



## **NSBS Council Meeting Highlights**

Nova Scotia Barristers' Society

Friday, September 27, 2024, at 9:30 AM - 12:00 PM ADT

Borden Room/Virtual

**Consent Agenda: The following items were approved by way of Consent Agenda:**

### **- Minutes June 14, 2024**

#### **- Resignations:**

Paul Kenneth Charles

Peter Planetta

William H.R. Charles, KC

Mr. Paul Kenneth Charlton

Ms. Patricia G. Clahane

Mr. Kevin Robert Douglas Gillespie – Effective September 1, 2024.

Ms. Alison Ann Swanson Henderson

Mr. Joseph John Hollis

Ms. Jessica Anne MacDougall

Ms. Margaret June Mills

Zachary Lawrence Seaward

#### **Committee Resignations:**

Angela Simmonds - LOMSC

Alex MacKillop - REC and CLSC

Jamie Vacon - Nominating, TRC, CIC

Brandon Rolle - REC

Brian Bailey, CLSC, Chair

Tracey Kennedy - RESC

- Credentials Committee Workplan
- Professional Standards (Wills) Committee – Standard Wills Substitute
- Criminal Law Standard on Resolution Discussions & Plea Arguments

## **New Business:**

### **Canadian Legal Information Institute (CANLII)**

Frank DeMont presented a proposal on behalf of CANLII to support an AI tool which will be free for all users. CANLII is looking for support from all Canadian law societies. Council agreed to support the project in principle pending receipt of a business case with supporting financial information.

### **Re-Appointment to Federation of Law Societies of Canada Council**

Frank DeMont was unanimously reappointed to the Federation of Law Societies of Canada Council for an additional one year term.

### **Strategic Plan**

Cheryl Hodder, KC, CEO presented the 2024-2026 Strategic Plan. Council asked questions and discussed the plan in detail. Council unanimously approved the 2024-2026 Strategic Plan.

### **CEO Report**

Cheryl Hodder provided a report highlighting current initiatives. The report is attached.

### **Equity and Access Annual Report**

Marla Brown shared highlights from her report including initiatives that were completed and ongoing as well as the workplan initiatives of the Society's Equity Committees.

### **Annual Lawyer Report for Approval**

Kate Shewan, Director, Finance and Administration, presented the Annual Lawyer Report. The Report was sent to all lawyers with a practicing status in May 2024, with a filing required by June 30<sup>th</sup>. The ALR covers questions related to demographics, employment type/type of practice, area of law, equity and diversity within the profession, access to justice issues and compliance-related questions. There is also an opportunity for respondents to provide comments on any issues they wish to address.

The management team reviewed the general comments from the report and noted who would respond to each concern.

Council asked questions and provided suggestions for future reports.

### **LIANS Six-Month Report**

Lawrence Rubin, Director of LIANS, provided a bi-annual update to Council. There were questions and discussion on the timeline for claims.

### **Council met In-Camera**



## CEO REPORT TO COUNCIL

September 27, 2024

### Strategic Planning

Since Council's approval of our Strategic Direction in June, the Senior Leadership Team has worked diligently to build out the initiatives under each of our foundational pillars. We look forward to presenting the Strategic Plan for approval today.

In August, *Canadian Lawyer* featured our Strategic Planning Environmental Scan in a front-page article highlighting it as a thought leadership piece. It is incredibly awarding to see our work acknowledged on a national level. The article is attached.

### Employee Survey

We conducted an employee survey during the week of September 2<sup>nd</sup>. Highlights include:

30 of 34 employees participated in the survey (88%)

93% of employees feel they are always or frequently engaged. This is an increase of 4% since the October 2023 survey

80% of employees feel they can always or frequently share their ideas and concerns with their manager. This is an increase of .6% since the October 2023 survey

80% of employees feel they have access to information needed to support their work. This is an increase of 36% since the October 2023 survey

93% of employees feel they have enough opportunities for professional development. This is an increase of 2.2% since the October 2023 survey

86.7% of employees feel the Society is always or usually an inclusive place to work based on their own experiences. This is an increase of 5.83% since the October 2023 survey

Based on general comments from the survey, the top two areas for improvement are to continue to focus on improving communication across all departments and to engage in further teambuilding/development activities

### Change Management Workshop

On September 11<sup>th</sup>, we held an all team change management workshop with a Certified Inclusion Professional. The interactive format enabled us to work collaboratively on current workplace processes using the methodology presented during the workshop.



## **Ruck Report**

Mr. Ruck will release his report during a special Council meeting on October 29<sup>th</sup>. A Communication plan has been developed and presented to the Implementation Task Force. We are working with the Implementation Task Force on a collaborative governance process to facilitate the implementation of the recommendations.

## **Professional Responsibility**

### **1. Complaints, Investigations, Prosecutions**

The PR department opened 45 new complaint files between June 1 and August 31, 2024, and closed 67 complaint files. We logged 71 intake calls/emails during this time frame as well. There are currently 186 open complaint files, and we have 6 lawyers participating in the Fitness to Practise program.

There are two hearings scheduled for December 2024 and January 2025, and a third that is currently in the pre-hearing stage.

### **2. Equity & Access Team**

We received several expressions of interest following our notice requesting the participation of members of the Society from equity deserving communities in the PR process. Including retainers to do paid legal work.

### **3. Custodianships/Receivership**

We have one new custodianship this summer following the passing of a lawyer from Sydney, NS. There are several other active custodianships or receiverships that were put in place for various reasons – suspensions, illness or death.

### **4. Tribunal proceedings**

We have seen a dramatic rise in the use of the courts and other tribunals by those involved in the Society's discipline process. We are currently responding to several judicial reviews, two appeals to the NS Court of Appeal, and four complaints to the NS Human Rights Commission. These require the retention and instruction of outside counsel and create significant demands on our team and financial resources.

## **Equity & Access**

### **1. African Nova Scotian cultural competency modules**

We received funding in April from the Law Foundation to create ANS cultural competency modules to provide training for the membership. This will be similar to the PATH which provides cultural competency training specific to the Indigenous community and the Truth and Reconciliation Calls to



Action. E&A participated in a full day meeting with Professor Michelle Williams and several subject matter experts who have been hired to create various training modules specific to the ANS experience.

## **2. IB&M high school internship pathway**

We received funding from the Law Foundation to create an IB&M high school internship for Mi'kmaq and ANS high school students to learn about the law and the process of applying to law school to inspire interest in pursuing a career in law. A steering committee has been created which meets monthly to organize this event which will take place during March Break 2025. We have met with representatives of the Court who are enthusiastic about this initiative and have secured a date for the students to attend that week. We have also met with the School Board which supports our application to provide a high school credit for students who attend the internship.

## **3. Racial Equity Committee discrimination and harassment survey results**

In 2022, the REC conducted a survey of the racialized membership to understand their experiences of discrimination and harassment in the workplace, the Society, and the Bar generally. A comprehensive report of the findings will be shared with Council and the membership in early October. Mr. Ruck has provided a Forward to this report. He will be providing several recommendations based on the REC's survey findings.

## **Education & Credentials**

1. In June we welcomed 90 new lawyers to the NS Bar through two back-to-back ceremonies at Pier 21, presided over by Justice Christa Brothers.
2. We have launched our Competency Framework Modernization project (currently undertaking research and analysis of the new Western Provinces Competency Profile and PREP competency profiles, as well as existing frameworks from the SRA and other Canadian provinces, with a view to identifying unifying themes, gaps with our existing Framework).
3. We have completed the conversion of credentialing forms to online / fillable format as well as a period of testing and soliciting feedback. We are delighted to report there have been very few concerns or issues reported by applicants and the resulting process efficiencies are notable.

## **Human Resources**

### **1. Library Rationalization Project**

Over the past several years the Barristers' Library has experienced significant decline in usage and since the pandemic there has been a radical change in how legal information and services are obtained and provided by the profession. More and more members prefer accessing legal information online and, on their desktop, however, the cost to small and solo firms is prohibitive. The



Library Rationalization project's objective is to explore alternative, cost effective ways to modernize library services to meet the needs of this segment of the membership. We anticipate bringing recommendations on ways to improve service late in 2025.

## 2. HR Policy Review

In anticipation of recommendations from the Ruck Report we have started preliminary work to review current HR policies for alignment with current legislation and best practice, including EDIA principles.

### Finance/IT/Risk Management

The iMIS EMS Licensee/Member management system implementation project is moving forward. The focus is currently on the development of the new Case Management System for Professional Responsibility. We are running workshops with the Professional Responsibility team to develop the processes and configure the system for Case Management.

The Trust Assurance team have been working through the initial review of the Trust Account Reports and Accountants Reports. Spot audits (risk based, primarily from results of the Accountant's reports) and Educational Audits (Reviewing and supporting licensees with new trust accounts) are underway.

We have a new I.T. Manager in place and are focusing on reviewing/enhancing security, improving ease of connection and developing policies.

We have started working towards an ISO 27001 certification for information security management

*Attached Canadian Lawyer Article \*\**

**Nova Scotia Barristers' Society prepares for strategic planning amid challenges and change**

**Strategic planning environmental scan addresses economic, technological, sociopolitical issues**



By Bernise Carolino August 20, 2024

The Nova Scotia Barristers' Society will embark on a strategic planning process that acknowledges the significant changes reshaping the legal profession in recent years. The new plan will address the evolving needs of the legal profession amid this period of relative stability.

The last strategic plan, established in 2019 and intended to conclude in 2021, was extended to 2023 due to disruptions caused by the COVID-19 pandemic, said the Society in its strategic planning environmental scan document. These challenges impacted the Society's ability to hold in-person meetings and execute its strategic plan.

Staff turnover further complicated the Society's operations and reduced its capacity to complete projects, the document added. However, the organization has since bounced back with a full staff and a new chief executive officer, Cheryl Hodder. Changes also occurred within the Bar Council. An election cycle brought in a new council and a second vice president.

The Society intends to involve its members and the broader justice community in its strategic planning, said the document. Through conducting focus groups, sending out surveys, and holding meetings, the Society aims to develop a plan that represents a diverse range of perspectives, reflects the current legal landscape, and anticipates future challenges



“We want to encourage members to get involved in the strategic planning process, so the Society is engaging with members to receive input,” said Hodder in the document posted on the Society’s website.

### **Key issues and considerations**

The environmental scan informing the Society’s strategic planning outlined 19 issues affecting lawyers, law firms, and regulators, said the document. These issues included access to justice and wellness in the legal profession.

A central theme in the environmental scan was governance, the document said. The Society recognized the importance of robust governance structures prioritizing the public interest over personal priorities. The scan highlighted the need for clear objectives and the adoption of best practices in governance to keep pace with societal changes.

Interjurisdictional practice also became a more pressing issue as remote work became commonplace, the document said. With lawyers increasingly seeking to live and work in different jurisdictions, this raised questions about how they should be regulated when practising across provincial boundaries. The Society said that it would develop policies to protect the public interest while accommodating this shift.

Another significant issue that the document addressed was non-lawyer practice. The Society said that it needed to consider its role in overseeing non-lawyer practices to ensure that legal services would be delivered safely and effectively.

Economic challenges, such as inflation, also featured prominently in the Society’s strategic considerations. Rural firms, particularly those practising in family and real estate law, faced economic pressures affecting their ability to serve their communities, the document noted. The Society’s Rural Practice Working Group provided recommendations to address these challenges, including supporting the recruitment and retention of rural lawyers.

Technological advancements, accelerated by the pandemic, have also reshaped the legal profession. With hybrid and virtual practice now being the norm, the document stressed the importance of having new standards and guidance in place to ensure that lawyers can work effectively in this environment.

The Society’s strategic plan will also address broader sociopolitical and environmental issues. Truth and reconciliation efforts remained a priority, the document said. The Society committed to advancing cultural competence and addressing systemic racism within the legal profession, with its Truth and Reconciliation Working Group playing a key role in operationalizing these initiatives.

Climate change was another critical issue identified in the document. The Society said that it was exploring its role in addressing the legal profession’s response to the climate crisis.