

Management System for
Ethical Legal Practice (MSELP)

SELF-ASSESSMENT WORKBOOK FOR SOLE PRACTITIONERS & SMALL FIRMS

Introduction

This Workbook is a key component of the NSBS [MSELP self-assessment](#) program – a central feature of the Society's 'Triple P' (proactive, principled and proportionate) approach to regulating law firms, which include sole practitioners.

The primary goal of the self-assessment is educational. It asks you to examine your practice management systems and evaluate the extent to which your practices (i.e. policies, processes, and ways of doing things – both written and unwritten) support core areas of professional, ethical firm practice. The ways each firm reflects these core areas – or MSELP Elements – is unique. This is not a 'one size fits all' exercise – the aim is to foster and support continuous practice improvement among all lawyers and firms.

There are three main components of the program:

- The **online Self-Assessment Tool** ("SAT") (the mandatory portion of the self-assessment program, which sole practitioners and lawyers complete every three years (see [Regulations 4.6 & 8.3](#) of the *Legal Profession Act*)
- This **Workbook** – an additional, optional tool designed to assist lawyers and firms who want to engage more deeply in the self-assessment exercise. **The Workbook is not submitted to the NSBS – it is for your use only.** We encourage reviewing the Workbook before completing the online SAT. But it is also a tool for your personal use at any time, outside of the self-assessment process. It includes direct links to many online practice tools and resources.
- **Legal Services Support / follow-up** - after you submit your completed self-assessment, Society staff will respond within 10 business days. We aim to direct you to tools and resources that might help in addressing your identified priority areas for development. Equally, if you have tools that could help other firms improve their practice systems, we'll be interested to learn as we are building a shared community of practice resources.

You can contact NSBS Legal Services Support at any time with questions [by email](#) or by phoning (902) 422-1491.

The 10 MSELP Elements

This Workbook guides you through a wide range of practice management considerations, organized within the **10 Elements of a Management System for Ethical Legal Practice** (MSELP). Each Element has a corresponding and aspirational Objective, as follows:

1. Maintaining appropriate file and records management systems

Objective: *You and your staff, if any, use an appropriate file management system that safeguards clients' documents and information.*

2. Communicating in an effective, timely and civil manner

Objective: *Communication with your client are clear and they are in a position to make informed decisions about the services they need, how their matter will be handled and the options available to them.*

3. Ensuring confidentiality

Objective: *You keep the affairs of clients confidential unless disclosure is required or permitted by the law, or the client consents.*

4. Avoiding conflicts of interest

Objective: *You never act where there is a conflict, or a significant risk of conflict, between you and your client.*

5. Developing competent practices

Objective: *You maintain accurate and up to date records using an appropriate file management system that safeguards clients' documents and information.*

6. Ensuring effective management of the law firm and staff

Objective: *Staff, if any, are adequately supervised, supported and managed in their delivery of legal services to clients.*

7. Charging appropriate fees and disbursements

Objective: *Clients are charged fees appropriately and are clear about the costs, or likely costs incurred during their legal transaction.*

8. Sustaining effective and respectful relationships with clients, colleagues, courts, regulators and the community

Objective: *Your dealings with clients and other third parties will be conducted in a fair, open, effective and respectful way that respects diversity.*

9. Working to improve diversity, inclusion and substantive equality

Objective: *You are committed to improving diversity, inclusion and substantive equality and ensuring freedom from discrimination in the delivery of legal services and the justice system.*

10. Working to improve the administration of justice and access to legal services

Objective: *You play a role in improving access to legal services and the administration of justice.*

How to Use the Workbook

The Workbook is organized by the 10 MSELP Elements, above. It provides a detailed list of considerations for you to reflect on in assessing the extent to which you are achieving the Objective for that Element through consistently followed practices.

Note that 'practices' means the ways you and your staff do things and includes systems, guidelines, policies and procedures. Some practices are in writing while others are unwritten and understood. Written policies and guidelines are often recommended as best practice, but this isn't always feasible or appropriate in all circumstances. You are not expected to have written policies on every aspect of practice.

Not every consideration or factor listed here will be relevant to your practice. You are asked to think broadly about the Element and how you, in your unique legal practice and circumstances, aim for the stated Objective. The intent is to help you identify areas where you might see room for development and to find tools and resources to support you in making those improvements.

To help, the Workbook provides links to regulatory guidance (e.g. the *Code of Professional Conduct*, NSBS Practice Standards) and a wide range of online practice tools and resources.

At the end of each Element you can assess your firm's practices on a 1-4 scale. There is room to note where your firm does well and where there might be room for development. This is for your benefit only - **do not submit this Workbook to the Society**. It is for your own records and use.

It is worth noting that when you do complete your firm's online Self-Assessment Tool, you are asked to identify up to three areas for MSELP development

The notes you take here in your Workbook can inform your online reporting and make it a more meaningful process. It can also serve as a "working copy" of the firm's self-assessment, or act as a record that establishes a baseline from which to measure progress towards more robust practice management systems. Firms can also build on the Workbook's guidance and resources to create their own set of practice management materials.

[Click here](#) for full instructions for the MSELP self-assessment process.

If you have any questions about the Workbook or self-assessment process, please contact NSBS Legal Services Support [by email](#) or phone at (902) 422-1491.

ELEMENT 1: MAINTAINING APPROPRIATE FILE AND RECORDS MANAGEMENT SYSTEMS

OBJECTIVE: You and your staff, if any, use an appropriate file management system that safeguards clients' documents and information.

Note: A list of considerations or examples is beneath each Indicator (below). Reflect only on only those that apply to you. They represent some of the ways you can strive for the Objective (above) through consistently followed practices. You might include other things to consider, unique to you.*

***“Practices” means the ways you and your staff do things, and includes systems, guidelines, policies and procedures. Some practices are in writing, others are unwritten and understood.*

INDICATOR 1.0 – You adhere to section 3.5: Preservation of Client’s Property in the Code of Professional Conduct and all applicable professional standards.

Considerations	Suggested resources
<ul style="list-style-type: none"><input type="checkbox"/> NSBS, <i>Code of Professional Conduct</i>, Halifax: Nova Scotia Barristers' Society, 2012<ul style="list-style-type: none"><input type="checkbox"/> section 3.5: Preservation of Client’s Property<input type="checkbox"/> NSBS Law Office Management Standards:<ul style="list-style-type: none"><input type="checkbox"/> #1: Record Retention<input type="checkbox"/> #2: Client Service<input type="checkbox"/> #3: Timekeeping<input type="checkbox"/> #4: Maintenance and Backup of Electronic Data<input type="checkbox"/> #5: Retention and Billing<input type="checkbox"/> #6: Cloud Computing<input type="checkbox"/> NSBS Regulation 4.13 Client Identification	<p>NSBS, Code of Professional Conduct, Halifax: Nova Scotia Barristers' Society, 2012</p> <p>NSBS / Law Office Management Standards</p> <p>NSBS Regulations (pursuant to the <i>Legal Profession Act</i>, S.N.S 2004, c.28)</p>

INDICATOR 1.1 – You have and use consistently a centralized file management system.

Consider whether your file management system includes:	Suggested resources
<ul style="list-style-type: none"> <input type="checkbox"/> Client identification and verification procedures <input type="checkbox"/> File opening procedures (e.g. conflicts checks, engagement letters, retainer agreements) <input type="checkbox"/> File location and tracking procedures (for paper and digital files) <input type="checkbox"/> A centralized calendar and tickler system for deadlines (e.g. statute of limitations, appointments, filing deadlines, court appearances) <input type="checkbox"/> Procedures to safely back up and archive files <input type="checkbox"/> File closing procedures (e.g. returning original documents, closing letters) <input type="checkbox"/> File destruction procedures <input type="checkbox"/> Procedures for disaster prevention and business continuity <input type="checkbox"/> Physical storage and/or electronic servers are protected from fire, flood, vermin and other hazards <input type="checkbox"/> External service providers comply with data protection legislation <input type="checkbox"/> Other: _____ 	<p>NSBS / Client ID (Anti-Money Laundering) Regulations</p> <p>LIANS / Intake Procedures</p> <p>NSBS / NSBS Law Office Management Standard #4 – Maintenance and Backup of Electronic Data</p> <p>LIANS / Time Management / Missed Limitations</p> <p>Law Society of Ontario / Time Management (Practice Management Guideline)</p> <p>LIANS / File/Record Retention</p> <p>LIANS / File Retention Resources and Practice Aids (2015)</p> <p>LIANS / Disaster Planning</p> <p>practicePro / Managing Practice Interruptions</p> <p>Office of the Privacy Commission of Canada / PIPEDA and Your Practice — A Privacy Handbook for Lawyers</p> <p>Canadian Lawyer / Keeping Data Confidential</p>

INDICATOR 1.2 – You have practices that provide you and staff, if any, with a common understanding of how to manage files and records.

<i>Consider whether you have a common understanding of:</i>	<i>Suggested resources</i> <i>Note: This list is being updated Summer/Fall 2022</i>
<input type="checkbox"/> Locations of relevant checklists and schedules <input type="checkbox"/> Standardized file naming conventions <input type="checkbox"/> Locations of digital and paper files <input type="checkbox"/> Approved external service providers (e.g. offsite document storage, cloud storage) <input type="checkbox"/> A file destruction policy <input type="checkbox"/> What person has overall responsibility for file management <input type="checkbox"/> Keeping staff, if any, up to date on changes to file management rules and procedures <input type="checkbox"/> Succession plans addressing clients' open and closed files <input type="checkbox"/> Other: _____	LIANS / Office systems/procedures Law Society of BC / Cloud computing due diligence guidelines LIANS / Miscellaneous/Disaster Planning NSBS / File Retention and Destruction Policy Template NSBS / Succession Planning and Exiting Practice LIANS / Succession Planning Law Society of BC / Winding up a practice: a checklist

INDICATOR 1.3 – You and your staff, if any, use appropriate checklists.

<i>When, for example:</i>	<i>Suggested resources</i>
<input type="checkbox"/> Opening a file <input type="checkbox"/> Closing a file <input type="checkbox"/> Destroying a file <input type="checkbox"/> Other: _____	LIANS / File Closure Checklist at p.13 of File Retention Resources and Practice Aids (2015)

INDICATOR 1.4 – You take adequate measures to protect clients' property.

<i>Consider whether practices are adequate in relation to:</i>	<i>Suggested resources</i>
<ul style="list-style-type: none"><input type="checkbox"/> Safeguarding clients' property (i.e. safe storage, protection from damage or loss)<input type="checkbox"/> Client property intake (e.g. identifying, labeling, recording)<input type="checkbox"/> Carrying adequate insurance for all risks<input type="checkbox"/> Data storage and backup<input type="checkbox"/> Other: _____	<p>NSBS / <i>Code of Professional Conduct</i> section 3.5: Preservation of Client's Property</p> <p>Public Safety Canada, Cyber safe guide for small and medium businesses</p> <p>Public Safety Canada, Create stronger cyber safety policies</p> <p>LIANS / Data Security</p> <p>LIANS / Insurance Protection</p> <p>CBA / "Document and File Security: Fulfilling Your Duty to Preserve"</p> <p>PracticePro / Backup Best Practices and Strategies</p>

ELEMENT 1: YOUR ASSESSMENT

OBJECTIVE: You and your staff, if any, use an appropriate file management system that safeguards clients' documents and information.

*Note: When you complete the on-line portion of this self-assessment, you will identify **up to three areas where you see room for development***

What does you / your firm do well?

How could you improve?

For additional resources and practice tools, [contact NSBS Legal Services Support](#). Are there additional practice tools you need to help satisfy this Element?

Overall, how do you rate your firm's practices* in relation to **MAINTAINING APPROPRIATE FILE AND RECORDS MANAGEMENT SYSTEMS?**

- ☐ 1. Practices are not yet developed
- ☐ 2. Practices are in place but are not followed consistently
- ☐ 3. Practices are in place and followed consistently
- ☐ 4. Practices are established, followed consistently, and reviewed and updated regularly

**"Practices" means the ways you and your staff, if any, do things, and includes systems, guidelines, policies and procedures. Some practices are in writing, others are unwritten and understood*

ELEMENT 2: COMMUNICATING WITH CLIENTS IN AN EFFECTIVE, TIMELY AND CIVIL MANNER

OBJECTIVE: Communications with your clients are clear so they are in a position to make informed decisions about the services they need, how their matter will be handled and the options available to them.

Note: A list of considerations or examples is beneath each Indicator (below). This is not a prescriptive list – reflect on only those that apply to you. They represent some of the ways you can strive for the Objective (above) through consistently followed practices. You might include other things to consider, unique to you.*

***“Practices” means the ways you and your staff do things, and includes systems, guidelines, policies and procedures. Some practices are in writing, others are unwritten and understood.*

INDICATOR 2.0 – You adhere to *section 3.2: Quality of Service* in the *Code of Professional Conduct* and all applicable professional standards.

Considerations	Suggested resources <i>Note: This list is being updated Summer/Fall 2022</i>
<ul style="list-style-type: none"><input type="checkbox"/> NSBS, <i>Code of Professional Conduct</i>, Halifax: Nova Scotia Barristers' Society, 2012<ul style="list-style-type: none"><input type="checkbox"/> section 3.3: Confidentiality<input type="checkbox"/> section 3.2: Quality of Service<input type="checkbox"/> section 5.1 : The Lawyer as Advocate<input type="checkbox"/> section 6.3: Equality, Harassment and Discrimination<input type="checkbox"/> section 7.2: Responsibility to Lawyers and Others<input type="checkbox"/> NSBS Law Office Management Standards: Standard #2: Client Service<input type="checkbox"/> NSBS Criminal Law Standards: Standard #1: Withdrawal as Counsel<input type="checkbox"/> NS Provincial Court Practice Direction: PC Rule 3: Withdrawal of Counsel	<p>NSBS, Code of Professional Conduct, Halifax: Nova Scotia Barristers' Society, 2012</p> <p>NSBS Law Office Management Standards</p> <p>NSBS Criminal Law Standards</p>

INDICATOR 2.1 – You and your staff (if any) and clients have a common understanding of relevant practices and expectations relating to client communication.

Consider whether you have a common understanding of practices and expectations relating to:

Suggested resources

Note: This list is being updated Summer/Fall 2022

- ☐ Confidentiality and privilege
- ☐ Retainer agreements and scope of service
- ☐ Compliance with privacy and anti-spam legislation
- ☐ The importance of maintaining current client contact information
- ☐ Appropriate use of email, telephone, text, social media and other forms of communication
- ☐ Differences and clarity between lawyer and staff roles
- ☐ How clients are informed / updated about their matters
- ☐ How client feedback is received and handled
- ☐ Average response times
- ☐ The terms for withdrawal as counsel
- ☐ Other: _____

CBA / [FAQ – Privilege and Confidentiality for Lawyers in Private Practice](#)

NSBS / [Law Office Management Standard #2: Client Service](#)

LIANS / [“Retainer Agreements and Engagement Letters”](#)

CBA / [Law Firm Privacy Compliance in 10 Steps](#)

Law Society of Ontario / [Client Service and Communication \(Practice Management Guidelines\)](#)

LIANS / [Communication](#)

Law Society of BC / [Model policy: social media and social networking](#)

Law Society of BC / [Sample internet and email use policy](#)

Law Society of BC, Online Learning Centre / [Communication Toolkit](#)

Slaw / [Obtaining and Acting on Client Feedback](#)

Law Society of Ontario / [Time Management \(Practice Management Guideline\)](#)

NSBS / [Criminal Law Standard #1: Withdrawal as Counsel](#)

NS Provincial Court / [Practice Direction – Withdrawal of Counsel \(PC Rule 3\)](#)

INDICATOR 2.2 – Relevant and accurate information about your services is publicly available.

Considerations	Suggested resources
<input type="checkbox"/> Public information (e.g. hours, range of services, staff and contact information) is kept accurate and up-to-date <input type="checkbox"/> Information is accessible to all, including those with disabilities <input type="checkbox"/> Information is relevant to current and potential clients <input type="checkbox"/> Other: _____	ReachAbility / Equalizing the playing field for persons with disabilities

INDICATOR 2.3 – Your communications with clients are respectful of their individual needs and circumstances.

Considerations	Suggested resources <i>Note: This list is being updated Summer/Fall 2022</i>
<input type="checkbox"/> Clients' individual circumstances, communication styles and preferences determine how you communicate and meet with them <input type="checkbox"/> You and your staff, if any, communicate with clients in a manner that is professional and ensures privacy and confidentiality <input type="checkbox"/> You give clients realistic expectations about the frequency and nature of your communications <input type="checkbox"/> Other: _____	CBA / FAQ – Privilege and confidentiality Law Society of Ontario / Client Service and Communication (Practice Management Guidelines)

INDICATOR 2.4 – You and your staff, if any, review clients’ matters regularly and update them proactively about progress.

Considerations	Suggested resources <i>Note: This list is being updated Summer/Fall 2022</i>
<input type="checkbox"/> You provide clients an initial estimate of time and cost <input type="checkbox"/> You provide clients a written retainer at the outset that clearly outlines the scope of services <input type="checkbox"/> You confirm in writing and in a timely way all material changes to the scope of the retainer, eg costs, timelines <input type="checkbox"/> Clients have access to relevant documents and up-to-date deadlines, limitations, hearing and other important dates <input type="checkbox"/> You send clients a closing letter advising on the status of their matter, their accounts, and the location of relevant documents <input type="checkbox"/> Other: _____	NSBS / Law Office Management Standard #2: Client Service LIANS / “ Retainer Agreements and Engagement Letters ” LIANS / Limited Scope Retainer Resources LIANS / Communication LIANS / Papering your file LIANS / Sample letters Law Society of Ontario / Client Service and Communication (Practice Management Guidelines) Law Society of Ontario / Sample Letter to the Client – Closing the File

INDICATOR 2.5 – Your communication practices are adopted consistently and reviewed regularly.

Considerations	Suggested resources
<input type="checkbox"/> You reinforce communications practices with staff, if any, and ensure they are followed <input type="checkbox"/> You review your communication practices regularly to ensure they are kept up to date and comply with professional standards <input type="checkbox"/> Ensuring compliance with guidelines is part of performance reviews of staff, if any <input type="checkbox"/> Other: _____	LIANS / Communication Law Society of Ontario / Client Service and Communication (Practice Management Guidelines)

ELEMENT 2: YOUR ASSESSMENT

OBJECTIVE: Communications with your clients are clear so they are in a position to make informed decisions about the services they need, how their matter will be handled and the options available to them.

*Note: When you complete the on-line portion of this self-assessment, you will identify **up to three areas** where you see room for development*

What does you / your firm do well?

How could you improve?

For additional resources and practice tools, [contact NSBS Legal Services Support](#). Are there additional practice tools you need to help satisfy this Element?

Overall, how do you rate your firm's practices* in relation to **COMMUNICATING WITH CLIENTS IN AN EFFECTIVE, TIMELY AND CIVIL MANNER?**

- ☐ 1. Practices are not yet developed
- ☐ 2. Practices are in place but are not followed consistently
- ☐ 3. Practices are in place and followed consistently
- ☐ 4. Practices are established, followed consistently, and reviewed and updated regularly

**"Practices" means the ways you and your staff, if any, do things, and includes systems, guidelines, policies and procedures. Some practices are in writing, others are unwritten and understood*

ELEMENT 3: ENSURING CONFIDENTIALITY

OBJECTIVE: You keep the affairs of clients confidential unless disclosure is required or permitted by law, or the client consents.

Note: A list of considerations or examples is beneath each Indicator (below). This is not a prescriptive list – reflect on only those that apply to you. They represent some of the ways you can strive for the Objective (above) through consistently followed practices. You might include other things to consider, unique to you.*

**“Practices” means the ways you and your staff do things, and includes systems, guidelines, policies and procedures. Some practices are in writing, others are unwritten and understood.*

INDICATOR 3.0 – You adhere to section 3.3: Confidentiality in the *Code of Professional Conduct* and all applicable professional standards.

Considerations	Suggested resources
<ul style="list-style-type: none"><input type="checkbox"/> NSBS, <i>Code of Professional Conduct</i>, Halifax: Nova Scotia Barristers' Society, 2012<ul style="list-style-type: none"><input type="checkbox"/> section 3.3: Confidentiality<input type="checkbox"/> NSBS Law Office Management Standards:<ul style="list-style-type: none"><input type="checkbox"/> Standard #4: Maintenance and Backup<input type="checkbox"/> Standard #6: Cloud Computing	<p>NSBS, Code of Professional Conduct, Halifax: Nova Scotia Barristers' Society, 2012</p> <p>NSBS Law Office Management Standards</p>

INDICATOR 3.1 – Your practices, policies and procedures provide staff (if any) and clients with a common understanding of how confidentiality and privacy are protected.

<i>Consider whether your practices:</i>	<i>Suggested resources</i>
<ul style="list-style-type: none"> <input type="checkbox"/> Reflect lawyers' duties re: confidentiality (i.e. professional conduct rules and case law) <input type="checkbox"/> Reflect requirements in privacy law <input type="checkbox"/> Train staff on their duties of confidentiality <input type="checkbox"/> Address the dangers of engaging in conversations in social or other settings that may reveal or disclose confidential information directly or indirectly <input type="checkbox"/> Require staff to sign a confidentiality agreement <input type="checkbox"/> Use templates for confidentiality agreements to be signed by third parties (e.g. landlords, contractors, bookkeepers, computer service providers, cleaners, interns, volunteers, family members) who may access physical space or technology <input type="checkbox"/> Address what constitutes necessary disclosure <input type="checkbox"/> Update knowledge of relevant regulatory and legislative changes <input type="checkbox"/> Prevent accidental breaches of confidentiality during social conversations, including on social media <input type="checkbox"/> Manage risk when travelling internationally with electronic devices <input type="checkbox"/> Other: _____ 	<p>Nova Scotia Barristers' Society / Code of Professional Conduct [Chapter 3.3: Confidentiality]</p> <p>CBA / Privilege and Confidentiality for Lawyers in Private Practice</p> <p>Office of the Privacy Commission of Canada / PIPEDA and Your Practice — A Privacy Handbook for Lawyers</p> <p>Law Society of British Columbia / Model privacy policy for employees of a law firm</p> <p>LIANS / Sample Confidentiality Agreement</p> <p>LIANS / Service Provider Confidentiality Policy</p> <p>CBA / Privilege and Confidentiality for Lawyers in Private Practice</p> <p>David T.S. Fraser / Canadian Privacy Law Blog</p> <p>PracticePRO / Social Media Pitfalls to Avoid</p> <p>LIANSwers / Crossing the Line: Privileged Information and Foreign Borders</p> <p>Federation of Law Societies of Canada / Crossing the Border with Electronic Devices: What Canadian Legal Professionals Should Know</p>

INDICATOR 3.2 – Your electronic data is stored and transferred securely.

Considerations	Suggested resources
<ul style="list-style-type: none"><input type="checkbox"/> Staff, if any, are required to adhere to document and password management standards set by your firm<input type="checkbox"/> Password standards protect computers and mobile devices (e.g. laptops, tablets, smartphones, thumb drives)<input type="checkbox"/> You ensure confidential electronic information is not accessed by third party service providers<input type="checkbox"/> If using outsourcing providers, you ensure they have appropriate data security measures<input type="checkbox"/> Staff, if any, know how to secure confidential data when connected to a public Wi-Fi network<input type="checkbox"/> Other: _____	<p>Public Safety Canada, Cyber safe guide for small and medium businesses</p> <p>Public Safety Canada, Create stronger cyber safety policies</p> <p>Law Society of Alberta / Computer Network Security Checklist</p> <p>practicePRO / Model Electronic Document Handling Policy</p> <p>practicePRO / Managing the Security and Privacy of Electronic Data in a Law Office</p> <p>LIANS / Data Security</p> <p>NSBS / Law Office Management Standard #6: Cloud Computing</p> <p>Law Society of British Columbia / Cloud computing due diligence guidelines</p> <p>LIANS / Practising Remotely</p>

INDICATOR 3.3 – You protect confidentiality in the design and use of your physical space.

Considerations	Suggested resources
<ul style="list-style-type: none"><input type="checkbox"/> Paper files are secured and kept away from public areas<input type="checkbox"/> You protect confidential information communicated in public areas (including at reception)<input type="checkbox"/> Visitors cannot accidentally view confidential documents (including postal mail, documents left on printers or fax machines, and information displayed on screens)<input type="checkbox"/> If sharing common space with another law firm or business, you take additional precautions to ensure the confidentiality and security of client information<input type="checkbox"/> Home offices or other remote working locations are given the same privacy considerations as a traditional office<input type="checkbox"/> Other: _____	<p>LIANS / Office Space, Location, Confidentiality</p> <p>Law Society of British Columbia / Lawyers Sharing Space</p> <p>Canadian Bar Association / Sharing Office Space: Tips for Solo Practitioners</p> <p>Law Society of Ontario / Home Office</p>

ELEMENT 3: YOUR ASSESSMENT

OBJECTIVE: You keep the affairs of clients confidential unless disclosure is required or permitted by law, or the client consents.

*Note: When you complete the on-line portion of this self-assessment, you will identify **up to three areas where you see room for development***

What does you / your firm do well?

How could you improve?

For additional resources and practice tools, see the [contact NSBS Legal Services Support](#). Are there additional practice tools you need to help satisfy this Element?

Overall, how do you rate your firm's practices* in relation to **ENSURING CONFIDENTIALITY**?

- ☐ 1. Practices are not yet developed
- ☐ 2. Practices are in place but are not followed consistently
- ☐ 3. Practices are in place and followed consistently
- ☐ 4. Practices are established, followed consistently, and reviewed and updated regularly

**"Practices" means the ways you and your staff, if any, do things, and includes systems, guidelines, policies and procedures. Some practices are in writing, others are unwritten and understood*

ELEMENT 4: AVOIDING CONFLICTS OF INTEREST

OBJECTIVE: You do not act, or continue to act, where there is a conflict of interest, except as permitted by the *Code of Professional Conduct*.

Note: A list of considerations or examples is beneath each Indicator (below). This is not a prescriptive list – reflect on only those that apply to you. They represent some of the ways you can strive for the Objective (above) through consistently followed practices. You might include other things to consider, unique to you.*

***“Practices” means the ways you and your staff do things, and includes systems, guidelines, policies and procedures. Some practices are in writing, others are unwritten and understood.*

INDICATOR 4.0 – You adhere to section 3.4: Conflicts and section 5.2: Lawyer as Witness in the *Code of Professional Conduct* and all applicable professional standards.

Considerations	Suggested resources
<ul style="list-style-type: none"><input type="checkbox"/> NSBS, <i>Code of Professional Conduct</i>, Halifax: Nova Scotia Barristers' Society, 2012<ul style="list-style-type: none"><input type="checkbox"/> section 3.4: Conflicts<input type="checkbox"/> Section 5.2: Lawyer as Witness<input type="checkbox"/> NSBS Family Law Standards<ul style="list-style-type: none"><input type="checkbox"/> Standard #1: Conflict of Interest	<p>NSBS, Code of Professional Conduct, Halifax: Nova Scotia Barristers' Society, 2012</p> <p>NSBS / Family Law Standards</p>

INDICATOR 4.1 – You have a policy or practices in place to check for and evaluate conflicts.

<i>Consider whether your practices:</i>	<i>Suggested resources</i>
<ul style="list-style-type: none"> <input type="checkbox"/> Are written and made available to staff, if any <input type="checkbox"/> Address how and when to check for conflicts <input type="checkbox"/> Address what do when a conflict is discovered <input type="checkbox"/> Identify the appropriate circumstances, and stages of a matter, when conflicts must be checked and evaluated <input type="checkbox"/> Address how staff, if any, are kept up to date on changes to rules and procedures regarding conflicts <input type="checkbox"/> Require that staff, if any, avoid having a financial interest in a client matter <input type="checkbox"/> Require that staff, if any, avoid engaging in business with a client <input type="checkbox"/> Require you to avoid representing adverse parties <input type="checkbox"/> Require you to periodically review and update your conflicts practices <input type="checkbox"/> Other: _____ 	<p>Canadian Bar Association, <i>Conflicts of Interest: Final Report, Recommendations & Toolkit</i></p> <p>Law Society of British Columbia, Model Conflicts of Interest Checklist</p> <p>Canadian Bar Association, Developing a Conflict Checking System for your Law Firm</p> <p>PracticePRO, Managing Conflict of Interest Situations</p>

INDICATOR 4.2 – Your policies or practices require that you and staff, if any, check for and evaluate conflicts in all appropriate circumstances and stages of a matter.

<i>Consider whether potential conflicts are checked:</i>	<i>Suggested resources</i>
<input type="checkbox"/> Prior to accepting a new matter and before receiving confidential disclosure <input type="checkbox"/> When a new party is added to a matter <input type="checkbox"/> During your hiring process (e.g. prior employment, volunteer work, business and personal interests) <input type="checkbox"/> When acting for multiple parties and their interests diverge <input type="checkbox"/> When a staff member, if any, is serving on a board or volunteering <input type="checkbox"/> When your and other lawyers' personal interests or relationships change <input type="checkbox"/> Other: _____	<p>Canadian Bar Association, <i>Conflicts of Interest: Final Report, Recommendations & Toolkit</i></p> <p>Law Society of British Columbia, Model Conflicts of Interest Checklist</p> <p>Canadian Bar Association, Developing a Conflict Checking System for your Law Firm</p> <p>PracticePRO, Managing Conflict of Interest Situations</p>

INDICATOR 4.3 – You have appropriate practices for checking and addressing conflicts.

<i>Consider whether you:</i>	<i>Suggested resources</i>
<input type="checkbox"/> Maintain a list / database of current and former clients <input type="checkbox"/> Maintain a master list or database of prior employment, volunteer work and business interests of staff, if any <input type="checkbox"/> Request corporate officers' and directors' names for checking conflicts <input type="checkbox"/> Request other names (maiden names, previous names, etc.) for checking conflicts <input type="checkbox"/> Request information regarding all adverse parties for checking conflicts <input type="checkbox"/> Require that a waiver be signed, in appropriate circumstances, where a client gives you permission to continue acting despite the existence of a conflict <input type="checkbox"/> Other: _____	<p>Canadian Bar Association, <i>Conflicts of Interest: Final Report, Recommendations & Toolkit</i></p> <p>Law Society of British Columbia, Model Conflicts of Interest Checklist</p> <p>Canadian Bar Association, Developing a Conflict Checking System for your Law Firm</p> <p>PracticePRO, Managing Conflict of Interest Situations</p>

ELEMENT 4: YOUR ASSESSMENT

OBJECTIVE: You do not act, or continue to act, where there is a conflict of interest, except as permitted by the *Code of Professional Conduct*.

*Note: When you complete the on-line portion of this self-assessment, you will identify **up to three areas** where you see room for development*

What does you / your firm do well?

How could you improve?

For additional resources and practice tools, [contact NSBS Legal Services Support](#). Are there additional practice tools you need to help satisfy this Element?

Overall, how do you rate your firm's practices* in relation to **AVOIDING CONFLICTS OF INTEREST**?

- ☐ 1. Practices are not yet developed
- ☐ 2. Practices are in place but are not followed consistently
- ☐ 3. Practices are in place and followed consistently
- ☐ 4. Practices are established, followed consistently, and reviewed and updated regularly

**"Practices" means the ways you and your staff, if any, do things, and includes systems, guidelines, policies and procedures. Some practices are in writing, others are unwritten and understood*

ELEMENT 5: DEVELOPING COMPETENT PRACTICES

OBJECTIVE: You and your staff, if any, have appropriate skill, knowledge, and capacity to deliver your legal services.

Note: A list of considerations or examples is beneath each Indicator (below). This is not a prescriptive list – reflect on only those that apply to you. They represent some of the ways you can strive for the Objective (above) through consistently followed practices. You might include other things to consider, unique to you.*

***“Practices” means the ways you and your staff do things, and includes systems, guidelines, policies and procedures. Some practices are in writing, others are unwritten and understood.*

INDICATOR 5.0 – You adhere to section 3.1: Competence in the *Code of Professional Conduct* and all applicable professional standards.

Considerations	Suggested resources
<ul style="list-style-type: none"><input type="checkbox"/> NSBS, <i>Code of Professional Conduct</i>, Halifax: Nova Scotia Barristers' Society, 2012<ul style="list-style-type: none"><input type="checkbox"/> Section 3.1: Competence<input type="checkbox"/> Section 3.2: Quality of Service<input type="checkbox"/> Chapter 6: Relationship to Students, Employees and Others<input type="checkbox"/> NSBS Family Law Standards: incl. Standard #3: Lawyers' Competence<input type="checkbox"/> NSBS Law Office Management Standards<input type="checkbox"/> NSBS Real Estate Standards<input type="checkbox"/> NSBS Criminal Law Standards incl. Standard #2: Lawyers' Competence	<p>NSBS, Code of Professional Conduct, Halifax: Nova Scotia Barristers' Society, 2012</p> <p>NSBS / Family Law Standards</p> <p>NSBS / Law Office Management Standards</p> <p>NSBS / Real Estate Standards</p> <p>NSBS / Criminal Law Standards</p>

INDICATOR 5.1 – Your hiring practices help build a capable team.

Consider whether your practices cause you to:	Suggested resources <i>Note: This list is being updated Summer/Fall 2022</i>
<ul style="list-style-type: none"><input type="checkbox"/> Identify the necessary skills, competencies and qualities for each position<input type="checkbox"/> Mitigate unconscious bias when building your candidate pool<input type="checkbox"/> Use interviews and reference checks to gather relevant information about candidate<input type="checkbox"/> Attract qualified candidates via your compensation and benefits packages and firm culture<input type="checkbox"/> Consider competent use of practice software and office technology during hiring processes<input type="checkbox"/> Train new staff, if any, in office procedures during their orientation<input type="checkbox"/> Other: _____	<p>Canadian Bar Association / Guide to Human Resources for Law Firms</p> <p>Law Society of BC / Guidelines for recruiting, interviewing, and hiring practices</p> <p>LIANS / Sample interview questions</p>

INDICATOR 5.2: You take on only matters you are qualified and able to handle.

Consider whether your practices:	Suggested resources
<ul style="list-style-type: none"><input type="checkbox"/> Consider the skills, knowledge and abilities of you, your lawyers and staff (if any) when determining whether you are able to take on new matters<input type="checkbox"/> Consider appropriate workloads when determining whether you are able to take on new matters<input type="checkbox"/> Provide appropriate resources to access the necessary skills and knowledge, especially for matters on which you have not previously advised<input type="checkbox"/> Ensure a client is appropriately served when you recognize limitations in your ability to handle a matter or some aspect of it<input type="checkbox"/> Other: _____	<p>NSBS / Code of Professional Conduct: section 3.1: Competence</p> <p>NSBS / Family Law Standard #3: Lawyers' Competence</p> <p>NSBS / Criminal Law Standard #2: Lawyers' Competence</p> <p>Law Society of BC / Online Practice Management Course – Client Screening Learning Module</p> <p>State Bar of Michigan / New Client Screening Checklist</p>

INDICATOR 5.3 – Your practices are accessible to staff, if any, and provide a common understanding of legal services delivery practices and standards.

Consider whether your practices provide a common understanding of:

Suggested resources

Note: This list is being updated Summer/Fall 2022

- ☐ Codes of conduct (internal, NSBS, other)
- ☐ Relevant practice standards and guidelines
- ☐ Technology use and standards (e.g. password security, user guides, social media policy)
- ☐ Client communication standards and practices (e.g. phone scripts, response times)
- ☐ Communication standards with judiciary, other counsel, the Society
- ☐ Trust account guidelines
- ☐ File management practices
- ☐ Billing practices
- ☐ Office procedures (e.g. conflict check processes, internal complaints review processes, expense reporting)
- ☐ Other: _____

NSBS / [Code of Professional Conduct](#)

NSBS / [Law Office Management Standards \(Standard #4 Data Maintenance and Backup; #6 Cloud Computing\)](#)

Nova Scotia Barristers' Society / [Law Office Management Standard #2: Client Service](#)

Law Society of British Columbia / [Communication toolkit](#)

NSBS / [Trust Account Regulations](#) (Part 10 of Regulations under the LPA)

NSBS / [FAQs – Trust Account Regulations](#)

NSBS / [Law Office Management Standard #1 – Record retention and #4 – Maintenance and backup of electronic data](#)

NSBS / [Law Office Management Standard #5 – Retention and billing](#)

LIANS / [Office Systems and Procedures](#)

Law Society of Alberta / [Outline of a Law Office Manual](#)

INDICATOR 5.4 – You create a culture of continuous learning and mentorship.

<i>Consider whether your practices:</i>	<i>Suggested resources</i>
<ul style="list-style-type: none"><input type="checkbox"/> Ensure you and other lawyers, if any, create and maintain professional development plans<input type="checkbox"/> Actively support you and other lawyers, if any, in maintaining and enhancing knowledge of relevant substantive law, practice skills, standards and ethics<input type="checkbox"/> Require staff, if any, to have professional development goals and supporting them in their efforts to meet them<input type="checkbox"/> Facilitate professional development during regular workday hours<input type="checkbox"/> Ensure senior staff and lawyers, if any, mentor junior staff and lawyers<input type="checkbox"/> Provide training to all lawyers and staff, if any, following major changes to regulations, legislation or office procedure<input type="checkbox"/> Other: _____	<p>NSBS / Mentorship</p> <p>Canadian Bar Association / Professional development (resources)</p> <p>NSBS / Library</p> <p>LIANS / Model mentoring activity plan</p> <p>PracticePRO / Managing a mentoring relationship booklet</p>

ELEMENT 5: YOUR ASSESSMENT

OBJECTIVE: You and your staff, if any, have appropriate skill, knowledge, and capacity to deliver your legal services.

*Note: When you complete the on-line portion of this self-assessment, you will identify **up to three areas** where you see room for development*

What does you / your firm do well?

How could you improve?

For additional resources and practice tools, see the [contact NSBS Legal Services Support](#). Are there additional practice tools you need to help satisfy this Element?

Overall, how do you rate your firm's practices* in relation to **DEVELOPING COMPETENT PRACTICES**?

- ☐ 1. Practices are not yet developed
- ☐ 2. Practices are in place but are not followed consistently
- ☐ 3. Practices are in place and followed consistently
- ☐ 4. Practices are established, followed consistently, and reviewed and updated regularly

**"Practices" means the ways you and your staff, if any, do things, and includes systems, guidelines, policies and procedures. Some practices are in writing, others are unwritten and understood*

ELEMENT 6: ENSURING EFFECTIVE MANAGEMENT OF THE FIRM AND STAFF

OBJECTIVE: You supervise, support and manage your operations and staff (including lawyers), if any, appropriately.

Note: A list of considerations or examples is beneath each Indicator (below). This is not a prescriptive list – reflect on only those that apply to you. They represent some of the ways you can strive for the Objective (above) through consistently followed practices. You might include other things to consider, unique to you.*

**“Practices” means the ways you and your staff do things, and includes systems, guidelines, policies and procedures. Some practices are in writing, others are unwritten and understood.*

INDICATOR 6.0 – You adhere to Chapter 6: Relationship to Students, Employees, and Others in the *Code of Professional Conduct* and all applicable professional standards.

Considerations	Suggested resources
<ul style="list-style-type: none"><input type="checkbox"/> NSBS, <i>Code of Professional Conduct</i>, Halifax: Nova Scotia Barristers' Society, 2012<ul style="list-style-type: none"><input type="checkbox"/> Chapter 6: Relationship to Students, Employees and Others<input type="checkbox"/> NSBS Law Office Management Standards<ul style="list-style-type: none"><input type="checkbox"/> Standard #4: Maintenance and Backup of Electronic Data<input type="checkbox"/> Standard #6: Cloud Computing	<p>NSBS, Code of Professional Conduct, Halifax: Nova Scotia Barristers' Society, 2012</p> <p>NSBS / Law Office Management Standards</p>

INDICATOR 6.1 – If you have staff, your practices – including any personnel manual – provide them a common understanding of your employment policies.

<i>If you have staff, consider whether your practices:</i>	<i>Suggested resources</i>
<input type="checkbox"/> Are reviewed and updated regularly <input type="checkbox"/> Are readily accessible to staff, if any <input type="checkbox"/> Address overtime and leave policies <input type="checkbox"/> Address disciplinary policy <input type="checkbox"/> Address compensation and benefits policies <input type="checkbox"/> Address discrimination and harassment policy, including a clear mechanism for staff, if any, to raise issues <input type="checkbox"/> Other: _____	LIANS / Office systems & procedures Law Society of Alberta / Top 10 Things to Include in Your Law Office Manual Law Society of Ontario / Opening your practice – Office Manual (checklist) Law Society of BC / Law Office Administration (see 'Model Policies') NS Human Rights Commission / Sample sexual harassment policy (scroll down to 'Helpful Tools')

INDICATOR 6.2: If you have staff, they understand their roles and expectations and are supervised appropriately.

<i>If you have staff, consider whether:</i>	<i>Suggested resources</i> <i>Note: This list is being updated Summer/Fall 2022</i>
<input type="checkbox"/> Staff have clearly defined roles and responsibilities <input type="checkbox"/> Lawyer and non-lawyer staff understand their distinct roles and the limits of permitted activities of non-lawyer staff <input type="checkbox"/> Lawyers adequately supervise any staff they delegate tasks and functions to <input type="checkbox"/> Staff receive complete instructions regarding work assigned, the end product required, and sufficient background information <input type="checkbox"/> Staff, if any, have measurable performance objectives <input type="checkbox"/> Staff have a person responsible for assigning their work, evaluating their performance and supporting their development <input type="checkbox"/> Managers, if any, provide regular feedback to their direct reports <input type="checkbox"/> Other: _____	_____ Law Society of Ontario / Employee Delegation and Supervision CBA / The nuts and bolts of delegation in law firms _____ Upcounsel / Performance goals: everything you need to know _____ NSBS Manual for Principals / see p.16 How to Give Feedback _____

INDICATOR 6.3 – You support the wellbeing and development of all your staff, if any.

If you have staff (including lawyers working for you) consider whether:

Suggested resources

Note: This list is being updated Summer/Fall 2022

- ☐ Staff have measurable professional development goals
- ☐ Lawyers maintain up-to-date CPD plans
- ☐ Lawyers provide meaningful training to articulated clerks, if any, both in practical and ethical aspects of the law and profession
- ☐ Senior staff act as ethical role models to junior staff
- ☐ Staff are trained appropriately for leadership and supervisory roles
- ☐ You have an internal dispute resolution process
- ☐ You promote and encourage use of the Nova Scotia Lawyers Assistance Program
- ☐ You have appropriate parental leave, bereavement leave and personal leave policies
- ☐ Staff have access to mental and physical health benefits
- ☐ Staff are encouraged to disclose disabilities for the purposes of their accommodation
- ☐ Senior staff model and encourage healthy work practices
- ☐ Staff are encouraged to both have a mentor and to engage in mentorship
- ☐ Other: _____

Dartmouth College / [Performance Goal Setting](#)

NSBS / [Professional Development](#)

NSBS / [Manual for Principals](#)

NS Government / [Respectful Workplace Complaint Process](#) (formal and informal procedure templates)

LIANS / [Nova Scotia Lawyers Assistance Program](#)

practicePro / [Managing a Mentoring Relationship](#)

INDICATOR 6.4 – Your technology is up to date and used effectively.

<i>Consider whether you:</i>	<i>Suggested resources</i>
<ul style="list-style-type: none"><input type="checkbox"/> Consider competent use of practice software during performance evaluation<input type="checkbox"/> Provide staff access to written instructions for common technological tasks (e.g. voicemail setup, photocopier/printer use, common database queries)<input type="checkbox"/> Budget for technological upgrades (both software and hardware)<input type="checkbox"/> Other: _____	<p>LIANS / Technology</p> <p>Law Society of Alberta / Outline of a Law Office Manual</p>

ELEMENT 6: YOUR ASSESSMENT

OBJECTIVE: You supervise, support and manage your operations and staff (including lawyers), if any, appropriately.

*Note: When you complete the on-line portion of this self-assessment, you will identify **up to three areas** where you see room for development*

What does you / your firm do well?

How could you improve?

For additional resources and practice tools, see the [contact NSBS Legal Services Support](#). Are there additional practice tools you need to help satisfy this Element?

Overall, how do you rate your firm's practices* in relation to **ENSURING EFFECTIVE MANAGEMENT OF THE FIRM AND STAFF**?

- ☐ 1. Practices are not yet developed
- ☐ 2. Practices are in place but are not followed consistently
- ☐ 3. Practices are in place and followed consistently
- ☐ 4. Practices are established, followed consistently, and reviewed and updated regularly

**"Practices" means the ways you and your staff, if any, do things, and includes systems, guidelines, policies and procedures. Some practices are in writing, others are unwritten and understood*

ELEMENT 7: CHARGING APPROPRIATE FEES AND DISBURSEMENTS

OBJECTIVE: You charge clients fair and reasonable fees and disbursements and disclose them in a timely fashion.

Note: A list of considerations or examples is beneath each Indicator (below). This is not a prescriptive list – reflect on only those that apply to you. They represent some of the ways you can strive for the Objective (above) through consistently followed practices. You might include other things to consider, unique to you.*

***“Practices” means the ways you and your staff do things, and includes systems, guidelines, policies and procedures. Some practices are in writing, others are unwritten and understood.*

INDICATOR 7.0 – You adhere to section 3.6: Fees and Disbursements in the *Code of Professional Conduct* and all applicable professional standards.

Considerations	Suggested resources
<ul style="list-style-type: none"><input type="checkbox"/> NSBS, <i>Code of Professional Conduct</i>, Halifax: Nova Scotia Barristers' Society, 2012<ul style="list-style-type: none"><input type="checkbox"/> Section 3.6: Fees and disbursements<input type="checkbox"/> NSBS Law Office Management Standards<ul style="list-style-type: none"><input type="checkbox"/> Standard #2: Client Services<input type="checkbox"/> Standard #3: Timekeeping<input type="checkbox"/> Standard #5: Retention and Billing<input type="checkbox"/> Standard #7: Limited Scope Retainers	<p>NSBS, Code of Professional Conduct, Halifax: Nova Scotia Barristers' Society, 2012</p> <p>NSBS / Law Office Management Standards</p>

INDICATOR 7.1 – You have ethical billing policies and practices that you and your staff, if any, follow consistently.

<i>If you have staff, consider whether your practices:</i>	<i>Suggested resources</i>
<input type="checkbox"/> Provide staff access to up-to-date written billing procedures and applying them consistently <input type="checkbox"/> Ensure staff are trained appropriately on billing practices and the relevant ethical considerations <input type="checkbox"/> Other: _____	NSBS / Law Office Practice Management Standard #5 – Retention and Billing practicePRO / Managing the Finances of Your Practice LIANS / Financial Management

INDICATOR 7.2: Your retainer agreements provide clients and staff, if any, with clear and common expectations regarding billing and fees.

<i>Consider whether you:</i>	<i>Suggested resources</i>
<input type="checkbox"/> Discuss billing procedures, rates and fees with clients at the start of every retainer <input type="checkbox"/> Outline billing procedures, rates and fees in a written retainer agreement or letter at the start of every retainer <input type="checkbox"/> Provide in written agreements a clear understanding of what is included in the cost of a transaction and what is not <input type="checkbox"/> Outline in written agreements the scope of services to be provided and identify any limitations <input type="checkbox"/> Distinguish in written agreements fees from disbursements and address interest on bills <input type="checkbox"/> Address in written agreements how and when retainer monies are to be replenished, and consequences for not paying accounts when due <input type="checkbox"/> Identify written agreements a process for providing the client timely notice in advance of a change of fee or disbursement charges <input type="checkbox"/> Explain to clients solicitor's liens and the right to have the account reviewed by a taxing authority <input type="checkbox"/> Other: _____	LIANS / Retainer Agreements and Engagement Letters (sample agreements) practicePRO / Managing the Finances of Your Practice LIANS / Limited Scope Retainer Resources practicePRO / Retainers (templates) NSBS / Law Office Practice Management Standard #3 - Timekeeping

INDICATOR 7.3 – Your bills reflect accurately the work completed in relation to each client matter.

<i>Consider whether your practices:</i>	<i>Suggested resources</i>
<ul style="list-style-type: none"><input type="checkbox"/> Identify accurately in invoices the work completed and the fees and disbursements charged<input type="checkbox"/> Keep track of time and effort on all files, even when there is a fixed fee, contingency other basis for billing<input type="checkbox"/> Ensure the lawyer in charge reviews and approves all invoices before sending to the client<input type="checkbox"/> Ensure disbursements and other charges are recorded in a timely manner<input type="checkbox"/> Other: _____	<p>practicePRO / Managing the Finances of Your Practice (see 'Timekeeping')</p>

ELEMENT 7: YOUR ASSESSMENT

OBJECTIVE: You charge clients fair and reasonable fees and disbursements and disclose them in a timely fashion.

*Note: When you complete the on-line portion of this self-assessment, you will identify **up to three areas** where you see room for development*

What does you / your firm do well?

How could you improve?

For additional resources and practice tools, [contact NSBS Legal Services Support](#). Are there additional practice tools you need to help satisfy this Element?

Overall, how do you rate your firm's practices* in relation to **CHARGING APPROPRIATE FEES AND DISBURSEMENTS**?

- ☐ 1. Practices are not yet developed
- ☐ 2. Practices are in place but are not followed consistently
- ☐ 3. Practices are in place and followed consistently
- ☐ 4. Practices are established, followed consistently, and reviewed and updated regularly

**"Practices" means the ways you and your staff, if any, do things, and includes systems, guidelines, policies and procedures. Some practices are in writing, others are unwritten and understood*

ELEMENT 8: SUSTAINING EFFECTIVE AND RESPECTFUL RELATIONSHIPS WITH COLLEAGUES, COURTS, REGULATORS AND THE COMMUNITY

OBJECTIVE: Your dealings with third parties are respectful and civil and serve to uphold the rule of law and the profession's reputation.

Note: A list of considerations or examples is beneath each Indicator (below). This is not a prescriptive list – reflect on only those that apply to you. They represent some of the ways you can strive for the Objective (above) through consistently followed practices. You might include other things to consider, unique to you.*

**"Practices" means the ways you and your staff do things, and includes systems, guidelines, policies and procedures. Some practices are in writing, others are unwritten and understood.*

INDICATOR 8.0 – You adhere to the requirements in the *Code of Professional Conduct* and any applicable professional standards.

Considerations	Suggested resources
<ul style="list-style-type: none"><input type="checkbox"/> NSBS, <i>Code of Professional Conduct</i>, Halifax: Nova Scotia Barristers' Society, 2012<ul style="list-style-type: none"><input type="checkbox"/> Section 2.1: Integrity<input type="checkbox"/> Rule 3.2-2: Honesty and Candour<input type="checkbox"/> Chapter 5: Relationship to the Administration of Justice<input type="checkbox"/> Chapter 7: Relationship to the Society and other Lawyers<input type="checkbox"/> Rule 7.3-1: Maintaining Professional Integrity and Judgment	NSBS, Code of Professional Conduct , Halifax: Nova Scotia Barristers' Society, 2012

INDICATOR 8.1 – You foster a culture that encourages civility, timeliness and courtesy in all your dealings and communications.

Consider whether your practices:

Suggested resources

- ☐ Promote respectful and timely communications within the profession (e.g. opposing counsel, NSBS, LIANS, judiciary)
- ☐ Set out expectations for staff, if any, regarding maintaining civil relationships within the profession
- ☐ Address expectations and means for maintaining respectful and civil relationships with colleagues, self-represented litigants, and the community
- ☐ Other: _____

INDICATOR 8.2: You demonstrate respect for all adjudicative bodies including the judiciary.

If you have staff, consider whether your practices:

Suggested resources

- ☐ Provide adequate guidance for appropriate communications with adjudicative bodies including the judiciary
- ☐ Ensure the guidelines are accessible to and reviewed regularly by staff
- ☐ Other: _____

INDICATOR 8.3 – You properly give and fulfil undertakings, and impose and accept trust conditions.

<i>Consider whether your practices:</i>	<i>Suggested resources</i>
<ul style="list-style-type: none"><input type="checkbox"/> Properly give, record, and verify undertakings<input type="checkbox"/> Properly impose and accept trust conditions<input type="checkbox"/> Train staff, if any, on your practices regarding undertakings and trust conditions<input type="checkbox"/> Ensure other lawyers at your firm if any, understand their ethical duties and liability in relation to giving undertakings and accepting trust conditions<input type="checkbox"/> Other: _____	

INDICATOR 8.4 – You promote compliance with regulatory obligations.

<i>Consider whether your practices include:</i>	<i>Suggested resources</i>
<ul style="list-style-type: none"><input type="checkbox"/> Review of your regulatory obligations regularly and providing lawyers and staff, if any, adequate information and training to ensure compliance<input type="checkbox"/> Ensuring your regulatory requirements and those of other lawyers, if any, are met within imposed deadlines<input type="checkbox"/> Ensuring timely response to NSBS communications<input type="checkbox"/> Other: _____	NSBS / Responsibilities and Requirements

ELEMENT 8: YOUR ASSESSMENT

OBJECTIVE: Your dealings with third parties are respectful and civil and serve to uphold the rule of law and the profession's reputation.

*Note: When you complete the on-line portion of this self-assessment, you will identify **up to three areas** where you see room for development*

What does you / your firm do well?

How could you improve?

For additional resources and practice tools, [contact NSBS Legal Services Support](#). Are there additional practice tools you need to help satisfy this Element?

Overall, how do you rate your firm's practices* in relation to **SUSTAINING EFFECTIVE AND RESPECTFUL RELATIONSHIPS WITH COLLEAGUES, COURTS, REGULATORS AND THE COMMUNITY?**

- ☐ 1. Practices are not yet developed
- ☐ 2. Practices are in place but are not followed consistently
- ☐ 3. Practices are in place and followed consistently
- ☐ 4. Practices are established, followed consistently, and reviewed and updated regularly

**"Practices" means the ways you and your staff, if any, do things, and includes systems, guidelines, policies and procedures. Some practices are in writing, others are unwritten and understood*

ELEMENT 9: WORKING TO IMPROVE DIVERSITY, INCLUSION AND SUBSTANTIVE EQUALITY

OBJECTIVE: You are committed to improving diversity, inclusion and substantive equality and ensuring freedom from discrimination in the delivery of legal service and the justice system.

Note: A list of considerations or examples is beneath each Indicator (below). This is not a prescriptive list – reflect on only those that apply to you. They represent some of the ways you can strive for the Objective (above) through consistently followed practices. You might include other things to consider, unique to you.*

***“Practices” means the ways you and your staff do things, and includes systems, guidelines, policies and procedures. Some practices are in writing, others are unwritten and understood.*

INDICATOR 9.0 – You adhere to section 6.3: Equality, Harassment and Discrimination in the *Code of Professional Conduct* and all applicable professional standards.

Considerations	Suggested resources
<input type="checkbox"/> NSBS, <i>Code of Professional Conduct</i> , Halifax: Nova Scotia Barristers' Society, 2012 <input type="checkbox"/> Section 6.3: Equality, Harassment and Discrimination <input type="checkbox"/> NSBS Law Office Management Standards <input type="checkbox"/> Standard #9: Equity and Diversity	NSBS, Code of Professional Conduct , Halifax: Nova Scotia Barristers' Society, 2012 NSBS / Law Office Management Standards

INDICATOR 9.1 – Your commitment is reflecting in your workplace practices.

Consider whether your practices:	Suggested resources
	<i>Note: This list is being updated Summer/Fall 2022</i>
<input type="checkbox"/> Articulate your commitment (e.g. respectful workplace policy, harassment policy, accommodation policy) and the consequences of non-compliance <input type="checkbox"/> Comply with human rights law and keeping abreast of new developments	NSLAP / Model policy on maternity and parental leave LSO / Guide to developing a law firm policy regarding accommodation requirements

<input type="checkbox"/> Include internal complaint mechanisms, if you have staff <input type="checkbox"/> Ensure that practices relating to hiring, assigning and evaluating work and advancement are free of bias and regularly reviewed <input type="checkbox"/> Other: _____	NS Legislature / NS Human Rights Act NS Legislature / Service Dog Act NSBS / Hiring practices for equity in employment: Interviewing guide
INDICATOR 9.2: You ensure that you and your staff, if any, are competent to provide legal services to equity seeking groups.	
<i>Consider whether your practices include:</i>	<i>Suggested resources</i> <i>Note: This list is being updated Summer/Fall 2022</i>
<input type="checkbox"/> Ongoing education and training to acquire the requisite knowledge, skills, and capacities to interact and communicate effectively with people of different cultures, backgrounds and life experiences (i.e. cultural competence) <input type="checkbox"/> Ongoing education and training on the provision of legal services to persons with disabilities <input type="checkbox"/> Increasing understanding systemic discrimination and racism required to address these issues in the context of your work, including when representing clients <input type="checkbox"/> If you have staff, measuring cultural competence in practice during job performance evaluation <input type="checkbox"/> Other: _____	NSBS / Truth and Reconciliation Commission of Canada resources ReachAbility / Equalizing the playing field for persons with disabilities The Advocates' Society / Guide for Lawyers Working with Indigenous Peoples CBA / Client communication: Measuring your cross-cultural competence

INDICATOR 9.3 – You create an inclusive and welcoming physical environment.

Consider whether you:

- ☐ Remove physical barriers that prohibit full use of your space by those with disabilities
- ☐ Have signage that indicates universal access to your space (including washroom facilities)
- ☐ Display supportive and inclusive language and symbols
- ☐ Other: _____

Suggested resources

Note: This list is being updated Summer/Fall 2022

Attorneyatwork.com / [Accommodating clients with special needs](#)

Public Service Alliance of Canada / [Gender-inclusive washrooms in your workplace: a guide for employees and managers](#)

ELEMENT 9: YOUR ASSESSMENT

OBJECTIVE: You are committed to improving diversity, inclusion and substantive equality and ensuring freedom from discrimination in the delivery of legal service and the justice system.

*Note: When you complete the on-line portion of this self-assessment, you will identify **up to three areas** where you see room for development*

What does you / your firm do well?

How could you improve?

For additional resources and practice tools, [contact NSBS Legal Services Support](#). Are there additional practice tools you need to help satisfy this Element?

Overall, how do you rate your firm's practices* in relation to **WORKING TO IMPROVE DIVERSITY, INCLUSION AND SUBSTANTIVE EQUALITY**?

- ☐ 1. Practices are not yet developed
- ☐ 2. Practices are in place but are not followed consistently
- ☐ 3. Practices are in place and followed consistently
- ☐ 4. Practices are established, followed consistently, and reviewed and updated regularly

**"Practices" means the ways you and your staff, if any, do things, and includes systems, guidelines, policies and procedures. Some practices are in writing, others are unwritten and understood*

ELEMENT 10: WORKING TO IMPROVE THE ADMINISTRATION OF JUSTICE AND ACCESS TO LEGAL SERVICES

OBJECTIVE: You encourage public respect for and try to improve the administration of justice and enhance access to legal services.

Note: A list of considerations or examples is beneath each Indicator (below). This is not a prescriptive list – reflect on only those that apply to you. They represent some of the ways you can strive for the Objective (above) through consistently followed practices. You might include other things to consider, unique to you.*

**“Practices” means the ways you and your staff do things, and includes systems, guidelines, policies and procedures. Some practices are in writing, others are unwritten and understood.*

INDICATOR 10.0 – You adhere to the requirements in section 5.6: The Lawyer and the Administration of Justice in the *Code of Professional Conduct* and any applicable professional standards.

Considerations	Suggested resources <i>Note: This list is being updated Summer/Fall 2022</i>
<ul style="list-style-type: none"><input type="checkbox"/> NSBS, <i>Code of Professional Conduct</i>, Halifax: Nova Scotia Barristers' Society, 2012<ul style="list-style-type: none"><input type="checkbox"/> Chapter 5.6: The Lawyer and the Administration of Justice<input type="checkbox"/> NSBS Law Office Management Standards<ul style="list-style-type: none"><input type="checkbox"/> Standard #7: Limited Scope Retainers<input type="checkbox"/> NSBS Family Law Standards<ul style="list-style-type: none"><input type="checkbox"/> Standard #11: Scope of Representation	<p>NSBS / Law Office Management Standards</p> <p>NSBS / Family Law Standards</p>

INDICATOR 10.1 – You expand access to legal services.

<i>Consider whether you:</i>	<i>Suggested resources</i>
<ul style="list-style-type: none"><input type="checkbox"/> Provide services in rural communities or underserved areas<input type="checkbox"/> Provide legal services in languages other than English<input type="checkbox"/> Provide clients the ability to meet at alternative locations (hospital, home, etc.) according to their circumstances / needs, including use of technology<input type="checkbox"/> Accept Nova Scotia Legal Aid certificates<input type="checkbox"/> Reduce or waive fees where there is hardship or the client would otherwise be deprived of adequate representation<input type="checkbox"/> Provide access to lower cost legal services through alternative fee arrangements or limited scope representation (aka unbundled legal services)<input type="checkbox"/> Other: _____	<p>AJEFNE / Association of French Speaking Jurists of NS</p> <p>CBA / Set your law firm apart with a formal client service standard</p> <p>NSLA / NS Legal Aid - information for lawyers</p> <p>CBA / ABCs of creating a Pro Bono Policy for your law firm</p> <p>NSBS / Law Office Management Standard #7 - Limited Scope Retainers</p> <p>NSBS / Family Law Standard #11 - Scope of Representation</p> <p>LIANS / Contingency fee agreements</p> <p>LIANS / Limited scope retainer resources</p>

INDICATOR 10.2: You contribute to the overall efficiency of the justice system through your practices.

<i>Consider whether your practices:</i>	<i>Suggested resources</i>
<ul style="list-style-type: none"><input type="checkbox"/> Offer clients alternatives to litigation<input type="checkbox"/> Prevent unnecessary delays (i.e. through case management processes)<input type="checkbox"/> Encourage and supporting practice innovations that result in service delivery efficiencies<input type="checkbox"/> Use plain language in all client communications<input type="checkbox"/> Provide staff and lawyers, if any, with education and training to engage effectively and respectfully with self-represented parties<input type="checkbox"/> Other: _____	<p>NSBS / Family law practice standard #5 - Dispute resolution options</p> <p>CPR / Law firm ADR policy statement</p> <p>ABA / Practice and case management software</p> <p>Canadian Lawyer / Innovation</p> <p>CBA / Plain language legal writing</p> <p>NSBS / Family law standard #7 - Unrepresented Party</p> <p>NSFLP / Building constructive working relationships between SRLs and opposing counsel</p>

INDICATOR 10.3 – You contribute to a supportive and collaborative community of practice.

<i>Consider whether your practices include:</i>	<i>Suggested resources</i>
<input type="checkbox"/> Participation in mentorship programs <input type="checkbox"/> Sharing practice resources and knowledge with colleagues and the broader legal community <input type="checkbox"/> Reporting on and working collaboratively to solve the systemic problems encountered in legal practice <input type="checkbox"/> Other: _____	NSBS / Professional Development (scroll down to view information on mentorship programs) NSBS / Resource Portal CBA / CBA Nova Scotia branch

INDICATOR 10.4 – You contribute to *pro bono* and volunteer legal services activities

<i>Consider whether you :</i>	<i>Suggested resources</i>
<input type="checkbox"/> Provide <i>pro bono</i> legal services <input type="checkbox"/> Volunteer with non-profit organizations <input type="checkbox"/> Make monetary contributions to non-profit legal service organizations <input type="checkbox"/> If you have other lawyers on staff, take external <i>pro bono</i> and volunteer legal services activities into account in their performance evaluations <input type="checkbox"/> Other: _____	NSBS / Career Opportunities (includes volunteering opportunities) CBA / ABCs of creating a Pro Bono Policy for your law firm Pro Bono Handbook / Development of a pro bono manual ABA / Law firm pro bono resources

ELEMENT 10: YOUR ASSESSMENT

OBJECTIVE: You encourage public respect for and try to improve the administration of justice and enhance access to legal services.

*Note: When you complete the on-line portion of this self-assessment, you will identify **up to three areas** where you see room for development*

What does you / your firm do well?

How could you improve?

For additional resources and practice tools, [contact NSBS Legal Services Support](#). Are there additional practice tools you need to help satisfy this Element?

Overall, how do you rate your firm's practices* in relation to **WORKING TO IMPROVE THE ADMINISTRATION OF JUSTICE AND ACCESS TO LEGAL SERVICES?**

- ☐ 1. Practices are not yet developed
- ☐ 2. Practices are in place but are not followed consistently
- ☐ 3. Practices are in place and followed consistently
- ☐ 4. Practices are established, followed consistently, and reviewed and updated regularly

**"Practices" means the ways you and your staff, if any, do things, and includes systems, guidelines, policies and procedures. Some practices are in writing, others are unwritten and understood.*