



Anticipating Changes in the Delivery of Legal Services and the Legal Profession

The Final Report of the Futures Task Force

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Date: September 10, 2020

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Introduction

For time and the world do not stand still. Change is the law of life. And those who look only to the past or the present are certain to miss the future.

John F. Kennedy

Change is coming, and it is better to surf and control it, than to wish for a past that is not going to be resurrected.

Jonathan Goldsmith

(former secretary council of the Council of Bar and Law Societies of Europe)

Change is constant in all aspects of our lives, and this is true in the practice of law as well. Client expectations, competition among lawyers and with other professionals, technology, generational expectations, and societal norms all affect what lawyers do and how they carry out their practice in important ways. Society's expectations of what lawyers do and how they should do it also change. How lawyers keep up with these changes is very important for the availability of efficient and affordable legal services and for the confidence that the public has in the legal profession as a whole, and equally important for the sustainability of their practices and their personal well-being. A legal profession that is incapable of achieving outcomes that resonate with what society expects is one in which the public will eventually lose confidence.

The legal profession is steeped in tradition and in precedent. Lawyers routinely look into the past to find precedents that will assist in solving the legal problems faced by clients. But when it comes to new trends and developments in how services are delivered, what clients are seeking, or even how people other than lawyers think about the world, the legal profession, bound in its traditions and precedents, is often poorly suited to "move with the times." Our affinity for history and our aversion to risk are both impediments to positive change.

The legal profession, and in particular the market for legal services, is rapidly evolving, and it has been over 10 years since the Law Society had dedicated a specific group to identify and consider trends and issues that warrant action. Therefore, in January 2019 the Benchers established the Futures Task Force to consider and develop insight on the future forces and factors the profession might face in the future and to make recommendations on the issues driving change to the Benchers.

The Benchers will be determining the Law Society's next Strategic Plan throughout the fall of 2020, and expect that the recommendations from the Futures Task Force's Final Report will help to inform the strategic planning process by identifying trends and providing recommendations that the Benchers can incorporate into the plan.

The Task Force was established with the following mandate:

Recognizing that significant change in the legal profession and the delivery of legal services is expected over the next five to 10 years, the Futures Task Force will identify the anticipated changes, consider and evaluate the factors and forces driving those changes, assess the impact on the delivery of legal services to the public, by the profession and on the future regulation of the legal profession in British Columbia, and make recommendations to the Benchers on the implications of the anticipated changes and how the Law Society and the profession might respond to the anticipated changes.

Task Force Work Plan

At its first meeting, the Task Force developed a work plan with a timetable of meetings, together with an outline of possible areas of inquiry and identified additional information that the Task Force needed to gather to fulfil its mandate.

The Task Force also divided its work into three general phases. Phase one was used to identify and learn about the factors and forces that would drive change in the practice of law and regulation of the profession. Phase two was dedicated to evaluating the scope and significance of the changes with a view to assessing their relative impact and priority for further consideration. And phase three addressed the impact and made recommendations about steps that could be taken in response to the anticipated changes.

The Task Force held eight meetings, on average one month apart. With the arrival of COVID-19 in British Columbia and the subsequent social distancing requirements from March 2020 onward, the Task Force shifted to conducting its activities through Zoom's video meeting application and email. While the pandemic was unexpected, the rapid move to virtual interactions demonstrated the speed with which change can occur when necessary. The Task Force considers that the time has come where some change is now indisputably necessary for the legal profession.

Areas of Inquiry

During phase one, the Task Force engaged in a wide-ranging discussion in person and over email on the multitude of forces and factors that could affect the delivery of legal services and impact the regulation of the legal profession in British Columbia over the next five to 10 years. As a result of these exchanges, the Task Force identified four broad areas of interest.

The Future of Legal Services

This area of inquiry would consider the factors that would directly impact the actual delivery of legal services. Areas for consideration included:

1. The demographics of the legal profession and those seeking their services;
2. The gap between unmet and underserved legal needs and lawyers who have underused capacity;
3. The differentiation within the profession, such as in-house lawyers being separated from the ‘firm’ model, and the differences of those practising in small rural areas compared to large urban practices; and
4. The impact of technology and globalization on the market of legal services in British Columbia.

The Future of Legal Accreditation/Education

This area of inquiry focused on professional accreditation by the Law Society and how that is impacted by legal education. We considered whether our accreditation process may need to evolve to accommodate a new market and business model for the provision of legal services. Areas for consideration focused on how the accreditation requirements for the next generation of legal service providers can accommodate the changing nature of practice of law as technology and new kinds of competition redefine the market. The Task Force also identified for consideration the question of how to anticipate and respond to a different environment with the potential for a loss of market monopoly and, possibly, changes to the structure of the regulatory body either introduced from within the profession or imposed on the profession by the government.

The Future of Legal Regulation

The Task Force recognized the importance of the Law Society’s role in protecting and serving the public interest in the administration of legal self-regulation. This heading identified several areas that could influence the continuation and efficacy of self-regulation, including challenges to the current regulatory model. The Task Force identified for consideration the question of whether a remake of the regulatory model is necessary, or whether the current model can be reformed to accommodate the changing legal landscape.

The Future of the Law

This fourth area of inquiry encapsulated the Task Force’s identification of anticipated changes to actual law. The Task Force noted recent and increasing threats to the rule of law seen in other jurisdictions and whether this represented a trend toward challenges to lawyer and legal independence, particularly from the State. The Task Force also recognized the significance of the Truth and Reconciliation Commission’s Calls to Action and the anticipated changes to laws as a response to those recommendations.

Activities Undertaken

The Task Force considered different means of gathering the perspectives of the legal profession in British Columbia to fulfil its mandate. Ultimately, it decided that the core method for gathering information would be through consultation.

In addition to the consultation responses, the Task Force considered the following resources as part of their responsibilities listed in the Terms of Reference. The Task Force examined the perspective of law students and recently called entrants to the profession by referencing the PLTC exit surveys, which have been conducted since 2006. The Task Force also identified a number of academics and authors writing about the future delivery of legal services. Experts writing in this area included Richard Susskind, Jordan Furlong, Adam Dodek, Richard Abel and Gillian Hadfield. A list of written resources the Task Force reviewed is included in the Appendix.

The Task Force identified other groups of stakeholders for consultation purposes such as the government, the courts, the Canadian Bar Association BC Branch, the Trial Lawyers Association of BC, and the Criminal Defence Advocacy Society. The law schools at the University of British Columbia, the University of Victoria and Thompson-Rivers University were also identified, as were the Continuing Legal Education Society of BC, the Law Foundation, Courthouse Libraries BC, the People's Law School and the Justice Education Society.

The Task Force also met with Paula Littlewood (at the time the Executive Director of the Washington State Bar Association), Fred Headon (who had been President of the Canadian Bar Association at the time that organization prepared its report on Transforming the Delivery of Legal Services), Jon Festinger, QC (educator and counsel) and George Psiharis (Chief Operating Officer of Clio, a company that develops legal management software).

Given the timeframe in which the Task Force was asked to complete its mandate, the Task Force decided that it would not be feasible to hear individually from every stakeholder. Instead, the Task Force conducted its consultation through a survey, and reached out specifically to the listed stakeholders to provide their commentary.

The Consultation

The Task Force created a consultation survey of 14 open response questions. The topics for the first 13 questions were based on forces and factors that the Task Force identified for further exploration, with the last (14th) question being a generalized 'what other factors' question. In order to encourage a wide breadth of responses and participation, no self-identifying questions were asked of the respondents. Respondents could answer any or all of the questions they chose, and no word limit was imposed. Each question included a preface on the issue or an observation by the Futures Task Force. The consultation was hosted on the Law Society's website and was open from December 2019 to the end of February 2020. The Task Force extended the consultation

period once, so that it remained open until the end of March 2020. The consultation was advertised and promoted through the Law Society’s website and social media platforms, and was included in the Law Society’s monthly E-Briefs from December 2019 to March 2020. Stakeholder groups were individually emailed by Law Society staff to draw their attention to the consultation. The consultation was available to the public.

The Task Force received 58 completed submissions to the consultation. The vast majority of submissions were received prior to mid-March 2020, and therefore may not be reflective of the rapid changes in the legal profession seen in response to the COVID-19 pandemic.

A report on the findings from the consultation, together with the full consultation paper with prefaces and consultation questions can be found in the Appendix to this Report.

Findings

While the Task Force has generally made recommendations about the issues driving change rather than specific recommendations on what the Benchers or the Law Society should do in response to those issues, the Task Force has also made specific recommendations in some cases on what can or should be done. The Task Force recognizes however that ultimately it is up to the Benchers to consider how the Law Society should respond to these issues over the coming years as part of their strategic planning process. However, even where the recommendations in this report address only the issues driving change, the Task Force urges the Benchers to take heed of the changes identified and be prepared to address those changes with innovation and boldness.

The Task Force’s recommendations are listed under the four broad headings that the Task Force identified early on in their research and discussions. The four headings are: the future of legal services, the future of legal accreditation/education, the future of legal regulation, and the future of the law. In addition, due to the unanticipated influence of the COVID-19 pandemic, the Task Force has included a fifth heading for recommendations that relate to the pandemic and public health orders.

The Future in Light of COVID-19

In December 2019, the first known cases of a novel coronavirus were being reported in Wuhan, China. By early February 2020, British Columbia was diagnosing its first known cases. What followed was a rapid increase in infection rates and deaths worldwide and local, provincial and national governments responded to the pandemic in a variety of ways. In British Columbia, the public health officer declared a public health emergency on March 18, 2020, giving the provincial government the powers to make decisions in order to protect the public and contain the spread of the virus. The government mandated that only essential services should remain open during what was then phase one of the virus containment plan. Legal services were considered essential. The

government also required everyone to maintain social distancing measures, which meant a limitation on how many people could be in a space at one time and required people to stay at least two meters apart. Due to the restrictions and safety measures, most law offices had to move their staff so that they could work from home if able, and the courts closed for all but the most urgent of matters.

The state of emergency that COVID-19 precipitated changes in the legal profession and justice system. The profession was forced out of its traditional conservatism and was required to adapt in rapid order. Some practices, such as how affidavits are commissioned and how wills are executed that have been in place for centuries, were modernized in the space of weeks.

The COVID-19 pandemic is one of the great catastrophes of our times, a public health crisis that has also caused great upheaval, in the legal system as in society generally. At the same time, it has catalyzed changes in the legal system that are welcomed, even seen as overdue, by some. The negative effects on legal services and the legal profession were largely a result of offices and the courts having to close or move to “work from home” due to health orders. Some legal practices had to temporarily or permanently lay off staff due to the reduction in income or the inability to transition effectively to working from home. Law firms and sole practitioners felt increased business pressures as they tried to maintain their operations whilst remaining safe. While many lawyers and firms with established practices were able to adapt quickly, the profession’s ability to welcome and integrate lawyers new to practice or new to a practice environment suffered. The requirements of distancing resulted in many professionals working from home, and this reduced the effectiveness of the mentoring and supervision benefits of the articling process. The closure of the courts meant that non-urgent hearings and trials that were scheduled, some years in advance, were put on hold to be rescheduled at some unknown future date. This also impacted the public, by postponing decisions on their legal matters and creating anxiety about when their cases would have resolution and redress. It also impacted our legal aid system, as the income of criminal defense lawyers is often dependent and calculated on the number of days they appear in court.

This will necessitate changes to how new lawyers and staff will be welcomed into what was traditionally an office environment. There was an increase in the use of technology to provide legal services, such as meetings over video conferencing applications. The profession, the courts, and the government were able to collaborate in ways to allow for rapid amendments to legislation and rules to allow, for example, for the execution of wills or the commissioning of affidavits through the use of remote technologies instead of requiring in-person attendance. The courts adapted by modifying their long-standing preference for having documents filed in person, and updating their systems to allow for more e-filing and video conferencing abilities. The courts implemented processes to allow matters to be resolved through written submissions, phone or video conferencing instead of in-person hearings and the Law Society itself did likewise by creating processes to allow for hearings to be held using video technology. While not always perfect and recognizing that improvements can and should be made, these efforts demonstrated

that justice system participants could work collaboratively to adapt to unusual situations. The Task Force noted that some of the changes brought into effect as a response to the COVID-19 pandemic should be maintained, with improvements, in the future, even after the threat of the virus recedes.

COVID-19 has also highlighted the need for the Law Society to augment its data collection and analytic capabilities. The Law Society should become more data-driven and evidence-based, in order to be more effective. For example, our need to address income levels for a targeted fee reduction due to the impact of COVID-19 on law firm income needed to be driven by a one-time survey. In order to address the challenges facing the profession and to plan effectively for a changing professional environment, the Law Society needs to develop the capacity to collect better, more granular data in an ongoing and more systematic way.

Both the legal profession and the broader justice system have therefore shown that they *can* make changes – even transformative changes – where events require it. The profession itself should have the ability to identify what needs changing in order to address future challenges.

Recommendations to address the aftermath of COVID-19:

- 1. The Benchers need to recognize where changes are possible and be prepared to advance bold and innovative approaches to how law is practised and regulated in order to address items listed in its mandate in section 3 of the *Legal Profession Act*.**
- 2. The Benchers need to evaluate which fundamental changes adopted due to the COVID-19 pandemic have had, allowing for imperfections, a generally positive effect on the practice of law and the experience of people who use legal services in British Columbia, and take steps to make those changes permanent.**
- 3. The Benchers should evaluate how best to prepare legal services, legal practice and the legal profession in British Columbia to be resilient in the face of future catastrophic events such as another pandemic or a natural disaster.**
- 4. The Benchers should augment the Law Society’s data-gathering and analytic capacity to support and improve its resilience, its policy efforts, and its planning.**

The Future of Legal Services

The future of legal services is the subject of many articles and books. It is a frequent point of discussion amongst lawyers, even to those who have practised for a decade (let alone three or four), that the provision of legal services has changed and is continuing to do so. How things are done today is very different from how they were done in the early 1990s or 2000s. Changes continue to accelerate. The Law Society needs to be a driver for this change, because the legal profession is lagging behind society in its acceptance of new business models, service delivery

strategies, and in how it adapts to technology. This change cannot stop at the door to the legal profession but must move into and throughout the whole justice system.

The majority of the Task Force's consultation questions were on the future of legal services. The topic covered questions and responses on all of the following: demographics, access to justice, unmet legal needs, alternative legal service providers, alternative business structures, in-house counsel, Indigenous legal services, and technology.

The findings from the consultation demonstrated how many of the forces and factors for the future of legal services are interconnected. For example, one common theme from the consultation was the challenge that traditional law firm models pose and the effect that the model has on mental health, substance use and wellness. Many respondents suggested that exploring new technologies or allowing alternate legal service providers to take on some legal work could potentially alleviate the stresses caused by the traditional model and have a positive flow-on effect on wellness too.

Alternate Legal Service Providers

Far too many people are unable to afford the services of a lawyer. This is not a British Columbia-specific problem, but it is one that exists in this province and the legal profession must address it. Surveys conducted by the Law Society in 2009 and 2020 demonstrate that as many as 70% of those with a legal problem get no legal advice about their situation. Of the 30% that do obtain advice, only about half get it from a lawyer. There is clearly a need for legal advice that lawyers are currently not providing.

While the Task Force recognizes that the Law Society has engaged already in a considerable review of alternate legal service providers (ALSPs) (including obtaining legislative amendments to permit the regulation of ALSPs), more work evidently needs to be done to implement the initiative and expand on how it can be utilized to improve the provision of legal services. This must be addressed by the profession in the near future, and the Law Society needs to be bold, take risks, and drive this initiative to fruition.

Technology

Technology will play a significant role in the delivery of legal services over the next five to 10 years. This will play out in two ways:

1. Technology will aid lawyers in delivering legal services. Access to machine learning, also known as artificial intelligence, should make research faster, more comprehensive and, hopefully, more cost effective. Lawyers will still be integral to the interpretation of that advice for the particular circumstances of their clients, but lawyers who do not understand or engage with technology will, many experts predict, be at a significant competitive disadvantage.

2. Technology will assist self-represented individuals to gain better access to legal information, and will assist in tasks that are largely based on form-filling to enable an individual to complete a legal transaction without costly one-to-one professional help. More intelligent information can be provided through the development of artificial intelligence systems that will be able to guide an individual through a process based on algorithms that are linked to data bases.

Incorporating technology requires understanding its uses, benefits and limitations. The Task Force recognizes that a legal professional's guidance of a client through a process retains the advantages of interpersonal contact that can be very important to that client. It creates a relationship and can provide for empathy even when the advice that needs to be given is not favorable to the client. This empathic support is something that does not happen where a legal services user accesses information through technology alone. On the other hand, the convenience and immediacy of technology can be advantageous to someone needing legal information or advice, particularly if being accessed in remote areas. Access to technology may also provide a sense of anonymity. Ideally, a combination of human help and technological tools and support can be achieved. Legal tools can be (and are being) developed that are similar to, for example, e-advisors in the investment industry, offering simple portfolios with less expensive fees by comparison to bespoke portfolios with customized investment advice. The legal profession must accept that one size does not fit all client needs and bespoke solutions are not always needed or even optimal.

The Law Society must understand this shift in how services are delivered through technology, including both its benefits and its costs in terms of the legal profession, its clients, and the public interest. Technology is affecting all aspects of the economy and the professions, and it will affect - indeed, already is affecting - the legal profession. In the Task Force's opinion, it would be contrary to the public interest in the administration of justice for the Law Society not to identify the importance of adopting technology in the profession in ways that serve the public interest. Its regulatory approaches should also reflect that reality. It would be better to embrace and adapt to technology and allow the legal profession to experiment with innovative ways to leverage it for their clients and society at large.

The Task Force believes that there is a role for Law Society regulation of certain forms of legal technology (or how they are used), but this regulation will require a new approach. Regulating technology in a proper and proportional way will require a different regulatory design. The Task Force believes that certain core principles of the profession will need to be maintained, but they may need modification and the Law Society must be prepared to recognize and adapt.

Existing regulation focuses on individual lawyers, but this is out of sync with how many firms currently operate, and will be further out of sync with the more expanded range of service provision structures that may exist in future. The Benchers have accepted recommendations of the Law Firm Regulation Task Force – recommendations that are designed to focus on desired outcomes - and

those recommendations are, the Task Force understands, being implemented. The Task Force believes that differently-focused regulatory approaches such as those contemplated on outcomes will be important to meet regulatory expectations in the coming years.

Alternate Business Structures

The consultation results suggest allowing for innovation in creating models for the delivery of legal services.

Alternate business structures (ABSs) have been in the lexicon for a little more than a decade, and are permitted in England and in Australian states. While non-lawyer ownership of law firms has generally not been permitted in the United States (aside from some limited application in the District of Columbia), the Task Force has learned that Utah and Arizona have recently approved such ownership. While ABSs have not, perhaps, had the transformative effect to date that their proponents promised, the Task Force believes ABSs require consideration when examining the way legal services will be delivered in the future. Our jurisdiction has excessive limitations on who can own the entity that delivers legal services. Lawyers are skilled at delivering legal services, but are not equally skilled in understanding or applying technologies by which the delivery of legal services can be improved, at management, or at other complementary skills. But with law firm ownership being largely limited to lawyers, those with technological – or other – expertise have few incentives to develop new delivery and business models within the law firm structure. Innovation needs to be undertaken with new delivery models, and the Task Force believes that current limitations on ownership stifle both innovation and the investment that permits innovation to happen. Current limitations reduce the opportunity for creative solutions to improve how capital can come into a law firm so investments can be made in technology or other resources to improve the delivery of legal services. Consequently, the Task Force recommends developing a regulatory structure that permits the creation of ABSs through which legal services are provided in order to meet the current and future needs of clients and the broader justice system.

The Task Force recognizes that there are concerns about how “core” values of the legal profession could be adversely affected by ABSs. However, the Task Force believes that these concerns can be addressed through proper and targeted regulation. It would be preferable to refine or adapt regulation that proves inefficient or ineffective than to delay it indefinitely in hopes of finding the perfect approach. We must continue to remember that our current rules are not our values, but merely an expression of those values. We must be thoughtful about how different rules or different approaches can continue to express and maintain those values but in new and innovative ways.

In-house counsel

Approximately one quarter of practising lawyers in BC practise as in-house counsel or with government. The Task Force paid heed to the responses from the consultation to questions about in-house counsel, noting their call for more resources to be made available that specifically address

this area of practice. Practice advice could be included for government, not-for-profit, and in-house lawyers to address the common issues that they face as part of their practice.

As the need for corporate and government bodies to manage or in some cases reduce their budgets and still obtain necessary legal advice and services increases, the need to drive innovative solutions in operations, process and the use of technology will increase. The possibility of alternate legal service providers forming part of the solution is very real, along with the unbundling of certain elements of practice. The globalization of legal support has already driven some legal services to lower cost jurisdictions. Therefore, the context and environment in which these lawyers practise merits specific consideration in a way that has not happened over the Law Society's history. The business models and delivery of service models faced by this segment of the bar are very different from private practice. The Law Society needs to identify what resources in-house and government lawyers need, including what model of regulation is best suited for this area of practice. In-house lawyers also have experience with the systematization and operationalization of legal advice for rapid consumption by a variety of actors within their structures, and this experience could very well be leveraged by the Benchers in their consideration of what changes might be considered and are familiar with identifying and managing risk, such as may be helpful in developing regulatory sandboxes.

Mental Health, Substance Use and Wellness

The Task Force acknowledged the significant amount of research and analysis on this subject by the Law Society's Mental Health Task Force, which has led to recommendations that are aimed at improving an area of real concern for the profession. But the Task Force believes more will need to be done in the next decade as knowledge and treatments of health issues improve. The consultation respondents suggested early identification and reporting before mental ill health begins to affect a lawyer's practice, as well as increasing the availability of resources. One of the often repeated suggestion was the need to change how law is practised in British Columbia, with the expectation of long hours, client demands and the pressure of perfectionism. Providing resources for those experiencing mental health challenges, substance use and other stressors and altering our regulatory process to provide approaches that are more effective and outcomes to those experiencing mental health issues are both necessary steps, but addressing the underlying and potentially systemic causes is also required.

Indigenous Peoples and Reconciliation

The Report of the Truth and Reconciliation Commission in 2015 underlined the need to acknowledge and remedy the consequences of over a century of government policy regarding Indigenous populations and legal orders. The 94 Calls to Action identify an ambitious program of reconciliation. Many of those Calls to Action, while they may not specifically identify lawyers or

the legal profession, will require work to be done by the legal profession to effectively work toward reconciliation. Call to Action 27 speaks directly to law societies.

These issues will alter the legal profession and they must be addressed now and over the coming years. The Task Force recognizes that this will require time and resources from the Law Society. The consultation findings suggested that for both the practice of Indigenous law and helping Indigenous People's access to justice need to be recognized and supported. It is not fully clear to the Task Force what work will need to be done, but we expect it to include finding ways to increase the representation of Indigenous People in the legal profession, including in senior positions as well as identifying what issues the Law Society can address itself, or assist others in addressing, that have been identified in the First Nations Justice Strategy released earlier in 2020. It will require identifying ways to improve our general cultural competency about Indigenous cultures so that those delivering legal services have a higher level of fluency about those cultures especially, but not only, on matters in which Indigenous people or their lands are involved. In addition, it will require working within the broader justice system to identify what it means to recognize Indigenous legal orders within the justice system.

Recommendations Concerning the Future of Legal Practice:

- 5. The Benchers need to evaluate how existing and emerging technologies can better support legal services and address regulatory impediments that exist in permitting their use in the provision of services.**
- 6. The Benchers need to amend regulatory structures to allow for innovation in legal service delivery and alternative business structures while protecting the public.**
- 7. The Benchers need to reevaluate current regulations and restrictions on law firm ownership and investment, as well as multi-disciplinary practice and partnership structures to ensure they are not inhibiting innovation, or prohibiting a more efficient and effective practices of law, and if they are, work to change these restrictions.**
- 8. In order to achieve Recommendations 5, 6 and 7, the Benchers need to authorize regulatory sandboxes to allow innovations, which may be illegal or unethical under current regulations, to be piloted and evaluated in a controlled environment.**
- 9. The Benchers should consider how ALSPs and technology could better meet the demand for access to justice through the evaluation of pilot programs designed to address that need.**
- 10. The Benchers must advance their initiative concerning the regulation of licensed paralegals in order to utilize powers given to the Society under the *Legal Profession Act* to improve access to legal services in a timely and affordable manner.**

- 11. The Benchers need to consider a review of the traditional law firm model and identify how to improve mental health and vulnerability to substance use issues and to lessen stress.**
- 12. The Benchers should more regularly reach out to and develop resources to support in-house counsel and government lawyers, and generally lawyers who are not working in the traditional firm or sole-practice models.**
- 13. The Benchers should continue their work on Indigenous legal services by understanding where more support is needed and to listen to and work with Indigenous Peoples to address that need.**

The Future of Legal Accreditation/Education

The structure of legal education has not been substantially revised in British Columbia since 1945 although the substance of the education has evolved considerably. An undergraduate degree, followed by a law degree and articles, have been the base of that structure for 75 years. The Law Society's role with respect to legal education focuses on the determination of the standards required for entry into practice, and it has accepted this structure as the means of entry into the legal profession. The current model does much to ensure that academically qualified individuals become lawyers, but it requires a considerable investment by the student and this has a limiting effect on who becomes a lawyer and, indeed, on the nature of work that newly called lawyers often focus on.

The nature of what is taught in law school is currently undergoing review and the Law Society encourages the continuation of these innovations. Innovations that would increase experiential learning, perhaps together with programs designed to improve the transition to practice, would be particularly welcome. Given the implications of increased student debt level and the need to improve access to justice, the Law Society should communicate a willingness to explore, with the law schools, options for more rapid entry into practice.

There have been many advances in the delivery models of education, and there are other ways of learning to become a lawyer demonstrated in other common law jurisdictions that have not been critically examined in British Columbia. For example, in the United Kingdom, a one-year law conversion course called a GDL is recognized as a qualifying program for students who have completed a bachelor level degree in an alternate discipline.

Questions and responses that the Task Force considered under the heading of the future of legal education included discussions of law school, articling, the Professional Legal Training Course, the qualification process to becoming a lawyer and competency of the profession. The findings showed that the respondents felt quite strongly that certain areas of legal education leading to and maintaining a lawyer's accreditation should be reconsidered for the future. The Task Force notes

that there is crossover between its mandate to consider the future of legal education, and the mandate of the Lawyer Development Task Force. The following discussion and recommendations should be considered in relation to the work and recommendations of the Lawyer Development Task Force.

As noted, we acknowledge that the Law Society cannot and should not try to alter legal education at universities. We do, however, point out that the consultation results highlighted that most respondents were focused on how to improve the delivery of legal education through law school. The majority of the suggested ideas were on how to better incorporate more skills-based education about the realities of practising law into the law school curriculum. Ideas included more opportunities for legal clinics or clinical practice, more mentorship opportunities, shortening law school but extending articling, and including practical legal training courses as part of law school. One idea that was suggested by several respondents was including education on general business administration as part of law school as well as part of continuing legal education.

Recommendations on the Future of Legal Accreditation/Education:

- 14. The Benchers need to re-consider the accreditation process for lawyers in British Columbia, with special consideration given to how to incorporate more skills-based training into that process.**
- 15. The Benchers need to identify and make recommendations on alternate education initiatives methods for qualifying for the practice of law.**
- 16. The Benchers should encourage the delivery of more educational opportunities on managing the business of practising law.**

The Future of Legal Regulation

The manner in which professions are regulated is a topic of academic and political interest. The Task Force recognizes the public suspicion about whether members of a profession can effectively regulate themselves, and the degree to which members of a profession engaged in self-regulation can genuinely advance the public interest if there is any possibility that it conflicts with the interest of the members. Where mistrust exists, it is hard to dispel even if the record of the regulator is otherwise efficient and effective. Many professions are no longer truly self-regulating, and even the legal professions in some Commonwealth countries such as England and Australia have effectively ceased to be self-regulating.

Regulatory models therefore change. Regulatory norms evolve. Public expectations change and increase. Moreover, who or what is to be regulated will evolve over the next decade. The Law Society has already embarked on the regulation of law firms in addition to the regulation of lawyers. Will the Law Society need to regulate other legal service providers, and how will that be

accomplished? Will those other legal service providers include technological tools such as expert systems and artificial intelligence? How can effective regulation of these new tools in the public interest be ensured? What will investigations and discipline structures look like in these possible areas of change?

It is clear from the consultation that respondents were wary of over-regulation. The Task Force discussed and acknowledged that regulation is needed, it must be done in such a way that the burden imposed on those being regulated is proportionate to, and an intelligent and effective responses to, the risk of harm. We cannot keep adding new rules and new regulations without going back and determining whether the existing rules or regulations remain relevant or necessary. Future regulations need to be balanced with opportunities for innovation; that too many rules on how law is practised may stifle or thwart any potential innovations in legal services or education.

The Task Force identified areas for potential amendments to current regulatory practices:

- continuation of self-regulation of the profession through the Law Society,
- regulating emerging legal technologies, and
- regulation of new business models and ALSPs.

The Task Force also recognized that when looking at creating or changing the way these areas are regulated, it must be done with consideration for equity, diversity and inclusivity principles, as well as the need to work towards equality before the law and access to justice. Our regulation must encourage a more representative legal profession in British Columbia. In order to achieve this goal, the Law Society ought to collect high-quality data and take proactive steps to identify and track, even try to address, the equity, diversity and inclusivity gaps in the legal profession. We need to continue to work to eliminate discrimination and unconscious bias, building on the work we are presently doing with mandatory cultural competency training with respect to Indigenous issues and our statements condemning racism.

We must continue to be mindful of the changing legal landscape around professional regulation. For example, on August 26, 2020, the Provincial government announced a reorganization and consolidation of the health care colleges in British Columbia. The Law Society must be mindful of these innovations and continue to be the gold standard of professional regulation in this province. The Law Society will have to grapple with and resolve public skepticism about self-regulation of the legal profession independent of government, bearing in mind that this may be an important – perhaps constitutional – public right.

Recommendations on the Future of Regulation:

- 17. The Benchers need to evaluate the Law Society’s regulations to ensure they are not causing an unnecessary burden on the practice of law or failing to appreciate the context in which some lawyers practise.**
- 18. The Benchers must allow for innovation in legal service delivery through use of regulation in a manner that does not inhibit growth. This must include regulatory ‘sandboxes.’**
- 19. The Benchers should ensure that current and future regulation is amended and created to be in accordance with equity, diversity and inclusivity principles.**
- 20. The Benchers must always recognize how regulatory practices improve public confidence in the principle of self-regulation.**

The Future of the Law

In considering the future of law in Canada, the Task Force looked at two areas of particular interest in 2020: the future of the rule of law and of Indigenous legal orders.

Rule of Law

As stated by the Supreme Court of Canada in *Roncarelli v. DuPlessis*, “the rule of law is a fundamental postulate of our constitutional structure.” It also forms part of the preamble of the *Charter of Rights and Freedoms*. The Task Force identified that events around the world are creating challenges to the rule of law in some jurisdictions, and even, to some degree, domestically.

The consultation asked whether changes to regulatory structures or to the delivery of legal services could affect the rule of law. Although there was not as much consensus about this question as there was to other questions in the consultation, the responses did suggest that challenges to the principle of the rule of law and its protection need to be monitored.

The rule of law suffers when the public is not able to obtain legal advice or service or to effectively access the justice system. This is something the Task Force believes the Law Society must be concerned about in the coming years. Where support for a fundamental constitutional postulate wanes because the services offered by lawyers are not accessible, a solution must be found. Some respondents suggested this presented opportunities to reconsider regulation. If changes can be identified that create a fairer system in which more people can participate, the rule of law will be strengthened.

Indigenous Legal Orders

While Indigenous Peoples and the future practice have law have been discussed previously in this Report, this section is included to recognize the importance that Indigenous legal orders and laws are expected to have in the development of the law generally over the next years.

The issue of how to recognize Indigenous laws and legal orders within the current justice system will be a difficult but necessary task. The Task Force recognizes that the Law Society's Truth and Reconciliation Advisory Committee is tasked with the work in this area and that its recommendations should be considered in the context of the work of that Advisory Committee.

A large majority of respondents to this consultation question felt that the work being completed as part of the Calls to Action would have a positive effect on the practice of law in British Columbia, but that there was more to be done. In regards to the future of the law, respondents suggested that, in consultation and partnership with Indigenous Peoples, the Law Society's Rules, Code of Conduct and governing legislation should be reviewed to recognize Indigenous legal orders where relevant, and to acknowledge the significance of Indigenous peoples' experiences with Canadian law. There were also suggestions that a larger review of provincial legislation and regulation should be encouraged to address the inclusion of Indigenous legal orders and of Indigenous Peoples' experiences with Canadian law, and that the Law Society should be prepared to assist where it can with such a review.

Recommendations on the Future of Law:

- 21. The Benchers must continue to prepare and respond to the increasing threats to the rule of law at the local, provincial and federal level.**
- 22. The Benchers, in consultation with Indigenous Peoples, should review the Law Society's governing legislation, Rules and Code of Conduct to include and reflect Indigenous law and experiences.**
- 23. The Benchers, in consultation with Indigenous Peoples, should identify ways to provide assistance with the question of identifying how to include Indigenous laws and legal orders into the justice system.**

Conclusion

The work of the Futures Task Force focused on identifying forces and factors that are driving change in the legal profession and wider justice system. The Task Force witnessed how quickly society can change and how the legal profession needs to better anticipate and be ahead of those changes. These recommendations are directed at identifying particular areas on which the Task Force believes the Law Society needs to focus attention to meet anticipated changes in how legal

services are regulated and delivered, and to meet the anticipated changes in demand for those services.

The Task Force urges the Benchers, when addressing these recommendations, to be prepared to be bold and innovative with their responses. The Benchers should consider how to implement these recommendations when creating the Law Society's Strategic Plan initiatives for 2021-2025. Focus on these recommendations is needed in order to ensure the legal profession remains modern and relevant as society changes around it.

List of Recommendations

- 1. The Benchers need to recognize where changes are possible and be prepared to advance bold and innovative approaches to how law is practised and regulated in order to address items listed in its mandate in section 3 of the *Legal Profession Act*.**
- 2. The Benchers need to evaluate which fundamental changes adopted due to the COVID-19 pandemic have had, allowing for imperfections, a generally positive effect on the practice of law and the experience of people who use legal services in British Columbia, and take steps to make those changes permanent.**
- 3. The Benchers should evaluate how best to prepare legal services, legal practice and the legal profession in British Columbia to be resilient in the face of future catastrophic events such as another pandemic or a natural disaster.**
- 4. The Benchers should augment the Law Society's data-gathering and analytic capacity to assist in future planning.**
- 5. The Benchers need to evaluate how existing and emerging technologies can better support legal services and address regulatory impediments that exist in permitting their use in the provision of services.**
- 6. The Benchers need to amend regulatory structures to allow for innovation in legal service delivery and alternative business structures while protecting the public.**
- 7. The Benchers need to reevaluate current regulations and restrictions on law firm ownership and investment, as well as multi-disciplinary practice and partnership structures to ensure they are not inhibiting innovation, or prohibiting a more efficient and effective practices of law, and if they are, work to change these restrictions.**
- 8. In order to achieve Recommendations 5, 6 and 7, the Benchers need to authorize regulatory sandboxes to allow innovations, which may be illegal or unethical under current regulations, to be piloted and evaluated in a controlled environment.**

- 9. The Benchers should consider how ALSPs and technology could better meet the demand for access to justice through the evaluation of pilot programs designed to address that need.**
- 10. The Benchers must advance their initiative concerning the regulation of licensed paralegals in order to utilize powers given to the Society under the *Legal Profession Act* to improve access to legal services in a timely and affordable manner.**
- 11. The Benchers need to consider a review of the traditional law firm model and identify how to improve, mental health and vulnerability to substance use issues and to lessen unnecessary stress.**
- 12. The Benchers should more regularly reach out to and develop resources to support in-house counsel and government lawyers, and generally lawyers who are not working in the traditional firm or sole-practice models.**
- 13. The Benchers should continue their work on Indigenous legal services by understanding where more support is needed and to listen to and work with Indigenous Peoples to address that need.**
- 14. The Benchers need to re-consider the accreditation process for lawyers in British Columbia, with special consideration given to how to incorporate more skills-based training into that process.**
- 15. The Benchers need to identify and make recommendations on alternate education initiatives methods for qualifying for the practice of law.**
- 16. The Benchers should encourage the delivery of more educational opportunities on managing the business of practising law.**
- 17. The Benchers need to evaluate the Law Society's regulations to ensure they are not causing an unnecessary burden on the practice of law or failing to appreciate the context in which some lawyers practise.**
- 18. The Benchers must allow for innovation in legal service delivery through use of regulation in a manner that does not inhibit growth. This must include regulatory 'sand boxes'.**
- 19. The Benchers should ensure that current and future regulation is amended and created to be in accordance with equity, diversity and inclusivity principles.**
- 20. The Benchers must always recognize how regulatory practices improve public confidence in the principle of self-regulation.**

- 21. The Benchers must continue to prepare and respond to the increasing threats to the rule of law at the local, provincial and federal level.**
- 22. The Benchers, in consultation with Indigenous Peoples, should review the Law Society's governing legislation, Rules and Code of Conduct to include and reflect Indigenous law and experiences.**
- 23. The Benchers, in consultation with Indigenous Peoples, should identify ways to provide assistance with the question of identifying how to include Indigenous laws and legal orders into the justice system.**

Appendix A

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Appendix B

Consultation Questions

1. How will the changing demographics of the legal profession, including the growth in lawyers over the age of 65, the narrowing gender balance, the lagging diversity of the legal profession and the expectation of the next generation of lawyers affect the future delivery of legal services?
2. How will developments in legal technology impact the future delivery of legal services in British Columbia, particularly sole practitioners and smaller law firms?
3. To what extent, if any, will the unmet need for legal advice and services continue to impact the public and the profession and what solutions, beyond the efforts currently in place, might be provided to increase access for those who are currently unable to obtain assistance?
4. To what extent, if any, are lawyers and firms feeling business pressures and if so, how are they responding?
5. To what extent, if any, are alternative legal service providers and alternate business structures likely to impact lawyers and law firms in British Columbia?
6. As nearly one-quarter of all practising BC lawyers are engaged in providing legal services to government, corporations and non-profit organizations and regulatory bodies, what more could or should be done to support these lawyers in the roles they play for their employers?
7. What pressures will the Law Society face to adjust the self-regulation model in a changing landscape? How do shifts in other jurisdictions away from the self-regulation model, and the challenges faced by some other self-regulating professions in British Columbia, affect this discussion?
8. How can core values of the legal profession that underpin fundamental structures of the justice system be maintained in the face of a changing marketplace for the delivery of legal services?
9. Are current educational efforts to ensure effective lawyer development throughout the continuum from law school to continuing professional development preparing future lawyers to be effective and maintaining that effectiveness and if not, what changes are necessary?

10. What are the impacts of mental health and substance use on lawyers, clients and the public and how will our ability to address the impacts effectively affect the future delivery of legal services?
11. What can the Law Society do to make its regulatory processes more responsive to lawyers who are experiencing challenges in the delivery of effective legal services due to mental health and substance use issues and to deal more effectively with lawyers who repeatedly face disciplinary action over the course of their career?
12. Could changing the regulatory structure of the legal profession or how legal services are delivered benefit the rule of law or create risks to its preservation?
13. How could the Calls to Action and the engagement with Indigenous legal orders influence the future delivery of legal services?
14. What other factors and forces are likely to influence the future delivery of legal services and the future of the legal profession and legal regulation in British Columbia?

Findings

Overall, the topics which received the highest response rate and engagement levels were the questions on the role of technology, access to justice, education, alternative legal service providers (ALSP) and demographics of the profession. The questions with the lowest response rate and engagement levels were those with topics on business pressures of practising law, in-house counsel, the rule of law, indigenous legal orders and the general ‘other’ question. It should be noted that the response and engagement rate of questions may have been influenced by the order they appeared in the survey, with the questions listed first receiving more and longer responses than those toward the end of the survey.

The Task Force identified four broad areas for inquiry (future of legal services, future of legal education, future of legal regulation, and the future of the law). Given the complex and interrelated nature of some of the topics, some of the individual survey questions do not fit squarely within any one of the broad areas. The findings below will be presented for each question, instead of the four broader areas.

Question 1: Demographics

This question asked how the changing demographics of the legal profession (in terms of age, gender and diversity) affect the future delivery of legal services. Respondents identified both the aging population of practising lawyers and the lagging diversity of the profession as being two of the factors they considered could affect the future delivery of legal services. Although gender was suggested as a factor in the question, it was discussed less in the responses than age and diversity.

Respondents identified other factors that they considered could impact the future delivery of legal services, with over half of those answering this question mentioning challenges to the traditional business model of law firms. Respondents were also concerned with the influence of socio-economic factors and the desire for more work/life balance and the protection of mental health.

Question 2: Technology

This question asked how developments in legal technology will impact the future delivery of legal services, and specifically mentioned the impact on sole practitioners and smaller law firms. This question was the second most responded to question, and respondents discussed a wide variety of what they considered technology. Responses included discussion of the impact of products such as online legal databases, e-filing, online case management tools, and more complex technologies, such as artificial intelligence operated legal advice programs.

Overall, 60% of respondents to this question thought that technology would have a positive impact on the profession, with approximately an additional 30% qualifying their answer as dependent on the technology. The main areas that respondents thought that technology would impact included efficiencies in the delivery of legal services and the reduction in costs and overhead in their practice. Thirteen respondents mentioned that technology would actually create more work for them, or more complicated work for them, or at least more time to work on more complicated work. Responses included the belief that any new technology being developed and employed would need legal advice and interpretation, or that new technology which made their administrative work more efficient would free them up to focus on more complicated legal matters or at least give them more time to dedicate to other legal work.

Another finding from this question is that nine respondents mentioned the impact they were already seeing to their practice through access to online research tools and databases. There was specific mention of how these research resources and advancements in them allow for smaller practices in particular to reduce their costs and time spent on research.

Question 3: Access to Justice

This question asked to what extent the unmet need for legal advice and services continue to impact the public and profession, and asked for solutions for addressing the need. This question garnered the highest response rate overall, with 88% of all respondents weighing in on this topic, and of those respondents, 96% thought that there was an unmet need in legal advice and justice.

The respondents offered a wide variety of solutions to increase access to justice. The solutions that were mentioned the most included increasing or changing how pro-bono and legal aid is administered, offering alternative or non-legal services and processes, unbundling legal services and increasing the use of paralegals. Other suggestions included changes to the justice system and the court rules to streamline filings and hearings, increasing the use of technology and innovation,

and decreasing the costs of practising law so that lawyers would be more willing to take on legal aid or pro bono work. There was also mention that a solution could be providing more support for remote lawyers or those working in less popular legal areas.

Question 4: Business Pressures

This question asked to what extent are lawyers and law firms feeling business pressures and how are they responding. Although this question was one of the ones that received the least responses, the respondents who answered were highly engaged with the topic. This suggests that some of the respondents were likely not in the position to comment on business pressures their firms were facing.

Those that responded to this question were quite divided on whether or not they were feeling business pressures. A quarter of respondents said they were worried about business pressures and felt an impact, while 29% completely disagreed and said that they were ‘doing great’, and the remaining majority was somewhere in the middle between the two ends.

Some of the respondents went on to identify the reason for the pressures they were feeling, which included over a fifth of respondents mentioning the traditional business model of law firms, followed by over regulation and operating costs. A few of the solutions offered included increasing efficiencies, such as space sharing, using technology and data insights to save time and money, and looking into the provision of alternative legal methods.

Question 5: Alternative Legal Service Providers

This question asked to what extent are alternative legal service providers (ALSPs) and alternate business structures likely to impact lawyers and law firms. This question received a high response rate, with over 86% of respondents answering the question. Of those who answered, 67% thought that ALSPs would have an impact, with 22% saying that it is hard to predict, and 11% thought that there would be no impact. Overall, 68% of respondents to this question thought that the impact would be positive, with some qualifying their positive assessment based on certain conditions, such as licensing of ALSPs or limiting what tasks they are allowed to complete.

One of the common themes that was found throughout the responses was the need to change how legal services are currently being delivered. However, many respondents did not go on to suggest how to achieve that change.

Question 6: In-House Counsel

The Task Force recognized that nearly one-quarter of all practising lawyers in BC are engaged in providing legal services to government, corporations and non-profit organizations and regulatory bodies, and asked in this question what more could or should be done to support these lawyers.

Overall, only 46% of total respondents answered this question, however of those that answered, 70% felt that in-house counsel needed more support.

Some suggested supports that were discussed frequently were ways to provide in-house counsel with more resources. These included increasing mentorship opportunities, providing more specific practice advice, and increasing training and education in this type of practice. It was suggested that resources could focus on the type of law being practised (e.g. family, corporate, criminal), as well as on how those laws are being practised (e.g. in-house, sole, remote, government).

Question 7: Self-Regulation

This question asked about the pressures that the Law Society might face in adjusting the self-regulation model in a changing landscape. In the preface to the question, the Task Force included mentions of how law societies in other jurisdictions were moving away from the self-regulation model, and the pressures that other self-regulating professions were facing in British Columbia. The majority of respondents to the question (48%) felt that that self-regulation could be improved in some way.

Respondents discussed different pressures on both the profession itself and on the regulation of the profession. Common pressures identified included political pressures, access to justice issues, as well as the negative public perception of lawyers. Common themes throughout the answers included the need to protect the public interest, and the importance of lawyer independence and the rule of law.

Suggested solutions to the pressures that the Law Society might face in self-regulation included looking to other jurisdictions for lessons, both positive and negative. Ten respondents also mentioned that the Law Society should advocate on behalf of the profession through public relations to address the political pressure against and negative image of lawyers.

Question 8: Core Values

This question asked how the core values that underpin the legal profession can be maintained in the face of a changing legal marketplace. The respondents seemed to differ in what they felt were core values of the legal profession. Nonetheless, 57% of those who answered this question (38% of all respondents) felt that the core values of the profession need to change.

Some of the suggested changes are topics that are echoed throughout the survey, with respondents identifying the need for the profession's core values to reflect a need to increase access to justice, increase the use of technology and innovation, and increase diversity and inclusivity. Ways in which to encourage this change included increasing ethics and regulation training, increasing the regulation of lawyers and ALSPs and increasing public relations.

Question 9: Education

This question asked whether current education efforts of lawyers from the continuum from law school to continuing professional development are effective in preparing future lawyers, and if not, what changes are necessary. This topic received a high response rate, especially given that it was positioned later in the survey. Over two-thirds of all respondents, and 84% of those who answered this question, thought that education efforts are not effective or are in need of improvement.

The educational area that these respondents felt most in need of change was law school (60%), followed by articling (28%), practical legal training (12%) and continuing professional development (7%). The analysis of this question was based on mentions of the form of education in the answers, so although law school received the most discussion, it needs to be further analyzed.

In terms of suggest solutions, there was a significant amount of support for an increase in skills based training, whether at law school or throughout articling (51% of respondents suggested this solution). Other solutions included improving articling by increasing the length or providing more oversight of the principal, increasing opportunities for clinical practice and student clinics, increasing mentorship, increasing the education on access to justice principles and reducing the cost of education. One solution that 19% of respondents to this question mentioned was the need for training on the ‘business’ aspect of practising law, such as how to properly run a law firm or legal practice as well as general business acumen principles.

Question 10: Wellness

This question asked respondents about the impacts on lawyers, clients and the public due to mental health and substance use, as well as how the Law Society can effectively address these issues. Over 90% of respondents to this question thought that mental health and substance use in the profession needed addressing, either by the Law Society or in general.

Some of the issues in addition to mental health matters and substance use that respondents mentioned in their answers included feeling financial stress or pressure to bill, experiencing abuse at work, working long hours, and the continuing stigma around mental health issues. One issue that stood out was 36% of respondents to this question mentioned the pressure and stress they felt due to expectations of them to be perfect and perform at the highest level always. This included pressures to bill and work long hours, but also included the fear of making any errors and the repercussions thereof.

When turning their minds to potential solutions that the Law Society should consider, 59% of respondents thought that the culture of the legal profession needed to change. They mentioned that the need for an increase in the profession of lawyers actually achieving a healthy balance between work and interests outside of work, and a change to the model of more junior lawyers

working unhealthily at the bequest of senior lawyers because that is the model the senior lawyers experienced themselves. Other solutions suggested included increasing resources offered to lawyers for mental health and substance use matters, and enforcing regulations and employment standards on law firms when necessary.

Question 11: Regulatory Responses

Following the question on mental health and substance use matters, this question asked respondents what the Law Society can do make its regulatory processes more responsive to those lawyers experiencing these types of challenges. It also asked how the Law Society could deal more effectively with lawyers who repeatedly face disciplinary action. In general, respondents focused their answers on mental health and substance use or on ‘repeat offenders’, with the majority discussing options for lawyers facing mental health and substance use matters.

For mental health and substance use solutions, 69% of respondents to this question thought that the Law Society needs to provide more support in some way. Suggested supports included offering the lawyer rehabilitation, ongoing check-ins with a dedicated Law Society staff member, mentor or counsellor, and creating a plan to return to practise safely. Thirty-nine percent of respondents thought that the Law Society needs to do more early prevention and intervention work, so that they can work with lawyers to address these matters before they become a regulatory problem. Similarly, respondents felt that there needs to be less ‘shame’ in the discipline process for those lawyers who are facing mental health or substance use challenges, and suggested that hearings should be private or that discipline needs to be more flexible in these cases.

Comparatively, those respondents who answered this question in regards to repeat offenders felt very little sympathy toward them. Ten respondents felt that the Law Society needs to be harsher in addressing repeat offenders, and three mentioned that the Law Society should focus their attention on the worst offences instead of those committing repeated but minor offences.

Question 12: Rule of Law

In this question, the Task Force asked respondents to consider whether changing the regulatory structure of the legal profession or legal service delivery would benefit or risk the rule of law. It seemed that respondents struggled in answering this question, as some wanted to know what the changes to the regulation or delivery of legal services were specifically before being able to provide commentary on whether they thought them to be a benefit or a risk. Over 40% of those answering this question indicated that they were unsure or it depended on the changes.

However, of those that indicated that the changes would be beneficial (49%), they mentioned that changes would potentially increase access to justice and equality before the law.

Question 13: Indigenous Law

This question asked how the Calls to Action and engagement with Indigenous legal orders could influence the future delivery of legal services. Although this question received a lower response rate in the survey, those that chose to respond were in high consensus with their opinion. Close to three-quarters (74%) of those who responded felt that engagement with Indigenous legal orders and the Calls to Action for the Law Society would have a positive influence on the delivery of legal services, with 14% being unsure or neutral, and 11% indicating either no influence or a negative influence.

The respondents to this question then went on to suggest ways that the Law Society could increase support and engagement with Indigenous legal orders. Over a third of respondents (34%) suggested training and education on Indigenous history and law. Respondents also identified supporting Indigenous lawyers in their practice, as well as increasing access to justice for Indigenous Peoples. Some respondents also discussed the need to amend the Law Society's Rules, Code and provincial and federal statutes to be more inclusive of Indigenous law and experiences. Four respondents specifically mentioned the Indigenous Legal System needs to be recognized and developed in Canada with the goal of having a three-part legal system (Canadian Common Law, Quebec Civil Code and Indigenous Legal System).

Question 14: Other Factors

The survey finished with asking respondents whether there are any other factors and forces not covered in the previous questions that they wished to bring to the attention of the Task Force. Fifty-nine percent of respondents chose to answer this question, although the analysis demonstrated that most respondents used this question as an opportunity to expand their answers on topics covered by the previous questions.

The novel forces and factors that the respondents identified included student debt, legal training and practice outside of both British Columbia and Canada, the role of international and global law firms, and changes to government and court rules. Other factors and forces that were suggested (although only by a single respondent) included world economic fluctuations, data security concerns, increase of multi-disciplinary practices, increase in the number of women judges, changes to childhood education on legal matters, and statements in favour for practices like the Inns of Court and regulating more in the public interest.