students are strongly encouraged to participate. Please speak to me if you are interested and I'll see you are sent the registration information posted to the Society's website.

Fuller details are found in Appendix 'E' to this report.

e. ***NSBS Cultural Competency Workshop***

The second component of the NSBS Bar Admission Program is the Cultural Competency Workshop, offered twice per year virtually in July and December. Participation in the Workshop is a requirement for all new admittees and for international transfers.

Our Equity Office is responsible for planning the content and facilitating the Workshop. In December 2021, 121 students attended, including 101 Articled Clerks, 18 internationally trained lawyers, and two members seeking to reinstate their licence. The facilitators included the Equity Office staff, Jennifer Dickson and Jubanti Toppo, as well as two external facilitators: Jude Gerrard, Chief Diversity Officer/ Corporate Strategist at NSCC and a member of Millbrook First Nation; and Shakira Weatherdon - a respected trainer with nearly a decade of experience in the field of sexualized violence, equity and inclusion who leads the implementation of equity-related programs and services at Nova Scotia Community College as the Manager, Equity and Inclusion.

We will collect more specific feedback in the survey sent out to the June 2021 PREP students, but anecdotally (and based on observance of actual participation during the Workshop) NS students were receptive to the December 2021 Workshop and many were highly engaged.

3. Legal Services Support highlights

Legal Services Support (LSS) is both a dedicated 2 person staff team from Education & Credentials that undertakes specific regulatory projects with an educational focus (i.e. MSELP, New Firm Registration), and a cross-departmental initiative to provide Triple P member-focused advisory services.

The Legal Services Support function is focused on three key projects:

1. MSELP Self-Assessment program (formally launched in July 2019)
2. New firm registration (a credentialing and educational support program)
3. LSS advisory work

Since July 2021, the Legal Services Support manager assumed the role of Acting Director, E&C. This in effect halved the dedicated LSS staff team.

Despite the department's resourcing challenges, E&C (and Society wide) staff continued to provide timely advice and support to lawyers seeking guidance on practice management, regulatory and ethical obligations.

Specifics of each of the three key projects are reviewed below in more detail.

MSELP Self-Assessment Program

The MSELP Self-Assessment program formally launched end of July 2019 after extensive testing, feedback, and revision. Since then:

- **280 firms** engaged with LSS staff directly about the program
- **245 firms** were sent the Self-Assessment Tool (SAT)
- **225 firms** submitted a completed Self-Assessment Tool

At this point in time, we have contacted all 'eligible' small and solo firms about the MSELP program. Only 13 SATs are ourstanding.

It's important to understand what this means. There are more than 13 small and solo firms who haven't completed an SAT. This is because an ongoing (and unexpected) benefit of the program has been identifying firms and lawyers contemplating or moving toward retirement, or contemplating other practice transitions. The MSELP program helps us to identify 34 lawyers / firms (to date) approaching practice transitions, many of which we learned about only by reaching out to discuss law firm self-assessment.

This has meant for many firms we are 'switching' the conversation away from self-assessment to other important topics – file reduction, practice succession, and trust account closure to name a few – but it has meant we are able to provide meaningful

support for those firms as they navigate practice transitions. In many cases, this support would not have been sought and lawyers would likely have encountered frustrations and delays to their plans.

It was intended that at the 2-year mark (July 2021) the program would begin transitioning its focus to medium and large firms (currently, approximately 70 in total). The shift in our staff resourcing meant this was impossible, and for now we will continue servicing the practice needs of self-assessing small and medium practices (as well as the many firms working towards exit from practice).

As noted below, 36 new law firms were registered during the reporting period, and those firms will become eligible for an invitation to self-assess after a year in operation. So we intend to administer the program to them in the coming months, along with an additional 15 (approximate) firms that will qualify to self-assess for a second time, having done so during the original testing phase before the program began.

As noted in the recent LSS updated to Council, when E&C staffing returns to full capacity, the program will be adapted for the needs of medium-sized and large firms and administered to them in due course. We will also seek to conduct evaluation of the program for small / solo practice and report back with measurable findings.

New Firm Registration

This mandatory, education-focused program continues to be an impactful way for Society staff to proactively engage with members at a critical point in their law practice 'life cycle'. During the reporting period it took on particular significance as an opportunity to help firms navigate new practices during uncertain times. We also saw an increasing number of extra-provincial lawyers pursue practice in Nova Scotia.

During the reporting period we registered **36 new firms** and engaged with many more who reached out to investigate the process and, in some cases, pursue opening a practice. Several interjurisdictional firms engaged with us about opening offices in NS; some started operations and others are still finalizing plans.

In every instance of new firm registration, we referred lawyers to practice management tools and guidance on both ethical and compliance considerations. In many cases, we made referrals to LAP, to other lawyers (i.e., informal mentorship arrangements), and other resources. Most were referred to our colleagues in the Trust Assurance team to start the process for approval to operate a trust account.

LSS advisory / highlights

Timely practice advice is the 'bread and butter' of our LSS work and the Society-wide Triple-P approach. We triage and respond to calls and emails from lawyers and firms daily and reach out when we become aware of practice support needs.

These exchanges are our main source for learning where lawyers need assistance in understanding and fulfilling their practice obligations. Based on this, we research or create practice tools, deliver education, and promote best practices.

Despite resource constraints on the LSS team over the past year, we advanced some project goals. In particular, we started a series of LSS webinars, launched the website's new Practice Resource Search feature, and advanced the goal of developing tools for navigating technology in practice (e.g. the new [Cloud Computing Checklist](#)).

In the recent LSS report to Council I highlighted the range of ways we've been connecting with and supporting lawyers at all stages of practice during the reporting period. A few highlights are repeated here:

- In October 2021, LSS staff Rob McCleave hosted an in-person session for lawyers in and near Baddeck to get together and work on drafting their file retention policies and succession plans. This model of collaborative, community-based succession planning is one we hope to expand upon over the coming months and something we are exploring further with the Rural Practice Working Group.
- *Helping lawyers navigate practice through COVID* – unsurprisingly, issues around servicing clients remotely and closing / reopening offices were front of mind for many lawyers during 2020-22. The Society was quick to publish its online Q&A early during the pandemic and continued to keep this information current. We know anecdotally that it is the hub where lawyers go to find out the latest guidance from the Courts and other justice partners, as well as best practices. We are committed to helping lawyers get clarity around issues like remote signing as we move into the next phase.
- *Improving online practice resource content and communications* — A significant goal for this reporting period was to improve the searchability of and access to quality practice resources through the NSBS website. The Society's [new practice resource search](#) was launched in November 2021 (at the NSBS / LIANS Solo and Small Firm Conference). The search feature is a central resource hub and is updated regularly with new practice tools and information to help lawyers find websites, articles, webinars, podcasts, videos and more to support them in practice.
- We hosted the first LSS webinar in June 2021: Anti-Money Laundering/Client ID and Verification Webinar. This was followed in July 2021 with: [File Retention and Destruction Webinar: Taking the Straightest Path](#). Both were offered to a live audience and are available to watch on at nsbs.org. A number of additional timely webinars were added to our online resources as we reformatted content from the online NSBS/LIANS solo and small firm conference in November 2021.

- More recently, we launched a new LSS blog through the InForum newsletter. The first of these, in March 2022, introduces the new [Cloud Computing Checklist](#), developed by the Technology subgroup, advisory to the Law Office Management Standards Committee.
- *Assisting firms in dissolution / lawyers leaving firms* – The demand for support in this area has increased. We've advised many firms and lawyers on best practices relating to clearing old trust account balances, notifying clients re options for open files, and closing / transitioning files. We've developed and relied upon specific guidance documents in these discussions, including:
 - [File closing checklist](#)
 - [Foundation document file checklist](#)
 - [Managing risk with old trust account balances](#)
- *Supporting a Real Estate Bar under pressure* – Society staff spent dedicated time engaging with real estate practitioners and their professional association, RELANS, to build a closer relationship and address practice support needs during a period of extreme pressure on that bar. They navigated issues including: remote signings during COVID (and beyond); bank practices relating to holds on trust deposits; practice tools relating to investigating origin of downpayment, and others.

Finally, the internal LSS / Risk working group continued meeting biweekly during the reporting period. This team, comprised of staff across the Society, continues identifying and offering Triple P solutions where there are practice risks and works collaboratively to ensure the Society is proactive and timely in offering support where needed.

4. Mandatory CPD & Competency Assessments

Mandatory Continuing Professional Development

The mandatory CPD requirement came into effect in June 2012. All practising members are required to complete 12 hours of study annually and to create and implement a professional development plan on an annual basis. They confirm whether they have done so in the Annual Lawyers Report. Where they indicate they are not compliant, we investigate why and where possible, work with members towards compliance. Compliance is generally high.

We also recommend that lawyers engage in at least 50 hours of self-learning/self-study annually, in addition to the mandatory CPD Requirement.

As noted, the Society's website was improved during the reporting period to offer the Practice Resource Search. This includes videos and other resources that lawyers can

use in fulfilling their CPD plan. Further, the site directs lawyers to a wide range of CPD offerings via the Events calendar. It has long been our policy to permit outside education providers to advertise their offerings via our website, noting that we rely on lawyers' professional judgement to determine what education is relevant to their practice and development goals.

The Society also provides resources to members to help them in drafting a plan. E&C staff are available to review plans and to assist members should they require individual guidance. Staff also assist lawyers in finding activities and offerings that will fulfill their plan and development goals generally.

Land Registration Act Qualification Assessment

E&C administers the Online LRA Course which evaluates competency to work in the Land Registration online system. During the reporting period, 44 registered for and completed the assessment and 31 were successful.

Most registrants for the course are lawyers; however, articulated clerks nearing their call to the Bar and law office property staff/paralegals sometimes also choose to take the course. The Qualification Assessment is supervised. While registrants are often invigilated by other lawyers or office staff approved by another lawyer, E&C staff have also invigilated many registrants by Zoom throughout the pandemic.

The LRA Online Course is offered five times annually. Each online session is open for three weeks – two weeks to review the study materials, with the third week being the window to complete the qualification assessment. The assessment consists of 100 multiple choice questions which are completed in a single session of 2.5 hours. The assessment is closed book; however, registrants are permitted to have copies of the *Land Registration Act*, Regulations and forms. To pass, the registrant must achieve a score of 70%. Once a lawyer successfully completes the qualification assessment, the Society sends their name to SNS, and they are then eligible to subscribe with Property Online as a qualified lawyer.

The online training materials consist of an introduction and four modules covering the following topics: Abstracting and Title Searching, the Parcel Description Certification Application (PDCA), Application for Registration, and Rectification & Revisions. While the LRA online course requires a registrant to have a working knowledge of property law, we are currently considering whether to revise the former chapter of the Real Estate Bar Review Materials or to update the previous real estate practice materials to provide an additional module setting out the principles of property law/practice as it could be helpful to new lawyers/transfers at the beginning of their property practice in Nova Scotia.

Trust Account Assessment

During the reporting period E&C staff evaluated 27 assessments. This number is consistent with recent years.

As you know, the Society developed the Trust Account Assessment to assess a lawyer's knowledge and ability to apply the requirements of the Trust Account Regulations. The assessment takes into consideration the competencies a lawyer should demonstrate to operate a trust account.

The assessment is administered through an online platform and includes multiple-choice questions and a simulation question. Lawyers have seven days to complete the Assessment. E&C staff review and evaluate the assessment and where an applicant is not successful, they provide detailed feedback.

During the reporting period, E&C staff worked with the Trust Assurance team on a major redrafting of the TA Assessment. This project followed from feedback of the Trust Account Advisory Working Group and resulted a redrafted assessment that better captures the competencies a lawyer needs for trust account operation and oversight. E&C staff worked on the updates to the assessment and the new version will be rolled out by June 2022.

I'm happy to answer any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'JL Pink', written in a cursive style.

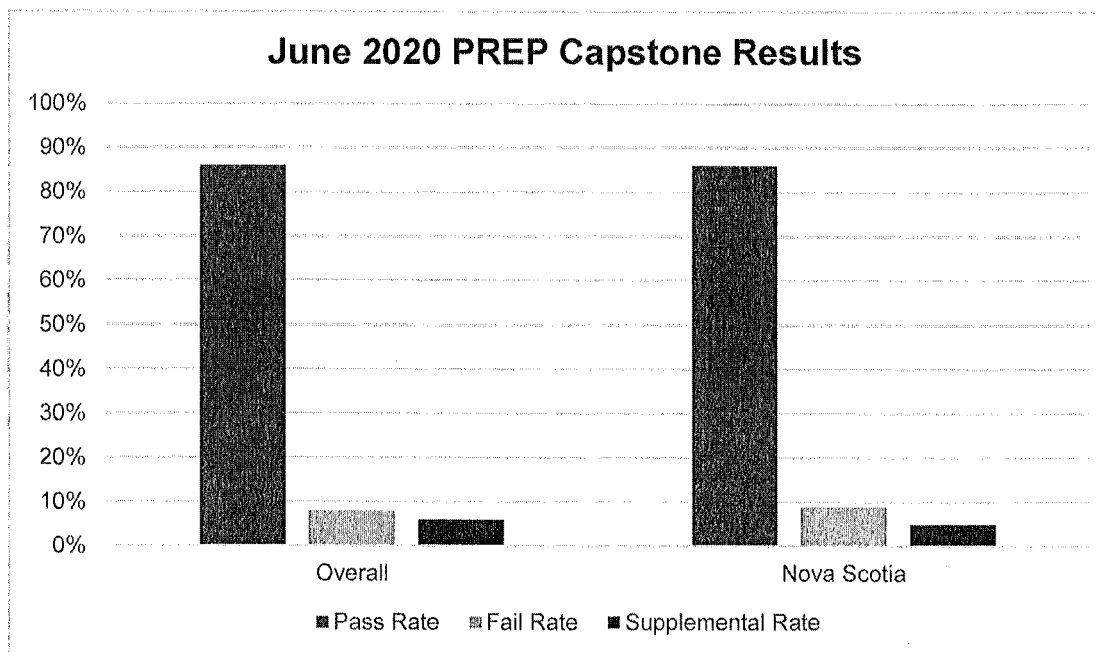
Jennifer L. Pink
Acting Director, Education & Credentials
Nova Scotia Barristers' Society

June 2020 PREP Capstone Results Summary

Overall Results

Total Students:	765
Total Pass:	656
Total Fail:	60
Total Supplementals:	59

Pass Rate Overall:	86%
Fail Rate Overall:	8%
Supplemental Rate Overall:	6%



Nova Scotia

Total Students:	90
Total Pass:	77
Total Fail:	8
Total Supplementals:	5

Pass Rate:	86%
Fail Rate:	9%
Supplemental Rate:	5%

Results Per Schedule (Nova Scotia Students Only)

Schedule A

Total Students:	30
Total Pass:	29
Total Fail:	1
Total Supplementals:	0

Pass Rate:	97%
Fail Rate:	3%
Supplemental Rate:	0%

Schedule B

Total Students:	29
Total Pass:	20
Total Fail:	5
Total Supplementals:	4

Pass Rate:	69%
Fail Rate:	17%
Supplemental Rate:	14%

Schedule C

Total Students:	31
Total Pass:	28
Total Fail:	2
Total Supplementals:	1

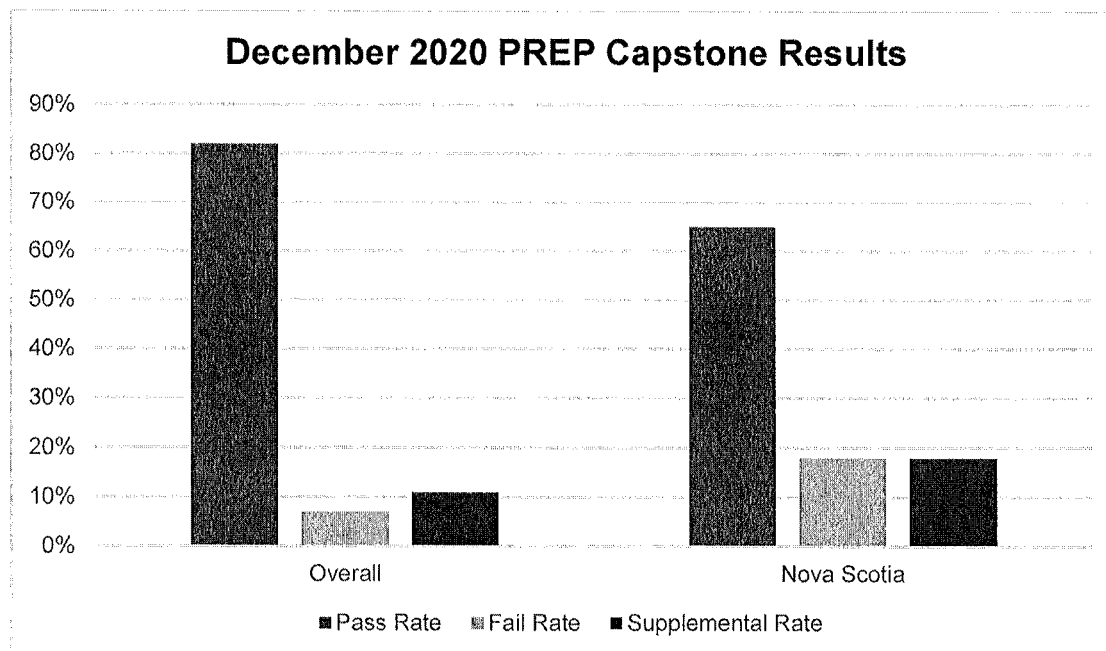
Pass Rate:	90%
Fail Rate:	6.5%
Supplemental Rate:	3.5%

December 2020 PREP Capstone Results Summary

Overall Results

Total Students:	180
Total Pass:	148
Total Fail:	12
Total Supplementals:	20

Pass Rate Overall:	82%
Fail Rate Overall:	7%
Supplemental Rate Overall:	11%



Nova Scotia

Total Students:	17
Total Pass:	11
Total Fail:	3
Total Supplementals:	3

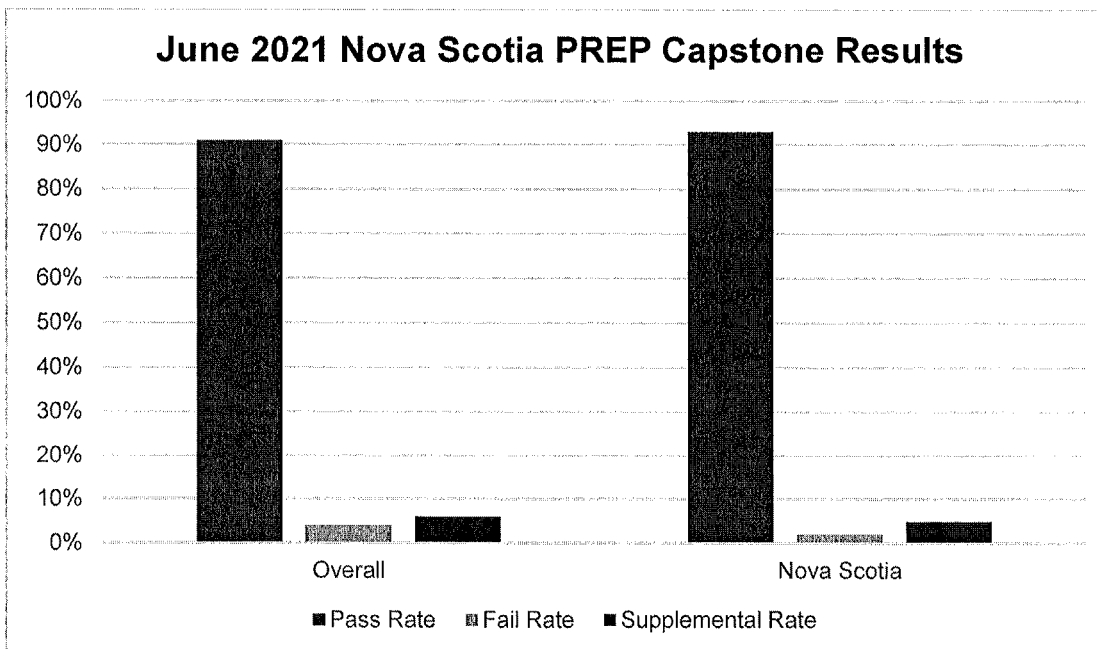
Pass Rate Overall:	65%
Fail Rate Overall:	18%
Supplemental Rate Overall:	18%

June 2021 Nova Scotia PREP Capstone Results Summary

Overall Results

Total Students:	697
Total Pass:	634
Total Fail:	25
Total Supplementals:	38

Pass Rate Overall:	91%
Fail Rate Overall:	3.5%
Supplemental Rate Overall:	5.5%



Nova Scotia

Total Students:	102
Total Pass:	95
Total Fail:	2
Total Supplementals:	5

Pass Rate Overall:	93%
Fail Rate Overall:	2%
Supplemental Rate Overall:	5%

Results Per Schedule (Nova Scotia Students Only)

Schedule A

Total Students:	33
Total Pass:	32
Total Fail:	1
Total Supplementals:	0

Pass Rate:	97%
Fail Rate:	3%
Supplemental Rate:	0%

Schedule B

Total Students:	32
Total Pass:	31
Total Fail:	0
Total Supplementals:	1

Pass Rate:	97%
Fail Rate:	0%
Supplemental Rate:	3%

Schedule C

Total Students:	37
Total Pass:	32
Total Fail:	1
Total Supplementals:	4

Pass Rate:	86%
Fail Rate:	3%
Supplemental Rate:	11%

CPLED, Principal and Firm Contact Meetings

September 13, 2021

Introduction

To gather information to support CPLED's continuous improvement initiative, CPLED surveyed its students and external contractors throughout the Practice Readiness Education Program (PREP) June 2020 intake, asking for feedback. To complement this, CPLED invited Principals and firm contacts with students enrolled in the June 2020 PREP intake to engage in collaborative conversations with the CPLED management team. Four one-hour sessions took place during the summer of 2021 with 34 firm representatives across all four CPLED jurisdictions and law society representatives who attended as observers.

Below are the key areas of concern brought forward during the collaborative conversations and the initiatives CPLED is taking to address them.

I. Assessors¹ and Assessment Feedback

- Inconsistent feedback was delivered during the Virtual Law Firm phase², causing confusion and stress among students as they prepared for the Capstone.
- Lack of interaction between students and Assessors.

CPLED Initiative

CPLED applied student feedback to refine the Assessor feedback process as students progressed through the Virtual Law Firm. Assessors attended mandatory training sessions, which included a review and calibration of assignments. Feedback received from students regarding their assessment feedback from the first Virtual Law Firm rotation was delivered to Assessors in advance of the second rotation. Improvements were made to the feedback as requested by the students. Additional input received from students before the third rotation resulted in CPLED developing a set of assessment guidelines for Assessors. It resulted in improved consistency in the quality and quantity of feedback students received.

CPLED will continue to improve Assessor training and calibration sessions. They will also articulate more clearly to Assessors how students and Practice Managers use the feedback. Finally, CPLED will provide assessment guidelines to Assessors and students to clearly outline feedback expectations to be delivered and received in future intakes.

The Assessor's role is to provide students with objective and unbiased assessment feedback in preparation for the Capstone. Pedagogical principles regarding assessment indicate that to ensure an impartial assessment is delivered, the individual assessing cannot develop a relationship with the person they are evaluating. Therefore to abide by this principle and provide objective and unbiased assessments, Assessors must not build relationships with the students

¹ Assessors are external contractors who assess student assignments, and they receive an honorarium for this work. They are lawyers with a minimum of five years of practice experiences and are in good standing with their law society.

² The Virtual Law Firm is the third phase of PREP and consists of three online rotations in Business Law, Criminal Law and Family Law/Real Estate.

they are assessing. To fill this gap, students meet with their Practice Manager for coaching and mentorship after each rotation of the Virtual Law Firm.

2. Demanding Program

- PREP is a demanding program, taking more time to complete than the legacy program.
- Students experienced stress throughout the program trying to balance their articling requirements with their PREP studies.
- Principals and firm contacts found it challenging to schedule student assignments at their firm, especially during the Virtual Law Firm phase.

CPLED Initiative

CPLED recently hosted focus groups with Virtual Law Firm Assessors to consider a different approach to the assessment schedule. The Assessors supported the presented revised schedule, which provides students with additional time to complete their assignments while still providing Assessors with adequate time to meet their requirements. The schedule change was implemented for the PREP December 2020 intake.

CPLED shares the PREP schedule and a phase description with all Principals before the start of each phase.

As PREP is a new program with a different structure than the legacy program, CPLED recognizes it will take some time for firms to adjust. CPLED understands this is a big adjustment for firms and commits to continued communication with them and other stakeholders. Over time this concern will lessen as all stakeholders become more familiar with the PREP structure.

3. Perceived Lack of Customer Service

- CPLED responses to student inquiries were perceived at times as non-helpful.

CPLED Initiative

Frequently student inquiries were asking for specific direction on how to complete an assignment. Throughout PREP, students begin exercising their professional judgment and put this into practice more as they progress through the program. Therefore the students perceived lack of answers was instead a learning opportunity to practice professional judgement on their simulated client file in a safe environment. Messaging to students regarding the exercise of professional judgement has improved to better explain why CPLED cannot answer questions posed by students on how to complete their assignments specifically.

CPLED staff conducted a review of the D2L Discussion Boards and other student communication channels. The following changes were implemented for the December 2020 intake to allow students to find the answers they need quickly and easily:

- Enabled the D2L Frequently Asked Questions and Announcements widgets.
- Student questions are emailed to admin@cpled.ca, where they are triaged to the appropriate staff member to address within one business day.
- Reduced usage of the Discussion Board.

CPLED has hired additional staff to support the team and ensure inquiries are addressed promptly; this includes two lawyers acting as Educational Counsel and four Program Assistants.

CPLED has also mandated customer service training and equity, diversity, and inclusion training for all CPLED staff.

4. Issues Finding Program Content

- Students struggled to locate program content in D2L.

CPLED Initiative

CPLED has reviewed D2L navigation, the Foundation Workshops and Virtual Law Firm materials, improving organization from the student's perspective and clarifying assignment instructions. CPLED completed these improvements for the PREP December 2020 intake.

5. Communicating with Other Students and Principals About PREP

- Students were under the impression they could not speak to fellow PREP students, their Principal, or other lawyers about PREP or their assignments in the program.

CPLED Initiative

CPLED will update the PREP Orientation and student handbooks to explain, communication with fellow PREP students, a Principal or colleagues is permitted. Students must, however, ensure all submitted assignments are of their own work.

Below are concerns identified that CPLED can not address alone. These concerns require a collaborative effort among the law societies, Principals, firms and CPLED to address.

1. Economics of Hiring an Articling Student

- Firms hire articling students to perform a function at their firm and expect a return on investment.

CPLED Response

The articling period is a time of learning and development for the student before they enter the practice of law. CPLED cannot address the specifics regarding the economics of a firm hiring an articling student as this is individual to each firm. However, CPLED commits to contributing to collaborative conversations with the law societies, Principals, and firms to improve the student experience in PREP whenever possible while ensuring students receive the training needed to be called to the Bar.

To further help address this issue, CPLED piloted a new delivery model of PREP during the summer of 2021. Accelerated PREP will offer students and firms another option when selecting the Bar admission program schedule that best suits their needs.

2. Substantive Law

- PREP is not educating students on important substantive law.

CPLED Response

PREP was built as a competency-based skills program. Students entering the program have already concentrated on Canadian substantive law during their Canadian common law degree or while obtaining their Certificate of Qualification from the Federation of Law Societies of Canada. At this time, there are no plans to include substantive law components in PREP.

However, if the law societies determine substantive legal knowledge is needed in PREP, CPLED will work with their law society partners to identify the areas and include them in a future program iteration.

Conclusion

CPLED commits to continued engagement with Principals and firm contacts in collaborative conversations about the student experience in PREP.

PREP Summer 2024 Law Society Project Post

To be shared with all Law Society members the week of May 9, 2022.

CPLED Stakeholder Engagement

The Canadian Centre for Professional Legal Education (CPLED) is committed to continuously enhancing and evolving the Practice Readiness Education Program (PREP) to be recognized as a “best-in-class” Bar admission program. To achieve this, CPLED is engaging with key stakeholders to gather information on potential skill gaps experienced by lawyers who have been called to the Bar in the last five years. CPLED has contracted ACT to facilitate and analyze the feedback received to provide a report that CPLED will use to update PREP for implementation in their Summer 2024 program.

ACT is a mission-driven, nonprofit organization with a 60+ year history of helping people achieve education and workplace success. ACT's Credentialing and Career Services team works with organizations that educate, train, and assess competencies for practice in professions including law, nursing, veterinary medicine, and psychology. Their expertise is in research to identify and validate the knowledge, skills and attributes essential for success in job roles or professions. Recent engagements include work with the Federation of Law Societies of Canada and the Law Society of Alberta.

On behalf of CPLED, ACT will conduct a series of virtual focus groups with lawyers who have been called to the Bar in the past five years, Principals and firm articling supervisors. The focus groups will be 90-minutes and take place in June of 2022. During the sessions, participants will have the opportunity to share their perspectives on PREP and the competencies necessary for success in early practice.

Sessions for Nova Scotia participants will be held at the following times:

Principals and Firm Articling Supervisor

- Thursday, June 16, 2022, from noon to 1:30 p.m. AT
- Tuesday, June 21, 2022, from 3:30 to 5 p.m. AT

Recent Calls

- Wednesday, June 8, 2022, from noon to 1:30 p.m. AT
- Tuesday, June 14, 2022, from 3 to 4:30 p.m. AT

If you are interested in participating, please fill out a brief survey by **Wednesday, May 25, 2022**. The information provided will be used by ACT only to coordinate the virtual focus groups. The data will not be shared with CPLED.

ACT will notify selected individuals by Friday, May 27. If more people express interest than can be accommodated, ACT will make selections to balance the representation of practice settings, professional background, and demographic characteristics.

If selected, you will:

- Prepare for the focus group by reviewing the discussion questions in advance

- Commit to a 90-minute web-based focus group session
- Be willing to engage in discussion with other lawyers during the webinar

Privacy considerations:

The ACT will record the focus groups to fill in any gaps in their notes after the session concludes. ACT will not share the recordings with CPLED. They will destroy the audio files within one month of the meeting date.

In addition, all feedback obtained during the session will be anonymized in the report ACT submits to CPLED. Names will not be attached to specific comments made.

CPLED welcomes your potential participation in this critical project. Please reach out to Dr. Patricia Muenzen at patricia.muenzen@act.org with any questions.



NOVA SCOTIA
BARRISTERS' SOCIETY

MEMORANDUM

From: Kate Shewan, Director, Finance and Administration

To: NSBS Council

Date: May 16, 2022

Subject: 2022 Annual Lawyer Report

For: Approval ☒ Introduction ☐ Information ☐

Proposed motions:

1. Move that the Annual Lawyers' Report be approved as presented, with the addition of the governance survey questions presented separately.

Annual Lawyers' Report (ALR)

The proposed 2022/23 changes to the ALR are shown in the attached document.

There are minimal substantive changes. The changes include the following:

- Optional submission of Prefixes/honorifics for example Mr. Miss, Mx, Prof. etc. Which once collected will be used in addressing correspondence. If none is provided neutral terminology will be used.
- Switching the Gender identity question from an option to check the box that applies, to a blank space to write in. This follows feedback questioning the appropriate labels for the checkboxes.

In recent years the ALR has also been used to highlight specific changes to regulations, link to additional resources and confirm members are aware of changes and have incorporated them into their practise. Typically this is done for new regulations or where there have been many questions received.

- Questions around Law office management standard # 9 – Succession Planning, and Updated Real Estate Practice Standards have been removed, as they are no longer new and were highlighted. last year.
- Questions around Representative Capacity have been retained, as this is an area where we continue to receive questions. This portion has been reworded and moved directly after the Trust Account questions which also reference Representative Capacity.

In addition, it is proposed that questions requested by the Governance committee are added. These are presented in a separate document.



NOVA SCOTIA
BARRISTERS' SOCIETY

2022 Annual Lawyer Report

Regulation 4.3.1

Note: The ALR is completed online and the appearance may differ from this copy. Some questions are included or not included based on prior responses.

Please note: The deadline for submission of this report is June 30, 2022 (Regulation 4.3.1). We thank you for taking the time to complete this report. The Annual Lawyer Report is the means by which the Society gathers information related to lawyers that is essential for the Society to fulfill its mandate. The information we have on file is shown here and need not be changed if it is correct.

MEMBERSHIP INFORMATION

First name	
Middle name	
Last name	
Designation(s)	
Prefix (optional: eg. Mr., Ms., Mx. Prof. Etc.)	

WORK ADDRESS INFORMATION *(The Society makes this information public via the online Lawyer Directory)*

If the Work Address provided is the same as your home address, please tick here ☐

[Then a pop up message for those that ticked the box]

If you do not want your home address published, please tick the box below and provide instead another civic or P.O. Box address that can be made available publicly as a means to contact you.

Firm/company name	
Civic address	
P.O. Box #	
City	
Province	
Postal code	
Country	
Phone	
Cell Phone	
Fax	
Email	

HOME ADDRESS INFORMATION *(for Society use only)*

This information is only used by Society staff. This information is necessary so the Society has a means of contacting a lawyer if, for example, they are transitioning between employment. It will not be made available to the public.

Civic address	
Address 2	

City	
Province	
Postal code	
Country	
Phone	
Cell Phone	
Email	

NOTARY PUBLIC

To ensure the Society has up-to-date information in our records, please confirm whether you are a notary public.

<input type="checkbox"/> Yes	<input type="checkbox"/> No
------------------------------	-----------------------------

As a Practising Lawyer or Law Corporation, please choose one of the following employment types to best describe your status:

Note: 'Employment type' relates to the nature of the organization with which the lawyer works, not to the work undertaken by the employed lawyer.

- For example, a lawyer who operates as a sole practitioner, but provides contractual legal services to the Crown, would be designated as Private Practice / Sole Practitioner rather than Provincial Government.
- A lawyer employed as a civil servant would be designated as Federal (or Provincial) government, regardless of whether they deliver legal services to the public or otherwise in their role.

PRIVATE PRACTICE: <input type="checkbox"/> Sole practitioner firm <input type="checkbox"/> Multi-lawyer firm (A) <input type="checkbox"/> NS Legal Aid <input type="checkbox"/> Dalhousie Legal Aid Service	IN-HOUSE (includes municipalities): <input type="checkbox"/> Municipal <input type="checkbox"/> ABCs (Agencies, Boards, Commissions) <input type="checkbox"/> Corporate Bodies <input type="checkbox"/> NFPs (Not-for-profits) <input type="checkbox"/> Regulators (i.e., professional regulators) <input type="checkbox"/> Unions <input type="checkbox"/> Band Council <input type="checkbox"/> International (i.e., in-house lawyers employed outside of Canada) <input type="checkbox"/> As part of my in-house role I provide legal services to the public
<input type="checkbox"/> FEDERAL GOVERNMENT	
<input type="checkbox"/> PROVINCIAL GOVERNMENT	
<input type="checkbox"/> I hold a practising certificate, but I am not currently practising law (<i>boards, educators, administrators, etc.</i>)	
<input type="checkbox"/> I also provide legal services to the public outside of my primary employment identified above.	
<input type="checkbox"/> Other (<i>please explain</i>)	

(A) For those who identified as working in a firm, please choose your status:

<input type="checkbox"/> Partner / principal / owner of law firm	<input type="checkbox"/> Otherwise associated with a law firm (<i>including counsel</i>)
<input type="checkbox"/> Associate in law firm	<input type="checkbox"/> Independent lawyer practising in association with another lawyer(s)

One of the Society's strategic goals is to have Nova Scotians served by a diverse, inclusive, and culturally competent legal profession. The following questions help us track the demographics of our membership year over year and will assist us in determining whether we are meeting this strategic goal. We do not disclose or publish your personal information but do publish statistical information in aggregate form.

I identify with the following communities (check all that apply):

<input type="checkbox"/> Indigenous	<input type="checkbox"/> Mi'kmaq	<input type="checkbox"/> Black	<input type="checkbox"/> African Nova Scotian
<input type="checkbox"/> Racialized	<input type="checkbox"/> Acadian/Acadien	<input type="checkbox"/> Person with a disability	<input type="checkbox"/> 2SLGBTQIA+
<input type="checkbox"/> Not Specified above		<input type="checkbox"/> Choose not to answer.	

I identify my gender as: _____

I speak, read and write in these languages and I am able to provide legal services in the following languages:

<input type="checkbox"/> French	<input type="checkbox"/> German	<input type="checkbox"/> Mi'kmaq	<input type="checkbox"/> Arabic	<input type="checkbox"/> English	<input type="checkbox"/> Other (please specify)
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Declaration regarding trust funds 2022

Please choose any of the following, which apply to your situation (at June 30, 2022):

- ☐ I hold the Practising Lawyer membership category in Nova Scotia and do not hold any money or property in trust in Nova Scotia.
- ☐ I hold the Practising Lawyer membership category in Nova Scotia and because I hold money in trust in Nova Scotia, I (my firm) will need to file a Trust Account Report (for December 31, 2022) in accordance with the Regulations.
- ☐ I hold the Practising Lawyer membership category in Nova Scotia and I hold money or property in a representative capacity as defined by [Regulation 10.1.2](#).
(If box ticked additional question): Any money that was received was paid into a separate trustee account that was established for that purpose. Within 14 days of receiving any money or property in a representative capacity, I notified the Executive Director ([Representative Capacity Declaration](#)). Yes/No

Receipt of Trust Property

Firms must have a process in place to ensure only trust money is deposited into a trust account. [Regulations 10.2.9.1 and 10.2.9.2](#) require that money paid into a trust account must be directly related to legal services being provided, and money must be paid out of the trust account as soon as practicable after the completion of the legal services to which it relates. Money received in a representative capacity, must not be deposited into a law firm's trust account (Regulation 10.1.3). Additional information can be found in this [Webinar](#)

Questions:

- (1) I understand what is permitted to be deposited into the law firm's trust account in accordance with regulations 10.1 and 10.2
- (2) I understand what and when I need to report to the Society
- (3) I would like more information to understand my obligations in this area

Declaration regarding borrowing from or lending to clients 2022

I have borrowed money from or loaned money to a client: (1) yes or (2) no

[if yes, drop down box] I am familiar with rules 3.4-28 through 3.4-33 of the Code re Transactions, Borrowing and Lending

I understand that I must not enter into a transaction with a client unless the transaction is fair and reasonable to the client. I am aware of my duties to ensure that clients with whom I am engaged in a transaction or am borrowing from or lending to are aware of any conflicting interest or how a conflict might develop. I am aware that the client must consent to the transaction, including the borrowing from and lending to, and may require independent legal advice or independent legal representation.

Questions:

- (1) I understand my obligations
- (2) I would like more information to better understand my obligations

Retention of files of former lawyers:

*From time to time, a lawyer takes possession of files of another lawyer that is **not associated with their firm**. We like to track this information so we have it when a former client is looking for files information. Please let us know if you have ever at any time in the past taken responsibility and/or possession of the files of a former lawyer.*

<input type="checkbox"/> Yes If yes, original wills.	<input type="checkbox"/> No
<i>If "yes" please provide the names of practitioners who files you have/had:</i>	
_____	Destroyed? <input type="checkbox"/>
_____	Destroyed? <input type="checkbox"/>
_____	Destroyed? <input type="checkbox"/>
_____	Destroyed? <input type="checkbox"/>
_____	Destroyed? <input type="checkbox"/>
<i>If destroyed is ticked, survey requests date)</i>	

Additional information to share regarding retention of files of former lawyers.

Please define your areas of practice as below and include the approximate percentage of your practice time (not billings) associated with each area. The Society is considering adding areas of practice information for lawyers in private practice to the Member Directory in order to assist the public in choosing their legal services provider. For that reason, we have expanded some of the areas of law below.

AREA OF LAW	APPROXIMATE PERCENTAGE	NSBS USE ONLY (LAST YEAR'S ANSWER)
Aboriginal		
Administrative		
Bankruptcy and insolvency (debtor and creditor)		
Civil litigation – Corporate and Commercial		
Civil Litigation – Personal Injury – Plaintiff		
Civil Litigation – Personal Injury – Defence		
Civil Litigation – real estate / residential tenancy		
Constitutional / human rights		
Corporate / commercial / banking		
Criminal – Defence		
Criminal – Prosecution		
Elder		
Employment / labour – Employee side		
Employment / labour – Employer side		
Environmental / natural resource / energy		
Family – Child protection		
Family – Other (not Child protection)		
Government / Crown / Legislative		
Health		
Immigration and refugee		
Indigenous		
Intellectual property / franchises / patents		
Marine / shipping / fisheries		
Military / aviation		
Mediation and arbitration / alternative dispute resolution		
Municipal		
Real estate		
Privacy		
Securities		
Tax		
Wills, estates and trusts		
Other(s) (please specify)		

The following questions relate to membership in other law societies or regulated professions (optional).

Please list any current memberships in other Law Societies:

Please list any current memberships in other non-legal regulated professions. (e.g., CPA-NS, College of Physicians, etc.)

The following questions relate to continuing professional development regulations 8.3.5 - 8.3.10.

I am familiar with and to the best of my knowledge am in compliance with my obligations regarding continuing professional development, including that I implemented a written plan for continuing professional development and made a record of my plan for the period of **June 1, 2020 to May 31, 2022** (i.e., last year).

<input type="checkbox"/> Yes	<input type="checkbox"/> No	
If "No" please explain:		

I have prepared and made a record of my professional development plan for the period of **June 1, 2022 to May 31, 2023** (i.e., next year).

<input type="checkbox"/> Yes	<input type="checkbox"/> No	
If "No" please explain:		

Professional Development in Cultural Competence, Advancing Diversity and Fostering Inclusion

Consistent with its strategic objectives to meaningfully respond to the Truth and Reconciliation Commission of Canada Calls to Action, including Call #27, and the Inquiry into Missing and Murdered Indigenous Women and Girls Calls to Justice, including Call #10, the Society has a responsibility to establish and support cultural competence standards for its members.

The Society's Equity Lens Toolkit provides lawyers, law firms, and Society staff and volunteers with guidance on how to apply an 'equity lens' to their decision making. It includes a description of the equity lens and a set of worksheets and reference material to help users apply it in practice.

[Review the Equity Lens Toolkit](#) The Toolkit defines cultural competence as follows:

"Cultural competence" refers to an ability to interact effectively with people of different cultures. Cultural competence comprises five essential capacities. We must:

- a) understand our own cultural positions and how they differ from and are similar to others (critical cultural self-analysis)
- b) understand the social and cultural reality in which we live and work and in which our clients live and work
- c) cultivate appropriate attitudes towards cultural difference
- d) be able to generate and interpret a wide variety of verbal and non-verbal responses
- e) understand structural oppression and demonstrate awareness and commitment to social justice.

The following section is intended to help the Society assess the membership's professional development in cultural competence, advancing diversity and fostering inclusion. It will also be used to determine how to support the membership in achieving these objectives.

Questions:

- (1) *I have reviewed my obligations regarding equity and diversity as set out in the Law Office Management Standard #8 and have adopted into my practice the level of competence required for my circumstances.*
- (2) *I would like more information to understand my obligations in regards to this Standard.*
- (3) *I am familiar with resources available from the Society in relation to advancing diversity and fostering inclusion including the Equity Lens Toolkit, the Equity Portal and the MSELP Workbook Element #9?*
- (4) *Last year I took the following new steps toward cultural competence, advancing diversity, and fostering inclusion [Mandatory comment box] These steps were similar to those reported in June 2020: [yes/no]*
- (5) *Can you share any barriers you encountered in improving your cultural competence, advancing diversity and fostering inclusion in the profession? How can the Society better support you in meeting these obligations? [insert comment box]*

Duty to Report – Regulation 4.4.1

I am aware that I must report to the Executive Director:

- a petition in bankruptcy under the *Bankruptcy and Insolvency Act* (Canada);
- an assignment of property for the benefit of creditors;
- a proposal in bankruptcy to creditors;
- a judgment that has been entered against me;
- an order for costs against me personally;
- if I am charged with, plead guilty to or am found guilty of any offence under:
 - *Criminal Code* (Canada)
 - *Controlled Drug and Substances Act* (Canada)
 - *Income Tax Act* (Canada)
 - *Customs and Excise Act* (Canada); or
 - *Securities Act* of any province of Canada;
- my suspension by the governing body of the legal profession in another jurisdiction;
- charges against me regarding a discipline offence in another jurisdiction; or
- a guilty finding against me regarding a discipline offence in another jurisdiction.

Questions:

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

Feedback or GENERAL COMMENTS on any topic:



NOVA SCOTIA
BARRISTERS' SOCIETY

2021/2022 Annual Lawyer Report

Regulation 4.3.1

Note: The ALR is completed online and the appearance may differ from this copy. Some questions are included or not included based on prior responses.

Please note: The deadline for submission of this report is June 30, 2021/2022 (Regulation 4.3.1). We thank you for taking the time to complete this report. The Annual Lawyer Report is the means by which the Society gathers information related to lawyers that is essential for the Society to fulfill its mandate. The information we have on file is shown here and need not be changed if it is correct.

MEMBERSHIP INFORMATION

First name	
Middle name	
Last name	
Designation(s)	
Prefix (optional: eg. Mr., Ms., Mx. Prof. Etc.)	

WORK ADDRESS INFORMATION *(The Society makes this information public via the online Lawyer Directory)*

If the Work Address provided is the same as your home address, please tick here ☐

[Then a pop up message for those that ticked the box]

If you do not want your home address published, please tick the box below and provide instead another civic or P.O. Box address that can be made available publicly as a means to contact you.

Firm/company name	
Civic address	
P.O. Box #	
City	
Province	
Postal code	
Country	
Phone	
Cell Phone	
Fax	
Email	

HOME ADDRESS INFORMATION *(for Society use only)*

This information is only used by Society staff. This information is necessary so the Society has a means of contacting a lawyer if, for example, they are transitioning between employment. It will not be made available to the public.

Civic address	
Address 2	

City	
Province	
Postal code	
Country	
Phone	
Cell Phone	
Email	

NOTARY PUBLIC

To ensure the Society has up-to-date information in our records, please confirm whether you are a notary public.

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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As a Practising Lawyer or Law Corporation, please choose one of the following employment types to best describe your status:

Note: 'Employment type' relates to the nature of the organization with which the lawyer works, not to the work undertaken by the employed lawyer.

- For example, a lawyer who operates as a sole practitioner, but provides contractual legal services to the Crown, would be designated as Private Practice / Sole Practitioner rather than Provincial Government.
- A lawyer employed as a civil servant would be designated as Federal (or Provincial) government, regardless of whether they deliver legal services to the public or otherwise in their role.

PRIVATE PRACTICE: <input type="checkbox"/> Sole practitioner firm <input type="checkbox"/> Multi-lawyer firm (A) <input type="checkbox"/> NS Legal Aid <input type="checkbox"/> Dalhousie Legal Aid Service	IN-HOUSE (includes municipalities): <input type="checkbox"/> Municipal <input type="checkbox"/> ABCs (Agencies, Boards, Commissions) <input type="checkbox"/> Corporate Bodies <input type="checkbox"/> NFPs (Not-for-profits) <input type="checkbox"/> Regulators (i.e., professional regulators) <input type="checkbox"/> Unions <input type="checkbox"/> Band Council <input type="checkbox"/> International (i.e., in-house lawyers employed outside of Canada) <input type="checkbox"/> As part of my in-house role I provide legal services to the public
<input type="checkbox"/> FEDERAL GOVERNMENT	
<input type="checkbox"/> PROVINCIAL GOVERNMENT	
<input type="checkbox"/> I hold a practising certificate, but I am not currently practising law (<i>boards, educators, administrators, etc.</i>)	
<input type="checkbox"/> I also provide legal services to the public outside of my primary employment identified above.	
<input type="checkbox"/> Other (<i>please explain</i>)	

(A) For those who identified as working in a firm, please choose your status:

<input type="checkbox"/> Partner / principal / owner of law firm	<input type="checkbox"/> Otherwise associated with a law firm (<i>including counsel</i>)
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<input type="checkbox"/> Not Specified above		<input type="checkbox"/> Choose not to answer.	

I identify my gender as: _____

<input type="checkbox"/> Male	<input type="checkbox"/> Female
<input type="checkbox"/> An identity outside of the male/female binary (please specify) _____	<input type="checkbox"/> I choose not to answer this question

I speak, read and write in these languages and I am able to provide legal services in the following languages:

<input type="checkbox"/> French	<input type="checkbox"/> German	<input type="checkbox"/> Mi'kmaq	<input type="checkbox"/> Arabic	<input type="checkbox"/> English	<input type="checkbox"/> Other (please specify)
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Declaration regarding trust funds ~~2021~~2022

Please choose ~~from one~~ any of the following, which ~~best describes~~ apply to your situation (at June 30, ~~2021~~2022):

- ☐ I hold the Practising Lawyer membership category in Nova Scotia and do not hold any money or property in trust in Nova Scotia.
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- ☐ I hold the Practising Lawyer membership category in Nova Scotia and I hold money or property ~~in trust, but only~~ in a representative capacity as defined by Regulation 10.1.2.
(If box ticked additional question): Any money that was received was paid into a separate trustee account that was established for that purpose. Within 14 days of receiving any money or property in a representative capacity, I notified the Executive Director (Representative Capacity Declaration). Yes/No

Receipt of Trust Property

Firms must have a process in place to ensure only trust money is deposited into a trust account. Regulations 10.2.9.1 and 10.2.9.2 require that money paid into a trust account must be directly related to legal services being provided, and money must be paid out of the trust account as soon as practicable after the completion of the legal services to which it relates. Money received in a representative capacity, must not be deposited into a law firm's trust account (Regulation 10.1.3). Additional information can be found in this Webinar

Questions:

- (1) I understand what is permitted to be deposited into the law firm's trust account in accordance with regulations 10.1 and 10.2
- (2) I understand what and when I need to report to the Society
- (3) I would like more information to understand my obligations in this area

Declaration regarding borrowing from or lending to clients ~~2021~~2022

I have borrowed money from or loaned money to a client: (1) yes or (2) no

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<input type="checkbox"/> Yes If yes, original wills.	<input type="checkbox"/> No
<i>If "yes" please provide the names of practitioners who files you have/had:</i>	
_____	Destroyed? <input type="checkbox"/>
_____	Destroyed? <input type="checkbox"/>
_____	Destroyed? <input type="checkbox"/>
_____	Destroyed? <input type="checkbox"/>
_____	Destroyed? <input type="checkbox"/>
<i>If destroyed is ticked, survey requests date)</i>	

Additional information to share regarding retention of files of former lawyers.

Please define your areas of practice as below and include the approximate percentage of your practice time (not billings) associated with each area. The Society is considering adding areas of practice information for lawyers in private practice to the Member Directory in order to assist the public in choosing their legal services provider. For that reason, we have expanded some of the areas of law below.

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Corporate / commercial / banking		
Criminal – Defence		
Criminal – Prosecution		
Elder		
Employment / labour – Employee side		
Employment / labour – Employer side		
Environmental / natural resource / energy		
Family – Child protection		
Family – Other (not Child protection)		
Government / Crown / Legislative		
Health		
Immigration and refugee		
Indigenous		
Intellectual property / franchises / patents		
Marine / shipping / fisheries		
Military / aviation		
Mediation and arbitration / alternative dispute resolution		
Municipal		
Real estate		
Privacy		
Securities		
Tax		
Wills, estates and trusts		
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<input type="checkbox"/> Yes	<input type="checkbox"/> No	
If "No" please explain:		

I have prepared and made a record of my professional development plan for the period of **June 1, 2022 to May 31, 2023** (i.e., next year).

<input type="checkbox"/> Yes	<input type="checkbox"/> No	
If "No" please explain:		

Professional Development in Cultural Competence, Advancing Diversity and Fostering Inclusion

Consistent with its strategic objectives to meaningfully respond to the Truth and Reconciliation Commission of Canada Calls to Action, including Call #27, and the Inquiry into Missing and Murdered Indigenous Women and Girls Calls to Justice, including Call #10, the Society has a responsibility to establish and support cultural competence standards for its members.

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Questions:

- (1) *I have reviewed my obligations regarding equity and diversity as set out in the Law Office Management Standard #8 and have adopted into my practice the level of competence required for my circumstances.*
- (2) *I would like more information to understand my obligations in regards to this Standard.*
- (3) *I am familiar with resources available from the Society in relation to advancing diversity and fostering inclusion including the Equity Lens Toolkit, the Equity Portal and the MSELP Workbook Element #9?*
- (4) *Last year I took the following new steps toward cultural competence, advancing diversity, and fostering inclusion [Mandatory comment box] These steps were similar to those reported in June 2020: [yes/no]*
- (5) *Can you share any barriers you encountered in improving your cultural competence, advancing diversity and fostering inclusion in the profession? How can the Society better support you in meeting these obligations? [insert comment box]*

Duty to Report – Regulation 4.4.1

I am aware that I must report to the Executive Director:

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- an assignment of property for the benefit of creditors;
- a proposal in bankruptcy to creditors;
- a judgment that has been entered against me;
- an order for costs against me personally;
- if I am charged with, plead guilty to or am found guilty of any offence under:
 - *Criminal Code* (Canada)
 - *Controlled Drug and Substances Act* (Canada)
 - *Income Tax Act* (Canada)
 - *Customs and Excise Act* (Canada); or
 - *Securities Act* of any province of Canada;
- my suspension by the governing body of the legal profession in another jurisdiction;
- charges against me regarding a discipline offence in another jurisdiction; or
- a guilty finding against me regarding a discipline offence in another jurisdiction.

Questions:

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

Amendments to the Representative Capacity Regulations

~~In September 2020, Council approved amendments to Part 10 of the Regulations, specifically subregulations 10.1.2 through 10.1.5, which apply to lawyers who are acting in a representative capacity. All lawyers and firms must review and revise their processes to ensure they comply with the amended rules. In summary, key changes are:~~

~~This regulation only applies when a lawyer is not providing legal services~~

~~Ex. If a lawyer is acting as both an Executor and Proctor for an Estate, this regulation would not apply. Lawyers/firms must establish a specific account for use when the lawyer is not providing legal services, but is acting as a trustee, executor, or attorney pursuant to a Power of Attorney.~~

~~Lawyers must notify the Executive Director of their representative capacity appointment on the receipt of trust money or property (Link to form)~~

~~The lawyer must notify those intending to appoint the lawyer that the services provided by the lawyer in a representative capacity may not be covered by professional liability insurance or the Lawyers' Fund for Client Compensation.~~

Questions:

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

New Law Office Management Practice Standard #9 – Succession Planning

~~A new Succession Planning practice standard was introduced in January 2021 that reflects some of the obligations in Regulation 4.6; namely, that each lawyer:~~

- ~~• has a written and accessible plan to protect clients and client property in the event of the cessation of the lawyer's practice.~~
- ~~• reviews annually their succession plan and updates it as appropriate.~~
- ~~• includes in their succession plan information and adequate arrangements to allow for the handling of clients and management of the practice with minimal interruption.~~

~~Practice notes and the NSBS Succession Planning Toolkit help you interpret and apply the standard in your practice.~~

~~Do you have a succession plan that reflects the obligations in Practice Standard #9—Succession Planning?~~

~~Yes / No / Unsure~~

~~Comments or questions: (free text)~~

~~Contact LSS@nsbs.org if you have questions or need assistance creating your plan or preparing for practice succession.~~

Updated Real Estate Practice Standards

~~Do you practise real estate law (as any part of your practice)?~~

~~Yes/No (If yes, the following two questions appear)~~

~~The Real Estate Practice Standards are reviewed and updated regularly by the Real Estate Practice Standards Committee. Do you refer to the Real Estate Standards periodically (or more often) as part of your real estate practice?~~

~~Yes/No~~

~~Confirm if you have read and where appropriate, adopted into practice the following Real Estate Practice Standards which were updated during 2020-21:~~

- ~~• Opinion of Title and Certificate of Legal Effect (Standard 1.3)~~
- ~~• Plans and Surveys (Standard 2.4)~~
- ~~• Estates (Standard 3.10)~~
- ~~• Options and Rights of First Refusal (Standard 3.17)~~
- ~~• Trustee's Deeds (Standard 3.9)~~
- ~~• Zoning and Occupancy Permits (Standard 5.1)~~

~~Yes / No / Unsure~~

~~Comments or questions: (free text)~~

Feedback or GENERAL COMMENTS on any topic:



NOVA SCOTIA
BARRISTERS' SOCIETY

MEMORANDUM

From: Jackie Mullenger, Acting Executive Director

To: Council

Date: May 16, 2022

Subject: ALR – Council Composition Questions

For: **Approval** ☐

Introduction ☒

Information ☐

Attached are the questions the Governance Committee would like to add to the Annual Lawyers Report. These questions have been drafted by Narrative Research, who specializes in conducting surveys.

We will also be attaching a link to a background memo that will explain to the membership how we got to this place. It will be ready by Friday and will be linked in the ALR when it does out to members.

Happy to answer any questions.

Jackie

Narrative Research

Draft Commissioned Questions for Nova Scotia Barristers Society

1. To the best of your knowledge, which one of the following statements describes the process of how someone currently becomes a Nova Scotia Barristers Society (NSBS) Council Member?

RANDOMIZE OPTIONS 1-3 ON SCREEN – ALLOW ONE RESPONSE ONLY

- 1 All Council Members are appointed
- 2 All Council Members are elected
- 3 Some Council Members are elected, and some Council Members are appointed
- 8 Don't know/Unsure

2. Currently there are 21 NSBS Council Members. In your opinion, is this too many, too few, or the appropriate number for the Council? **CODE ONE ONLY**

- 1 Too many
- 2 Too few
- 3 The appropriate number
- 7 Don't care
- 8 Don't know

3. To what extent do you agree or disagree with each of the following statements regarding the NSBS Council's current selection process for Council Members?

RANDOMIZE STATEMENTS ON SCREEN – PERMIT ONE RESPONSE ONLY PER STATEMENT

- a. *The current selection process generally has resulted in Council having the requisite skills to provide effective governance*
- b. *The current selection process generally has resulted in Council Members reflecting the backgrounds of NSBS's Membership*
- c. *The current selection process generally has resulted in Council Members reflecting the backgrounds of the Nova Scotia population*
- d. *The current selection process ensures appropriate regional representation of viewpoints*

- 1 Completely agree
- 2 Mostly agree
- 3 Mostly disagree
- 4 Completely disagree
- 7 Don't care
- 8 Don't know

4. To what extent do you agree or disagree with each of the following statements regarding the process for selecting Council Members in the future?

RANDOMIZE STATEMENTS ON SCREEN – PERMIT ONE RESPONSE ONLY PER STATEMENT

- a. *Steps should be taken to ensure the NSBS Council has representation reflecting Nova Scotia's diversity, equity-seeking communities (for example, gender or sexual expression, race, age, year of call, and so forth)*
- b. *Steps should be taken to ensure the NSBS Council has representation reflecting the types of legal practices (for example, corporate, litigation, property, and so forth)*
- c. *Steps should be taken to ensure the NSBS Council has representation reflecting the types of practice venues (for example, private firms, government, legal aid, and so forth)*
- d. *Steps should be taken to ensure the NSBS Council has representation reflecting regional representation*

- 1 Completely agree
- 2 Mostly agree
- 3 Mostly disagree
- 4 Completely disagree
- 7 Don't care
- 8 Don't know

5. **[DO NOT POSE Q.5 IF CODE 8 IN Q.4a]** Why do you **[INSERT: 'say steps should be taken' IF 'agree' IN Q.4a / INSERT: 'say steps should not be taken' IF 'disagree' IN Q.4a]** to ensure the NSBS Council has representation reflecting Nova Scotia's diversity, equity-seeking communities? **RECORD VERBATIM**

PRESENT THE FOLLOWING AS CONTEXT ON SCREEN:

As you may know, NSBS Council presently is composed of the following:

- *Three Officers chosen by way of the Nominating Committee (NC) nominating and/or receiving nominations of candidates. The NC endorses a slate of candidates and an election follows if there is a challenge candidate arising from the Membership;*
- *Ten District/Regional Members elected by the Membership;*
- *Three Public Members appointed by Council after an application and nomination process. Public Members are not eligible to hold an Officer position; and*
- *Three Members At-Large elected by the Membership.*

5. To what extent do you agree or disagree with each of the following statements regarding the NSBS Council? **RANDOMIZE STATEMENTS ON SCREEN, EXCEPT ALWAYS POSE STATEMENTS 'e' AND 'f' LAST – PERMIT ONE RESPONSE ONLY PER STATEMENT**

- a. *Public Members on Council should be eligible to hold an Officer position*
- b. *Candidates for election to serve as a Member-At-Large on Council should be vetted to ensure the Society's objective for Council diversity (such as, for example, representatives in terms of gender or sexual expression, race, age, year of call, and so forth) is fulfilled*
- c. *Candidates for election to serve as a Member-At-Large on Council should be vetted by a Society committee (like the Nominating Committee), to ensure the Society's objective to increase the Council's skills base is fulfilled*
- d. *The number of Members-At-Large on Council should be increased, to facilitate Council having robust representation in terms of member skills, background, and so forth*
- e. *Members-At-Large should be appointed by Council (as opposed to elected by the Membership) to ensure the Society's skills base objectives for Council are met*
- f. *Members-At-Large should be appointed by Council (as opposed to elected by the Membership) to ensure the Society's diversity objectives for Council are met*

- 1 Completely agree
- 2 Mostly agree
- 3 Mostly disagree
- 4 Completely disagree
- 7 Don't care
- 8 Don't know





NOVA SCOTIA BARRISTERS' SOCIETY

COUNCIL MEETING MINUTES
IN PERSON & VIA VIDEO CONFERENCE

Date April 22, 2022

Time 09:00 am

Present Melanie Petrunia, First Vice President, *Chair*
Mark Scott QC, Second Vice President
Jackie Mullenger, Acting Executive Director
Bryan Darrell
Frank DeMont QC, via Zoom
Bronwyn Duffy
David Hirtle QC
Michelle Kelly QC, via Zoom
A. Fraser MacFadyen
Jennifer MacDonald
Morgan Manzer
Shannon Mason
Carole Lee Reinhardt
Kelly Rowlett, via Zoom
Angeli Swinamer, via Zoom
Michelle Ward, via Zoom
Patrick Young, via Zoom
Jamie Vacon

Regrets:

Tuma Young QC, President
Ingrid Brodie QC

Staff:

Jane Willwerth, *Recording*
Jennifer Dickison
Jubanti Toppo
Kate Shewan, *in part*
Lawrence Rubin, *in part*

Guests:

Level Chan, *in part*
Desiree Jones
Andy Nickerson QC, incoming Second Vice President

1. INTRODUCTORY MATTERS/CALL TO ORDER

1.1 Introductory Remarks

First Vice President Melanie Petrunia called the meeting to order, welcomed everyone and provided a land acknowledgement. She also welcomed new Council member Kelly Rowlett and incoming Second Vice President Andy Nickerson QC.

UPON MOTION BY Mark Scott QC and seconded by Morgan Manzer that the discussion of item 3.2 regarding the statement to the membership be moved in camera. MOTION UNANIMOUSLY APPROVED.

2. DISCUSSION OF BIG ISSUE

2.1 Budget Approval and LIANS Levy

Kate Shewan, Director of Finance and Administration presented the Society's budget for 2022-2023, including general fund reserves, Lawyers' Fund for Client Compensation Reserves, and revenue & expenses. She noted that while the Society does three-year budget forecasts, the budget and membership fees are reviewed annually in order to make adjustments.

In response to questions, K. Shewan noted that governance training for Council is budgeted under the “professional fees” item; and Jackie Mullenger, Acting Executive Director, noted that staff shortages are being alleviated by engaging outside service providers as necessary.

UPON MOTION BY Carole Lee Reinhardt and seconded by Mark Scott QC that the Budget be approved. MOTION UNANIMOUSLY APPROVED.

UPON MOTION BY Mark Scott QC and seconded by Jennifer MacDonald that Schedule A – Society Fees and Assessments be approved. MOTION UNANIMOUSLY APPROVED.

Lawrence Rubin, Director of LIANS, introduced and summarized his memo regarding the insurance levy for 2022-2023. In response to questions, he noted that the levy categories are set out in regulations and that LIANS has no mandate to consider expanding the number of categories.

UPON MOTION BY David Hirtle QC and seconded by Mark Scott QC that the 2022-2023 LIANS levy be approved. MOTION CARRIED.

Following a discussion, M. Petrunia agreed to review the governance processes concerning how the LIANS levy is brought before Council.

3. POLICIES & PROCESSES

- 3.1 **Activity Plan Check In** – J. Mullenger reported that Katie Lister, Governance, Policy & Planning Advisor has left the Society for a new position. She noted some aspects of the activity plan would be on hold until after staff vacancies are filled.
- 3.2 **Governance Report** – Bryan Darrell, Chair of the Governance Committee, provided Council with additional information regarding the governance report provided at the last Council meeting. He noted the purpose of the report was to summarize feedback from current and former members of Council rather than to provide a full governance review as has been done in other jurisdictions.
- 3.3 **Training for Council – Leadership, EDI & Governance Update** – M Petrunia reported that Council will be provided governance training through the Institute of Corporate Directors. She also noted that planning is underway for a training retreat for Council members in October, and more information about this training will be provided in the coming months.
- 3.4 **Alternative Fee Arrangements** – Jackie Mullenger introduced a memo to Council providing an environmental scan of alternative fee arrangement in other jurisdictions, and sought Council's direction on next steps for the Society. Council agreed that staff should prepare a draft plan for a pilot project.

4. IN CAMERA

UPON MOTION BY Bryan Darrell and seconded by Carole Lee Reinhardt that Council begin an in-camera discussion. MOTION CARRIED.

Five items were discussed in camera.

UPON MOTION BY Patrick Young and seconded by Bronwyn Duffy that Sean Ponnambalam's request for an insurance exemption pursuant to Regulation 4.1.8(d) be approved. MOTION CARRIED.

UPON MOTION BY Mark Scott QC and seconded by David Hirtle QC that Deepak Prasad and Kothai Kumanan be appointed to Council as Public Representatives. MOTION CARRIED.

UPON MOTION BY Carole Lee Reinhardt and seconded by Jamie Vacon that Council be moved back in-camera. MOTION CARRIED.

5. CONSENT AGENDA

5.1 Minutes of March 25, 2022, Council Meeting

5.2 Member Resignation:

- Mr. Pir Moshin Ali Rashdi
- Mr. Sanjeev Sahrawat
- Ms. Cynthia Marietta Thomas

5.3 Committee Appointments:

- Nova Scotia Legal Aid Commission – Oliver Janson

5.4 Nominating Committee Terms of Reference

UPON MOTION BY Bryan Darrell and seconded by Mark Scott QC that the consent agenda be approved as tabled. MOTION UNANIMOUSLY APPROVED.

6. FOR INFORMATION

6.1 2021-2022 Council Calendar

6.2 Presidents Report

6.3 Executive Directors Report

6.4 Legal Services Support Monitoring Report

6.5 Finance Statements

6.6 Racial Equity Committee Progress Report

6.7 Bourinot's Quick Reference Guide

7. WRAP UP

The meeting was adjourned by consent.

8. MEETINGS

- 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 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)

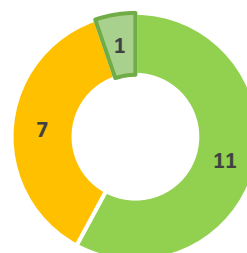
MARCH	APRIL	MAY	JUNE
<u>Council Meeting – March 25</u> <ul style="list-style-type: none"> Budget (detailed overview) Activity Plan Check In Committee progress/year end reports Equity and Access Monitoring Report Annual Monitoring reports – LSS Annual Compensation and Benefits Review LIANS six- month 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

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



■ On Track ■ Delayed ■ Completed



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



NOVA SCOTIA
BARRISTERS' SOCIETY

2021-2023 COUNCIL ACTIVITY PLAN

Objective	Tasks	Lead (Specific Person)	Contributors (optional)	KPIs/Deliverable(s)	Timeline (Q1 - Jul-Sept Q2 - Oct- Dec Q3 - Jan -Mar Q4 - Apr - Jun)	Status (Completed, On Track, Delayed, Cancelled)	Notes
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	



NOVA SCOTIA
BARRISTERS' SOCIETY

2021-2023 COUNCIL ACTIVITY PLAN

Objective	Tasks	Lead (Specific Person)	Contributors (optional)	KPIs/Deliverable(s)	Timeline (Q1 - Jul-Sept Q2 - Oct- Dec Q3 - Jan -Mar Q4 - Apr - Jun)	Status (Completed, On Track, Delayed, Cancelled)	Notes
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



NOVA SCOTIA
BARRISTERS' SOCIETY

2021-2023 COUNCIL ACTIVITY PLAN

Objective	Tasks	Lead (Specific Person)	Contributors (optional)	KPIs/Deliverable(s)	Timeline (Q1 - Jul-Sept Q2 - Oct- Dec Q3 - Jan -Mar Q4 - Apr - Jun)	Status (Completed, On Track, Delayed, Cancelled)	Notes
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	



NOVA SCOTIA
BARRISTERS' SOCIETY

2021-2023 COUNCIL ACTIVITY PLAN

Objective	Tasks	Lead (Specific Person)	Contributors (optional)	KPIs/Deliverable(s)	Timeline (Q1 - Jul-Sept Q2 - Oct- Dec Q3 - Jan -Mar Q4 - Apr - Jun)	Status (Completed, On Track, Delayed, Cancelled)	Notes
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



NOVA SCOTIA
BARRISTERS' SOCIETY

2021-2023 COUNCIL ACTIVITY PLAN

Objective	Tasks	Lead (Specific Person)	Contributors (optional)	KPIs/Deliverable(s)	Timeline (Q1 - Jul-Sept Q2 - Oct- Dec Q3 - Jan -Mar Q4 - Apr - Jun)	Status (Completed, On Track, Delayed, Cancelled)	Notes
	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	



NOVA SCOTIA
BARRISTERS' SOCIETY

2021-2023 COUNCIL ACTIVITY PLAN

Objective	Tasks	Lead (Specific Person)	Contributors (optional)	KPIs/Deliverable(s)	Timeline (Q1 - Jul-Sept Q2 - Oct- Dec Q3 - Jan -Mar Q4 - Apr - Jun)	Status (Completed, On Track, Delayed, Cancelled)	Notes
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



NOVA SCOTIA
BARRISTERS' SOCIETY

2021-2023 COUNCIL ACTIVITY PLAN

Objective	Tasks	Lead (Specific Person)	Contributors (optional)	KPIs/Deliverable(s)	Timeline (Q1 - Jul-Sept Q2 - Oct- Dec Q3 - Jan -Mar Q4 - Apr - Jun)	Status (Completed, On Track, Delayed, Cancelled)	Notes
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



NOVA SCOTIA
BARRISTERS' SOCIETY

2021-2023 COUNCIL ACTIVITY PLAN

Objective	Tasks	Lead (Specific Person)	Contributors (optional)	KPIs/Deliverable(s)	Timeline (Q1 - Jul-Sept Q2 - Oct- Dec Q3 - Jan -Mar Q4 - Apr - Jun)	Status (Completed, On Track, Delayed, Cancelled)	Notes
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

Date: May 13, 2022

Fr: Tuma Young, President

Re: President's report for the period April to May 2022

Kwe Msit Wen:

Meeting & Presentation held to date:

1. Weekly telephone calls with Acting ED every Monday at 3pm.
2. Search Committee: I have several communications (emails) with RT about scheduling dates of the Search Committee.
3. The following presentations/meetings were done in my capacity as the President of the NSBS (fully or in part):
 - Presentation/discussion to & with the NS Tripartite Committee (Federal, Provincial & First Nations) on Justice.
4. Member engagement with several our members (through emails, phone calls and personal meetings (social distancing).
5. I presented congratulatory remarks to the new Queen's Counsel lawyers on May 5.
6. Hosted a meet and greet for the new Incoming President with the Elderberries (a senior 2SLGBTQ+ group)
7. Participated in an initial engagement meeting with Assembly of First Nations Regional Chief's office on policing in First Nations Communities: topic was the movement from a program-based policing model to the new proposed essential services model.
8. Continuing to act as a sounding board for our interim Acting Director, Jackie

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: May 16, 2022

Subject: ED Report

We continue to be busy as we send out invoices, get ready for the new articulated clerks and the June call to the bar. The call will be partly in person, and some will be called administratively. We asked students which they wanted and gave them a choice. The majority wanted to be called in person. There will be two ceremonies on June 17th at Pier 21. Each student is limited to bringing 4 guests. We are unable to have a reception due to covid restrictions.

We have decided to hold the Annual Meeting virtually again this year. We will be saying farewell to our current President, Tuma Young QC and welcoming our new President, Melanie Petrunia. The law school is undergoing renovations and with staff shortages it is not feasible to run a full education program on that day. We are hoping to return to our normal meeting next year.

At our next Council meeting we will be looking at the updated Annual Lawyers Report and receiving a monitoring report from the Education and Credentials department. Jennifer Pink, Acting Director, E&C will attend the May Council meeting to present her report and answer questions.

We have hired one summer student this year, under summer internship programs, to work with our Finance Department. They are going to assist with various projects including Trust Assurance.

We are working on a training session for Council on the afternoon of June 17th as has been in your calendars and a President's dinner that evening. More information will follow as it becomes available.

I also want to advise you that the Gowning Room at the Supreme Court is open and that a new code has been implemented. If you are told by the Sheriff's that it is not open, this is incorrect. We will place an item on our website, and you can call the front desk or the library to get the code. If you have any further issues, please let me know.

Looking forward to seeing you at the Council meeting.

Jackie

EQUITY LENS APPLICATION IN POLICY DEVELOPMENT - GUIDELINES

Purpose

These Guidelines provide direction to Council and Society committees for ensuring appropriate consideration and consultation of equity issues in the development of all Society Policies.

Guiding Principles

Representatives of the Society must apply an Equity Lens in the development of any Policies and ensure that equity considerations are appropriately addressed in all Policies, consistent with the Society's values and objectives as required by Council Policy 16.

All Society Policies must be consistent with legislation, legal standards including the Code of Professional Conduct, best practices, as well as the Society's mandate and strategic priorities. This includes Council Value 3.2.6:

3.2.6 Diversity

We promote substantive equality and encourage the profession to embrace the value of diversity. We are inclusive and supportive of people from diverse backgrounds, cultures, practice environments and life experiences.

Policies should reflect the Society's established guidance, principles and priorities regarding equity considerations, including those set out in the following resources:

- <https://nsbs.org/about/strategic-plan/>
- <https://nsbs.org/about/who-we-are-and-what-we-do/>
- <https://nsbs.org/legal-profession/your-practice/practice-support-resources/equity-access-resources/>
- <https://nsbs.org/wp-content/uploads/2019/12/MSELP-Workbook.pdf> - Element 9
- <https://www.lians.ca/standards/law-office-management-standards - Section 8>
- NSBS Regulatory Objective #6 - To promote diversity, inclusion, substantive equality, and freedom from discrimination in the delivery of legal services and the justice system.
- Council Policy #1 (1.4) and #2 (2.4 and 2.5)

Definitions

"Equity Committees" – means the Racial Equity Committee and the Gender Equity Committee. Where is it determined by the Equity and Access Office or Executive/Council that consultation on a Policy should include consultation with the Society's Truth and Reconciliation Commission Working Group (TRCWG), these Guidelines shall apply to the engagement of the TRCWG.

"Equity Lens" - means the Equity Lens as defined in the Society's Equity Lens Toolkit and its application as outlined in the Toolkit. An equity lens is a series of considerations to guide decision-making to avoid assumptions based on biases and to breakdown barriers that prohibit equal participation by all persons, particularly those from Equity-Seeking Communities. The components of the Equity Lens are:

- a) Identify barriers where they occur;
- b) Eliminate barriers by making adaptations that reflect the lived experience of those affected; and
- c) Create new ways of working by considering inclusion at the earliest stages rather than at the end.

"Equity-Seeking Communities" – means Equity-seeking groups including women, Indigenous peoples, racialized peoples, persons with disabilities and persons seeking equality based on their sexual orientation and gender identity.

"Policy" means any policy, regulation, practice standard, procedure, process, or position statement to be undertaken by Council, committees or volunteers.

“Sponsor” means a Society officer, Council member, Committee, working group or other Society representative who is developing a Policy.

Process

1. The Sponsor (together with its Society staff support, if any) is responsible for ensuring that any Policy complies with legal requirements, best practices, Council Policy 16 and the Society's guiding principles and regulatory objectives as set out in these Guidelines.
2. The Sponsor is responsible for ensuring that the Equity Lens is applied to the development of any Policy from the outset. Sponsors should ensure that all Policy drafters and reviewers are familiar with the Equity Lens Toolkit and are able to apply its principles effectively in their work. Training and support in the use of the Equity Lens Toolkit is available to Sponsors and volunteers through the Equity and Access Office.
3. The Equity and Access Office will provide support and direction to Sponsors in relation to Equity Lens application, impact, available resources, appropriate stakeholder engagement, and best practices for addressing equity considerations.
4. Sponsors should consult with the Equity and Access Office at the beginning of the Policy development process to determine how to address any equity considerations engaged by a Policy. Consultation should continue with the Equity and Access Office on an ongoing basis throughout the Policy development.
5. A Sponsor must consult with the Equity and Access Office in relation to any new Society policy, regulation or practice standard before it is sent to Executive to be placed on Council's agenda for approval. This may be done through the Sponsor's staff support where appropriate. This consultation must occur before the Policy is sent to Executive to be placed on Council's agenda for approval.
6. Consultation with the Chairs of the Equity Committees, or the Equity Committees as a whole, will occur in each of the following circumstances:
 - a) when requested or directed by the Sponsor, Executive or Council; or
 - b) when recommended by the Equity and Access Office.
7. All requests for consultation with the Equity Committees will be directed by the Sponsor to the Equity and Access Office and will include a Consultation Review form and copy of any draft Policy. A Sponsor, including Council, is responsible for planning their work in a manner that is consistent with these Guidelines and provides sufficient time for the Equity Committees to meaningfully review any Policy before them.
8. Equity Committee Chairs will review requests for consultation within 2 weeks and place the matter on the agenda for the next Equity Committee meeting where appropriate as determined by the Chairs and Equity and Access Office. Given the Committee meeting schedules, consultation feedback is anticipated to be provided within 8-12 weeks from the time it first appears before the Equity Committee meeting.
9. If additional time for review is likely to be required, the Equity Committee Chairs will communicate this as soon as possible to the Equity and Access Office.
10. If a Sponsor requires feedback and consultation more urgently, such as in relation to a matter that is currently in the media, to comply with a third party deadline or to address an ongoing risk to the public interest, the Sponsor should identify these considerations immediately and work

directly with the Equity and Access Manager (or their designate) to obtain support and consideration.

11. A Sponsor seeking abbreviated time for consultation will work collaboratively with the Equity and Access Manager and the Equity Committee Chairs to obtain assistance, where appropriate and as acceptable to the Equity Committees, on an interim basis.
12. The Sponsor, a Committee Chair on behalf of each of the Equity Committees and the Equity and Access Office Manager may mutually agree to dispense with or abridge any of the requirements or timelines under these Guidelines.
13. Subject to the other provisions of these Guidelines, the Equity Committees may provide joint feedback on a Policy or each Equity Committee may provide its feedback separately.
14. The Equity Committees will provide their feedback in relation to the consultation request to the Sponsor with a copy to the Equity and Access Manager.
15. The Equity and Access Office and/or the Equity Committees recommendations following consultation may include, but are not limited to:
 - a) changes or modifications to the draft Policy to address equity considerations;
 - b) areas for further consideration or research by the Sponsor in relation to the impacts or requirements of the Policy;
 - c) further consultation with stakeholders from Equity-Seeking Communities who are directly or indirectly impacted or will be impacted by the Policy;
 - d) considerations for the communication, implementation and/or education roll-out of the Policy.
16. The Sponsor is responsible for ensuring appropriate follow-up and consideration of feedback from the Equity and Access Office and the Equity Committees sufficient to ensure the Policy complies with the requirements of these Guidelines, including #1 above. The Sponsor may seek additional clarification or support from the Equity Committees or the Equity and Access Manager in relation to the feedback.
17. The Sponsor will ensure that the Equity Committees' feedback is shared with any committee members, volunteers, staff or stakeholders involved in the drafting or further approval of the Policy, including but not limited to the Executive Director, Executive and Council.
18. Failure to comply with these Guidelines may result in delay of approval of the Policy, rejection of the Policy, or other consequences consistent with the Society's policies and practices in relation to breaches of Society policies and guidelines.
19. Council, Executive and the Executive Director are responsible for ensuring compliance with these Guidelines prior to approval of a Policy.

Recommended amendments to Council Policy 16:

Addition 16.5A – “Committees are responsible for applying an equity lens in the conduct of all Committee work. All Committee members are expected to be familiar with the Society’s Equity Lens Toolkit and to apply its principles in their participation in Society Committees.”

Addition 16.20A – “Committee members will engage in Society business in a manner that is inclusive and demonstrative of the Society’s principles and regulatory objectives of promoting and supporting equity, diversity and inclusion in the regulation and provision of legal services.”

Appendix “A”

CONSULTATION REQUEST

Submit completed request to Equity and Access office by email to [ADD]

The standard turnaround time for consultations to be reviewed and returned with feedback is estimated at 8-12 weeks weeks*

Date:	
Submitted by:	
Policy Title Responsible Person/Title	
Background Describe if a new or existing policy/regulation/standard (“policy”) and reason for new policy or update.	
Consultation and Review Who within the Society has been involved in the creation and review of the policy to date?	
Legislation/Best Practice Review Describe what review or research of best practices, legislation and other resources was completed and how the policy reflects these.	
Key Issues for Consultation Describe the key issues, concerns or knowledge gaps that you would anticipate being addressed by the consultation.	
What alternatives, options or other issues were considered, but not included in the policy? Why were these rejected?	
Communication Issues/Implementation Plans How will the existence of the policy be communicated to stakeholders? Do you anticipate any problems or issues with implementation?	

Any other information that would be helpful for consideration in the consultation?	
Are there any timing issues or deadlines that affect when review and feedback on the policy are required?	

REVIEW Comments:

Reviewed by	Comments	Date

Law Society of Alberta Benchers Approve Acknowledgment of Systemic Discrimination

Acknowledgment of Systemic Discrimination

In the Fall of 2020, the Law Society of Alberta invited lawyers, articling students, law students and internationally trained lawyers (including those not yet called to the bar) to share their experiences of racial discrimination and stereotyping with us. Those who bravely shared their stories were also a voice for some who could not speak. Each submission impacted our organization and the legal profession more broadly.

The Law Society of Alberta acknowledges the existence and impact of systemic discrimination within the justice system, including within the Law Society and the legal profession. The Law Society views its core purpose as an active obligation and duty to uphold and protect the public interest in the delivery of legal services. We do this through our regulatory objectives, one of

which is to [promote equity, diversity and inclusion in the legal profession and in the delivery of legal services](#).

When we use the term systemic discrimination, we mean policies, procedures and practices within systems and institutions that result in disproportionate opportunities or disadvantages for people with a common set of characteristics such as age, culture, disability, gender, race, religion, sexual orientation, and/or socio-economic status. Systemic discrimination functions due to some of the inequitable principles historically embedded in our systems and institutions. Even if no individual members of the justice system engage in intentional discriminatory behaviour, the inequity embedded within the system still exists and results in disproportionate harmful impacts to those who are marginalized. We recognize that systemic discrimination goes against principles of fairness that the legal profession values and upholds. Acknowledging that systemic discrimination exists within the Law Society, the legal profession and the justice system is a step towards improving how we protect the public interest and fulfill our regulatory objectives. Acknowledging the impact of systemic discrimination allows us to meaningfully continue the work of making the legal profession more equitable, increasing diversity and promoting inclusion. Where systemic discrimination manifests in policies, procedures and other work of the Law Society, we will identify this and address it.

The Law Society has made efforts to address issues in the legal profession and the justice system arising from historical, deep-rooted inequities. We know that many lawyers are committed to equity, diversity and inclusion in the legal profession and are taking active steps to promote those ideals. However, through initiatives such as our Exit Surveys (2005–2010), the [Articling Program Assessment Survey](#) (2019), and the [“My Experience” Project](#) (2020–2021), we have heard the voices of those in the legal profession suffering from the disproportionate harmful impacts of systemic discrimination. We recognize and accept the need to take [further steps](#) to address systemic discrimination within the Law Society, the legal profession and the justice system.

The Law Society remains committed to reducing barriers created by racism, bias and discrimination, in order to affect long-term systems changes within our legal culture. We are committed to continuing our efforts to learn, to listen, to act and to lead Alberta's legal profession by example. In collaboration with the legal profession, stakeholders and justice system partners, the Law Society will continue to work diligently towards building a more diverse, equitable and inclusive legal profession for all.



Moving Forward



Learn More



Questions?



Bourinot's Rules of Order at a Glance

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

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

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

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

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

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

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