



CEO's REPORT

This has been a particularly busy period for operations at the Law Society. Since my last report to Convocation in June 2016, outside of day to day regulatory activities the organization has focused much of its efforts on the following initiatives:

- Budget planning for 2017 and beyond;
- Review of Professional Regulation Division processes and structure;
- Development and launch of the new Coach and Advisor Network program;
- Administration and ongoing review of LibraryCo and library services;
- Development and roll-out of the Share-Point based case management system for the Law Society Tribunal;
- Completion of a risk assessment to support the Relationship Management System Project;
- Completion of a Law Society Diversity Census and Inclusion Survey;
- Completion of an Employee Engagement and Enablement Survey;
- Ongoing work on various policy initiatives including Challenges Faced by Racialized Licensees, review of the Law Practice Program, advertising and fees, and Compliance-Based Entity Regulation;
- Continuing support of TAG - The Action Group on Access to Justice.

This report will provide an overview of operational trends and activities and policy and other initiatives that are currently underway or in development to support strategic priorities.



STRATEGIC PLANNING UPDATE

We continue to make very good progress on Convocation's strategic priorities. Since the last update in June, work has advanced on a number of initiatives, some mentioned later in this report – an extension of the LPP for another two years and a comprehensive analysis of the licensing process, a disclosure policy framework for PRD investigations, launch of the new coach and advisor network (“CAN”), implementation of our mental health strategy, a new task force on governance and the final report of the Challenges Faced by Racialized Licensees Working Group. Work on other initiatives is ongoing, including our policy development “rethink” and the diversity survey of benchers.

In addition to operational work plans related to the priorities, in September the Treasurer set out his expectations for policy work during his term in his memoranda to committee chairs, linked to the strategic plan's priorities. In this report, I aim to show that the priorities are being achieved in an effective, efficient way.

2016 BUDGET UPDATE AND DEVELOPMENT OF THE 2017 BUDGET PLAN

Financial Reporting

Interim financial statements for the third quarter for the Law Society, LawPro and LibraryCo have been reviewed by the Audit & Finance Committee and are reported to Convocation this month. The Society is on track to exceed its 2016 budget expectations and its financial position remains strong. Some specific notes are:

- The Lawyer General Fund incurred a surplus of \$4.8 million compared to a surplus of \$2.6 million in 2015 and a break-even position for the prorated budget period.
- The Paralegal General Fund generated a surplus of \$1.3 million at the end of the third quarter compared to \$945,000 for 2015 and a budgeted deficit for the period of \$243,000.
- The main revenue sources are above budget and all of the major expense categories on the financial statements are less than budget.



- There was a deficit of \$927,000 in the Lawyer Compensation Fund as claims incurred to date exceed budgeted funding for the year.
- The projection for 2016 year end is for a surplus of approximately \$4 million in the combined Lawyer and Paralegal General Funds.

Planning for the 2016 year-end audits has been ongoing and the Audit & Finance Committee met with PWC in November to formalize these plans.

Budget

The 2017 Budget process has completed its normal cycle of review by the Audit and Finance Committee in September and October. Convocation approved the budget on November 9, which sets the annual fee for lawyers at \$1,916 and for paralegals at \$1,046, an increase of \$50 for both professions, with an option to reduce the fee by \$50.00 if it is paid by pre-authorized debit (see below).

Operational Activities

The Finance department is working with the Audit & Finance Committee to ensure appropriate accountability and fiscal responsibility by organizations funded by the Law Society such as the Federation of Law Societies, FOLA and the Law Commission of Ontario.

The Finance department processes the applications for the Parental Leave Assistance Program. The number of applicants approved continues to decrease below projections estimated during program development. To the end of September 2016, payments for the year total \$128,000. The budget funding request for 2016 was \$200,000. For the 2017 budget, the fund balance (\$437,000 at September 30, 2016) is sufficient will not require a further contribution to the Parental Leave Assistance Plan for 2017.

The Society introduced electronic fee billing in 2015. Along with this, an on-line application process for payment by preauthorized electronic debit was also created. With the automation of the application process, a second preauthorized payment plan (PAP) option in addition to the existing monthly PAP has been introduced for 2017. This annual PAP plan withdraws the balance on their account in the first week of February each year. There is no administration fee for this plan. In the 2017 budget, a discount of



\$50 (prorated by fee category, \$25 for 50% fee and \$12.50 for 25% fee) will be offered to members enrolling in this plan.

Since my last report, the Finance department is currently conducting or has conducted its periodic review of the following policies:

- Investment Policy – changes are being assessed to slightly increase the equity component of the asset mix;
- Treasurer and Benchers Expense Reimbursement and Remuneration Policies – the assessment is still in the early stage;
- Business Conduct Policy – periodic update including assessment of whistleblowing provisions;
- Compensation Fund Balance Policy - reducing the minimum balance from three one-in-one hundred year events to one one-in-two hundred year event.

LibraryCo

The Finance department continues to provide financial services to LibraryCo through the Administrative Services Agreement that includes preparation of financial reports, development of the annual budget and administrative assistance to county associations on financial matters. The Law Society is working with the other shareholders of LibraryCo (Federation of Ontario Law Associations and Toronto Lawyers' Association) to set a direction for the evolution of libraries and library services going forward. In November, Convocation approved LibraryCo's budget for 2016, incorporating a contingency for the transition process and increased funding to county libraries.

REGULATION

COMPLAINTS, INVESTIGATIONS AND PROSECUTIONS

Complaint Trends

Complaint trends fluctuate year by year. While 2013 showed a noticeable increase in new cases, a downward trend in 2014 continued in 2015. In 2016, the downward trend has reversed. Between January 1 and October 31, the Division received 4016 new



complaints, an increase of approximately 2% from the same period in 2015. An analysis of the complaints received during the period reveals the following:

- consistent with previous years, approximately 75% of new complaints involve lawyers and 12% of new complaints involve paralegals.
- sole practitioners and licensees in small firms (up to 5 licensees) continue to receive the largest number and proportion of complaints (approximately 74% for lawyers and 93% for paralegals).
- as in other years, the highest proportion received contain service related issues (approximately 50% of all new complaints) followed by integrity issues (46% of all new complaints), governance issues (17% of all new complaints), financial issues (10% of all new complaints) and conflict issues (8% of all new complaints).
- the highest proportion (30%) of new complaints received by lawyers and by paralegals continues to be in the area of civil litigation, for lawyers, in family and real estate law and for paralegals, in criminal/quasi-criminal matters.

Investigations

The focus in the investigating departments, particularly in the past 5 months, has been on the backlog of cases in the departments. A number of process changes and strategies have been instituted and with the additional resources which Convocation initially approved in February 2016 (and included in the approved 2017 budget), staff have effectively increased the number of case completions and reduced investigation inventories. To date, the inventory of investigations has decreased to a total of 2322 complaints, down from an inventory of 2493 complaints at the beginning of 2016.

In the first 10 months of 2016, 3817 complaints have been closed at the end of the investigative phase. Of these 3817 complaints:

- 111 (3% of all closings), a substantial increase over 2015, have been closed with diversion (e.g. invitation to attend, letter of advice, practice review/spot audit recommendation, undertaking, mentoring).
- 550 complaints were closed with a staff caution or best practises advice in 2016 to date.



The number of reports received of lawyers engaged in mortgage fraud remains at an average of about 2.5 per month. However, the inventory of investigations remains lower than in previous years (42% fewer than at the end of October 2015). In addition, the number of matters proceeding to Discipline remains low (5 licensees in 2016 to date). The Investigations department continues to closely track and regularly monitor these matters for timely completion.

Advertising & Fee Issues

One of the early steps taken by the new Executive Director, Professional Regulation was to form a strategic priority team within the Professional Regulation Division to undertake investigations and, where required, prosecutions in the area of advertising and referral fees. The creation of this team will facilitate a timely and focused response to these issues. The work of the team is informed by the work of the Advertising & Fee Issues Working Group, to ensure that policy focused attention is brought to bear on the Law Society's regulatory response. There are currently approximately 90 cases involving advertising and referral fees that are under active investigation.

Discipline

The number of new matters coming into Discipline fluctuates from year to year. The number of licensee / applicant matters coming into the department in the first 10 months of 2016 appear to be similar to the numbers in the same period in 2015. However, the number of Notices issued by Discipline to commence a proceeding before the Hearing Division has increased.

As at October 31, 2016, Discipline had issued a total of 140 Notices: 110 Notices of Application (conduct and capacity prosecutions), 12 Notices of Referral for Hearing (good character and reinstatement/terms dispute prosecutions) and 18 Notices of Motion for interlocutory suspension/restriction. In 2014, a total of 124 Notices were issued and in 2015 a total of 142 Notices were issued.

The number of motions for interlocutory suspension / restrictions (18 as at October 31) have increased from the 14 issued in all of 2014 and the 14 issued in all of 2015.



Court Decisions

In 2016, the Law Society received ten decisions from the Ontario Superior Court; and eight decisions from the Court of Appeal.

Seventeen of these matters were initiated by a licensee or an applicant for a license. The Law Society initiated one matter and brought two cross appeals.

Issues considered by the courts in these decisions included:

- Prematurity of court intervention regarding constitutional issues that can be heard by the Law Society Tribunal – *DioGuardi Tax Law et al*
- Jurisdiction to award costs when a licensing application is abandoned after the notice of hearing is issued but prior to the commencement of good character hearing on the merits – *Riddell*
- Penalty – the effect to be given to delay in an investigation in what would otherwise be a revocation case – *Abbott*
- Jurisdiction to provide relief sought – *Speck, Amiri*
- Failing to perfect application/extension of time for motion for leave – *Ebagua, Amiri*
- Delay by licensee in seeking appellate relief – *Coady*
- What is a final order – *Kivisto*
- Factors to be considered in a motion for delay – *Totera*
- Ability to raise new issues on appeal – *Molson*
- Costs awarded as a result of the recusal of panellists – *James*
- Validity of the presumptive disposition of revocation – *Bishop*
- Jurisdiction of the Law Society to regulate in-court civility, the definition of civility and the duty to advocate zealously – *Groia*

Trusteeships, Compensation Fund And Monitoring & Enforcement

Between January 1 and October 31, 2016, Trustee Services has obtained 14 new formal trusteeship matters, which are dealt with in the Superior Court, and 17 formal trusteeships have been completed and closed. An additional 39 cases have been opened in which guidance and information has been provided on how to wind up a licensee's practice. The department has received 1211 and closed 1061 requests from clients and others concerning licensees' practices.



Between January 1 and October 31, 2016, a total of 143 applications for compensation have been received by the Compensation Fund: 131 claims involving 45 lawyers and 12 claims involving 9 paralegals. During this period, a total of 29 claims have been granted: \$2,798,897 has been paid on 93 claims against 26 lawyers and \$36,221 has been paid on 18 claims against 7 paralegals. The Compensation Fund continues to carry a number of potential claims related to a very high-profile real estate loss.

In the period from January 1 to October 31, 2016, Monitoring & Enforcement has:

- collected a total of \$410,658 in costs, including \$311,005 in discipline costs
- received 79 new undertakings to be monitored. This represents an increase from the number of new undertakings received in all of 2015 (63) and 2014 (58).
- received 125 new orders to be monitored.
- received and responded to 3944 regulatory inquiries involving 4431 licensees.

PROCESS AND STRUCTURAL CHANGES IN THE PROFESSIONAL REGULATION DIVISION

The Professional Regulation Division is currently undergoing a restructuring process. The key changes can be summarized as:

- more robust, early triage and resolution carried out by a larger Intake Resolution department
- merger of the Complaints Resolution and Investigations departments
- creation of new multi-functional Enforcement teams with different types of Investigators and Discipline Counsel working together in teams
- creation of an Technology & Evidence Control department to enhance the Division's ability to receive, produce, manage and control electronic data.

Transitional planning is already underway and a multi-functional team is already underway on a pilot project basis. Throughout 2016, steps have been taken to streamline processes and increase efficiencies. The new organizational structure will come into effect on February 6, 2017. Next steps are to design the physical changes required to fully implement the new structure.



ADMINISTRATIVE SUSPENSION DUE DILIGENCE

In addition to the over 1500 notices and reminders that were published to licensee LSUC Portal accounts this quarter, the staff in the CSC continue to uphold due diligence standards regarding licensee administrative obligations.

For example, during the Annual Report suspension follow-up process, the By-Law Administration Services Department has sent 128,411 automated emails to licensees reminding them of their filing obligation. At the end of the 60 day default period, 2,584 licensees had yet to file their Annual Report and staff in the CSC will attempt to personally contact each licensee at least one final time. Law Society staff similarly followed up with 957 licensees who had not fulfilled their CPD obligations and 2149 licensees who did not fulfill their Annual Fee obligations.

QUALITY ASSURANCE

Practice Audits

In addition to continuing to provide proactive supports to law practitioners and law practices across the province, Practice Review and Spot Audit have conducted a number of presentations as part of their outreach program to licensees to support ongoing learning related to establishing and maintaining viable and vibrant practices. During 2016, Practice Review developed a CPD webcast for paralegals on how to assess practice management processes to improve efficiencies. Reviewers have also responded to invitations to present on practice management topics to various law associations, such as Prescott, Peel and Hamilton, and to the University of Ottawa Business Law Clinic.

Outreach to paralegal practitioners included best practices presentations to paralegal classes at both Algonquin and Conestoga Colleges, and to the Ontario Paralegal Association.

Spot Audit has been actively involved on a number of educational presentations to the Law Society's Professional Conduct and Practice in Ontario program, the Ontario Bar Association, the Barrie Real Estate Law Association and the Peel Real Estate Law Association to discuss Spot Audit processes and a variety of financial books and records topics.



Spot Audit and Practice Review representatives were present at the June 9th Sole Practitioner and Small Firm Conference's "Ingenious Bar" to respond to licensees' questions on the Practice Review and Spot Audit programs, books and records, and practice management systems. The Spot Audit and Practice Review outreach initiatives continue to be well received and appreciated by licensees, and reinforce the importance of the Law Society's Competence Mandate and focus on providing proactive assistance.

PROFESSIONAL DEVELOPMENT AND COMPETENCE

The Professional Development and Competence Committee evaluated the Pathways Pilot Project and proposed enhancements to the licencing process in its September 2016 Report. As a result of careful consideration of the 93 public submissions from individuals, 104 individual comments linked to a petition and 32 submissions from organizations, associations, legal clinics, law schools and others, the Committee recommended that the Pathways Pilot Project be continued for two years and that a complete review of the licensing process be undertaken. PD&C will develop a plan to implement this review which will include an engagement strategy to involve relevant stakeholders throughout the process.

Continuing Professional Development

While the CPD department has kept the number of unique programs it produces at 90 for the last several years, and then provides replays bringing the actual amount of program offerings to between 125 and 140 per year, it has been making changes to operations and planning in 2016 to vary those offerings. This provides additional flexibility and CPD opportunities for members.

For example, the team increased the number of replay programs offered, from 34 in 2015 to 58 in 2016 and offered replay programs in July and August for the first time, so that lawyers and paralegals could watch them during the sometimes-quieter summer months. These replays were well received, with the August programs attracting an average of 72 registrants at each. While members can purchase any CPD program to view "on demand" at their convenience after the live date for the program, some members prefer viewing the archive at a scheduled time. The group will offer summer replay programming again in 2017.



Five online eCourse titles were produced in 2016, adding to the current stable of 13 eLearning programs. eCourses are a popular alternative (or adjunct) to attending traditional CPD programs for many members.

While the trend of live, in-person attendance continues to decline in favour of the flexibility of webcast viewing - currently at a ratio of four who watch the webcast for every one live attendee, the large one and two-day Summit programs maintain a high demand related to on-site attendance. These flagship programs, held in core practice areas including real estate and family law, among others, provide an annual forum for practitioners to come together for networking, to share ideas and stories and to experience their professional learning within a community environment. These programs account for a significant portion of the organization's net CPD revenue. The team is currently planning a new cross-disciplinary two-day program, to be held in November 2017 that will be similar to the Special Lectures series which the Law Society previously hosted. To commemorate the country's sesquicentennial, the focus for this special program will be on constitutional law issues and its impact in several practice areas. The Symposium will culminate in the publication of a hard-bound volume of materials authored by its speakers.

We continue to work on refinements to the new eCommerce platform, the "LSUC Store" which was launched in mid-May. This new system allows members to log on using their Law Society portal credentials instead of requiring an additional set of user names and passwords as in the previous e-commerce site. This functionality makes ordering easier and more convenient for our members, and improves security by funneling members' sensitive information, such as credit card information, through a dedicated eCommerce platform.

The CPD department, in accordance with the Law Society's strategic priorities, has transformed program planning to ensure that all programs are developed with reference to a draft set of learning competencies at stages of basic, intermediate and advanced levels of learning. This focus assists to better articulate the educational and experiential objectives to be achieved in each practice area throughout a member's professional practice life. The framework will be further refined and finalized in 2017 through a series of consultations with the professions to discuss and validate the listings, and more formally identify the competencies to be covered in CPD programming on a yearly (and multi-year) basis in major practice areas.



Certified Specialist Program

The Law Society's Certified Specialist Program is adding a new area of specialization in Indigenous Legal Issues. This will be the 16th practice area now available through this competence-based credentialing process, which promotes high standards of knowledge, skill, experience and professional conduct to support access to quality legal representation by the public. Development of the new area began in early 2014 and has involved subject matter area experts and senior practitioners from a broad array of practice contexts, client groups and geographical locations to assist with the drafting, review and validation of the standards. Input on the standards was sought from client and professional stakeholder groups. The new specialization in Indigenous Legal Issues is expected to be available to the profession in the fall of 2016.

Practice Supports and Resources

The Department's work has been focused on launching the new Coach and Advisor Network ("CAN"), while maintaining and enhancing the quality of service provided by the Practice Management and the CPD Accreditation teams.

CAN is now online and accepting applications for volunteer Coaches and Advisors. Orientation materials and templates for Coaches and Advisors have been posted on CAN's Resources page and additional training materials and supports will soon be available at no cost through the LSUC store. In November, lawyers and paralegals will be able to submit *Requests for Time* with a CAN Coach or Advisor and resources to support preparation by those Participants will be available.

CAN has developed "*The Introduction to the CAN Coaching Model*" program and will offer this skills training in a number of locations throughout the province in the coming year. In addition, CAN is developing e-learning options to ensure that all CAN Coaches will have ready access to quality training.

CAN has initiated contact with the leadership of mentorship programs provided by law associations and legal professional organizations in Ontario. CAN plans to host an information sharing and mentoring best practices event with interested representatives of those organizations before year-end.



The Practice Management Helpline (PMH) has answered more than 7,300 inquiries since the beginning of the year, and anticipates more than 8,000 inquiries by year end, representing a notable increase year to year. Between 2007 and 2015, PMH inquiries steadily increased from 4,337 to 7,423 per year. This is an overall increase of 71%. From January to October 2016, PMH handled 6,951 inquiries, which is a further increase of 9.8% over the same period in 2015. New resources have been developed and existing resources updated to reflect the recent amendments to the *Rules of Professional Conduct* and paralegal *Rules of Conduct*. A number of new Practice Tips on emerging technology issues have also been created and are now available online in MP3 and transcribed formats.

CPD Accreditation has developed a comprehensive audit process for Accredited Providers of Professionalism Content to ensure alignment of their programming with the Accreditation Criteria. CPD Accreditation has begun to implement this audit process with 10 of its Accredited Providers.

LICENSING UPDATE

Lawyer Licensing Process

There are approximately 2350 newly registered lawyer licensing candidates in the 2015-16 process which is now well under way, with most candidates having been called to the bar recently. The new group of licensing candidates for 2016-17 have started their process and licensing examinations were held this past June.

The second year of the Pathways Pilot Project is also now completed. The Law Practice Program alternative pathway was selected by 231 candidates for the 2015-16 licensing year – 220 completing the English program with Ryerson University and 11 completing the French program with the University of Ottawa. In the 2016-17 licensing year, there are currently 234 candidates in the English program and 23 candidates in the French program.

In the June 2016 call to the bar ceremonies, the Law Society called 1600 candidates to the Bar of Ontario. In addition to the ceremonial calls held in January and September, and administrative calls throughout the year, it is anticipated that the Law Society will call over 2200 lawyer licensing candidates to the Bar in 2016.



Paralegal Licensing Process

Following the introduction of new accreditation protocols for Paralegal College Programs, which took effect in the 2015-16 academic year for the colleges, 11 intakes of paralegal college programming were not entitled to proceed. This was predominantly due to lack of sufficient enrollment in those intakes. At this time, there are 29 approved paralegal programs, at 45 college campuses, with 64 class intakes on a cohort to cohort basis. Since the inception of the paralegal college program audits for accreditation and ongoing quality assurance, the Law society has conducted 51 rigorous audits and continues to do so.

LEGAL INFORMATION AND LIBRARY SERVICES

The Great Library is moving toward providing additional space for use by members, in response to needs expressed by members themselves. They have finished transitioning the Riddell print collection of historic books donated by Justice Riddell to new high-density shelving. This compact, rolling shelving has freed up significant storage space in the basement of Osgoode Hall, which the library will now fill with older parts of the print collection shifted from the Main and first floors of the library. These shifts will eventually culminate in increased research space on the main floor of the library.

Corporate Records and Archives continues to work on SharePoint related projects related to document retention and tracking protocols. In particular, they have been working closely with Information Technology staff for the past year and are close to a working prototype that will enable document tagging within SharePoint by Law Society staff. Once in place, this will provide a foundation for a SharePoint-based records centre in 2018.

POLICY, EQUITY AND PUBLIC AFFAIRS (PEPA)

Advertising and Fee Arrangements Issues

As referred to above, the Advertising and Fee Arrangements Issues Working Group is considering the issues raised in the Working Group's paper of June 2016 and the submissions received following a call for feedback. The Working Group is examining issues of advertising and marketing that may be false or misleading and fees that are



not transparent and may have an impact on the way in which legal services are provided. The Working Group is expected to continue its work into early 2017.

Disclosure Working Group

In September 2016 Convocation adopted a report from the Disclosure Working Group recommending the approval of a disclosure policy framework regarding the disclosure of information about complaints and investigations. Statutory amendments may be required to fully implement the framework.

Governance Task Force

The Governance Task Force was established in September 2016 following a commitment by Convocation to review the Law Society's governance structure in the Strategic Plan. The Task Force has commenced meeting and is discussing the principles to govern its work, as directed by the Strategic Plan and the Task Force's terms of reference. The Task Force is considering a broad range of governance initiatives and will be reporting to Convocation on an on-going basis.

The Real Estate Issues Working Group

The Real Estate Issues Working Group continues to deal with issues and developments related to real estate practice in Ontario. The Working Group is currently considering the implications of third party electronic funds transfer products for the public and for lawyers, including the extent to which the use of such products is consistent with lawyers' professional obligations.

Mental Health Strategy Task Force

A Mental Health Strategy Implementation Task Force has been established to monitor implementation of the Mental Health Strategy Convocation approved this year. Building on the efforts the Law Society is already undertaking in this area, the Strategy includes a Vision and Commitment to underpin the Law Society's work, two Strategic Directions with a focus on preventive/management strategies and regulatory strategies and a number of Key Elements and Initiatives that will advance those Directions. As implementation progresses, we expect that policy issues related to the strategy will be referred to the appropriate committees for consideration.



Access to Justice and the Action Group (TAG)

TAG coordinated Ontario's first Access to Justice Week with a wide range of partners from October 17 to 21. The week resulted in engagement with the public as well as representatives from technology, business, social sectors in addition to our justice system partners. Together, these participants explored different elements of the access to justice crisis such as public opinion, child welfare and importance of innovative collaborations in the development of meaningful solutions.

The events received coverage from 25 media outlets as well as letters of support from The Honourable Beverley McLachlin, as well as Federal Justice Minister Jody Wilson Raybould. As well the Attorney General of Ontario, Yasir Naqvi made a ministerial statement commending Access to Justice week.

Equity Initiatives

The Challenges Faced by Racialized Licensees Working Group is reporting to Convocation this month with 13 recommendations aimed at addressing these challenges. This is the culmination of a lengthy study, including a comprehensive consultative phase, and I look forward to the results of Convocation's consideration of the report.

Our Equity and Aboriginal Affairs Committee and its Indigenous Advisory Group (IAG) continue their joint development of an Indigenous Strategy/Framework that will formulate approaches to priorities set out in Treasurer's Memorandum to the Committee. This includes developing programs to enhance cultural competence on the part of the professions and Law Society in dealings with Indigenous peoples, improving access to the complaints process for Indigenous communities and supporting and implementing the work of reconciliation, in collaboration with IAG, by responding to and implementing the Truth and Reconciliation Commission of Canada's Final Report (TRC Final Report) Calls to Action related to the Law Society's mandate.

We have also begun consideration of the process for review of the Discrimination and Harassment Council program as set out in the Treasurer's Memorandum.



Federation of Law Societies of Canada

The Law Society's contribution in both human and financial resources to the Federation continues to be significant. The report on the Federation's October 2016 meetings to Convocation this month shows the extensive contribution from the Law Society benchers and staff. In particular, several senior staff are involved in a number of initiatives. These include Diana Miles, Executive Director, Organizational Strategy /Professional Development & Competence, who participates as a member of the National Requirement Review Committee and serves on the CanLII Board Nominating Committee, Karen Manarin who serves on the Standing Committee on National Discipline Standards, Jim Varro who serves on the Anti-Money Laundering and Terrorist Financing Working Group and Naomi Bussin, Senior Counsel, Professional Regulation who is a member of the Standing Committee on the Model Code of Professional Conduct. I serve as a member of the Finance and Audit Committee.

Special mention should be made of Policy Counsel Juda Strawczynski who did an extraordinary amount of work in preparing submissions in concert with the Federation on a number of government-initiated consultations this past summer.

Government Relations

Public Affairs liaises with all levels of government to ensure ongoing and enhanced networks and relationships. In addition, Government initiatives that affect the Law Society's mandate currently being monitored and addressed include:

- The expansion of Unified Family Courts in Ontario
- Legal Aid (both as a supporter seeking enhanced funding to address eligibility levels, and as a partner in recommending appointments to the board)
- Paralegal Exemptions
- Real Estate issues
- Monitoring search and seizure provisions in provincial regulatory statutes, to protect privilege
- Working with the government on new initiatives on issues such as prevention of sexual violence and managing auto insurance costs
- Managing the Law Society's legislative agenda
- Public policy participation thru various think tanks and forums



Treasurer's Appointments Advisory Group (TAAG)

In September 2016, the Treasurer established a group of benchers to co-ordinate the process for the various external appointments made by the Law Society and to provide advice to the Treasurer on these appointments. Public Affairs is assisting with outreach to stakeholders and the recruitment of diverse candidates. TAAG is currently reviewing a recruitment process policy, which will include a policy statement and appropriate criteria that will guide the appointment of well-qualified persons to the various boards, councils and committees of external bodies and has already provided names to both the Federal and Provincial governments for appointments.

Legal Aid Working Group

In October 2016, the Treasurer established the Legal Aid Working Group (LAWG) to identify opportunities for engagement and enhancement of the Law Society's relationship with Legal Aid Ontario (LAO), Alliance for Sustainable Legal Aid (ASLA), government and other justice system and community services partners in accordance with and further to the Law Society's functions and duties respecting competence, access to justice, the rule of law and the public interest. Public Affairs has played a significant role in developing and organizing the committee and will continue to play a supporting role. The Law Society is also a member organization of the ASLA and provides bencher support for the Alliance. Its mandate is to communicate to the provincial and federal government the importance of the provision of properly funded and consistently high quality legal aid services in a cost-effective and efficient manner to low-income Ontarians throughout the province.

Real Estate Liaison Group (RELG)

The Real Estate Liaison Group, created by the Treasurer together with the Ontario Bar Association, FOLA and LawPRO engages in dialogue on real estate issues of common interest and planning in response to expressed concern about the future and current state of real estate practice in Ontario. The group continues to meet to discuss current issues, including ABS, regulatory policy issues touching on real estate practice and legislative developments.



MEDIA RELATIONS AND ISSUES MANAGEMENT (MRIM)

The Media Relations and Issues Management (MRIM) team works to ensure that the Law Society, its mandate, initiatives and operations are positively and accurately represented in the public sphere.

These activities include managing a high volume of media enquiries and pursuing positive earned media coverage. MRIM also supports external communications activities for the Treasurer, Convocation and the work of their committees.

Over the last year, MRIM has taken a proactive approach to media relations and to communicating Law Society initiatives which have resulted in expanded editorial reach and increased coverage, most of it positive or neutral in tone. For example in the third quarter alone, total editorial reach was over seventy three million with 790 stories related to the Law Society.

MRIM this year has also strived to have a significant spokesperson quote in media stories that invokes one of our strategic priorities and/or the Law Society's public protection mandate. In the last quarter, 55% of coverage included a spokesperson quote.

MRIM continues to distribute weekly to media all of the Law Society Tribunal proceedings and notices which have contributed to a continual increase in media coverage for the Law Society.

In addition, MRIM has received and responded to 320 different media inquiries to date. Overall, discipline matters garner the most interest and coverage.

Other topics of interest include TWU, Challenges faced by Racialized Licensees Working Group, the LPP, new Treasurer election, Calls to the Bar, Personal Injury Advertising and Compensation Fund increase. TAG's first Access to Justice Week last October also garnered significant coverage in 25 different media outlets across the province.

As well, over the past year, the Treasurer, working group chairs and other Law Society representatives conducted a number of interviews, both with legal trade and mainstream publications or networks MRIM also initiates a broad range of internal and



external communications materials. To date this year, the department prepared over 70 speeches or speaker notes in addition to news releases, positioning statements, media plans and Convocation News that support Law Society priorities and the Treasurer's outreach initiatives. MRIM also developed and maintains a targeted community partner and justice sector distribution process for legal information guides available in Cree, Oji-Cree and Northwestern Ojibway, as well as English and French.

COMMUNICATIONS AND MARKETING (C&M)

Over the course of the year, the focus for Communications and Marketing continues to be the strategic evolution of digital initiatives and communications as directed by the Law Society's strategic priorities for 2015-2019.

Social Media

In March 2016, the Law Society revised its approach to strategic content marketing through Facebook, Twitter and LinkedIn with the intent of growing social media audiences, increasing engagement and enhancing the Law Society's reputation and brand.

For other channels such as YouTube, we implemented a plan this quarter to better utilize the platform by reorganizing video inventory and increasing new, well-branded and timely content. This included the launch of the Treasurer's video blog, which was developed to provide opportunities to increase engagement. The Treasurer's Twitter account incorporates an integrated communications approach with the Law Society Twitter account. Communications and Marketing has also tested Instagram as a new platform to focus on Law Society news. .

The Law Society's social media audience continues to grow: our Facebook page now has 3,785 likes; 8,108 follow us on LinkedIn; and we've reached the 10,000 mark for Twitter followers. Overall, the results indicate that targeted messaging on timely topics has increased engagement.

Websites

Communications and Marketing together with Information Technology, is leading a corporate website redesign project to engage the public, professions and stakeholders



and to build a strategic communications tool that effectively supports the organization's core work. The new Law Society website will offer target audiences a cohesive online experience where relevant information, services and resources can be easily accessed in an understandable way.

An extensive content inventory and audit of the current website was completed, along with interviews with key stakeholders and departments. The content strategy and design phase of the project will begin in late November and will continue into the first quarter of 2017.

The *Gazette*, the Law Society's online magazine, has had a 15% increase in 2016, most notably from referral traffic from social channels and the corporate website. Mobile traffic, an important and growing source, has increased 81% in 2016. The top performing *Gazette* article was our Mental Health Week promotion, which had the most views this year.

TECHNOLOGY

SharePoint

Our largest SharePoint related project in 2016 has been the design and rollout of the Tribunal Information Management (TIM) System, a SharePoint-based case management system for use by Law Society Tribunals staff. The development is complete, with implementation scheduled for December and go-live for January 2017. We are also in discussions to plan the next phase of this project, which involves the redevelopment of the portions of the process which are currently hosted on the AS/400. This year we also successfully completed the Discipline History SharePoint Scanning Integration project, which involved transferring approximately 23,000 discipline history files from a network drive to SharePoint to make them easier to access and search.

Relationship Management System Project (RMS)

The Relationship Management System is the name of the project to modernize the Lawyer & Paralegal Database, or as many people call it, the AS/400 (after the name of the IBM server it runs on). In this age of "big data," and with the demand for more



automation and self-service, the current system severely limits us from being as effective, proactive, and service-oriented as we can and should be. In addition to addressing technical risks, one of the major business goals of the RMS is to increase the efficiency of our existing staff to prepare us for taking on new, data-intensive initiatives. Other goals, requested by users, include redesigning the class/status code system, and working towards a more comprehensive, “one-stop-shop” approach to data access to improve staff efficiency and service quality.

As part of our extensive work plan this year, we have:

- Developed initial estimates of the cost, duration, and platform options for the project
- Created a representative Steering Committee, led by Terry Knott, for strategic guidance and business decisions
- Engaged a professional consulting firm to provide advice and assistance in planning
- Developed detailed business requirements and data model for use in purchasing.

As the project funding has been approved, the Steering Committee plans to initiate the detailed design and implementation of the Relationship Management System in 2017. The Request for Proposal will be released in the first quarter of 2017; followed by the beginning of the Discovery Phase with the selected vendor late in the second quarter. Design and Development will begin in the fourth quarter, provided a fixed price contract is negotiated after the Discovery Phase.

LSUC Portal

The Lawyer Annual Report and Paralegal Annual Report will look different for the 2016 filing year, as they will be fully integrated into the LSUC Portal. The Annual Report section of the Portal will look more like the other portlets and will provide more flexibility for development in the future.

The Law Society Referral Service application and renewal process moved into the LSUC Portal in the middle of November. This allows licensees to manage their own LSRS profile, including areas of law and dates they are not available to accept referrals.



Digital Information Risk Management Program

Having designated Information Security as a major theme of this year, we have taken serious action on a number of fronts to increase our security against the growing tide of hacker attacks, data breaches, and increasingly destructive malware. This summer, for example, we encrypted the hard drives of over 300 laptops, so that the data they contain remains secure even if they should be lost or stolen. We also connected 66 iPads to our mobile device management server, which allows us to lock them down and to remotely wipe them should they be lost or stolen—and which allowed us to provide secure access to SharePoint on them. On the server side, we are adding some additional layers of protection against the new wave of malware attacks that come in via email and USB drives; by our latest measurement, almost 2% of incoming email contains a virus (and is blocked by our servers).

Other Projects

Other business-focused projects we have completed this year include the replacement the Law Society's old eCommerce system with a newer high-capacity system, the update of the Articling Registry application to improve its security and usability, and the implementation of changes in iLaws to support Experiential Training.

OUR PEOPLE

Diversity Census and Inclusion Survey initiative

In March, the Law Society launched its first Diversity Census and Inclusion Survey - to help us better understand the demographic characteristics that make up our team. There was a 72% participation rate, with high rates of feelings of inclusion overall. We communicated the final analysis and action plans from the survey results to employees during the Town Hall meeting in September, and plan to discuss them with the Equity and Indigenous Affairs Committee early in the New Year.



Employee Engagement and Enablement Survey

In June 2016 the Law Society conducted an Employee Engagement and Enablement Survey to help improve the effectiveness of our organization and enhance communications between management and employees at all levels. The results were as follows:

- 77% employee response rate – 427 participants
- 73% employee engagement – (commitment & discretionary effort)
- 71% employee enablement – (optimized roles & supportive environment)

These scores are very high, positioning the Law Society above the average for public/not-for-profit organizations, and for organizations in Canada generally.

SERVICES FOR MEMBERS AND THE PUBLIC

LAW SOCIETY REFERRAL SERVICE

From January 1, 2016 to October 31, 2016, the Law Society Referral Service provided 36,745 referrals. Of those, 26,087 were provided through the online service; 9,734 referrals were provided through the crisis line; and 924 referrals were provided by email.

From January 1 to October 31, 2016, LSRS also provided the names of 11,106 LSRS members to people who did not qualify for a referral. A member of the public would not qualify for a referral if they do not live in Ontario, if their legal matter is urgent and they cannot wait up to three business days for the licensee to arrange a consultation, or if they have already received a referral for the same legal issue within the calendar year.

MEMBER ASSISTANCE PLAN (MAP)

Usage

For the period of January 1 to September 30, 2016 there were 1,115 MAP cases. As a result, Homewood Health, the Law Society's Member Assistance Program provider, has projected an annual utilization rate for 2016 to be 5.13%.



The awareness source of the MAP continues to arrive predominantly from a previous client (36.1%), which again allows us to infer that the program is being shared through word of mouth from prior recipients of the program.

There was good distribution of age groups accessing MAP, with the largest cohorts in the age ranges of 21-30 (25.6%) and 31-40 (36.9%).

The top MAP counselling categories for this time period in 2016 was psychological counselling (49.7%); work counselling (18.7%) and marital/relationship counselling (16.2%). Of the psychological cases, stress had the highest number of cases at 14.3%, followed by anxiety at 14.2% and depression at 10.4%.

The method of distribution for counselling was 77.4% face-to-face; 16.8% over the phone; and 5.8% over the web.

Looking at overall utilization, the top area of Plan Smart cases were: career counselling at 38.9%, 12 weeks to wellness at 21.6% and nutritional counselling at 10.8%.

Peer Conclave

Friday, October 28th, marked the second annual Peer Conclave. The objective of this event is to bring together volunteers from across the membership with a shared mission towards supporting professionals in the legal profession in managing some of their most challenging mental, physical and social health issues. Peers come from all corners of the profession - lawyers, judges, paralegals and students.

In this year's program, the Peers were joined by Mr. Michael Bryant, former Attorney General. Mr. Bryant, a recovering alcoholic, openly shared his story, more specifically, his struggle with addiction, and its impact on his personal and professional life. Mr. Bryant's willingness to share his story of recovery had a tremendous and positive impact on the Peer group.

A long term commitment has been made to ensure that Peers continue to receive this type of inspiration, along with the education, training and support provided by MAP Program.



CONCLUSION

It is when my staff assembles the information for this report that I perhaps most often marvel at the depth and breadth of the operations of the Law society of Upper Canada and the dedication of our staff to delivering on our strategic priorities that are informed by our statutory mandates. As always, I want to acknowledge my appreciation for that dedication. As we look back on the year, 2016 has been a time of significant and exciting changes in some important parts of our operation. These aren't easy. They challenge staff and management to think and work differently. I have been deeply impressed and grateful for the willingness of staff and our management teams to embrace change, and their patience in working through it. I am also most grateful for the support of our new Treasurer, Paul Schabas, and Members of Convocation. The change management process is made easier and more interesting by their commitment to it.