



Amending the Legal Profession Act

The legal landscape in Alberta and around the world, looks much different today than it did a century ago and yet the way law is practised remains largely the same.

We know that legal services are becoming increasingly inaccessible and this has led consumers to challenge the traditional ways that legal services are offered. The consuming public is looking for alternatives and frequently resort to a do-it-yourself approach, often involving the internet and technology. Just as technology has made significant impacts on other industries such as travel, music, journalism and books, it is affecting the legal services market.

The Law Society is concerned about access to legal services for all Albertans. A stable democratic society requires access to institutions and services that create order in our lives for daily living, business, and dispute resolution. We all need access to services that help maintain stability and preserve the rule of law.

The independence of the legal profession is critical in a free and democratic society. The Law Society plays an essential role in maintaining that independence as the regulatory body that governs lawyers and legal practice in Alberta. We admit individuals into the practice of law, set and enforce standards of professional conduct, and provide protection for clients and others through mandatory insurance programs. We act in the public interest with the aim of ensuring that the public receives high quality legal services.

At the Law Society, we are seeing pressures within our own system to make changes that will enable the delivery of legal services that work for Albertans in the 21st century. Some of the drivers for change are new technologies, new business models, access to justice concerns, and a growing public demand for more affordable legal services.

Currently, we are trying to be responsive to this changing legal landscape, using the *Legal Profession Act*, established in 1907. We need amendments to our legislation to change the way the Law Society does its work as a regulator to be more streamlined, efficient and effective in our regulatory role.

Legal Profession Act: Proposed Amendments – Key Features

The amendments to the *Legal Profession Act*, will allow the Board of the Law Society the flexibility to modernize the structure and work of the organization over time and after engagement with the legal profession and the public. This will be done, in the coming years, by the Board enacting rules to implement the amendments in a thoughtful and deliberate way.

Innovation in Legal Service Delivery

The Law Society seeks amendments to the *Legal Profession Act* so lawyers can develop new ways to deliver legal services, better address unmet legal needs and better respond to the everyday legal needs of Albertans. The amendments will do this by providing rule making authority to broaden the way we regulate, permitting lawyers to expand the scope of legal service delivery. While these amendments will not be a complete solution to issues around access to justice, they will allow the Law Society to do its part to improve access to legal services through facilitating innovation in legal service delivery models.

To expand the regulatory scope of the Law Society from lawyers to include law firms and other organizations with legal services that are provided by lawyers, the terminology of the Act must change. The current Act authorizes a person to practice law by virtue of membership. If others, such as firms and other organizations are authorized to deliver legal services, then we need a different procedure to provide that authority. Amendments will include a registration model. This will ease the transition as the Law Society permits innovation in legal service delivery and sets standards and regulatory parameters for law firms and organizations with legal services that are provided by lawyers.

Within these design elements is a process of moving the Law Society from a largely adjudicative and enforcement model to one that includes counselling and informal resolution to ensure compliance with established standards for lawyers, law firms and organizations with legal services that are provided by lawyers. This continues the proactive work of the Law Society that started with the introduction of our Early Intervention program.

Governance Model

Additional amendments will allow the Board to make changes in the future to the current governance model. The immediate change would permit the reduction, over time, of the size of the Board from its current 24 to a range between 9 and 16 members, as determined by the Board. However, the model would retain the current process to elect Board members alongside the four public appointments made by Order-In-Council. These amendments will move the Law Society towards best practices in board governance and create efficiencies throughout the organization.

Adjudication Model

Amendments to the adjudication model will improve the way the Law Society handles adjudications, by moving all adjudication under our Tribunal Office so that it operates as a centralized adjudicative tribunal and not the current multiple committee structure. Amendments are sought to provide the Board with an expanded range of composition options for adjudicative panels, including both lawyer and public/non-lawyer adjudicators, to ease the adjudicative work load for Board members.

Simplification

The Act contains a number of outdated and complex sections that can be removed, transitioned to Rules, or amended to improve the overall efficiency and operation of the Law Society, allowing it to better regulate in the public interest.

We want to hear from you!

Our success as a regulator comes directly from our actions and this includes promoting an understanding of our work. We are committed to holding discussions with both the public and the profession about what the future may look like. We look forward to discussing these important issues in more detail with you in the coming months.

Please watch our website for information about our engagement plan or email us at feedback@lawsociety.ab.ca with your questions.