



COUNCIL POLICIES
POLITIQUES DU CONSEIL

LAW SOCIETY OF NEW BRUNSWICK
BARREAU DU NOUVEAU-BRUNSWICK

Council Policies

Law Society of New Brunswick

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PART I

Council Policy 1

NAME OF POLICY	Council's Governance Responsibilities		
APPLICABLE SECTIONS OF THE <i>LAW SOCIETY ACT, 1996</i> AND RULES	<i>Law Society Act, 1996, ss. 3(1), 5, 16(1)</i>		
Approved by Council September 18, 2009	Effective September 18, 2009	Reviewed	Revised

- 1.1 Council is the governing body of the Society in governing and administering the affairs of the Society and must ensure that the Society carries out its purposes.
- 1.2 It is the object and duty of the Society
 - 1.2.1 to uphold and protect the public interest in the administration of justice,
 - 1.2.2 to preserve and protect the rights and freedoms of all persons,
 - 1.2.3 to ensure the independence, integrity and honor of its members,
 - 1.2.4 to establish standards for the education, professional responsibility and competence of its members and applicants for membership, and
 - 1.2.5 to regulate the legal profession.
- 1.3 Council members fulfill three primary governance roles:
 - 1.3.1 Council members as self-regulated professionals protect the public interest;
 - 1.3.2 Council members act as directors of a corporate body; and
 - 1.3.3 Council members bring the perspective of the regions that elect them or the entities that appointed them.

Council Members Protect the Public Interest

- 1.4 By striving for excellence in regulation and the highest levels of ethical and competence standards from members, Council ensures that the Society carries out its various functions in the public interest.
- 1.5 Protection of the public interest in the administration of justice is both a traditional concept for the regulation of the legal profession and is also now enshrined in the *Law Society Act, 1996*, as a principal objective of the Society.

Council Members as Directors of a Corporate Body

- 1.6 Council members owe a fiduciary duty to the Society similar to the duty owed by directors to a corporation. As such, Council members, when exercising any role arising from being a member of Council, must be honest, faithful, and loyal to the Society.

Council Members Bring the Perspective of Those who Elected or Appointed Them

- 1.7 Whether elected or appointed, Council members must make informed decisions when exercising their vote. Council members should consider the viewpoints expressed by members of the Society, including the viewpoints of the members of their constituencies or the entities that appointed them. They should listen to, but are not bound by these perspectives. If a Council member reacts to a particular constituency or advocates on behalf of the profession at the expense of the public interest, that member challenges the mandate of the Society.
- 1.8 Council members, in fulfilling each of their governance responsibilities, must demonstrate leadership in both their Council and committee activities, and recognize, at all times, the paramountcy of the public interest in the administration of justice.

Council Policy 2

NAME OF POLICY	Council's Roles		
APPLICABLE SECTIONS OF THE <i>LAW SOCIETY ACT, 1996</i> AND RULES	<i>Law Society Act, 1996, ss. 3(1), 5, 16, 17</i>		
Approved by Council September 18, 2009	Effective September 18, 2009	Reviewed	Revised

- 2.1 Council shall govern and administer the affairs of the Society, and may take any action consistent with the Act that it considers necessary to fulfill its legislated mandate.
- 2.2 Council will provide effective stewardship and strategic leadership for the Society by:
- 2.2.1 ensuring that the legislated purposes of the Society are carried out;
 - 2.2.2 ensuring the ongoing relevance of the Society's purposes, objects and duties; and
 - 2.2.3 interpreting the legislative purposes when defining the scope of the Society's activities.
- 2.3 In accordance with Council Policy 5, Council exercises its authority only as a whole. No individual can act with the authority of Council unless specifically delegated to do so by Council.
- 2.4 To fulfill its role and its governance responsibilities, Council shall:
- 2.4.1 set the Society's strategic directions following periodic review;
 - 2.4.2 approve the Society's strategic plan and activity plans;
 - 2.4.3 approve the Society's annual budget, a policy on reserve funds, and receive regular financial reports from the Executive Director;
 - 2.4.4 promote and practice effective governance and evaluate its own effectiveness, as well as the individual effectiveness of Council members through self-evaluation;
 - 2.4.5 perform all functions assigned to it by the *Law Society Act, 1996*, the Law Society General Rules and these policies;
 - 2.4.6 oversee the development of standards that the Society is required to develop pursuant to Section 5 of the *Act*;
 - 2.4.7 appoint and receive reports from committees, task forces and representatives to outside bodies as required;
 - 2.4.8 ensure that the terms of reference for committees and task forces are current and relevant and that volunteers are appropriately engaged in order to assist Council in carrying out its role;
 - 2.4.9 hire and oversee the performance of the Executive Director;
 - 2.4.10 be fully informed, through briefings and ongoing dialogue with the stakeholders, of the trends affecting the administration of justice and the legal profession and the risks facing the Society;
 - 2.4.11 approve any external relations policy, communications policy, or other policies as necessary; and
 - 2.4.12 engage the membership with regard to the work of the Society.
- 2.5 Council shall govern and administer the affairs of the Society and may enact rules for governing the Society. A copy of the Powers of Council is attached as Schedule "A".

Schedule "A"

Law Society Act, 1996

POWERS OF COUNCIL

16(1) Council shall govern and administer the affairs of the Society.

16(2) Without limiting the generality of the foregoing, Council may

(a) establish and determine the powers and duties of committees, and make and terminate appointments and fill vacancies on committees,

(b) require that the chairperson or that one or more members of committees established under this Act be Members of Council,

(c) create new categories of membership in the Society and determine the qualifications for each,

(d) fix fees other than the practice, non-practice and Compensation Fund fees referred to in subsections 30(1) and (2) and set special assessments, to be paid by applicants and members for the purposes of the Society,

(e) use the fees, assessments and any other funds of the Society, including funds previously collected or designated for a special purpose before the commencement of this Act, for the purposes of the Society, including for

(i) pension schemes for the Society's officers and employees, and

(ii) scholarships, bursaries and loans to persons engaged in a program of legal education,

(f) make it compulsory for members to maintain insurance that provides indemnity against professional liability claims and, for that purpose, act as the agent for members and former members in obtaining such insurance,

(g) establish, administer, maintain and operate a professional liability insurance scheme utilizing fees and assessments paid under paragraphs (h) and (i),

(h) for the purpose of paragraph (g), establish a subsidiary corporation, and in the Society's own right or through a subsidiary corporation enter into a reciprocal insurance exchange agreement and levy

Loi de 1996 sur le Barreau

ATTRIBUTIONS DU CONSEIL

16(1) Le Conseil dirige et administre les affaires internes du Barreau.

16(2) Le Conseil peut notamment :

a) créer des comités, en préciser le mandat, en nommer les membres, les révoquer et pourvoir aux remplacements;

b) décréter que, dans le cas d'un comité créé en vertu de la présente loi, son président ou d'autres membres seront choisis au sein du Conseil;

c) créer de nouvelles catégories de membres au sein du Barreau et préciser leurs conditions d'admission;

d) fixer les droits, en sus de ceux prévus aux paragraphes 30(1) et (2), et les cotisations spéciales que les postulants et les membres devront payer à l'usage du Barreau;

e) recourir aux droits, cotisations et autres ressources financières du Barreau, y compris aux sommes déjà perçues ou affectées à un usage particulier avant l'entrée en vigueur de la présente loi, à l'usage du Barreau, en particulier pour offrir :

(i) des régimes de retraite aux dirigeants et aux employés du Barreau,

(ii) des bourses d'études et des prêts à des personnes inscrites à un programme de formation juridique;

f) obliger les membres à souscrire une assurance de responsabilité professionnelle, et, à cette fin, représenter les membres et les anciens membres dans cette démarche;

g) créer, administrer, maintenir et exploiter un régime d'assurance de responsabilité professionnelle à l'aide des cotisations versées en application des alinéas h) et i);

h) pour l'application de l'alinéa g), créer une filiale, conclure, soit au nom du Barreau directement, soit par le truchement d'une filiale, une convention d'échange mutuel d'assurance, et imposer aux

assessments and impose retroactive assessments on members,

(i) fix an annual fee for professional liability insurance, establish classes of membership and exempt a member or class of members from payment of part or all of the annual insurance fee,

(j) obtain insurance protecting the Society, the Members of Council, committee members and officers and employees of the Society and former Members of Council, committee members and officers and employees of the Society against liability arising out of the operations or activities of the Society and providing for indemnity with respect to any claims arising out of any acts done or not done by any person in good faith under the provisions of this Act or the rules,

(j.1) obtain insurance for the purpose of indemnifying claims against the Compensation Fund arising out of the misappropriation, wrongful conversion or dishonesty of members, and act as agent for members and former members in obtaining such insurance,

(j.2) obtain insurance for the purpose of indemnifying claims against members as a result of dishonesty, fraud or criminal acts in the issuance of certificates of title or the submission of electronic instruments under the provisions of the Land Titles Act, and act as agent for members and former members in obtaining such insurance,

(k) require every member to provide information or an annual report concerning the member's financial records and require that the records be audited or reviewed annually, in whole or in part, and that an accountant's report in respect of the records be provided to Council, and provide for the exemption of classes of members in whole or in part from the requirements,

(l) determine the qualifications required of an accountant performing an audit or review referred to in paragraph *(k)*,

(m) establish and publish guidelines respecting the manner in which custodianship authorized under Part 12 shall be executed,

(n) establish, administer, maintain and operate a system of legal education, including

(i) the setting of academic requirements for the enrolment of students-at-law and the

membres, même rétroactivement, des cotisations;

i) fixer le montant de la cotisation annuelle au régime d'assurance de responsabilité professionnelle, répartir les membres en catégories et exempter des membres ou des catégories de membres, totalement ou partiellement, du paiement de cette cotisation;

j) souscrire de l'assurance protégeant le Barreau, les membres du Conseil et des comités, ainsi que les dirigeants et les employés du Barreau, actuels ou anciens, contre toute responsabilité découlant des opérations ou des activités du Barreau, les indemnisant à l'égard de demandes formées à raison d'actes ou omissions commis de bonne foi par quiconque au titre de la présente loi ou des règles;

j.1) souscrire de l'assurance pour faire droit aux demandes d'indemnisation formées contre le Fonds d'indemnisation en raison de détournements, d'appropriations illicites ou d'actes malhonnêtes commis par des membres, et représenter les membres et les anciens membres dans cette démarche;

j.2) souscrire de l'assurance pour faire droit aux demandes formées contre des membres en raison d'actes malhonnêtes, de fraudes ou d'actes criminels commis dans la délivrance de certificats de titre ou la présentation d'instruments électroniques effectuées sous le régime de la Loi sur l'enregistrement foncier, et représenter les membres et les anciens membres dans cette démarche;

k) exiger des membres qu'ils fournissent des renseignements sur leur comptabilité ou qu'ils produisent un rapport financier annuel, décréter que leurs livres fassent l'objet, en tout ou en partie, d'une vérification ou d'un examen annuels et qu'un rapport d'expert-comptable lui soit fourni à cet égard, et en exempter des catégories de membres, entières ou partielles;

l) fixer les qualités requises de l'expert-comptable chargé de faire la vérification ou l'examen prévus à l'alinéa *k)*;

m) établir et diffuser des lignes directrices sur les modalités d'exercice de la curatelle autorisée par la partie 12;

n) établir, administrer, maintenir et offrir un programme de formation juridique, et en particulier :

(i) fixer les niveaux de formation requis pour l'inscription à titre de stagiaire et l'admission au

admission of members,	Barreau,
(ii) the operation of a bar admission course,	(ii) offrir un cours de préparation au barreau,
(iii) the operation of a system of continuing legal education,	(iii) offrir un service de formation juridique permanente,
(iv) the operation of a system of compulsory continuing legal education and require that every member, unless exempted in writing by the Executive Director in accordance with the rules, attend and successfully complete a course of study approved by Council as a condition of the right to practise law,	(iv) établir un programme obligatoire de formation juridique permanente et exiger des membres que, sauf dérogation écrite du directeur général accordée en conformité avec les règles, ils suivent et réussissent un programme d'études agréé par le Conseil pour avoir le droit d'exercer,
(v) the operation of a program of remedial legal education, and	(v) offrir un programme de formation juridique corrective,
(vi) the operation of a program of loss prevention and quality assurance,	(vi) offrir un programme de prévention des sinistres et d'assurance de qualité;
(o) establish, administer, maintain and operate a system of law libraries and provide for the publication of court and other legal decisions and legal resource materials,	(o) établir, administrer, maintenir et offrir un service de bibliothèques juridiques, et pourvoir à la diffusion des arrêts et autres décisions de justice ainsi que d'ouvrages de référence juridiques;
(p) authorize the Society to act as agent of the Canadian Bar Association for the purpose of collecting fees of that association from members of the Society, such fees to form part of the practice and non-practice fees referred to in paragraphs 30(1)(a) and 30(2)(a),	(p) habiliter le Barreau à agir pour le compte de l'Association du Barreau canadien en assimilant aux droits des membres praticiens et non-praticiens prévus aux alinéas 30(1)a) et 30(2)a) les droits qui sont payables à cette association par les membres du Barreau;
(q) maintain a professional conduct record for students-at-law, members and former members of the Society, professional corporations, and persons referred to in subsections 33(4) and (5),	(q) conserver des dossiers de conduite professionnelle à l'égard des stagiaires, des membres, des anciens membres, des corporations professionnelles et des personnes visées aux paragraphes 33(4) et (5);
(r) approve a Code of Professional Conduct and require members, students-at-law, applicants for membership and persons referred to in subsections 33(4) and (5) to comply with it,	(r) adopter un Code de déontologie professionnelle et obliger les membres, les stagiaires et les personnes qui demandent à être admises ou qui sont visées aux paragraphes 33(4) et (5) à s'y conformer;
(s) require a member whose documents are inspected under paragraph 17(2)(g) to pay part or all the inspection costs occasioned by a member who has not complied with the Society's standards as established under paragraph 17(2)(f),	(s) obliger le membre dont les documents professionnels ont fait l'objet de l'examen prévu à l'alinéa 17(2)g) et qui n'a pas respecté les normes du Barreau établies en vertu de l'alinéa 17(2)f) à payer une partie ou la totalité des frais d'examen;
(s.1) acquire real property by ownership or lease to provide office facilities reasonably necessary to carry out the objects of the Society, including the right to construct, maintain and operate such facilities, and to borrow and give security for such purposes,	(s.1) acquérir en propriété ou prendre à bail des biens réels pour les besoins des locaux administratifs raisonnablement nécessaires à la réalisation de la mission du Barreau, y compris construire ces locaux, en assurer l'entretien et les gérer et, à ces fins, contracter des emprunts et donner des garanties;
(t) take any action it considers necessary for the	(t) prendre toute mesure qu'il juge nécessaire dans

promotion, protection, interest or welfare of the Society,

(u) approve forms to be used for the purposes of this Act, and

(v) establish standards and obligations governing the resignation of lawyers from membership in the Society, including their obligations with regard to client files, trust funds and property of clients, and accounting for such funds and property, and any other matters that should be dealt with before a member is permitted to resign.

16(3) Money paid to the Society under paragraphs (2)(h) and (i)

(a) shall be accounted for separately from other funds, and

(b) shall not be subject to any process of seizure or attachment by any creditor of the Society.

16(4) There shall be an Executive Committee of Council consisting of the President, Vice-President, Treasurer and Executive Director.

16(5) Subject to the direction of Council, the Executive Committee shall manage and administer the day-to-day affairs of the Society.

16(6) Council shall appoint an Executive Director who shall have powers and duties incidental to the position assigned under this Act and by Council, including the right to attend meetings of Council, and Council may appoint an acting Executive Director.

16(7) Council may, or may authorize the Executive Director to employ or retain persons to assist the Executive Director and to assist committees in carrying out the responsibilities of the Society.

16(7.1) The Executive Director may delegate to one or more employees of the Society any of the Executive Director's powers, duties or functions.

16(8) The powers and duties of the Executive Director may be exercised by the acting Executive Director.

2009, c.25, s.6

PART 5

RULES OF THE SOCIETY

17(1) Council may enact rules for governing the Society, its members, former members, students-at-law,

l'intérêt du Barreau ou pour sa promotion, sa protection ou son bien;

u) adopter des formules pour l'application de la présente loi;

v) établir un ensemble de normes et d'obligations régissant la procédure à suivre pour démissionner du Barreau, précisant notamment les obligations du membre démissionnaire à l'égard des dossiers des clients, des fonds fiduciaires et des biens des clients, l'obligation de rendre compte de ces fonds et biens, et toute autre question à régler avant qu'il ne soit permis au membre de démissionner.

16(3) Les fonds versés au Barreau en application des alinéas (2)h) et i):

a) font l'objet d'une comptabilité séparée;

b) ne sont saisissables par aucun créancier du Barreau.

16(4) Le Bureau de direction du Conseil se compose du président, du vice-président, du trésorier et du directeur général.

16(5) Le Bureau de direction gère et administre les affaires courantes du Barreau sous l'autorité du Conseil.

16(6) Le Conseil nomme un directeur général, qui possède les attributions et les responsabilités attachées à ce poste qui lui ont été assignées par la présente loi ou par le Conseil, y compris le droit d'assister aux réunions du Conseil, et peut nommer aussi un directeur général suppléant.

16(7) Le Conseil peut engager ou habiliter le directeur général à engager des personnes chargées d'assister ce dernier et d'aider les comités à exécuter la mission du Barreau.

16(7.1) Le directeur général peut déléguer toute partie de ses attributions, responsabilités ou fonctions à un ou plusieurs employés du Barreau.

16(8) Les attributions et responsabilités du directeur général peuvent être exercées par son suppléant.

2009, c.25, art.6

PARTIE 5

RÈGLES DU BARREAU

17(1) Le Conseil peut prendre des règles régissant la conduite du Barreau, de ses membres et anciens membres,

professional corporations, inter-jurisdictional law firms and persons referred to in subsections 33(4) and (5) and for otherwise carrying out its responsibilities under section 16 or as provided elsewhere in this Act.

17(2) Without limiting the generality of the foregoing, the rules may

(a) provide for giving notice and the practice and procedure respecting annual and special general meetings of the Society and meetings of Council, the Executive Committee, the Admissions Committee, the Competence Committee, the Complaints Committee, the Discipline Committee and any other committees and panels established under this Act,

(b) for the purposes of proceedings under paragraph (a), provide that two or more locations may be joined by telephone or by any other means of communication that permits all persons participating in the meeting to hear each other, and provide that a person participating in such a meeting is, for the purposes of this Act, present at the meeting and eligible to vote,

(c) subject to section 4, regulate the use of the official languages of the Society within the Society,

(d) set standards of competence that Council considers necessary or advisable to ensure that members practising law have adequate skill and knowledge,

(e) establish standards of financial responsibility relating to the practice of law,

(f) establish standards for the maintenance of documents relating to the practice of a member,

(g) for the purpose of ascertaining whether the standards established under paragraphs (e) and (f) have been or are being met, provide for the inspection of documents relating to the practice of a member or former member by the Society, or its agents, and for answering questions by members or former members,

(h) require and prescribe the documents to be maintained and transactions to be carried out by members, and provide for the exemption of classes of members in whole or in part from the requirements,

(i) prescribe how the documents are to be maintained and transactions to be carried out by members,

des stagiaires, des corporations professionnelles, des cabinets transnationaux et des personnes visées par les paragraphes 33(4) et (5) et l'aidant à s'acquitter de ses fonctions au regard de l'article 16 ou des autres dispositions de la présente loi.

17(2) Les règles peuvent notamment :

a) prévoir les modalités d'avis et de fonctionnement des assemblées générales annuelles et extraordinaires ainsi que des réunions du Conseil, du Bureau de direction, du comité des admissions, du comité des compétences, du comité des plaintes, du comité de discipline et de tout autre comité ou sous-comité créé en application de la présente loi;

b) prévoir, pour la tenue des séances visées à l'alinéa a), que deux ou plusieurs emplacements puissent être reliés par téléphone ou par quelque autre moyen de communication permettant à tous les participants de s'entendre les uns les autres et que les participants sont réputés, pour l'application de la présente loi, être présents à la séance et y avoir voix délibérative;

c) sous réserve de l'article 4, régir l'usage en son sein des langues officielles du Barreau;

d) établir les normes de compétence que le Conseil juge nécessaires ou souhaitables pour assurer que les membres qui exercent ont les habiletés et les connaissances requises;

e) établir des normes de responsabilité financière applicables à l'exercice du droit;

f) établir des normes pour la conservation des documents professionnels des membres;

g) pour vérifier si les normes établies en vertu des alinéas e) et f) sont respectées ou l'ont été, prévoir l'examen, par le Barreau ou ses représentants, des documents professionnels d'un membre ou d'un ancien membre, et l'obliger à répondre aux questions qui lui sont posées;

h) prescrire la conservation de certains documents et la réalisation de certaines opérations par les membres, et permettre que des catégories entières ou partielles de membres en soient exemptées;

i) préciser les modalités de conservation des documents et de réalisation des opérations des membres;

(j) regulate the deposit to and withdrawal of money from trust accounts kept with respect to the practice of law,

(k) provide for the audit or investigation of the practice of members whether or not a complaint has been received, or received and withdrawn, and whether or not it appears there has been conduct deserving sanction,

(l) require any member whose practice is being audited or investigated

(i) to produce to the auditor or investigator all documents, clients' files and such explanations or evidence as the auditor or investigator may require for the audit or investigation, or

(ii) to provide a signed direction to any institution in which the member maintains a trust account, requiring the institution to provide the auditor or investigator access to its records relating to the trust account,

(m) require members to provide information and documents to the Society, and to file reports with the Society,

(n) provide for payment to the Society by any member of the cost of any audit or investigation of the member's practice,

(o) delegate to the Executive Director, acting Executive Director, chairperson or vice-chairperson of the Complaints Committee or any other member of the Society, the authority to require an audit or investigation of the practice of a member or former member of the Society,

(p) notwithstanding sections 2 and 3 of the *Trustees Act*, designate financial institutions and classes of financial institutions where members may deposit money held in trust,

(q) provide for precautions to be taken by members for the care of funds or property held by members in trust,

(r) provide for the handling of complaints about the conduct or competence of members, former members, students-at-law, professional corporations, inter-jurisdictional law firms and persons referred to in subsections 33(4) and (5),

(s) impose duties on a member whose practice is the subject of a custodianship authorized under Part 12,

j) régir le dépôt et le retrait d'argent lorsqu'il s'agit de comptes en fiducie reliés à l'exercice du droit;

k) prévoir que la pratique d'un membre soit soumise à une vérification ou à une investigation, même si aucune plainte n'a été déposée, que la plainte déposée ait été retirée ou qu'il n'y ait apparence d'aucune conduite répréhensible;

l) exiger de tout membre dont la pratique fait l'objet d'une vérification ou d'une investigation :

(i) qu'il fournisse au vérificateur ou à l'investigateur tous les documents, les dossiers des clients, les explications et les pièces que ceux-ci lui demandent à cette fin,

(ii) qu'il produise sous sa signature un avis aux établissements dépositaires de ses comptes en fiducie, leur enjoignant de permettre au vérificateur ou à l'investigateur d'avoir accès aux dossiers pertinents;

m) exiger des membres qu'ils fournissent au Barreau des renseignements et des documents et qu'ils lui fassent rapport;

n) exiger du membre dont la pratique fait l'objet d'une vérification ou d'une investigation qu'il rembourse au Barreau les frais occasionnés;

o) déléguer au directeur général ou à son suppléant, au président ou au vice-président du comité des plaintes ou à tout autre membre du Barreau le pouvoir d'ordonner que la pratique d'un membre ou d'un ancien membre du Barreau fasse l'objet d'une vérification ou d'une investigation;

p) par dérogation aux articles 2 et 3 de la *Loi sur les fiduciaires*, désigner des établissements financiers et des catégories d'établissements où les membres pourront déposer l'argent qu'ils détiennent en fiducie;

q) déterminer les mesures de précaution que doivent prendre les membres à l'égard des fonds ou des biens qu'ils détiennent en fiducie;

r) prévoir un mécanisme de traitement des plaintes relatives à la conduite ou à la compétence des membres, des anciens membres, des stagiaires, des corporations professionnelles, des cabinets transnationaux et des personnes visées aux paragraphes 33(4) et (5);

s) imposer des obligations à un membre dont la pratique fait l'objet d'une curatelle autorisée par la partie 12;

(t) regulate the disposition of documents and trust funds relating to the professional practice of a member, upon withdrawal from practice,

(u) designate specialized areas of practice, and

(i) provide for the qualification and certification of members as specialists in those areas, and

(ii) provide that members shall not hold themselves out as specializing in an area of practice unless they are certified in accordance with rules made under subparagraph (i),

(v) provide for the manner and conditions under which members may hold themselves out as

(i) restricting their practice to an area of practice, or

(ii) preferring an area of practice,

(w) regulate members in their practice as mediators and arbitrators,

(x) specify the conditions under which

(i) a member of the legal profession of another Canadian province or territory may practise law in New Brunswick, or

(ii) a person who is qualified to practise law in a country other than Canada or in an internal jurisdiction of that country may practise in New Brunswick the law of that country or internal jurisdiction,

(y) subject to section 9, regulate the election of Members of Council, including providing that a member may vote only for a candidate who is standing for election in the region described in section 7 in which the member chiefly practises or is employed or, if not practising, is resident,

(z) subject to section 9, regulate the election of the President, Vice-President and Treasurer,

(aa) regulate inter-jurisdictional law firms as defined in section 36,

(bb) establish the proportion of the Discipline Committee acting under section 60 that must vote in favour of disbarment or suspension for

t) déterminer la destination qu'il convient de donner aux documents et aux fonds en fiducie relatifs à la pratique professionnelle des membres qui se retirent de l'exercice du droit;

u) désigner des spécialités et :

(i) en préciser les modalités de qualification et d'agrément,

(ii) interdire aux membres de se prétendre spécialistes, sauf après avoir été agréés conformément aux règles établies en vertu du sous-alinéa (i);

(v) prévoir les modalités et les conditions permettant aux membres d'affirmer :

(i) qu'ils limitent leur pratique à un domaine,

(ii) qu'ils préfèrent exercer dans un domaine en particulier;

w) régir la pratique des membres dans les domaines de la médiation et de l'arbitrage;

x) préciser à quelles conditions :

(i) un juriste d'une autre province ou d'un territoire du Canada peut exercer le droit au Nouveau-Brunswick,

(ii) une personne qui a qualité pour exercer dans un pays étranger ou dans une des collectivités territoriales qui le composent peut exercer au Nouveau-Brunswick le droit de ce pays ou de cette collectivité;

y) sous réserve de l'article 9, régir l'élection des membres du Conseil et disposer, en particulier, que les membres n'ont le droit de voter que pour un candidat qui se présente dans la région — au sens de l'article 7 — dans laquelle ils font l'essentiel de leur pratique ou de leur travail, ou, s'ils n'exercent pas, dans laquelle ils résident;

z) sous réserve de l'article 9, régir l'élection du président, du vice-président et du trésorier;

aa) régir les cabinets transnationaux définis à l'article 36;

bb) préciser la majorité requise pour que le comité de discipline, appliquant l'article 60, puisse voter la radiation ou la suspension;

the motion to carry,

(cc) establish procedures to prevent the disclosure of any confidential information or information that, but for the provisions of this Act, would be subject to solicitor and client privilege, which procedures may be made applicable to any person who, in the course of any proceeding under this Act, would become privy to the confidential or privileged information,

(dd) subject to section 83, regulate the use of contingent fee agreements by members,

(ee) regulate professional corporations and limited liability partnerships used to carry on the practice of law,

(ee.1) regulate multi-disciplinary practices between lawyers and non-lawyers used to carry on the practice of law, including conditions of practice and any requirements respecting such arrangements as are necessary to protect the public interest,

(ff) provide for the creation, maintenance and disposition of a program and fund for unclaimed trust funds under section 111,

(gg) provide for the review of a member's bill for fees, costs, charges, disbursements or taxes, including

(i) providing for the appointment of reviewing officers,

(ii) fixing the fees and expense allowances payable to reviewing officers,

(iii) establishing procedures in relation to the commencement and conduct of reviews,

(iv) establishing the powers of reviewing officers,

(v) providing for the appeal of orders of reviewing officers,

(vi) prescribing a time limit for the giving of notice of review and respecting the grounds on which a reviewing officer may extend such time limit,

(hh) provide for compulsory education

cc) établir des procédures visant à prévenir la divulgation de renseignements confidentiels ou de renseignements qui, n'étaient les dispositions de la présente loi, seraient protégés par le secret professionnel de l'avocat et les rendre applicables à toute personne qui, dans le cours d'une procédure intentée sous le régime de la présente loi, viendrait à avoir connaissance de ces renseignements confidentiels ou protégés;

dd) sous réserve de l'article 83, régir le recours par les membres aux accords d'honoraires conditionnels;

ee) régir les corporations professionnelles et les sociétés à responsabilité limitée qui servent à l'exercice du droit;

ee.1) régir les cabinets pluridisciplinaires qui, composés d'avocats et d'autres professionnels, servent à l'exercice du droit, notamment en ce qui a trait aux conditions de l'exercice du droit et aux obligations qu'il convient de leur imposer en vue de protéger l'intérêt public;

ff) prévoir la création, le maintien et la dissolution d'un programme et d'une caisse pour fonds en fiducie non réclamés au sens de l'article 111;

gg) prévoir des mesures de contrôle des notes d'honoraires, de frais de justice ou autres frais, de débours ou de taxes d'un membre, et en particulier :

(i) pourvoir à la nomination d'agents de contrôle,

(ii) fixer les honoraires et les indemnités de frais payables aux agents de contrôle,

(iii) mettre en place les mécanismes de mise en œuvre et d'exécution du contrôle,

(iv) préciser les pouvoirs des agents de contrôle,

(v) régir la procédure d'appel des décisions des agents de contrôle,

(vi) fixer le délai de notification de l'avis de contrôle et préciser les motifs de prorogation du délai par l'agent de contrôle;

hh) prévoir des programmes obligatoires de

programs, and

(ii) provide for compulsory professional liability insurance.

formation;

ii) prévoir une assurance de responsabilité professionnelle.

Council Policy 3

NAME OF POLICY	Council's Values		
APPLICABLE SECTIONS OF THE <i>LAW SOCIETY ACT</i>, 1996 AND RULES			
Approved by Council	Effective	Reviewed	Revised

3.1 To be developed

Council Policy 4

NAME OF POLICY	Council's Governing Style		
APPLICABLE SECTIONS OF THE <i>LAW SOCIETY ACT, 1996</i> AND RULES			
Approved by Council September 18, 2009	Effective September 18, 2009	Reviewed	Revised

- 4.1 Council will govern with a style which emphasizes:
- 4.1.1 a pro-active, forward, outward vision;
 - 4.1.2 encouragement of diversity of viewpoints;
 - 4.1.3 strategic leadership;
 - 4.1.4 clear distinction of Council and staff roles; and
 - 4.1.5 collective decision-making.
- 4.2 This will be accomplished by:
- 4.2.1 directing its energies towards the Society's purposes, objects and duties;
 - 4.2.2 guiding and inspiring Society thinking and behaviour through the provision of and adherence to clearly stated policies;
 - 4.2.3 fostering a sense of group responsibility towards excellence and self-discipline in matters including attendance, decision-making principles, and respect for identified roles;
 - 4.2.4 encouraging members of the Society to become engaged in Society endeavors such as committees, legal education, and the Annual General Meeting;
 - 4.2.5 ensuring that the work of Council and the Society is communicated to the membership and to appropriate outside stakeholders; and
 - 4.2.6 regularly assessing its process and performance.
- 4.3 Council's proceedings will be governed by Robert's Rules of Order, Newly Revised, unless to do so would be inconsistent with the *Law Society Act, 1996*, or the Law Society General Rules under the Act.
- 4.4 When exercising adjudicative powers, Council members shall behave in a judicial manner.

Council Policy 5

NAME OF POLICY	Code of Conduct		
APPLICABLE SECTIONS OF THE <i>LAW SOCIETY ACT, 1996</i> AND RULES	<i>Law Society Act, 1996, s.13</i>		
Approved by Council September 18, 2009	Effective September 18, 2009	Reviewed	Revised

- 5.1 Council members shall at all times act in compliance with all Council Policies.
- 5.2 It is the policy of the Society to comply with all laws, regulations and rules that apply to its affairs. Any questions or concerns regarding specific laws, regulations, rules or any legal issue should be brought to the attention of the Executive Director, senior management or a member of the Executive Committee.
- 5.3 Council expects ethical and businesslike conduct of itself and its members. Council works to set the policies and strategic direction for the Society. Council members shall act honestly and in good faith, and exercise the degree of care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances, in the best interests of the Law Society.
- 5.4 Council members must be loyal to the purposes, objects and duties of the Society and adhere to the conflict of interest policy in Council Policy 9. This accountability supercedes any conflicting loyalty such as that to advocacy or interest groups, individual members, or membership in other organizations. It also supercedes the personal interests of any member.
- 5.5 Those members of Council who serve, by virtue of their employment or office, must declare if their obligations to their employer or their office possibly or actually conflict with their accountability as a member of Council and unless otherwise determined by Council, shall absent themselves from Council decision making on any matter affected by possible or actual conflict.
- 5.6 Council members shall respect the confidentiality which is applicable to Council's deliberations or materials in accordance with Council Policy 6.
- 5.7 Individual Council members shall not exercise authority over the Executive Director or employees of the Society.
- 5.8 Council members are accountable to exercise the powers and discharge the duties of their office honestly and in good faith.
- 5.9 Council is committed to effective decision making. Once a decision has been made, it becomes the position of the Society.
 - 5.9.1 Council will endeavour to make decisions by consensus. A consensus decision is one that is acceptable to all, provided that a variety of points of view have been reasonably considered. Where this is not possible, decisions will be made by majority vote unless otherwise required.
 - 5.9.2 Council will encourage and provide an atmosphere conducive to the respectful expression of different viewpoints and perspectives since a broad range of ideas

increases the potential for more informed and effective decisions. Members shall respect each member's contribution to the discussion and encourage each other to present their views.

- 5.9.3 Council members have an obligation to ensure that their opinions and views are expressed appropriately.
 - 5.9.4 Council members have an obligation not to undermine the decisions of Council. However, Council members may, in good faith, challenge or question a decision of Council by use of appropriate processes designed to have the decision reconsidered or challenged in an appropriate forum.
 - 5.9.5 Council members shall refrain from critically discussing in a public forum the actions or submissions of specific Council members.
- 5.10 Council members acknowledge and appreciate that all members are volunteers and, as such, time is at a premium. Members shall strive to manage time effectively and agree to come prepared in advance for meetings. Council members will be familiar with the Council meeting materials which are pre-circulated.
- 5.11 Council may, by resolution, declare that a Council member who has failed to attend three consecutive Council meetings has ceased to be a member of Council, and shall fill the vacancy as provided in this Act.
- 5.12 A Council member ceases to hold office if the Council member
- 5.12.1 is convicted of an offence proceeded with by way of indictment,
 - 5.12.2 is the subject of bankruptcy proceedings,
 - 5.12.3 resigns as a Member of Council,
 - 5.12.4 if required under the Act or rules to be a member in good standing at the time of election, ceases to be a member in good standing, or
 - 5.12.5 no longer qualifies to be a candidate in the region in which the Member of Council was elected or appointed.

Council Policy 6

NAME OF POLICY	Council Meetings: Openness, Transparency & Confidentiality		
APPLICABLE SECTIONS OF THE LAW SOCIETY ACT, 1996 AND RULES	<i>Law Society Act, 1996, ss. 16, 17(2), 113, General Rules under the Law Society Act, 1996 s. 67</i>		
Approved by Council May 4, 2007	Effective May 4, 2007	Reviewed November 22, 2019	Revised November 22, 2019

6.1 To provide clarity on who can attend Council meetings, when Council should hold a closed session meeting and who should attend such meetings when they occur. In addition, to provide clarity on the release to members, students-at-law and the public of Agendas for Council meetings, of Council packages, and of Minutes of Council meetings.

6.1A Agendas and Council Packages

6.1A.1 The Agenda and, subject to exceptional circumstances, the related materials will be provided electronically to members of Council at least 7 days before the date of the meeting. Materials not then available will be provided electronically to members of Council as soon as possible before the meeting. Materials only provided to members of Council at the meeting will be provided electronically to those members of Council unable to attend the meeting without delay following the meeting.

6.1A.2 The Agenda shall be posted on the Society's website without delay after it is provided to members of Council.

6.1B Format of Council Meetings

6.1B.1 Council meetings shall normally be held in person but may also be convened by electronic means such as teleconference or videoconference.

6.1B.2 In the case of a Council meeting called to take place in person, the Executive Director may permit members of Council to take part in such a meeting by teleconference or videoconference, as appropriate in the discretion of the Executive Director.

6.2 Meetings Generally Open

6.2.1 Council meetings are open to members of Council, Law Society staff, members and students-at-law unless the President (or other member presiding) declares the meeting closed.

6.2.2 Members of Council, Law Society staff, members and students-at-law attending Council meetings are permitted to speak.

6.2.3 The President may permit others to attend Council meetings and to speak, as appropriate in the discretion of the President.

- 6.2.4 The President may declare a meeting to be a closed session when, in the discretion of the President it is necessary or desirable, but Council may, by resolution, cause the meeting to be open despite the President's ruling.
- 6.2.5 Due to logistical and technical reasons, only members of Council and invited staff members may participate in a teleconference or videoconference meeting.

6.3 Preparation of Minutes of Open (regular) Meetings

- 6.3.1 In accordance with 6.8, a member of staff, or in the absence of appropriate staff, a member of Council will keep a record of decisions made by Council in an open (regular) meeting, and may keep a record of the discussion, whether or not any decision was made by Council.
- 6.3.2 Minutes of open (regular) meetings of Council are not confidential and can be disclosed or distributed to members, students-at-law and to the public.

6.4 When a Closed Session is Required or Appropriate

- 6.4.1 Council shall meet in closed session, with no staff or counsel present, to deliberate on a review of a panel decision or other matter that constitutes a hearing under the *Law Society Act, 1996* and the Law Society Rules.
- 6.4.2 Council may meet in closed session, with only those Law Society staff and counsel necessary for the discussion to be conducted, to discuss:
- (i) matters relating to Law Society personnel; or
 - (ii) matters of a financial or personal nature of other matters in respect of which, in the opinion of Council, the need for privacy outweighs the public interest in disclosure.
- 6.4.3 Council may meet in closed session, with only Law Society staff and counsel, to discuss:
- (i) litigation involving the Law Society and to seek or receive legal advice in any matters;
 - ii) negotiation between the Law Society and another body or an individual, if Council considers that disclosure might reasonably be expected to harm the interests of the Law Society;
 - (iii) any matter if, in the opinion of Council, an open discussion would compromise the security of the Law Society or its property or of an identifiable individual; or
 - (iv) any matter if Council considers that disclosure may reasonably be expected to harm the conduct of an investigation or enforcement of the Act, Rules or *Code of Professional Conduct*.

6.5 Council Decisions in Closed Session

Council will not make a decision during a closed session unless it is necessary to do so to protect privacy, security, confidentiality or privilege.

6.6 Preparation of Minutes of Closed Session Proceedings

- 6.6.1 In accordance with 6.8, a member of staff, or in the absence of appropriate staff, a Member of Council, will keep a record of decisions made by Council in a meeting or part

of a meeting held in closed session, and may keep a record of the discussion, whether or not any decision was made by Council.

- 6.6.2 Minutes of a meeting or part of a meeting held in closed session are confidential and must not be disclosed or distributed outside those entitled to attend, unless the Council decide otherwise.

6.7. Disclosure of Closed Session Proceedings

- 6.7.1 A decision made in closed session will be recorded in the regular minutes of Council, unless to do so would compromise privacy, security, confidentiality or privilege.
- 6.7.2 Council and staff, and any others present during a closed session portion of a meeting or becoming aware of the substance of a discussion held in closed session, will not disclose any information concerning that discussion without the permission of the President, but Council may, by resolution, overrule the President's decision.

6.8 Minutes

6.8.1 Minutes of Council meetings:

- (i) will capture the nature of discussions at Council meetings;
- (ii) except for the names of the mover and seconder of motions and the name of the person introducing the matter to Council, will not attribute comments to individual members unless it is necessary to do so in order that a reader can clearly understand the nature of the debate;
- (iii) will reflect the results of votes, but names will not be attributable to votes unless a member requests that an individual vote be recorded or Council approves a recorded vote on a resolution; and
- (iv) subject to 6.6.2, will be posted on the Society's website without delay after they are approved.

Council Policy 7

NAME OF POLICY	Council Monitoring and Performance		
APPLICABLE SECTIONS OF THE <i>LAW SOCIETY ACT, 1996</i> AND RULES			
Approved by Council September 18, 2009	Effective September 18, 2009	Reviewed	Revised

- 7.1 Council shall regularly educate itself and monitor its own performance and effectiveness in its various areas of responsibility by agreed upon performance criteria.
- 7.2 Council monitoring is focused on Council as a whole, not on individual members. Evaluation mechanisms for individual Council members, such as self-evaluation or peer evaluation, may be implemented but results will not be shared beyond the individuals involved.
- 7.3 All Council members shall be provided with a “Members of Council Self-Evaluation Form”, which shall be completed by each member, for the member’s own use and information. The Form need not be remitted.
- 7.4 Council recognizes that continual updating of skills and awareness of new issues are vital to a member's contribution to Council. Therefore, it is expected that:
 - 7.4.1 new Council members shall receive an orientation to ensure familiarity with the Society's purposes, structure and issues, and the Council's process of governance;
 - 7.4.2 candidates for Council membership shall be provided with information that clearly outlines the role of Council and the necessary qualifications and expectations of Council members; and
 - 7.4.3 Council members shall have opportunities for training and education to enhance their governance capabilities.

Council Policy 8

NAME OF POLICY	Council Agenda and Planning Calendar		
APPLICABLE SECTIONS OF THE <i>LAW SOCIETY ACT, 1996</i> AND RULES			
Approved by Council September 18, 2009	Effective September 18, 2009	Reviewed	Revised

- 8.1 Council shall maintain control of its own agenda.
- 8.2 Agenda items shall always relate to Council's role.
- 8.3 Subject to 8.2, Council members may have a matter added to a Council agenda.
- 8.3 The Agenda shall be prepared jointly by the President and the Executive Director. Council delegates to the President the authority to fill in the details of meeting content.
- 8.4 The Executive Director shall prepare, for Council approval, a twelve-month planning calendar, which includes, but is not limited to, scheduled times for:
 - 8.4.1 orientation for new Council members;
 - 8.4.2 development of an annual activity plan and strategic plan, including budget monitoring and approval;
 - 8.4.3 education related to the Society's purposes, such as, presentations relating to the external environment, demographic information, exploration of future perspectives, presentations by advocacy groups, and staff;
 - 8.4.4 monitoring of Council's compliance with Council's Governance policies;
 - 8.4.5 monitoring of the Executive Expectations policy and compliance by the Executive Director;
 - 8.4.6 receipt of monitoring reports and receipt of reports from committees;
 - 8.4.7 Council evaluation; and
 - 8.4.8 for years during which there will be an election, a schedule for the election process which will include dates for notifying members of the election, dates for posting of information that persons considering running for Council should have, and the posting of election dates, including an orientation for new Council members.

Council Policy 8.1

NAME OF POLICY	Official Languages of Council Meetings and Council Documents		
APPLICABLE SECTIONS OF THE <i>LAW SOCIETY ACT, 1996</i> AND RULES	<i>Law Society Act, 1996, s. 4</i>		
Approved by Council March 26, 2010	Effective March 26, 2010	Reviewed	Revised

Official languages

- 8.1.1 English and French are the official languages of the Society.
- 8.1.2 Members and the public may use one or both official languages at meetings of Council.
- 8.1.3 The chairperson shall convey to the participants that the meeting is to be bilingual, and that each person is free to speak in either official language.
- 8.1.4 The chairperson may alternate between the use of English and French during Council meetings.
- 8.1.5 The Executive Director shall alternate between the use of English and French during Council meetings.

Simultaneous interpretation

- 8.1.6 Subject to 8.1.7, simultaneous interpretation shall be used for all Council meetings.
- 8.1.7 Consecutive interpretation shall be used for Council meetings done by conference telephone.
- 8.1.8 From the outset of the meeting, the chairperson shall encourage the participants to take full advantage of simultaneous interpretation services provided by using the preferred official language.
- 8.1.9 The chairperson shall monitor the delivery of simultaneous interpretation carefully and not take for granted that the meeting will proceed in a bilingual format simply because simultaneous interpretation is provided.
- 8.1.10 The chairperson shall direct the discussion effectively to facilitate the work of the interpreters and also to ensure that the participants take full advantage of this service by using the preferred official language.
- 8.1.11 Law Society staff shall send to the interpreters, several days before the meeting, all documents relating to the meeting, in both official languages and in the order in which they will be discussed.
- 8.1.12 The Executive Director shall ensure that enough microphones and headphones are ordered for all participants at Council meetings.

Documents

- 8.1.13 Notice of meetings shall be written in both official languages.
- 8.1.14 The agenda shall be written in both official languages.
- 8.1.15 All minutes of Council meetings shall be prepared in both official languages.
- 8.1.16 Subject to 8.1.17, all documents used in Council meetings shall be available in both official languages.
- 8.1.17 There are instances when all documents will not be available in both official languages, such as:
 - 8.1.17.1 a document that is in the public domain in one language only (newspaper or magazine article, press release);
 - 8.1.17.2 a document prepared on an “urgent basis” but not created by the Society;
 - 8.1.17.3 a court decision only available in one of the official languages;
 - 8.1.17.4 a legal opinion;
 - 8.1.17.5 a written brief;
 - 8.1.17.6 in exceptional circumstances, a document prepared on an “urgent basis” by the Society staff;
 - 8.1.17.7 in exceptional circumstances, a document not created by the Society of which the cost of translation is excessive.

“Urgent basis” is defined as when time frames do not allow for translation.

- 8.1.18 The Executive Director shall encourage Law Society staff to draft documents in the official language that they are most comfortable in using. Once the documents are completed, they must be sent for translation.
- 8.1.19 Staff must ensure that the time required for translation of documents is built into the project time frame.

Council Policy 9

NAME OF POLICY	Conflict of Interest		
APPLICABLE SECTIONS OF THE <i>LAW SOCIETY ACT, 1996</i> AND RULES			
Approved by Council September 18, 2009	Effective September 18, 2009	Reviewed	Revised

- 9.1 Council will conduct all of its affairs to the highest standards of ethical and lawful behaviour.
- 9.2 A Council member shall not use her or his position with the Society for any improper purpose.
- 9.3 Council members will avoid all situations in which their personal interests or duties to their clients conflict or might conflict with their duties to the Society.
- 9.4 Council members who find themselves in an actual or potential conflict of interest shall so declare and absent themselves from both the discussion and vote on the matter before Council.
- 9.5 Council members who declare their actual or potential conflict of interest may be included in determining a quorum.
- 9.6 Council members who declare an actual or potential conflict of interest will be noted in the Minutes by name.
- 9.7 Officers and Council members shall avoid all influences that compromise their duty of loyalty and their exercise of impartial and independent judgment and action owed to the Society.
- 9.8 No officers or Council members shall derive any personal profit or gain, directly or indirectly, by reason of his or her participation with the Society.
- 9.9 Officers and Council members shall arrange their affairs, in public and in private, to prevent any real, perceived or potential conflict of interest.
- 9.10 Officers and Council members must be conscious of situations where their personal interests could conflict, or reasonably appear to conflict, with the interests of the Society. In this regard, they must declare any outside financial interest that might influence, or appear to influence, their decisions or actions. Such interests include a personal or family interest in an enterprise that has business relations with, or an adverse interest to, the Society. Other examples of conflicts of interests include where a Council member, officer, a partner, a business associate, or a close family member:
 - a) is a party to a material contract or a proposed material contract with the Society;
 - b) is a director or officer of another organization or has a material interest in any company of a person who is a party to a material contract or proposed material contract with the Society;
 - c) is directly involved in an issue under discussion, or associated with an issue under discussion in a substantial way and stands to benefit or a personal gain from the decision made; or
 - d) assists a third party in its dealing with the Society, where such assistance could result in a favourable or preferential treatment being accorded to that third party by the Society.

Gifts

- 9.11 Officers, Council Members and the Executive Director may not solicit or accept gifts in exchange for future considerations and cannot accept gifts other than incidental gifts, customary hospitality, or other benefits of nominal value, without the approval of the President of the Society.

Use of the Society Funds and Assets

- 9.12 Society funds and other assets are to be used solely for the benefit of the Society and may not be used to provide personal gain for others.

Use of Society Property for Personal Use

- 9.13 Society property (internet, faxes, photocopies, long distance calls, etc.) will be used for business purposes only unless pre-authorized by the Executive Director.

Accounting

- 9.14 The Society shall maintain a system of internal controls, which provides reasonable assurance that transactions are executed in accordance with the Society authorization policies, and properly recorded. No unrecorded funds or assets may be created or maintained for any purpose. The making of false or fictitious entries in the Society's books is prohibited.

Disclosure

- 9.15.1 If conflicts of interest arise, Council members and officers will declare the conflict and abstain from participating in any decision where it can be perceived the conflict could affect the decision or action of the Society.
- 9.15.2 Upon becoming aware that a conflict of interest exists, it shall be reported immediately to the President of the Society.
- 9.15.3 The resolution of the conflict of interest may require that the Council member or officer withdraw from a discussion or a meeting, refrain from voting on an issue, or remove or terminate the conflict or potential conflict by whatever means necessary including relinquishment of office or position with the Society.
- 9.15.4 If a conflict of interest is discovered after a decision is made that might have been affected by knowledge of that conflict, the decision is not void but is voidable.
- 9.15.5 Where a conflict of interest is disclosed in a timely manner and in accordance with this policy, a material contract may be entered into, a decision made, or an action taken by the Society that allows the conflict of interest (or potential conflict of interest) to continue. For example, the Society may hire or contract to family members provided the conflict of interest has been disclosed.
- 9.15.6 If the Council member or officer fails to disclose a conflict of interest, the Society reserves all rights it may have at law to have any contract entered into or any action taken set aside, revoked, or rescinded. In addition, the Council member or officer may be requested to resign.

Appearing as Counsel

- 9.16.1 A Council member shall not appear on behalf of a member or the Society in a hearing before the governing body (Council). This restriction does not apply to a lawyer of a Council member's law firm.
- 9.16.2 An officer shall not appear on behalf of a member in a hearing before a committee of the Society or panel thereof. This restriction does not apply to a lawyer of an officer's law firm.
- 9.16.3 An officer shall not appear before the Courts on behalf of a member in a discipline, complaints, competence, compensation or admissions and education matter. This restriction does not apply to a lawyer of an officer's law firm.
- 9.16.4 A lawyer of an officer's law firm may represent members before the Courts but the officer concerned shall not:
 - a) be in any way involved in that representation; or
 - b) participate in any decision or decisions in respect of the matter or the representation.

Transactions that may Benefit a Member of Council or the Executive Committee

- 9.17.1 Members of Council recognize the importance of avoiding even the appearance of conflicts of interest. However, it is in the interest of the Society's and the legal profession as a whole that the Society obtain competent and cost-effective legal services from practitioners whose skills, training and experience are appropriate to the task. Very often those practitioners are members of law firms whose members include Members of Council. Accordingly, when it is appropriate to retain the legal services of a lawyer of a Member of Council's law firm, the Society may do so, with the approval of the Executive Committee.
- 9.17.2 A Member of Council shall not influence or attempt to influence in any way a decision to retain the services of a lawyer of the Member of Council's law firm.
- 9.17.3 A lawyer of the Member of Council's law firm shall not be paid a preferential rate for legal services rendered to the Society.
- 9.17.4 But for exceptional circumstances, legal work will not be assigned to members of the Executive Committee. Exceptional circumstances might include, but are not limited to, a recognized unique expertise in an area of law or practice, a prior involvement in the matter or a related matter, or conflicts of interest disqualifying a large number of other possible counsel.
- 9.17.5 Unless a lawyer-client relationship already exists, members of Council will not act for or against an employee of the Society.

Acting Against the Society (To be developed)

Complaints against Council Members

- 9.19.1 The investigation into complaints within the meaning of Part 10 of the *Law Society Act, 1996* against Council members shall be conducted by an independent counsel appointed by Council who shall:
 - i. have all the powers of the Registrar of Complaints;
 - ii. exercise all investigatory powers of the Registrar of Complaints in connection with the investigation;
 - iii. carry out the investigation in a fair and timely manner;
- 9.19.2 The independent counsel shall proceed to dispose of the matter as he or she deems appropriate within the scope of the *Law Society Act, 1996*.

Council Policy 10

NAME OF POLICY	Conflict Resolution		
APPLICABLE SECTIONS OF THE <i>LAW SOCIETY ACT, 1996</i> AND RULES			
Approved by Council September 18, 2009	Effective September 18, 2009	Reviewed	Revised

- 10.1 Council members bring diverse views on issues to Council debates. Constructive disagreements among Council members are encouraged in a well-functioning Council. They can be managed by following generally accepted rules of procedures and the encouragement of good listening skills. However, should disagreements result in serious conflict which is not constructive, or where issues become personal in nature, the President is responsible for managing such conflicts.

Council Policy 11

NAME OF POLICY	Council Linkage with Other Organizations		
APPLICABLE SECTIONS OF THE <i>LAW SOCIETY ACT, 1996</i> AND RULES			
Approved by Council September 18, 2009	Effective September 18, 2009	Reviewed	Revised

- 11.1 Council shall ensure that the Society's interests are represented to governments and government agencies.
- 11.2 Upon request for the Society to appoint representatives to external bodies, Council will assess whether such representation is appropriate within the Society's purposes and current priorities. If considered appropriate, Council will appoint the required representation. The Society's appointee shall provide information reports as appropriate, to be determined by the Council at the time of appointment.
- 11.3 Council shall identify other organizations with which it requires good working relationships in order to achieve its goals. It will establish mechanisms for maintaining open communication with these organizations. Such mechanisms may include, but are not limited to:
- 11.3.1 inviting representatives of those organizations to Council meetings;
 - 11.3.2 meeting jointly with others on occasion; and
 - 11.3.3 requesting the Executive Director to establish linkages at a staff level, and to report on areas of mutual interest and activity.

PART II

Council Policy 12

NAME OF POLICY	The Executive Committee (the “Executive”)		
APPLICABLE SECTIONS OF THE <i>LAW SOCIETY ACT, 1996</i> AND RULES	<i>Law Society Act, 1996, ss. 16(4), 16(5)</i>		
Approved by Council September 18, 2009	Effective September 18, 2009	Reviewed	Revised

- 12.1 There shall be an Executive Committee of Council consisting of the President, Vice-President, Treasurer and Executive Director who, subject to the direction of Council, shall manage and administer the day-to-day activities of the Society.
- 12.2 The Executive Committee plays an important role in assisting Council in carrying out the work of the Society. In addition, the Executive Committee takes on work assigned or delegated to it by Council.
- 12.3 Under the leadership of the President, the Executive Committee generally assists the President and Vice-President by:
- 12.3.1 assessing issues to be presented to Council;
 - 12.3.2 ensuring matters are ready and appropriate for Council consideration;
 - 12.3.3 providing guidance to the Executive Director and Council;
 - 12.3.4 monitoring the Strategic Plan and the Annual Activity Plan;
 - 12.3.5 ensuring that Council evaluates its work and the work of committees through a regular evaluation process;
 - 12.3.6 assisting in overseeing the management of volunteers; and
 - 12.3.7 assisting Council in overseeing the work within the authority of the Executive Director, in order to promote the accountability of the Executive Director to Council.

Obligations of Officers

- 12.4 The officers of the Society have a responsibility to act at all times in the best interests of the Society. The management of the Society will be conducted by or under the supervision of officers as designated by the *Law Society Act, 1996*. The authority and duties of the officers are those that are delegated by the *Law Society Act, 1996*, the Rules and Council and the management functions of the Society will be vested in the officers.
- 12.5 In performing management functions, the officers are obliged to act in a manner consistent with the standards of the Society, to execute specific plans or directions of Council, and to work with and on behalf of Council to ensure that every Council member, officer, and employee, of the Society complies with policies of the Society.

Council Policy 13

NAME OF POLICY	The President		
APPLICABLE SECTIONS OF THE <i>LAW SOCIETY ACT, 1996</i> AND RULES	<i>Law Society Act, 1996, s. 14, General Rules under the Law Society Act, 1996, s. 4</i>		
Approved by Council September 18, 2009	Effective September 18, 2009	Reviewed	Revised

- 13.1 The President provides leadership to the Society by:
- 13.1.1 upholding the purposes of the Society;
 - 13.1.2 ensuring the integrity of Council's processes and policies;
 - 13.1.3 representing the Society to the membership, outside bodies and stakeholders;
 - 13.1.4 overseeing the Society's relationship with its volunteers, including committee Chairs and members;
 - 13.1.5 ensuring that the Society properly plans for the future in accordance with policies for planning established by Council; and
 - 13.1.6 monitoring Council's activities respecting the Strategic plan and the Annual Activity plan.
- 13.2 The President works closely and consults with the Executive Director on matters of Council business but has no authority to supervise or direct the Executive Director.
- 13.3 The President works closely with the Vice-President to achieve the Society's purposes and Council's objectives.
- 13.4 The President represents the Society to the membership and outside bodies and stakeholders. The President is the only member of Council, other than the Executive Director, authorized to speak on behalf of the Society and Council, unless other persons are authorized, by either the President or the Executive Director.
- 13.5 The President shall ensure Council's business and behavior (both as a whole and with respect to individual members) is consistent with its own policies and rules and those properly imposed upon it. In particular the President shall ensure:
- 13.5.1 Council agendas will only include appropriate items; and
 - 13.5.2 deliberations will be fair, open and thorough but also efficient, timely, orderly, kept to the point, and guided by Council policies.
- 13.6 The President shall reasonably interpret Council policies when exercising authority and making decisions.
- 13.7 The President shall oversee the Society's relationship with all volunteers to ensure that their efforts are directed and effective to enhance the tasks they have undertaken.
- 13.8 The President shall preside as chairperson at all meetings of the Society, Council and the Executive Committee and shall:

- 13.8.1 set the agenda for meetings with the assistance of the Executive Director and input from members of Council;
 - 13.8.2 chair meetings in accordance with commonly accepted practices of a Chair and any rules of procedure adopted by Council; and
 - 13.8.3 ensure that there is an appropriate orientation process in place for those individuals elected or appointed to Council.
- 13.9 The President shall hold office for one year, commencing on the day following the Annual General Meeting.

Council Policy 14

NAME OF POLICY	The Vice-President		
APPLICABLE SECTIONS OF THE <i>LAW SOCIETY ACT, 1996</i> AND RULES	<i>Law Society Act, 1996, s. 14; General Rules under the Law Society Act, 1996, s. 4</i>		
Approved by Council September 18, 2009	Effective September 18, 2009	Reviewed	Revised

- 14.1 The Vice-President acts in the place of the President as prescribed by the rules.
- 14.2 The Vice-President assists the President by assuming a progressive degree of leadership in the Society commensurate with his/her time in office and the issues delegated to him/her by the President or Council.
- 14.3 The Vice-President shall consult and work closely with the President to achieve the Society's purposes and Council's objectives.
- 14.4 The Vice-President assists the President in overseeing the management of volunteers and ensuring that their efforts are well directed and effective to achieve the tasks they have undertaken.
- 14.5 In the absence of the President, the Vice-President shall preside as Chairperson at all meetings of the Society and Council.
- 14.6 The Vice-President shall hold office for one year, commencing on the day following the Annual General Meeting.

Council Policy 15

NAME OF POLICY	The Treasurer		
APPLICABLE SECTIONS OF THE <i>LAW SOCIETY ACT, 1996</i> AND RULES	<i>Law Society Act, 1996, s. 14; General Rules under the Law Society Act, 1996, ss. 4, 6</i>		
Approved by Council September 18, 2009	Effective September 18, 2009	Reviewed	Revised

- 15.1 In the absence of the President and Vice-President, the Treasurer shall preside as Chairperson at all meetings of the Society and Council.
- 15.2 The Treasurer’s Roles are:
- 15.2.1 To receive all money payable to the Society;
 - 15.2.2 To hold or invest the Society’s money as per the orders of Council or the Audit and Risk Management Committee;
 - 15.2.3 To provide financial statements and reports at the Annual General Meeting or as required;
 - 15.2.4 To keep proper books and accounting records regarding the financial matters of the Society and Council;
 - 15.2.5 To perform all other assigned duties and all other duties incidental to the office of treasurer.
- 15.3 The Treasurer shall hold office for one year, commencing on the day following the Annual General Meeting.

Council Policy 16

NAME OF POLICY	Executive Director		
APPLICABLE SECTIONS OF THE <i>LAW SOCIETY ACT, 1996</i> AND RULES	<i>General Rules under the Law Society Act, 1996, s. 5</i>		
Approved by Council September 18, 2009	Effective September 18, 2009	Reviewed	Revised

- 16.1 The Executive Director is the Chief Executive Officer of the Society.
- 16.2 The Executive Director works closely and consults with the President on matters of Council business.
- 16.3 Council will give direction to limit the latitude the Executive Director may exercise in the scope of her or his employment through establishment of executive expectations as set out in Council Policy 17.
- 16.4 The Executive Director shall reasonably interpret the Act, Rules, and Council Policies when exercising authority and making decisions.
- 16.5 Roles of the Executive Director include:
- i. Attending all meetings of the Society and Council;
 - ii. Keeping minutes of the proceedings of the Society and Council;
 - iii. Conducting correspondence of the Society and Council;
 - iv. Managing the office of the Society; and
 - v. Performing all other duties as assigned by the *Rules* of the Society or by Council or which are incidental to the office of Executive Director.
- 16.6 A position description of the Executive Director is attached hereto as Schedule “A”.

Schedule "A"

Position Description

EXECUTIVE DIRECTOR

Reports to: Executive Committee and Council

Approved by: Council on Nov. 14, 2008

Division: Executive Office

Agreed by:

Classification: Chief Executive Officer

JOB SUMMARY:

The Executive Director is accountable to plan, organize, lead and control all aspects of Law Society of New Brunswick (LSNB) operations to achieve the overall mandate of the LSNB. A key purpose of this senior executive position is to provide leadership to guide operational/organizational growth and service delivery consistent with the mandate, guiding principles and standards of the LSNB. The Executive Director is expected to lead and successfully manage all LSNB core programs/services including Admission, Discipline and Competence, Provincial Libraries, membership development and marketing and communications, provide liaison with the Insurance division and lead and manage strategic priorities, national and regional initiatives and external relationships. In addition, the Executive Director is responsible to provide advice and counsel to LSNB Executive Committee, Council and standing and ad hoc committees of Council.

ACCOUNTABILITIES:

1. Policy formulation and implementation on Council approval.
2. Operational planning.
3. Organizational structure.
4. Organizational climate/culture.
5. Operational leadership.
6. Human resource planning, strategy and administration.
7. Financial, technology and infrastructure planning, strategy and execution.
8. Liaison and communications.

ESSENTIAL FUNCTIONS

Planning Functions:

1. Develop and execute the LSNB operational plan based on the LSNB strategic plan and consistently monitor and compare operational performance in terms of Critical Success Indicators (CSI's).
2. Develop, deliver and continuously evaluate programs/services to support LSNB policies.
3. Provide knowledge, leadership and management skills for development, implementation and coordination of all LSNB programs/services, strategic priorities and national/regional initiatives.
4. Prepare, in consultation with the Treasurer, the annual LSNB budget of estimated receipts and expenditures for approval by Council.
5. Oversee development of communication strategies with LSNB members, the public, various levels of government and vested stakeholders that will result in achievement of desirable LSNB presence as established in the LSNB strategic plan.

Organizing Functions:

1. Define and implement an operational structure that will contribute to effective decision-making and efficient operations based on collaborative teamwork.
2. Identify and recommend to Council human resource policies and programs covering the major areas of organizational structure, planning, development, coordination and administration, performance management, employment policies, processes and procedures, compensation (salary, benefits, employee pension plan), health and safety and employee services/relations.
3. Select, monitor and consistently evaluate the performance of divisional managers and executive office staff.
4. Oversee the organization, planning and execution of the Annual Meeting, production of the Annual Report.
5. Oversee maintenance of all membership records, processes and procedures.
6. Oversee maintenance and ensure updating of Law Society Rules and preparation and distribution of same.

Leading Functions:

1. Provide technical and logistical support to the work of Council and committees of Council.
2. Serve as secretary to Council during Council elections with duties as defined within the Law Society Act, 1996.
3. Act as strategic advisor to the Executive Committee, Council and committees of Council on development and application of relevant legal and self-regulatory issues and strategies.

4. Participate in the formulation of LSNB policies by providing advice, research and analysis and liaison with external parties/associations.
5. Demonstrate organizational leadership that motivates divisional managers and staff to meet LSNB program/service standards and fulfill LSNB mandate and strategic priorities.
6. Act as the primary liaison between Council and related authorities/associations.
7. Interpret and communicate LSNB policies, programs and services to members of the legal profession, media, staff, governments and the public.

Controlling Functions:

1. Coordinate the formulation and integration of LSNB policies originating from Council committees through to Council.
2. Integrate LSNB policies into operational programs and services.
3. Provide direction to all staff to ensure efficient and effective LSNB operations.
4. Continuously review LSNB programs/services and monitor employee performance in terms of adherence to program/service standards as well as achievement of CSI's.
5. Continuously monitor LSNB resources and revenues and adjust the operational plan accordingly.
6. Monitor the approved annual LSNB budget in consultation with the Treasurer and report to the Executive Committee and Council any substantive deviations, actual or foreseen.
7. Act as Custodian to ensure adequate arrangements are made and enforced to protect and maintain LSNB properties, records and investments.
8. Continuously monitor other Law Society and related associations (i.e., Department of Justice, the Judiciary, Canadian Bar Association, faculties of Law, Federation of Law Societies of Canada, etc.) operations/initiatives for trends, opportunities, potential partners/alliances, new technologies, etc.
9. Oversee all member and public communications, including the LSNB website and newsletter, to ensure adherence to key messages and LSNB communication standards.
10. Serve as primary spokesperson, together with the President, on behalf of LSNB.

ADDITIONAL RESPONSIBILITIES:

1. Perform related operational duties as assigned by the Executive Committee and Council.

SUPERVISION BY:

Oral and written instructions are received from the President and Executive Committee.

ACCOUNTABLE TO:

LSNB Executive Committee.

LSNB Council.

COLLABORATES WITH:

1. Director, Admission
2. Registrar of Complaints, Discipline and Competence
3. Librarian, Provincial Libraries
4. PLRF Insurance Manager
5. Comptroller/Accountant/Bookkeeper

EDUCATION AND EXPERIENCE REQUIREMENTS:

1. Member of the Law Society of New Brunswick or eligible for admission to the Law Society of New Brunswick.
2. Minimum of 5 years experience with a broad range of legal and management issues acquired through academic training and experience in practice.
3. Preferred experience in member/association management organization(s).

EMPLOYEE COMPETENCIES***Knowledge:***

1. Sound business practices.
2. Enterprise operational planning concepts, strategies and execution of same.
3. Service delivery planning concepts and strategies.
4. Human resource policies, processes and management.

Skills:

1. Highly developed communication skills, both verbal and written, in English and French.
2. Strategic and operational work planning.
3. Strong financial accounting, interpretation and monitoring skills.
4. Human resource organization, development, delegation and evaluation skills.
5. Decisive leadership skills.
6. Strong member relations, public communications and relationship building skills.

Personal Characteristics:

1. Directional, strategic and rational thinker.
2. Superior interpersonal abilities.
3. Consistent, reliable reasoning and judgment.
4. Resourceful and well organized.
5. Participative management style – advocate of team concept.
6. Ability to establish credibility and be decisive.
7. Results and people oriented.
8. Understanding and respect for strict confidentiality.

PROFESSIONAL DEVELOPMENT:

1. Strategic administrative planning and management.
2. Strategic communications (public, media, stakeholders, etc.).
3. Financial planning, management and monitoring.
4. Leadership theory, practice and skills.
5. Empowering and motivating people skills.
6. Teamwork skills.
7. Communication and interpersonal skills.

PERFORMANCE MANAGEMENT AND APPRAISAL:

Conducted for Council by the Executive Committee with the assistance of an external evaluator, at the discretion of the Executive Committee.

Council Policy 17

NAME OF POLICY	Executive Expectations of the Executive Director		
APPLICABLE SECTIONS OF THE <i>LAW SOCIETY ACT, 1996</i> AND RULES			
Approved by Council September 18, 2009	Effective September 18, 2009	Reviewed	Revised November 21, 2014

Introduction

17.1 Executive expectations are a mechanism which allows Council to exercise appropriate staff control, promote accountability and foster flexibility, innovation and creativity to benefit the Society's purposes. They protect the well-being of the Society from risk while encouraging staff to improve processes and identify new responses to needs of the Society in a controlled manner.

General Requirements

17.2 The Executive Director shall not cause or allow any practice, activity, decision or organizational circumstance which is imprudent or violates the Act, General Rules under the Act, other applicable legislation, Society policies, professional ethics or commonly accepted business and management practices.

17.3 The Executive Director shall ensure that all policies necessary for the operation and management of the Society are created, kept current, documented and followed. Such policies shall be in compliance with applicable legislation, professional ethics and best business and management practices.

Treatment of Staff and Employees

17.4 The Executive Director shall ensure that working conditions for staff and employees of the Society are fair, dignified, safe and in compliance with applicable legislation, employment contracts, professional ethics and best business and management practices.

Strategic Plan

17.5 At all times the Executive Director shall ensure that Council has approved a current Strategic Plan that sets the strategic direction for Council and the Society.

Annual Activity Plan

17.6 The Executive Director shall ensure that Council considers the Annual Activity Plan for the successive Council year, which plan shall be consistent with the Strategic Plan and developed with the input of the Officers, Council members, senior staff and Committee chairs.

Planning Calendar

- 17.7 The Executive Director shall develop a twelve-month Planning Calendar which shall be submitted to Council, for approval in conjunction with the Annual Activity Plan and which the Executive Director shall regularly update.

Finances

- 17.8 Prior to April 30 of each year, the Executive Director shall ensure that an annual budget is presented to Council for approval in late April/ early May of each year, which budget shall:
- 17.8.1 allocate resources which do not deviate substantially from broadly stated organizational goals and priorities;
 - 17.8.2 correspond with the priorities and objectives of the Annual Activity Plan and Strategic Plan;
 - 17.8.3 contain credible projections of revenues and expenses;
 - 17.8.4 separate capital and operational items;
 - 17.8.5 disclose planning assumptions, risk factors and cash flow projections; and
 - 17.8.6 contain expenditures which do not exceed forecasted revenues.
- 17.9 The Executive Director shall provide regular written reports to the Audit and Risk Management Committee on the Society's financial situation which specifically advise of any material change in assumptions or expected deviation in projected revenue or expenditures (material means variances from budget that are greater than 5 per cent or \$10,000.00). Current reports shall be provided to Council at each regularly scheduled in-person meeting.
- 17.10 The Executive Director shall ensure that:
- 17.10.1 expenditures are made in compliance with the budget but the Executive Director may reallocate between items in the budget within guidelines provided by the Audit and Risk Management Committee;
 - 17.10.2 appropriate signing authorities and banking resolutions are kept current;
 - 17.10.3 tax payments and other government-required remittances and other deductions are current at all times and shall so certify to the Audit and Risk Management Committee as part of each monthly written report;
 - 17.10.4 there are always sufficient funds to meet current obligations in a timely manner;
 - 17.10.5 receivables are addressed in a timely manner; and
 - 17.10.6 cash and funds are handled in accordance with applicable standards.

Asset Protection

- 17.11 The Executive Director shall ensure both the tangible and intangible assets of the Law Society of New Brunswick are adequately protected and maintained and are not subject to unnecessary risk.
- 17.12 In particular the Executive Director shall ensure:
- 17.12.1 property and equipment are properly maintained and not subject to improper wear and tear or to unauthorized access;
 - 17.12.2 there are proper plans in place to replace depreciated assets;
 - 17.12.3 intellectual property, information and files are properly protected from loss, theft, or significant damage;
 - 17.12.4 there is adequate insurance protection against theft, fire and casualty losses;
 - 17.12.5 there is adequate liability insurance protection for the Society, its employees and

- volunteers working on behalf of the Society;
- 17.12.6 there is a current technology plan for the Society, together with current information technology policies;
- 17.12.7 information systems are properly maintained and appropriate backups exist for all electronically stored information; and
- 17.12.8 legislative requirements for record retention, confidentiality, privacy and freedom of information are met.

Support & Communication

- 17.13 The Executive Director shall support Council, the Officers and all volunteers in their work, through both leadership and administrative support.
- 17.14 In particular, the Executive Director shall ensure:
 - 17.14.1 there is full communication with the Executive Committee and Council on all relevant matters either at the Executive Committee or Council meetings or between Executive Committee or Council meetings, which communication shall contain appropriate information to allow members to be adequately informed of the issue;
 - 17.14.2 written monitoring reports, required by Council, shall be provided in a timely, accurate, and understandable fashion;
 - 17.14.3 the Executive Committee and Council are informed of relevant trends, significant issues, adverse media coverage, significant internal or external changes and any other information that might reasonably impact Council policy or the reputation of the Society;
 - 17.14.4 Council is informed if, in the Executive Director's opinion, Council fails to comply with its own policies, or if there has been conduct which is detrimental to the relationship between the Executive Director and Council;
 - 17.14.5 official Council communications such as minutes and Council packages are distributed in a timely manner with the goal being that they be distributed no later than one week prior to Council meetings;
 - 17.14.6 Council deliberations are informed by appropriate staff, volunteer and external points of view on issues and options;
 - 17.14.7 appropriate briefing information and support is provided to the Officers to assist them in carrying out their duties, including their presentations to the public or members;
 - 17.14.8 Council and the elected officers are assisted in overseeing the engagement of volunteers; and
 - 17.14.9 within available resources, appropriate staff support for volunteers.

Membership and Public Relations

- 17.15 Together with the President, the Executive Director is the person primarily responsible for the public image of the Society and shall present that image in a credible way so as to advance the Society's strategic direction.
- 17.16 In particular, the Executive Director shall ensure:
 - 17.16.1 there is an accurate and effective communications strategy in place both with members of the Society and with the public;
 - 17.16.2 there is an effective public relations strategy in place;
 - 17.16.3 that information regarding Council decisions is readily available to members of the Society and the public; and

17.16.4 employees or volunteers, unless specifically authorized, do not make public presentations on matters of Council policy.

Compensation and Benefits

17.17 Employment, compensation and benefits of employees, consultants and contract workers shall accord with approved budgets and shall not jeopardize the public image or the fiscal integrity of the Society.

17.18 In particular, the Executive Director shall:

17.18.1 not change his/her own compensation and benefits or receive benefits outside of the approved compensation plan; and

17.18.2 ensure that compensation and benefits, included in the budget, do not substantially deviate from the geographic or professional market in Fredericton.

Back-Up and Cross-Training

17.19 The Executive Director shall ensure:

17.19.1 there is appropriate succession planning in place for the Executive Director and senior staff;

17.19.2 there are designated employee backups for all senior staff; and

17.19.3 there is appropriate cross-training within the organization to ensure that in the event of the absence of a critical employee, the work of that person can be carried on by others at least on an interim basis.

Strategic Alliances

17.20 Because the Society's relationship with individuals and organizations involved in the administration of justice and the governance of the legal profession are critical to achievement of its strategic goals, and because the Executive Director plays a vital role in developing, nurturing and enhancing the quality and extent of these various relationships for the benefit of the Society, the Executive Director shall ensure:

17.20.1 external relationships, including government relations, and partnerships are developed and maintained with maximum effectiveness; and

17.20.2 opportunities for the development of new external relationships and partnerships are identified.

Council Policy 17.1

NAME OF POLICY	Executive Committee Reimbursement of Expenses		
APPLICABLE SECTIONS OF THE <i>LAW SOCIETY ACT, 1996</i> AND RULES			
Approved by Council February 8, 2007	Effective February 8, 2007	Reviewed November 22, 2019	Revised November 22, 2019

Policy Objective

17.1.1 To provide direction for the reimbursement of expenses paid by the Law Society to the Executive Committee of the Law Society. The Executive Committee consists of the President, Vice-President, Treasurer and Executive Director.

Reimbursement Policy respecting expenses incurred by the President of the Law Society

17.1.2 The Law Society reimburses the President for travel and office expenses incurred while conducting the business of the Law Society including:

- Ground transportation: \$0.40/km for use of personal automobile; parking; car rental; tickets for bus, metro or train; taxi fare.
- Air transportation: two reduced fares* for the President and accompanying spouse.
- Hotel accommodation; meals, beverages, and tips for the President and accompanying spouse.
- Office expenditures: telephone, fax, photocopy, postage and courier.

Reimbursement Policy respecting expenses incurred by the Executive Committee of the Law Society

17.1.3 The Law Society reimburses the President, Vice-President and Executive Director for travel and office expenses incurred while attending the annual and semi-annual conferences of the Federation of Law Societies and the annual and semi-annual conferences of the Canadian Bar Association including:

- Ground transportation: \$0.40/km for use of personal automobile; parking; car rental; tickets for bus, metro or train; taxi fare.
- Air transportation: two reduced fares* for the President, Vice-President, Executive Director and accompanying spouses.
- Registration costs for the President, Vice-President, Executive Director and accompanying spouses.
- Hotel accommodation; meals, beverages, and tips for the President, Vice-President, Executive Director and accompanying spouses.
- Office expenditures: telephone, fax, photocopy, postage and courier.

Reimbursement Policy respecting expenses incurred by the Treasurer of the Law Society

17.1.4 In the event that the New Brunswick Council member of the Federation **is** a member of the Executive Committee of the Law Society, the Law Society reimburses the Treasurer for travel and office expenses incurred while attending the annual and semi-annual conferences of the Federation of Law Societies including:

- Ground transportation: \$0.40/km for use of personal automobile; parking; car rental; tickets for bus, metro or train; taxi fare.
- Air transportation: two reduced fares* for the Treasurer and accompanying spouse.
- Hotel accommodation; meals, beverages, and tips for the Treasurer and accompanying spouse.
- Office expenditures: telephone, fax, photocopy, postage and courier.

17.1.5 In the event that the New Brunswick Council member of the Federation **is not** a member of the Executive Committee of the Law Society, the Law Society reimburses the Treasurer for travel and office expenses incurred while attending the annual and semi-annual conference of the Federation of the Law Societies including:

- Ground transportation: \$0.40/km for use of personal automobile; parking; car rental; tickets for bus, metro or train; taxi fare.
- Air transportation: two reduced fares*, for the Treasurer and accompanying spouse.
- Hotel accommodation; meals, beverages, and tips for Treasurer and accompanying spouse.
- Office expenditures: telephone, fax, photocopy, postage and courier.

Reimbursement Policy respecting expenses incurred by the New Brunswick Council member of the Federation

17.1.6 The Law Society reimburses the New Brunswick Council member of the Federation for travel expenses incurred while attending the annual and semi-annual conferences of the Federation including:

- Air transportation: reduced fare* for accompanying spouse.
- Meals; beverages; and tips for accompanying spouse.

Note: The Federation reimburses the New Brunswick Council member of the Federation for actual reasonable expenses incurred while conducting the business of the Federation, including:

- Ground transportation: \$0.46/km for use of personal automobile; parking; car rental; tickets for bus, metro or train; taxi fare.
- Air transportation: reduced fare*.
- Hotel accommodation; meals; beverages; and tips.
- Office expenditures: telephone, fax, photocopy, postage and courier.

* The term *reduced fare* means any reduced fare offered by airline carriers.

Council Policy 18

NAME OF POLICY	Public Representatives on Council		
APPLICABLE SECTIONS OF THE <i>LAW SOCIETY ACT, 1996</i> AND RULES	<i>Law Society Act, 1996, s. 12</i>		
Approved by Council September 18, 2009	Effective September 18, 2009	Reviewed	Revised

- 18.1 Council may appoint up to three persons who are not members of the Society to serve as Public Representatives on Council.
- 18.2 The Society shall maintain a general position description and skills matrix for Public Representatives which shall be available to persons who are interested in serving as Public Representatives
- 18.3 In fulfilling the Society's purpose, the public interest must always be paramount. The Public Representatives, in serving the Society, assist in ensuring this purpose is met.
- 18.4 In addition to the role and responsibilities that they share as members of Council, including serving on Committees, Public Representatives shall:
 - 18.4.1 consider how the public perspective and interest can be brought to bear in the work of Council;
 - 18.4.2 make recommendations to Council on how the public interest can be better served in the work of the Society;
 - 18.4.3 prepare for publication in the Annual Report a summary of their work and perspective as members of Council;
 - 18.4.4 make recommendations to Council on any external communications, including with the public or government that may serve to further the public interest in the work of Council and the Society; and
 - 18.4.5 periodically review and provide comment on how effectively the expectations of the Public Representatives are being met, and the involvement in the Society of persons who are not members, and make recommendations to the Council about the effectiveness of the means by which the public perspective and skills are utilized in the governance of the Society.
- 18.5 A Public Representative shall hold office for a term of three years.
- 18.6 A Public Representative shall not hold the position of President, Vice-President or Treasurer.

Council Policy 19

NAME OF POLICY	Volunteers		
APPLICABLE SECTIONS OF THE <i>LAW SOCIETY ACT, 1996</i> AND RULES			
Approved by Council September 18, 2009	Effective September 18, 2009	Reviewed	Revised

- 19.1 Volunteers play an important role in assisting Council to carry out the work of the Society. Overseeing the relationship of volunteers with the Society is a shared responsibility of the elected leadership and the senior Society staff.
- 19.2 Council shall:
- 19.2.1 encourage an environment in which volunteer participation with the Society is fostered and volunteers are appropriately engaged in their roles.
 - 19.2.2 ensure that there is a communication plan to profile the opportunities for volunteer participation in the work of the Society;
 - 19.2.3 monitor, through the President, Vice-President, and Executive Committee, the fulfillment of volunteer expectations and volunteer management to ensure that volunteer efforts are directed and effective to enhance the tasks they have undertaken;
 - 19.2.4 ensure that there is an appropriate policy with regard to the treatment of volunteers by Society staff;
 - 19.2.5 periodically review the rationale and policy reasons for committee size, composition, terms of reference, and also the effectiveness of committee structures and work;
 - 19.2.6 ensure that there is an orientation process for new Council members, committee Chairs, and committee members in place to inform volunteers about the work of the Society and the responsibilities associated with the work they have agreed to undertake;
 - 19.2.7 ensure that there is a process in place to clearly convey to volunteers an appreciation for the work they do on behalf of the Society.

Council Policy 20

NAME OF POLICY	Role and Expectations for Committees and Chairs		
APPLICABLE SECTIONS OF THE <i>LAW SOCIETY ACT, 1996</i> AND RULES			
Approved by Council September 18, 2009	Effective September 18, 2009	Reviewed	Revised

In this policy, "Committee" includes a Task Force.

20.1 The role of Committees is not to establish policy but to assist Council in doing so.

- 20.1.1 Each Committee will have approved terms of reference to govern the work of the Committee.
- 20.1.2 The terms of reference shall be reviewed with all Committee members at the outset of each year, and also periodically assessed as to their relevance to the work of the Committee.
- 20.1.3 Committees shall report regularly to Council and, if advising Council, shall identify all reasonable policy options and implications to assist Council in making policy decisions.

Role of Chair

- 20.2.1 Chairs should reflect on the work of their Committees, and meet with the senior staff person responsible for the work of the Committee.
- 20.2.2 Chairs should measure the progress of the work of the Committee and ensure members are clear as to what is expected of them. Meeting times should be regularly scheduled, and attendance kept.

Volunteer/Staff Relations

20.3 Committee members should understand appropriate involvement with staff, and inappropriate contact or requests. Committee members should be aware that staff do not work for the Committee members, nor for the Chair.

Volunteer/Council Relations

20.4 Committees should be aware of the relationship with Council in its work- what responsibility exists for reporting and when. Committee members should understand the context for the work of the Committee within the annual activity plan and Council's strategic plan.

Committee Agendas

- 20.5 Committee chairs and senior staff share responsibility for setting meeting agendas. Committee members should understand how work comes onto committee agendas, how work moves forward, and the respective responsibility associated with completion of the work of the Committee, by both Committee members and staff.

Code of Conduct for Committee Members

- 20.6 The Chair of each Committee expects ethical and businesslike conduct of its members. Committee members, in exercising their powers and discharging their duties, shall act honestly and in good faith and exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances, in the best interests of the Society.
- 20.7 Individual Committee members shall not exercise authority over the Executive Director or employees of the Society.
- 20.8 Committees are committed to effective decision making. Once a decision or recommendation has been made, it becomes the position of the Committee.
- 20.9 Committees will endeavour to make decisions by consensus. A consensus decision is one that is acceptable to all provided that a variety of points of view have been reasonably considered. Where this is not possible, decisions will be made by majority vote.
- 20.10 Committees will encourage and provide an atmosphere conducive to the respectful expression of different viewpoints and perspectives since a broad range of ideas increases the potential for more informed and effective decisions. Members shall respect each member's contribution to the discussion and encourage members to present their respective views.
- 20.11 Committee members have an obligation to ensure that their opinions and views are expressed appropriately.
- 20.12 In order that the ability of a Committee to work effectively is not undermined, Committee members will refrain from discussing the actions of specific Committee members outside of meetings.
- 20.13 Committee members acknowledge and appreciate that all members are volunteers and, as such, their time is at a premium. Members strive to manage time effectively and agree to come prepared in advance for meetings. Committee members will be familiar with the pre-circulated Committee meeting materials.
- 20.14 The Committee work will vary as to its appropriateness to seek non-committee member input, and the Chair will be responsible, together with staff, to ensure the distinction is made clear to all Committee members.

Confidentiality

- 20.15 Committee meetings are not open to members of the Society.
- 20.16 Committee agendas, deliberations, materials and minutes are confidential and members of Committees shall not disclose the subject matter or nature of Committee discussions or Committee materials or notes, unless specifically authorized to do so by the Committee.

20.17 Despite 20.16, unless required to be kept confidential, or subject to solicitor/client privilege, upon request, the Executive Director may release Committee materials and minutes to members of Council.

Communication with President-Managing Committee Issues

20.18 It is appropriate for any Committee member to discuss any concerns with regard to Committee work with the President. The President will periodically discuss Committee work with each Committee chair, and with the Executive Director to identify how the Committee work can be further supported or improved. The President will assist where possible in ensuring the needs of the Committees are appropriately addressed.

20.19 A list of Committee Descriptions is attached hereto as Schedule “A”.

Schedule “A”

COMMITTEE DESCRIPTIONS

Admissions Committee

The Admissions Committee inquires into applicants for enrolment as a student-at-law, applications for admission to membership in the Society, applications for reinstatements in the Society by former members and applications for transfer by members from the non-practising roll to the practising roll.

Articling Committee

The Articling Committee assures that all applicants comply with all articling requirements, and once the students-at-law are in the program, that they continue to adhere to these requirements. This monitoring also extends to ensuring that Principals fulfill the role and commitment to students-at-law that they have made pursuant to the Articling Agreements.

Audit and Risk Management Committee

The Committee assists Council to oversee the quality and integrity of the accounting, auditing, internal control, risk management and financial reporting practices of the Law Society.

Bar Admission Course Committee

The Committee operates and advises Council concerning the Bar Admission Course. Members of the Bar Admission Course Committee are actively involved in the Bar Admissions Course. They participate as instructors, evaluators and as members of the Articling, Admissions and Examining Committees.

Compensation Fund Committee

The Compensation Fund Committee considers claims of persons who sustain pecuniary loss as a result of the dishonesty of a member and recommends to Council whether or not the Law Society should pay the claim and what the amount should be.

Competence Committee

The Competence Committee investigates and decides complaints that relate to matters of competence. The Committee may conduct hearings or may interview the complainants and the respondents to obtain information and explanations of the position of each, including the possibility of settling the complaint. The Committee may impose conditions and limitations on the right to practice law.

Complaints Committee

The Complaints Committee examines complaints concerning the conduct of members of the Law Society. Pursuant to the *Law Society Act, 1996*, the Registrar of Complaints can dismiss a complaint, if, in the opinion of the Registrar, it is without merit. However, if the complaint has merit, the Registrar of Complaints will usually refer the complaint to the Complaints Committee. Where the documentary material emanating from the Registrar’s investigation show that there is a situation that may warrant disciplinary sanctions against the lawyer, a hearing is usually held before the Complaints Committee. The Committee can reprimand and fine a member that is guilty of conduct deserving sanction. It also has the power to suspend a member on an interim basis.

Discipline Committee

The Discipline Committee examines serious complaints concerning the conduct of members of the Law Society. Formal hearings are held before the Discipline Committee. In addition to imposing a reprimand or fine to a member that is guilty of conduct deserving sanction, the Discipline Committee has the authority to suspend or disbar members.

Ethics Committee

The Ethics Committee reviews the Law Society of New Brunswick's *Code of Professional Conduct* and recommends any changes that the Committee feels necessary. The Committee does not make rulings on ethical issues. In response to requests from the Executive and/or Council or on its own initiative, the Committee will advise the Executive and/or Council on ethical and professional responsibility issues and on the measures to ensure that members have a better understanding of the *Code of Professional Conduct* and other ethical principles. This Committee also acts as advisor to the Society and its staff on matters of unauthorized practice.

Examining Committee

The main role for the Examining Committee is the preparation of questions and evaluating Bar Examinations as well as reviewing and marking Bar Examinations. Members of the Committee are also involved in assessment of student interviews on the Bar Admission Course and evaluation of pleadings prepared by the students.

Human Resource Committee

To assist Council in performing its responsibilities the Human Resource Committee (HRC) shall, in consultation with the Executive Director, conduct an annual review of human resources philosophies and policies for the Society, to be satisfied that the Society's long-term human resource strategies are appropriate and that they reflect a proper balance between the Society's short and long-term goals and make appropriate recommendations to Council.

Insurance Management Committee

The Insurance Management Committee has all the powers of Council in respect to the Professional Liability Reserve Fund and the provision of mandatory and optional insurance coverage. In addition, the Insurance Management Committee deals with all claims against members with respect to professional liability (negligence of members of the Law Society).

Mandatory Continuing Professional Development Committee

In cooperation with the Executive Director, the Committee implements, administers and enforces to continue professional development programs provided by the *Rules on Mandatory Continuing Professional Development*. In addition, the Committee makes recommendations to Council for the types of activities or courses of study to be completed by members in order to meet the continuing professional development requirements and the number of continuing professional development hours required per year and reports to Council annually on the work of the committee or as frequently as the work of the committee may require.

Provincial Libraries Committee

The Committee assists Council with the general supervision and management of the library by selecting the books to be purchased annually for the library out of money Council approves for that purpose and by performing such other duties with respect to the supervision and management of the library as Council may from time to time determine.

Practice Review Committee

In cooperation with the Executive Director, the Committee implements, administers and enforces the program of practice review provided for by the *Practice Review Rules*. In addition, the Committee provides for the selection and instruction of inspectors as required from time to time, makes recommendations to Council for the establishment of standards in any area of practice it considers necessary and reports to Council annually on the work of the Committee or as frequently as the work of the Committee may require.

Property Law Advisory Committee

The Property Law Advisory Committee replaces the NBGIC Liaison Committee and Standards Committee. The mandate of the Property Law Advisory Committee is to review and advise with respect to all matters pertaining to the present and potential future impact of the New Brunswick Legislation, regulations, jurisprudence, standards, systems, policies, agencies, associations and any other matters or things as they may relate generally or specifically to property in New Brunswick. The Committee recommends amendments to standards and agreements and reports to Council for approval and implementation of these amendments.

New Brunswick Law Foundation

The Foundation was established in 1975 for the purpose of funding law-related activities specified in section 98 of the *Law Society Act, 1996*. These include law reform, legal aid and legal education (teaching, research, libraries, bursaries and scholarships). The foundation derives its revenues primarily from the interest on mixed trust accounts.

Council Policy 21

NAME OF POLICY	Committee Appointments Process		
APPLICABLE SECTIONS OF THE <i>LAW SOCIETY ACT, 1996</i> AND RULES	<i>Law Society Act, 1996, s . 16</i>		
Approved by Council September 18, 2009	Effective September 18, 2009	Reviewed	Revised

21.1 Council wishes to ensure, to the extent possible, that committees and task forces of the Law Society draw upon members of Council for leadership and are made up of qualified representation of the membership of the Society.

Criteria for Committee Membership

- 21.2.1 There are frequently more members of the Society willing to serve on committees than there are positions. Accordingly, it is recognized that not all members who are interested will have an opportunity to serve.
- 21.2.2 Council will appoint all members to committees and make all other Society appointments. In selecting committee members, Council will:
- (i) Consider the possibility of having a member of Council participate as a member of each Committee; and
 - (ii) Provide appropriate recognition of language, gender, race, geography, age, experience and other factors relevant to the applicable committee's mandate, including (among other factors) culture, practise as a barrister or solicitor and type of firm and practice of the prospective committee member.
- 21.2.3 To ensure that the Society's committees have both a continuity of membership and new membership (to provide fresh ideas and an opportunity to diversify committee participants), members will normally not serve more than six consecutive years on any committee, unless the Executive determines there are circumstances making it appropriate to extend the term.

Process for Committee Selection

- 21.3.1 Each year in the February mail out (or via some other means of accessing all members), there will be a call for expressions of interest for committee appointments.
- 21.3.2 Each member expressing an interest will provide requested applicant information, state the committee or committees on which s/he wishes to serve and her/his reasons/qualifications for that choice.
- 21.3.3 Expressions of interest will be provided to the Executive Director by the 31st day of March of that year.
- 21.3.4 This information will be provided to the Executive Committee together with the names of the members of Council for the ensuing year.
- 21.3.5 The Executive Committee is responsible for development of a list of proposed members and the chair for each committee. This list will be submitted for approval to Council at its June/July meeting.

Council Policy 22

NAME OF POLICY	Council Member of the Federation of Law Societies of Canada		
APPLICABLE SECTIONS OF THE <i>LAW SOCIETY ACT, 1996</i> AND RULES	<i>None</i>		
Approved by Council July 12, 2013	Effective July 12, 2013	Reviewed	Revised

- 22.1 As a member of the Federation of Law Societies of Canada, the Society appoints one member to the Federation’s Council.
- 22.2 Acting in the public interest, the Mission Statement of the Federation of Law Societies of Canada articulates the following commitments of the organization:
- 22.2.1 Bringing together Canada’s law societies to enhance open and transparent governance of an independent legal profession in Canada, and to set national standards and harmonize provincial and territorial rules and procedures;
 - 22.2.2 Promoting the cause of justice and the Rule of Law;
 - 22.2.3 Providing a forum for the exchange of information of mutual interest to Canada’s law societies;
 - 22.2.4 Undertaking national initiatives on behalf of Canada’s law societies;
 - 22.2.5 Speaking nationally and internationally on behalf of Canada’s law societies;
 - 22.2.6 Informing the public, governments and members of the legal profession about the role, responsibilities and activities of the Federation of Law Societies of Canada and of Canada’s law societies; and
 - 22.2.7 Sharing the expertise of Canada’s law societies to contribute to the development of effective regulation of an independent legal profession around the world.
- 22.3 The Society’s member of the Federation Council will be appointed by Council on the recommendation of the Executive Committee.
- 22.4 The Federation Council member term commences on November 15th each year.
- 22.5 In recommending a person for the position, the Executive Committee will consider the following:
- 22.5.1 Council members must have a detailed understanding of the regulation of the legal profession and demonstrate a willingness to remain connected to the issues of regulation at the Society level even if he or she is no longer actively undertaking that work;
 - 22.5.2 Council members should have demonstrated leadership in the Society or elsewhere, for example, by having served in a senior office;
 - 22.5.3 Council members must have a commitment to effective and timely communication with the Society through its Executive Director, the Officers, and Council to assist the Society in considering the issues that are being addressed by the Federation and, where appropriate, communicating the Society’s perspective on those issues;

- 22.5.4 Council members must demonstrate a willingness to learn about new matters that are on the national agenda and to participate in both Federation Council and committee work that may differ from work they have done previously at the Society;
 - 22.5.5 Council members must be able to dedicate the time required to prepare for and attend Federation Council and committee meetings, to attend the Law Society of New Brunswick Council meetings and provide periodic reports to Council;
 - 22.5.6 Council members must demonstrate an ability to collaborate with both the Society's leadership and the Federation's leadership in order to contribute to the issues being considered by the Federation;
 - 22.5.7 The Federation Council takes a national perspective on issues and candidates for the Federation Council member' position would benefit from having experience with pan-Canadian bodies which deal with issues of import across the country.
- 22.6 Federation Council member will regularly attend Law Society of New Brunswick Council meetings, participate in discussions at those meetings, and report as required, on Federation matters.
- 22.7 The Society will support its member of the Federation Council through providing time on Council agendas for consideration of Federation matters, through providing timely responses to matters requiring Society input and to considering, in a timely way, national initiatives that require Society approval.
- 22.8 Members of the Federation Council will be appointed annually, but will be expected to serve for three or four years in order to provide adequate time to become immersed in the Federation's work. If it is anticipated that the Federation Council member will assume an officer position at the Federation, that may require a longer term.
- 22.9 When possible, the Society will decide upon a successor member of the Federation Council at least six months before expiry of the incumbent's term to allow for appropriate orientation, attendance at one or two Federation Council meetings and other necessary transition into the position.

Council Policy 23

NAME OF POLICY	Pathway to Reconciliation		
APPLICABLE SECTIONS OF THE <i>LAW SOCIETY ACT, 1996</i> AND RULES			
Approved by Council September 13, 2019	Effective September 13, 2019	Reviewed	Revised

23.1 In keeping with the spirit and intent of the Report on *Truth & Reconciliation*, the Society acknowledges that it has an obligation to address the “*Calls to Action*” and that Reconciliation is an on-going process of interaction between the Society and the Indigenous People of New Brunswick. To that end and in accordance with its mandate, it is committed to the following:

23.1.1 Advance and provide opportunities for cultural competency training for both members of the Law Society as well Bar Admission Course students. This includes recognition and implementation of methods to foster inclusion of indigenous culture at the Law Society and its functions;

23.1.2 Advance and provide opportunities for education for both members of the Law Society as well as Bar Admission Course students on all aspects of Indigenous law and history, including the legacy of residential schools;

23.1.3 Advocate to the *Federation of Law Societies of Canada* that a mandatory course on Indigenous Law be implemented in Law Schools in New Brunswick;

23.1.4 Create and maintain a standing *Committee on Truth and Reconciliation* responsible for advising on the implementation of the objectives of the present policy and of Call #27 of the “*Calls to Action*” set forth by the National Committee on *Truth & Reconciliation*, as follows:

“We call upon the Federation of Law Societies of Canada to ensure that lawyers receive appropriate cultural competency training, which includes the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.”;

23.1.5 The *Committee on Truth and Reconciliation* shall bring awareness to Council as it pertains to the application of this policy;

23.1.6 The Law Society shall make every effort to include Indigenous members on Law Society committees and take all means possible to support Indigenous lawyers and students-at-law;

23.1.7 The Law Society shall establish a working committee to provide education to members of the Law Society and Bar Admission;

23.1.8 The working committee, in consultation with the *Committee on Truth and Reconciliation*, shall make recommendations to Council for the approval of standards for the education and competence of its members and applicants for membership in the application of this policy.