

To: Members of the Law Society of Nunavut

From: Sara Siebert
Federation of Law Societies of Canada
Council Member nominated by the Law Society of Nunavut

Re: Update for LSN AGM 2019

Date: May 14, 2020

Overview

The Federation of Law Societies of Canada (Federation) is the national coordinating body of Canada's 14 provincial and territorial law societies, which regulate more than 125,000 lawyers, 3,800 Quebec notaries and Ontario's nearly 10,500 licensed paralegals in the public interest. The Federation is a leading voice on issues of national and international importance relating to the administration of justice and the rule of the law.

The Council of the Federation is the governing body of the Federation and is responsible for the strategic direction and oversight of the organization. The Council consists of elected Council members nominated by the Federation's 14 member law societies.

1. 2019 Annual Conference

The Practice of Well-Being: Exploring the Legal Regulator's Role was the focus of the Federation's Annual Conference held in St. John's, Newfoundland and Labrador in October, 2019.

The conference explored the Legal Regulator's Role and to which surveyed the extent to which legal professionals experience anxiety, depression, addictions and other mental health and wellness challenges. The conference examined resulting harm to the public, colleagues and law society staff, and the role legal regulators can play in responding to these issues. The program featured presentations from a range of perspectives, including personal stories from practitioners who have experienced mental health and addiction challenges first-hand. The issues addressed are of vital importance to law societies given the link between lawyer competence and well-being. Canadian and international experts spoke about the scope of the well-being problem among legal professionals and the implications for legal regulators.

Themes discussed included the need for reliable data on the mental health and well-being of lawyers; reducing stigma; education and training for law society discipline panels and other volunteers and staff; encouraging diversion processes for legal professionals in distress; supports for front line staff; mentoring and peer support programs for legal professionals, and exploring ways that the Federation and law societies can be responsive to well-being concerns (including through projects like the National Discipline Standards).

Following the Conference, the Federation received and is considering a proposal for a research study on the mental health of legal professionals across Canada. The proposal was submitted by Nathalie Cadieux, Ph.D. CRHA Associate Professor, University of Sherbrooke. With national data, law societies would better understand the issues and any recommendations to address them would be evidence based.

2. Strategic Plan

Throughout 2019, the Federation has been working on its next Strategic Plan (2020-2024). The strategic planning process has consisted of three phases. In Phase One, Council discussed the overall planning process and the challenges associated with strategic planning within a federation. Council considered the Federation's role, its relationship with law societies, and the type of information that the Federation needs to gather to feed into a broader strategic planning process. This discussion helped shape the conversation with all stakeholders.

Phase Two consisted of a Strategic Thinking session, which was well attended since it took place in St. John's, in October. Law society Presidents and Vice-Presidents, CEOs, senior staff and the Federation Council were able to participate. The discussion was supported by a background document that included an environmental scan on current and anticipated trends in legal practice and legal regulation. As part of the discussion, the group identified whether the Federation's current strategic objectives and key priorities are the right ones going forward. Possible future activities and enhancements to existing activities were also discussed within this broad framework.

At the Council's December meeting, Phase Three started with a discussion about the October Strategic Thinking session. Council identified key priorities and strategies, and this work led to the development of a draft Strategic Plan.

Stakeholders continue to see the Federation as a vehicle for facilitating the sharing of information among law societies; serving as a collaboration hub for projects and programs and acting as the voice of law societies on issues of national importance and common concern. The strategic planning discussions also helped to clarify new areas that should be reflected in the Federation's next strategic plan. These areas identified include legal technology, wellness and revisiting the development of a national good character standard. There was also interest in an expanded role for the Federation in relation to data collection and analysis.

It was also agreed that the Strategic Plan should reflect a commitment to access to justice. Finally, there was a general agreement that the Federation's core areas of work should continue and that key priorities should remain as they are now, namely, responding to the Truth and Reconciliation Commission Calls to Action, modernizing the assessment process for the National Committee on Accreditation, and addressing the risks of money laundering and terrorist financing in the legal profession.

3. Updates on Federation Initiatives and Committee work

3.1 Anti-Money Laundering and Counter-Terrorist Financing Working Group

The Anti-Money Laundering and Terrorist Financing Working Group is continuing its work reviewing the model for anti-money laundering rules and developing additional educational materials to assist members of the profession in recognizing potential money laundering risks. In 2019, the Working Group released two new educational products to provide greater clarity and assistance on how to comply with and enforce the rules: 1- [Guidance for the Profession](#) and 2- Guidance for Law Societies). Five risk advisories for members of the legal profession were also shared with the law societies at the end of December.

3.2 TRC Calls to Action Advisory Committee

The Committee continues to work to develop recommendations on how to respond to the TRC's Call to Action. Prioritizing responding to the Call to Action was also echoed during the Federation's Strategic Planning session in October 2019. The Committee has observed that reconciliation and relationship-building take time and that by virtue of the nature and purpose of the TRC calls to action, this work must be treated distinctly from that of other Federation committees.

3.3 Standing Committee on the Model Code of Professional Conduct

The Model Rules were amended to include commentary on technological competence. The revised commentary prompts legal professionals to consider both the benefits and risks associated with the use of technology. It also reminds lawyers of their obligation to (1) be and (2) remain technologically competent. The new amendment reflects the understanding that the required level of competence is contextual: it depends upon a lawyer's practice areas and circumstances.