

LAW SOCIETY OF ONTARIO UPDATE and PANDEMIC REPORT

Diana Miles CEO

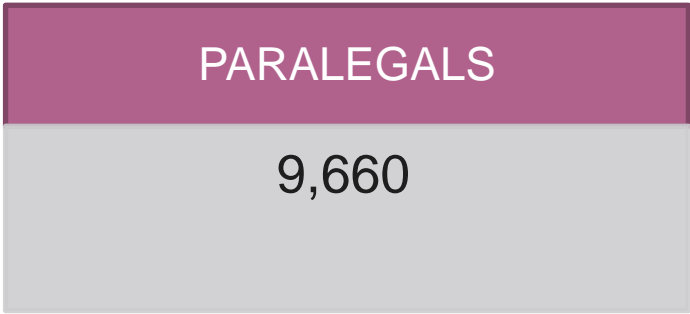
NOVEMBER 2020



Law Society
of Ontario

Barreau
de l'Ontario

Growth in Licensees

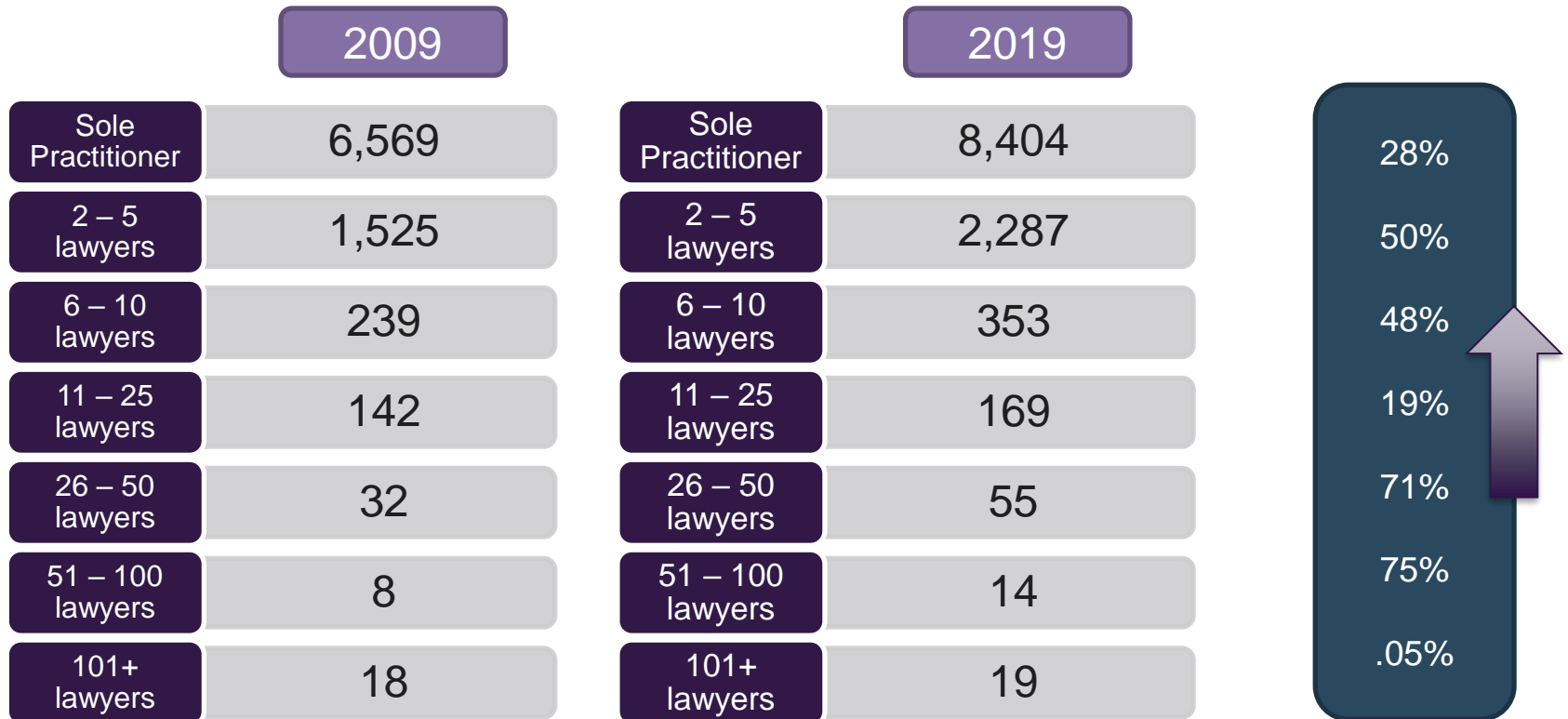


50% growth in
TOTAL licensee headcount
in 10 years

Growth in Firms

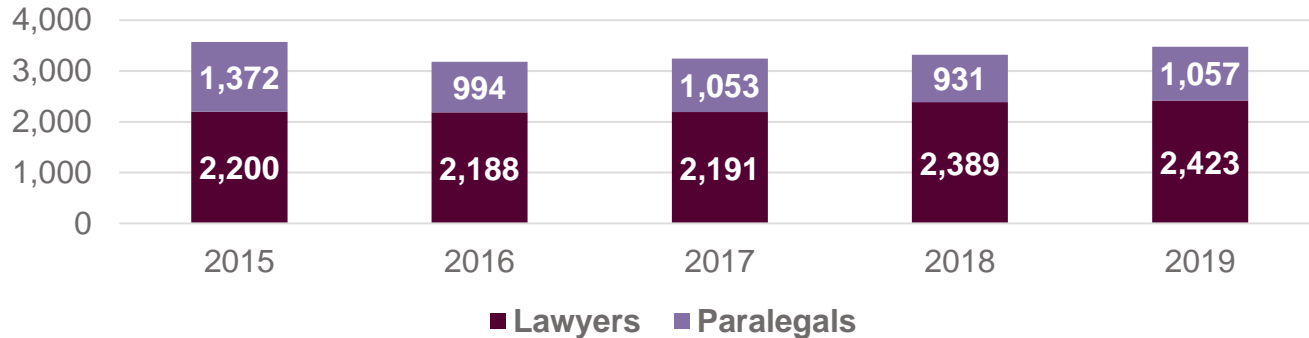


Lawyer Firms

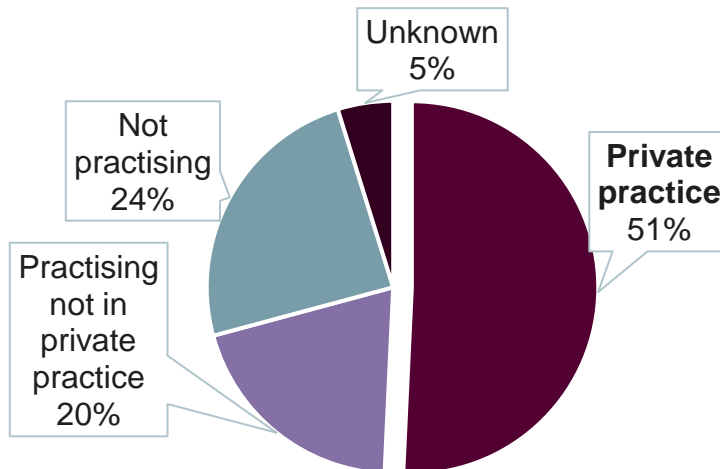


Entry-Level Competence

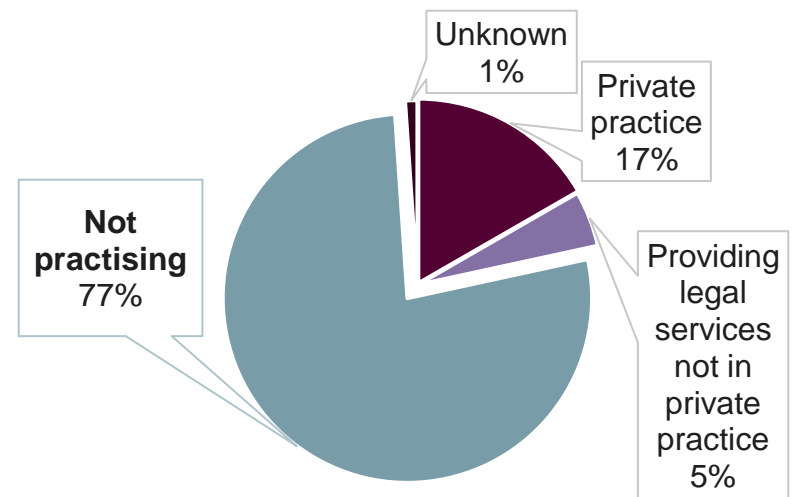
New Licensees



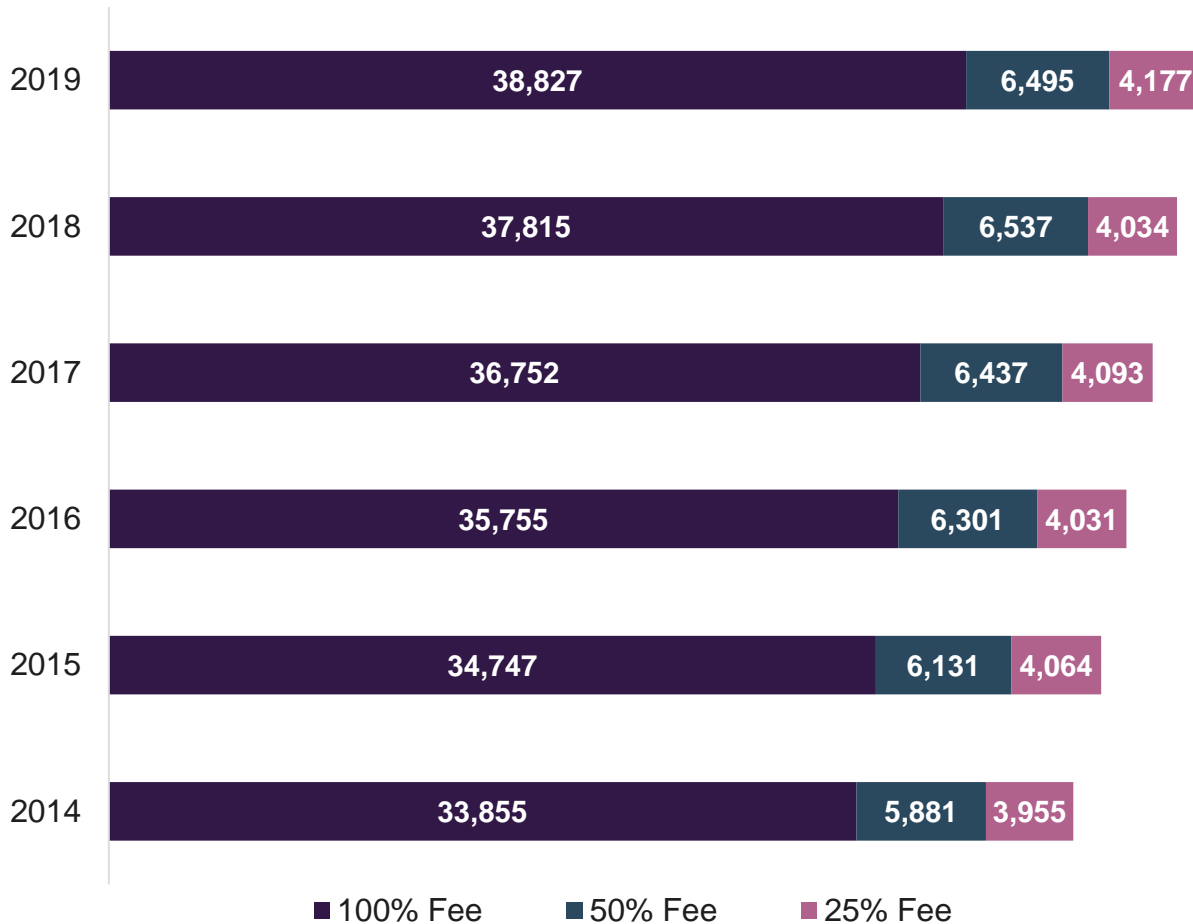
Lawyers 5-6 Years Post Licensure



Paralegals 5-6 Years Post Licensure



Lawyers by Fee Category



*25% Fee includes licensees on parental leave.

Full fee – **15%** increase

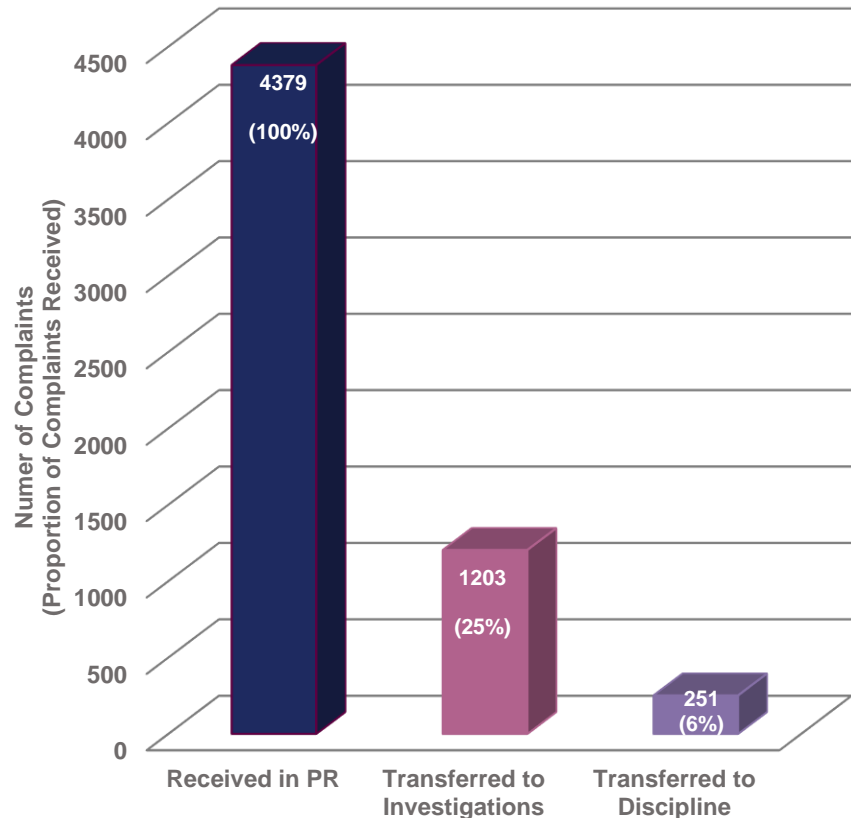
Not providing legal advice – **10.5%** increase

Not practising – **5.5%** increase

Complaints Transferred / Elevated

- Approximately 6000 complaints per year
- 25% are not within jurisdiction or are readily remediated
- 75% of initial complaints move to Intake & Resolution
- Of those, 25% transferred to Investigation
- Of those, 25% are referred to Discipline
- Overall, fewer than 5% of total complaints originally received are transferred to Discipline.

These percentages are relatively stable annually.

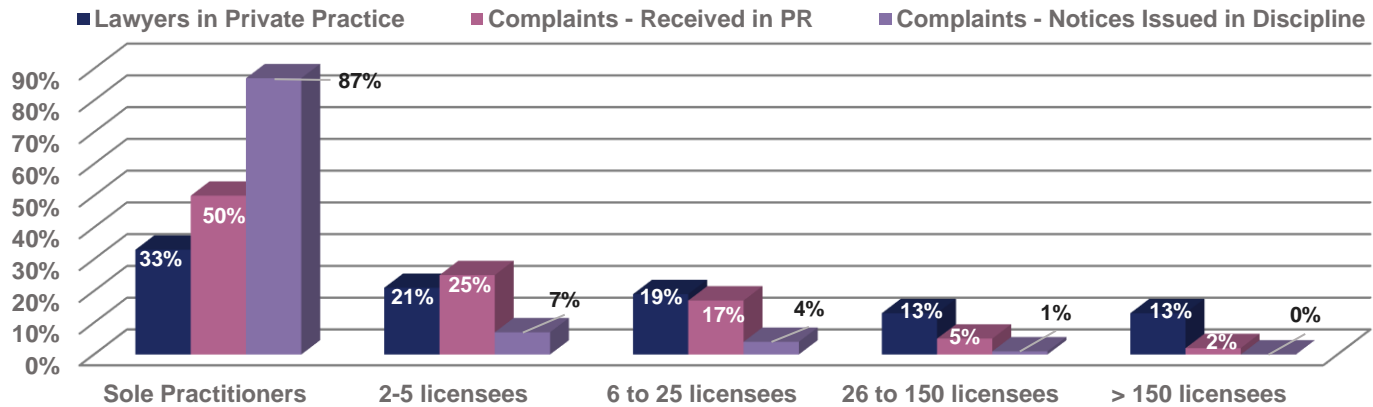


Complaints and Notices: Firm Size

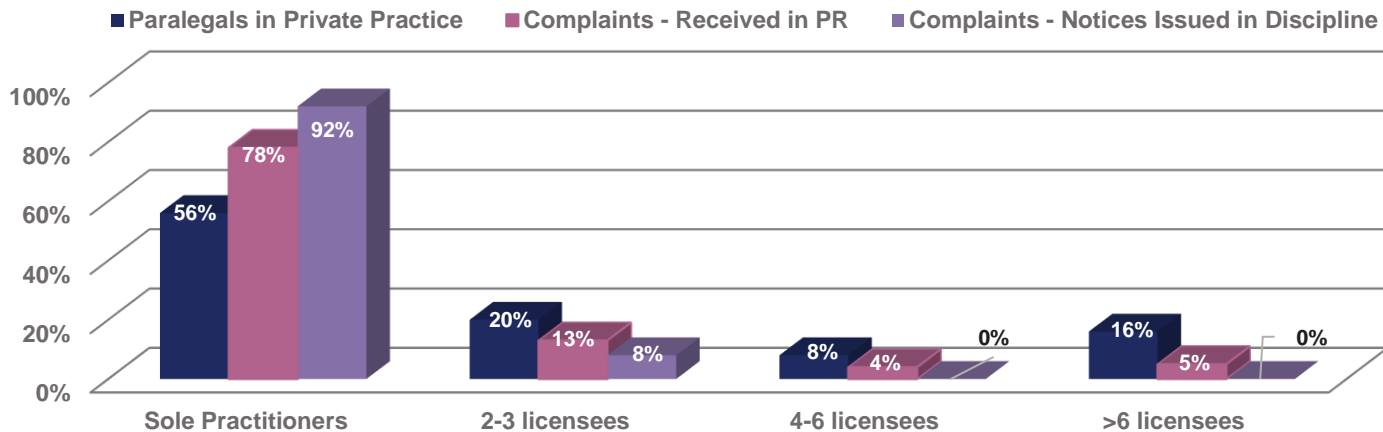
Solo lawyers = 1/3 of private practitioners and 9/10 of misconduct proceedings.

Solo paralegals = 1/2 of private practitioners and 9/10 of misconduct proceedings.

Lawyer Firm Size - Complaints Received & Notices Issued



Paralegal Firm Size - Complaints Received & Notices Issued



Corporate Response to Pandemic

**An emergency state is
declared – what next?**

Corporate Pandemic Actions

Organization Actions

- Pandemic Emergency Response – immediate move to work at home and implementation of work at home strategies to sustain workflow
- Pandemic Preparedness and Planning – ongoing supports and protocols for continuation of workflow
- Return to Office Planning – reintegration into physical space, implementation of enhanced health and safety requirements
- Justice Sector Partners Check-ins and Planning – provide support, assistance and communications addressing evolving practice issues
- National Law Society Check-ins and Planning – continuity, consistency and information exchange
- Ontario Regulatory Agency Check-ins and Planning – benchmarking, impact discussions and supports
- Implemented a comprehensive communications plan to reach internal and external audiences and coordinate information and messages with partners and stakeholders.

Corporate Pandemic Actions

Annual Fees

- Deferred all administrative suspension processes for various regulatory processes, including annual report, fees and CPD requirements
- Deferred application of late fees for Annual Report Filings and 2020 Annual Fees until August 15
- Did not begin administrative suspension processes until after September 15
- Offered the option to enroll in the Pre-authorized Payment Plan, for those who had not yet paid 2020 Annual Fees
- Deferred Pre-authorized Payment Plan withdrawals until August, which allowed for monthly payments in equivalent amounts, from August to December
- Liaised with the federal government to ensure that the interests and needs of lawyers and paralegals are considered with respect to eligibility for assistance programs.

Public Service and Supports

- Emergency Family Law Referral Line
 - Connecting self-represented litigants with family lawyers who will provide 30 minutes of legal advice specific to determining whether their family court matter is urgent and referrals to other available legal services
 - Launched on March 25 (9 days following the declaration of emergency)
 - Call volumes peaked within the first month but have remained relatively steady since May with an average of 47 calls per week
 - Over 1600 interactions to date – providing over 3200 lawyer names to callers.

Client Service Centre

Pandemic realities have led to the development of new electronic processes in Client Service Centre. CSC has worked to transform their paper-heavy processes to electronic processes to ensure their internal and external clients are not inconvenienced with the transition to remote working. This has included:

- Implemented ability to produce, approve and sign Certificates of Standing electronically
- Electronic transfer of files between Complaints & Compliance, Professional Regulation and Licensing (instead of daily paper deliveries)
- Acceptance of all documents electronically (complaints-related, applications, Certificates of Standing, transcripts, etc.)
- Preparation of Clearance Requests using digital signatures
- Discontinued the creation of paper files, with all documents being stored electronically.

Policy Initiatives

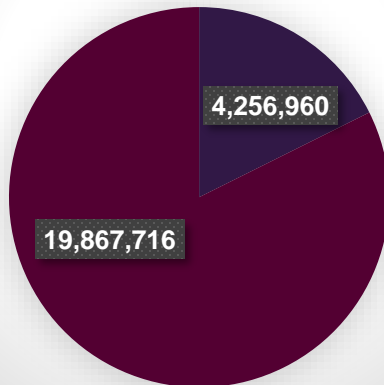
Pandemic Initiatives

- Remote Commissioning/Notarizing: develop and amend licensee guidance resources; consultation meetings and submissions
- MAG consultation and submissions on POA Amendments
- MAG consultation and submissions on Estates Law Reforms
- Develop COVID-19 FAQs
- Federal and Provincial support programs: monitoring program developments; outlining programs for communication to licensees; advocacy related to program enhancements to support lawyers and paralegals specifically
- Licensee Check-In Project re: impact of COVID series of meetings
- Research Community of Practice; organize and conduct launch meetings; support subcommittee work
- Participation in LAO consultation re: impact of COVID

Communications

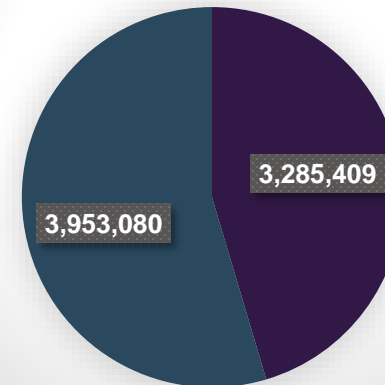
Sitewide pageviews from March to August 2019 and 2020

■ March 16 to August 31, 2019 ■ March 16 to August 31, 2020



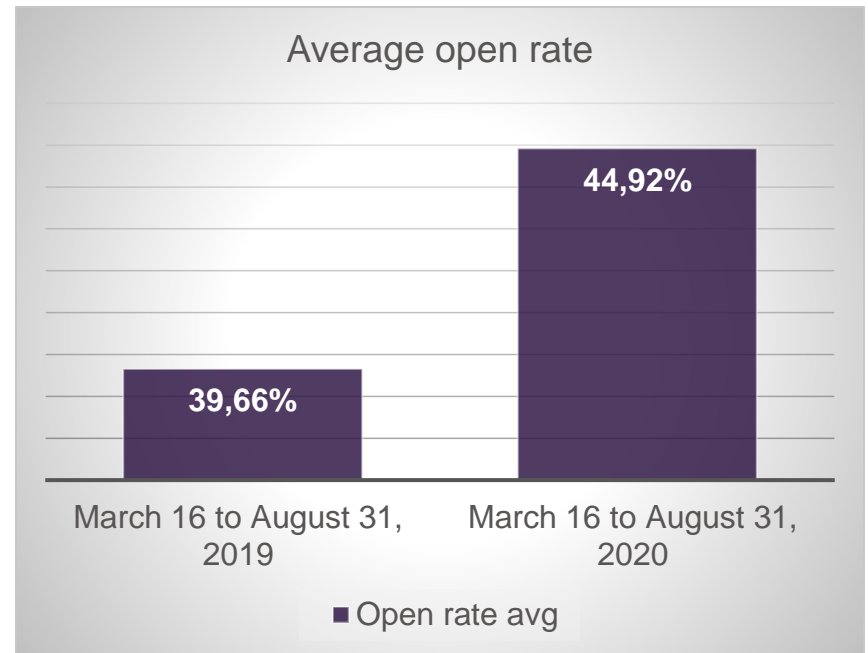
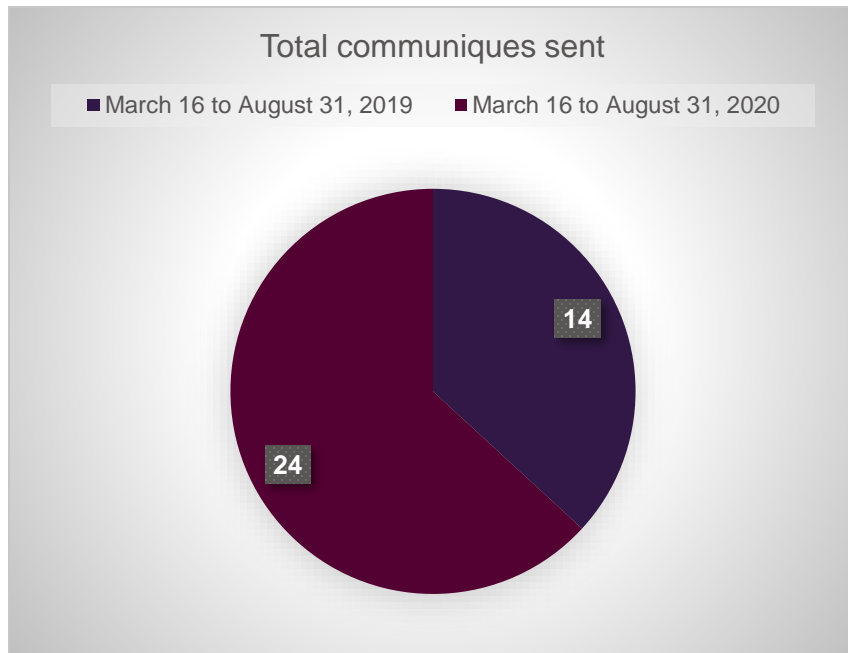
Sitewide unique views from March to August 2019 and 2020

■ March 16 to August 31, 2019 ■ March 16 to August 31, 2020



COVID-19 pages have seen over 1M pageviews since March 16, 2020. These pages were designed to offer a significantly improved layout resulting in better navigation for visitors. Content is easy to share and offers direct links to individual FAQs. Website metrics are up dramatically for both sitewide visits and unique page views for the same period in 2020 as a result of the crisis and improvements to the website.

Licensee Updates



From March 16 to July 16, 2020 licensees were sent weekly updates to keep them apprised of important COVID-19 information. *Licensee Updates* are now being sent monthly or on an as-needed basis. Open rates for licensee communicues increased an additional 5% despite sending updates more frequently. Interest in the *Licensee Updates* is strong, particularly during the pandemic timeframe.

Licensing by the Numbers

COVID-19 Response Action (Key deliverable or alternative workflow)	Mid-March to end August 2019	Mid- March to end August 2020
Number of paralegals licensed	259	235
Number of lawyers licensed	1,777	1,881
Number of lawyers licensed via ceremonial calls	1,714	0
Number of lawyers licensing via administrative calls	63	1,881
Number of candidates who filed clerkship with a start date in this date range	1,638	710
Number of candidates who received an abridgment of articles	100	131
Number of candidates who have enrolled in upcoming LPP/PPD (2020/2021)	14 – PPD 200 – LPP	16 – PPD 317 – LPP
Number of exams written	4, 872	5,362
Number of Examination Accommodations	293	398

Licensing: Pandemic Changes

Since March 16, 2020 the following COVID remediation steps were achieved by the Licensing Process Team related to **licensing process administration** following quick and proactive deliberation and approval by Committee and Convocation

- Implementation of Administrative call to the bar process with rolling call dates and removal of Roll Signing
- Lowering fees for call to bar
- Absorbing shipping costs for licensing materials
- E-filing documents and virtual commissioning
- Sourced vendors to deliver online live-proctored examinations
- Transformed examination protocols to build multiple versions for online examinations
- Restructured licensing examinations from a 7-hour delivery format to a 4-hour delivery format.
- Built new processes, procedures, rules and protocols for online examination administration (e.g. standard and accommodated examination delivery)
- Implemented online, live proctored examinations
- Implemented remote advisory group activities
- Implemented new candidate complaints resolution mechanisms.

Licensing

Licensing Process Administration changes continued:

- Implemented a reduction in Articling Term from 10 months to 8 months
- Implemented Remote Articling placements
- Revised and implemented Professional Conduct and Practice in Ontario program for online delivery
- Revised Articling Recruitment Procedures
- Revised Experiential Training Plan forms and documents to support online administration
- Implemented Abridgement policy for Articling, Integrated Practice Curriculum and Law Practice Program/Programme de pratique du droit.

Practice Audits

Remote Spot Audit Program and Enhancements

- Remote audit program was created using videoconferencing and document sharing technology
- This proportionate risked-based approach will help to reduce regulatory burdens on law firms during the COVID crisis
- A limited scope remote audit conducts about 75% of the steps that a full scope audit covers and addresses 4 months of books and records compared to 12 months of books and records
- Enhancements to audit efficiencies while maintaining the program's effectiveness.

Remote Lawyer Practice Review and Paralegal Audit Programs

- Created a process for conducting remote reviews during the COVID-19 pandemic using existing technology (i.e., Zoom and Sharefile)
- Newly created process provides tools to continue to conduct comprehensive quality assurance reviews and assess licensee competence during the pandemic
- New process continues philosophy of balancing proportionate regulation with a risk-based approach.

Practice Supports and Resources

COVID-19 Response Action (Key deliverable or alternative workflow)	Mid-March to end August 2019	Mid-Mar to end August 2020
Number of calls to Practice Management Helpline	Total Inquiries – 3,993 Lawyer – 3,274 (82%) Paralegal – 532 (13%) Non-Licensee – 187 (5%)	Total Inquiries – 4,444 Lawyer – 3,625 (82%) Paralegal – 484 (11%) Non-Licensee – 335 (7%)
Number of COVID-related resources developed	N/A	43 COVID-19 FAQs covering 14 practice management topics; 10 banking technology-related FAQs; 1 best practice guide; 1 checklist 24 resources updated with COVID-19 FAQ redirects or additional information 9 resources updated as a result of remote commissioning and notarizing amendments

Practice Supports and Resources

Practice Supports and Resources introduced the following **new resources** and regularly updated them in response to COVID-19

- Practice Management COVID-19 FAQ
 - Licensee Supports
 - Office Management
 - Practice Interruptions
 - Virtual Meetings
 - Client Identification and Verification
 - Commissioning and Notarization
 - Signing Documents
 - Cybersecurity
 - Litigation
 - Real Estate
 - Wills and Power of Attorney
- Trust Accounting and Bookkeeping COVID-19 FAQ
- Remote Deposit Capture FAQ
- Best Practices for Virtual Commissioning during COVID-19 (later renamed Best Practices for Remote Commissioning)
- Virtual Commissioning Checklist (later renamed Remote Commissioning Checklist).

Continuing Professional Development

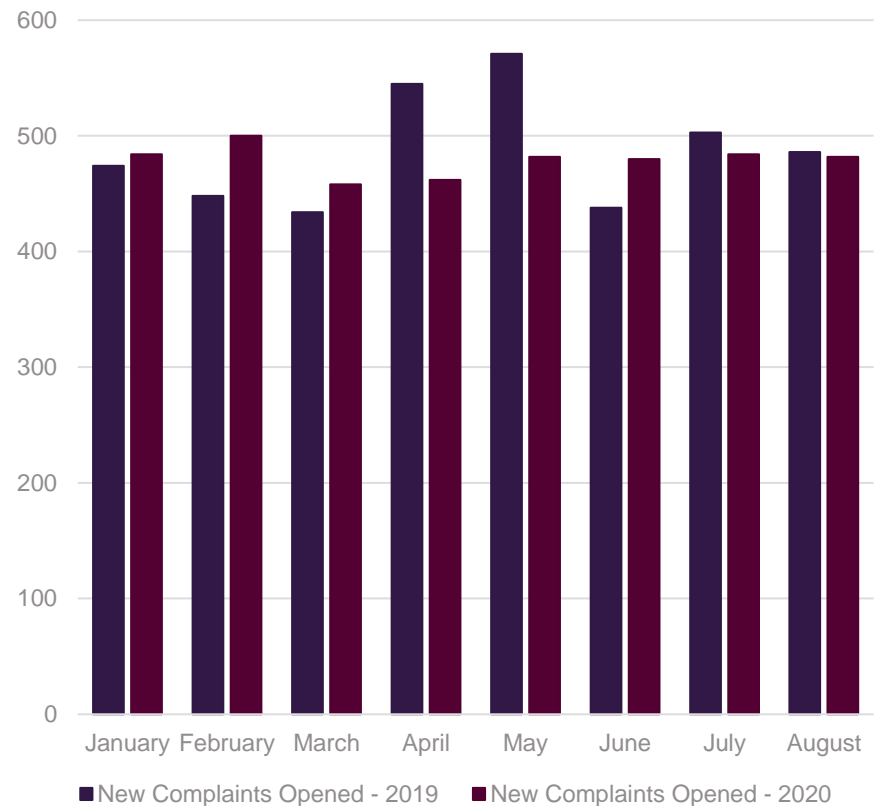
COVID-19 Response Action (Key deliverable or alternative workflow)	Mid-March to end August 2019	Mid-March to end August 2020
Number of paid LSO programs offered (Include live and on demand)	281	180
Total number of registrants for paid LSO programs	14,705	5,532
Number of free COVID-related programs offered	N/A	17
Number of registrants for free COVID-related programs	N/A	27,623
Number of free programs offered as part of Summer Event	N/A	143
Number of purchases of Summer Event programs	N/A	16,987

Fast, significant pivot for CPD Program operations. First day of LSO work restrictions on March 16 (entire CPD team working at home, no access to Learning Centre equipment). Yet, first (free COVID) program **offered to membership 11 days later** on March 27.

Some previously scheduled programs moved to Fall (or 2021), but many captured through fully remote and/or recorded means to complete Winter/Spring CPD season by August 21. Creative work-arounds included producing brand new CPD content options through podcast.

Complaints and Compliance

**New Complaints Files Opened
(2019 vs 2020)**



Levels of complaints received have remained steady from March to end August and are trending up in the early Fall of 2020.

The pandemic has had no impact on the volume of complaints against lawyers and paralegals.

Impacts and Implications

Reduction or removal of activities

Limited impact on core regulatory work and regulatory trends

Operational impacts

Next Steps: The New Normal?

Assessing the future of the legal professions

Assessing regulatory risk and response

Reducing burdens for licensees and for regulatory operations

Questions?

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