

## **PRACTICE MANAGEMENT REVIEW PROGRAM**

### **FREQUENTLY ASKED QUESTIONS**

#### **1) Why is the Law Society implementing a Practice Management Review Program?**

The Benchers approved the implementation of a Practice Management Review Program as part of its commitment to improving the quality of service lawyers in the province provide to their clients and the public. The program is a proactive tool that promotes continued competency by assisting lawyers to become more efficient and effective in their practices. The program helps lawyers recognize possible practice management problems before they become larger issues that result in an allegation, complaint or negligence claim.

#### **2) What are the benefits for lawyers who undergo a practice management review?**

A lawyer who participates in the Practice Management Review Program receives a one-on-one review of his or her office management systems. The review will point out any deficiencies and potential issues in the management of the member's practice and provide suggestions and resources on how to improve them. The goal is to find proactive ways to prevent complaints and insurance claims.

Improving practice management equals practising more effectively and efficiently which can have a direct impact on billing, client satisfaction and the amount of time spent in the office.

#### **3) Are these reviews a way to get everyone to practise the exact same way?**

No. The reviewer looks for areas of improvement and provides suggestions but the method by which members choose to improve their practice or rectify issues is up to the member.

#### **4) When will the practice management reviews begin?**

It is anticipated that reviews will be starting in the next couple months.

#### **5) Aren't practice management reviews just another way of finding evidence to support an allegation in the discipline process?**

No. The discipline process is completely separate from the Practice Management Review Program. Reviewers are not part of the discipline stream of the Law Society and their reports are not provided to the Director of Professional Responsibility. Results of a practice management review will only form the basis of an allegation where the management of the member's practice appears to rise to the level of conduct deserving of sanction or the reviewer sees evidence of professional misconduct.

## 6) Who will be chosen to undergo a practice management review?

There are two ways to be chosen for a practice management review. In the first, the Executive Director of the Law Society directs that a practice management review take place where he or she is satisfied that there are reasonable grounds to believe that a member may be failing or may have failed to comply with the [Law Society Act, 1999](#), the [Law Society Rules](#) or the [Code of Professional Conduct](#).

In order to make that determination, the Executive Director reviews several factors (listed below). These factors are based on anonymized data collected by the Law Society relating to allegations, complaints and insurance claims made against members. Here are the factors the Executive Director will consider:

- whether the member is a sole practitioner or practises with 4 or fewer other members in the same firm;
- any allegations made to the society relating to the member;
- any findings of the complaints authorization committee that there were reasonable grounds to believe that the member has engaged in conduct deserving of sanction;
- any findings or orders of an adjudication tribunal made under the Act or a court of competent jurisdiction relating to the conduct of the member;
- any issues identified through an investigation or audit under [Part V of the Rules](#);
- any failure of the member to meet mandatory professional development or continuing legal education requirements under [Part VI of the Rules](#);
- whether there are any outstanding judgments, orders for costs or matters in bankruptcy including assignments and petitions into bankruptcy as well as consumer proposals that relate to the member or the member has failed to comply with Canada Revenue Agency obligations (see rules [5.13](#), [9.29](#) and [9.31](#) for reporting requirements); and
- any other information relating to the member or the member's practice that comes to the attention of the Executive Director.

For more information, see rule 14.01A.

The second way is triggered by a change in association of practice. Members who start practising as a sole practitioner or in a firm with 4 or fewer other members will undergo a practice management review within 12 months of filing their change in association of practice – see rule 14.09A.

## **7) How are practice management reviews different from a practice review conducted by the Complaints Authorization Committee?**

Although the process may be similar, members are selected to undergo a practice management review based on the factors outlined in rule 14.01A in order to proactively address any potential problems before they become larger issues. In the case of a [practice review](#) conducted by the Complaints Authorization Committee, an allegation against the member has already been filed and is working its way through the discipline process.

## **8) What is the process?**

The member will meet in person with the reviewer to answer questions about the management of the member's practice. The reviewer will follow a list of questions to ask and will provide guidance and suggestions for ways to improve the member's practice during the review. The member will be given a self-assessment questionnaire to complete before the review takes place.

After the in-person review, the reviewer will provide a report to the member and the Executive Director that outlines any deficiencies along with recommendations for improvement. For more information, see rule 14.06A.

## **9) What are the possible outcomes of a practice management review?**

If the reviewer finds that there are no areas for improvement or a few minor areas for improvement, the member may be required to confirm that deficiencies have been addressed or the file will be closed. If there are more substantial areas for improvement, the Executive Director may require the member to provide an undertaking to improve or rectify those areas and direct the reviewer to follow-up with the member. If there are serious practice management issues or other conduct that may be deserving of sanction noted in the report, the Executive Director may file an allegation in accordance with the discipline process. See rule 14.07A.

## **10) How will I know if I have been selected for a practice management review?**

The Director of Practice Management will advise lawyers that they have been selected for a practice management review by mail.

## **11) Who will know that I have been selected for a practice review?**

The Law Society will only contact the member that has been selected for a review. That being said, the reviewer may want to speak to other lawyers and staff that work with you so it is highly recommended that you advise others at your firm about the practice review.

Once the review has been completed, the Executive Director may contact one or more partners of a firm under certain circumstances (see below).

**12) What if the recommendations the reviewer makes relate to firm-wide systems and I am an associate or employee and I don't have control over them?**

The reviewer will note the areas requiring improvement and also that the member undergoing the practice management review does not have control over the systems in his or her report. The Executive Director may then forward recommendations that involve firm-wide systems to one or more partners in the firm.

**13) How long will the practice management review take?**

A practice management review will likely take a full day and may take longer. Members can reduce the time the review takes by completing and submitting the self-assessment questionnaire provided by the reviewer before the day of the review.

**14) What will the reviewer be looking for?**

The reviewer will look at the management of the member's practice in general and will specifically review the following areas: time management, file management, financial management, client service, technology and equipment, professional management and personal management. Other requirements found in the [Law Society Act, 1999](#), the [Law Society Rules](#) or the [Code of Professional Conduct](#) may also form part of the review.

Generally, the reviewer is looking for ways to help the member practice more efficiently and effectively and also to spot areas where the member may be vulnerable to allegations, complaints or insurance claims.

**15) What about the confidentiality of my client's files? And solicitor-client privilege?**

The reviewer is also a member of the Law Society and will maintain strict confidentiality of the member's files. As noted in the rule 14.11A, solicitor-client privilege shall not apply as against the society or the reviewer to enable the member or others to refuse to produce records, files, documentation or information in their control or possession.

**16) Will the fact that I am doing a practice management review or the results of the review be made public?**

No. The reviewer will provide the report to the member and the Executive Director only. The exception is where it is required by law or part of a discipline proceeding (see rule 14.10A).

**17) Is there a cost to me? Will I be charged a fee?**

No, there is no cost to members.