

**British Columbia
Law Institute**

Fiscal 2009 - 10

Strategic Plan

as of April 1, 2009

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British Columbia Law Institute (“BCLI”) Strategic Plan, 2009 – 2010

1. Executive Summary

The British Columbia Law Institute was created in January, 1997 by incorporation under the Society Act.

The Canadian Centre for Elder Law (“CCEL”) was created in 2003 as a division of British Columbia Law Institute.

The first Strategic Plan of BCLI was approved in August 2007 and this Plan is a revision of the first Plan.

Our Vision for society is one with just and efficient laws, a broad understanding of the legal system, with excellent public legal education, and effective community outreach, which all contribute to a legal system, which serves the continuing needs of society.

Our Strategic Mission is to be a leader in law reform by carrying out:

- the best in scholarly law reform research and writing; and
- the best in outreach relating to law reform.

Our Values are based on the highest ethical standards including respect for people, and valuing: justice, independent law reform, continuous improvement, diversity, and community engagement.

Our key strategic and operational objectives are to:

- maintain the best human resources at all levels including the best people, and the best human resource practices
- maintain excellence in legal research and writing practices
- increase focus on policy-making and social relevance in law reform projects
- maintain and expand operational funding and project funding
- establish sustaining funding to assure continuance of law reform
- engage an expanded list of Critical Friends (key individuals and groups who support our Strategic Mission on an ongoing basis)
- maintain excellent relations with Critical Friends
- maintain CCEL’s outreach, and increase BCLI’s outreach
- engage, collaborate, and learn from other law reform institutions
- consider developing a new ‘specialist division’

We will measure success by tracking Law Reform Points (“LRPs”) including such indicators as:

Indicator	LRPs
Legislation passed or Recommendation implemented , or adopted.*	5
New or renewed funding	4
Judicial, academic, or professional citation	3
Third party project or review invitation	2
Third party notice / publicity	1

* We take a broad view of ‘implemented’ or ‘adopted’ since BCLI / CCEL recommendations may come into use through adoption without the passage of legislation.

2. Background – History and Environment

2.1 History

The BCLI was created in January 1997 by incorporation under the Society Act. As set out in Article 2 of the Constitution, the purposes of BCLI are to:

- promote the clarification and simplification of the law and its adaptation to modern social needs,
- promote improvement of the administration of justice and respect for the rule of law, and
- promote and carry out scholarly legal research.

BCLI is continuing a long tradition of law reform in British Columbia. BCLI began its operations in 1997 with minimal funding and has, over time, grown its funding base to permit the expansion of operations and law reform work. In 1999, BCLI relocated to its present offices in Annex 1 of the UBC Law Faculty premises. By 2003, BCLI had made progress by obtaining both core funding as well as funds for project work from the government.

In 2003, BCLI created the Canadian Centre for Elder Law Studies (“CCELS”), a division of BCLI, and renamed in 2008 as the Canadian Centre for Elder Law (“CCEL”). The objectives of the CCEL are:

- encouraging research and scholarship;
- advancing law reform; and
- fostering the creation and delivery of educational materials and information

all in relation to issues of law and aging.

CCEL has quickly gained a strong presence in the area of elder law issues and has aided in expanding our reputation and funding.

We accomplish our mission through the efforts of a small internal staff, an active volunteer Board, and volunteers on various projects.

As of the beginning of fiscal 2009-2010, internal staff is comprised of six full-time staff including the Executive Director, four, staff lawyers, and an Office Manager. Additionally, we engage two to three temporary researchers, who are law students or recent law school graduates and part-time contractors to provide support in bookkeeping, website maintenance and computer maintenance.

Our expenses have been managed carefully since inception and have grown in prudent conjunction with expansion of funding available. Annual Expenses and Revenues (per audited statement) since inception are set out below.

Year ended March 31	Expenses	Revenues
1998	\$140,632	\$ 278,305
1999	234,791	246,358
2000	243,472	266,415
2001	216,318	248,718
2002	322,269	292,748
2003	248,983	307,002
2004	339,640	436,900
2005	445,932	388,038
2006	528,442	478,441
2007	570,911	544,143
2008	814,066	845,643*

**In certain periods revenues associated with particular projects cover more than one year (eg - a 2 year project)*

2.2 Environment

BCLI is focused on law reform and related outreach – and has been referred to by one of our major fund providers as the British Columbia ‘think-tank’ of law reform. CCEL is a unique organization in Canada, being the only organization focused on research and outreach relating to elder law issues both in British Columbia and nationally. Both BCLI and CCEL have been diligent in performing

their work in a highly professional, competent, objective, and non-political fashion.

Peers of BCLI are law institutes and law reform commissions in various provinces of Canada and internationally. A review of the work of various law institutes and law reform commissions indicates that BCLI is engaged in similar work in legal research, writing, and outreach relating to law reform. However, there are two notable differences:

1. Unlike BCLI, many law reform agencies are constrained to limit their field of interest geographically; and
2. In recent years, BCLI has not carried out law reform research and writing on criminal law matters.

BCLI compares favourably in both the nature and quality of its research and publications to its sister law reform agencies, both nationally and internationally.

Peers of the CCEL exist in six countries internationally, although the CCEL is a unique organization within Canada. CCEL's work is focused on scholarly research and writing, education, outreach and law reform with a particular focus on law and aging issues. The nature and quality of the CCEL's work compares favourably with its international sister agencies.

3. Vision, Strategic Mission and Values

3.1 Vision

Our vision statement describes the just, fair, and efficient society that we will strive, with others, to build.

Our Vision for society is one with just and efficient laws, a broad understanding of the legal system, excellent public legal education, and effective community outreach which all contribute to a legal system that serves the continuing needs of society.

We believe that a sound, just, legal structure and respect for that legal structure, is foundational to society. Without such a structure and its acceptance, the social order would inevitably move toward chaos and civil strife. This order and confidence permits other positive aspects of society to be constructed such as well-functioning medical systems, transportation systems, and communications systems.

Relevant and appropriate laws will foster respect, support, and adherence. Since society is continually changing, there is an ongoing need for improvement and reform of the law. The legislative process is often affected by political,

fiscal, and other such constraints and pressures. Professional, scholarly, independent, non-political law reform must supplement and support government law-making. We believe that BCLI and CCEL are key participants in societal improvement through dedication to ongoing, necessary, and relevant law reform.

Individual citizens and groups in a society must have a good understanding of, and respect for the law. In order for this to occur in a sophisticated society with a multitude of complex laws, law reformers and legal practitioners must engage in informational and educational outreach activities relating to the law such as:

- publicizing research and recommendations relating to law reform
- publicizing and providing information regarding the need for specific law reforms
- public education relating to legal issues
- collaborating with government and non-government organizations to support continuous improvement in understanding of the law and law reform issues
- working constructively and persistently with various government ministries to bring attention to and facilitate needed law reforms.

3.2 Strategic Mission

A successful long-term “Strategic Mission” should be simple, clear, sustainable, and inspiring.

Our Strategic Mission is to be a leader in law reform by carrying out:

- **the best in scholarly law reform research and writing;**
- **and**
- **the best in outreach relating to law reform.**

3.3 Values

We want to be a preeminent law reform institution. We believe that ‘good is the enemy of great’ in that organizations may become complacent when they have reached a level that is considered ‘good.’ We believe that our organization should strive on an ongoing basis to provide the very best in law reform work, and work related to elder law.

We are a charitable not-for-profit society funded by government, private foundations, and the public. We are responsible to key Critical Friends as well as to the public in the delivery of our mission.

We strongly believe that there is a continuing need for law reform and for the work of professional, independent, non-political law reform and elder law institutions.

We believe that diversity should be recognized and supported with just and fair laws that respect all elements of society. Our lens of diversity includes age, class, different abilities, education, ethnicity and residential status, family, gender and sexual orientation, marital / relationship status, race, religion, work experience, geographic size and location, income, and financial status.

Our Values are based on the highest ethical standards including respect for people, and valuing: justice, independent law reform, continuous improvement, diversity, and community engagement.

- In law reform, legal research, and public education, we will strive for objectivity, impartiality, scholarship, creativity, innovation and insight.
- We will be inclusive, collaborative, accessible, respectful of diversities, and collegial in our relationships.
- In all activities we will seek continuous improvement and leadership.

4. Key Strategic Goals and Measures of Success

4.1 The key questions in setting our strategic goals are:

- What do we believe we can be best in the world at doing?
- What do we have great passion for doing?
- What are our measures of success?

The 2008 Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis is included as Appendix A.

4.2 The Strategic Objectives

The following Key Strategic Objectives form the basis of the Strategic Plan:

4.2.1 Maintain the best human resources at all levels including

- **best people, and**
- **best human resource practices**

Our success in executing our Strategic Mission is highly dependent on having the best people engaged at all levels of our work.

This requires:

- a Board comprised of dedicated, contributing, high quality people providing overall leadership and governance

- a dedicated staff who provide excellence in research and writing, outreach, and efficient operation
- a high-quality group of committed, contributing volunteers who support us.

We will continue to seek high-quality people to serve on our Board. The Board members and staff will work respectfully and efficiently as a group to achieve a high-performing and effective Board.

The BCLI Board is comprised of members with outstanding expertise and experience in many areas of the law and in law reform. As new members and projects are added, efforts will be made to increase the diversity in Board members and in recruiting volunteers for law reform projects and other activities.

We will review the constitution and bylaws of BCLI to consider whether changes are appropriate.

We will continue to seek high quality staff members including full-time employees, part-time employees, and temporary researchers. We will manage in a manner that is consistent with our values to maintain an excellent, dedicated staff with high morale. We will strive to remunerate staff members on a competitive basis having regard to the non-profit sector.

BCLI / CCEL is significantly vulnerable to a loss of staff either through illness, burn-out, or voluntary departure. We will continue efforts to alleviate this vulnerability.

We will seek committed law-reform minded volunteers to assist us in achieving our Strategic Mission. We will treat all volunteers respectfully and will value their contributions.

We will continuously improve our operations including such activities as:

- Third party feedback
- Peer reviews
- Setting 'stretch goals' (goals that challenge the organization but are within realistic range)
- Personal development and education

4.2.2 Maintain excellence in legal research and writing practices.

We benefit from an excellent staff who has provided excellence in legal research and writing. We will continue our pursuit of excellence in legal research and writing and will employ "Principles of Assessment" to measure our work products.

All Projects will be assessed applying the following Principles of Assessment:

Is the recommendation

- Fair, just and equitable
- Clear
- Progressive and socially relevant
- Necessary
- Likely to encourage compliance
- Considerate of individual rights, comparative laws, practice and trade obligations
- Cognizant of possible unintended consequences

4.2.3 Increase focus on policy-making and social relevance in law reform projects

BCLI has a long record of high quality research and writing in traditional, non-political areas of law reform. BCLI has a strong reputation for high quality law reform research and writing, but is not widely known. This is in part because BCLI has largely avoided policy-making or socially prominent issues, and has not actively pursued a communications strategy. While BCLI must always be expressly non-political, we will engage in policy-making and socially relevant law reform issues in furtherance of the Strategic Mission.

BCLI is aware of the dangers of becoming perceived as a political institution or an institution with an interest-based orientation. BCLI will continuously strive to maintain professional, inter-dependent, non-political and objective orientations.

BCLI has a good reputation for non-political and objective work. At the same time, it is recognized that to continue to develop our Critical Friends and increase the likelihood that BCLI law reform recommendations will be passed into law or otherwise implemented it is necessary to work collaboratively with governments and government ministries and agencies. We describe ourselves as 'inter-dependent', being both:

- Rigorous in applying objectivity and non-political approaches to law reform research and writing; and
- Working collaboratively with key stakeholders to promote understanding of our recommendations and encourage passage of implementing legislation or other implementing actions.

4.2.4 Maintain, expand and diversify operational funding and project funding

It is an economic reality that we must maintain, expand, and diversify operational and project funding in order to maintain and develop our position as a preeminent law reform institution. Doing so requires maintaining and building relationships with existing funding sources within government, with private funding organizations, and with the public.

We will continue renewing, expanding and diversifying funding for both operations and projects.

4.2.5 Establish sustaining funding to assure continuance of BCLI

It is clear that there is a continuing need for law reform in British Columbia and Canada.

Our funding is comprised of the following:

- Operational funding on a year-to-year basis
- Project funding on a project grant basis

Law reform agencies funded in this manner are continually at risk of dramatically decreased funding which would have the following results:

- An inability to make operational and staffing plans
- A risk of cessation of operations

We have actively explored a range of alternatives to establish sustaining funding and will continue these efforts.

We have established a small sustaining fund and will continue to develop it from donations and other 'miscellaneous' sources as practical.

We will continue our efforts to develop robust sustaining funding.

4.2.6 Engage an expanded list of Critical Friends

Successful law reform is dependent upon having key individuals and groups ("Critical Friends") who support our Strategic Mission on an ongoing basis. We will continue to engage an expanding list of Critical Friends to maintain and expand:

- awareness of and support for our Strategic Mission
- funding and funding sources to support law reform

- involvement of Critical Friends in our activities

4.2.7 Maintain excellent relations with Critical Friends

We will have an ongoing practice of maintaining excellent relations with our Critical Friends.

We will do this through:

- effectively liaising
- sharing ideas
- seeking input into our strategies
- working cooperatively and collaboratively
- diligent reporting
- transparency
- exploring mutually beneficial opportunities

4.2.8 Maintain and increase outreach relating to law reform in BCLI / CCEL activities

BCLI / CCEL has achieved outstanding success with outreach in recent years. Outreach activities must be continued and increased.

We will continue to expand interaction with key stakeholders, including government, legal, academic and professional organizations and agencies, and the general public, through:

- consultation in various forms
- working with media
- conference participation
- providing public education
- collaborating and consulting with key stakeholders

4.2.9 Engage, collaborate with, and learn from other law reform institutions

The primary peers of BCLI are other law reform institutions both within and outside Canada. Our peers have, and will develop, excellent ideas and practices, and BCLI will collaborate with and learn from other law reform institutions as a means to continuously improve.

4.2.10 Seek opportunities to expand the work of BCLI / CCEL consistent with its Strategic Mission.

The establishment and development of CCEL has been a successful means to expand awareness of BCLI and law reform generally. BCLI can sustain and grow its operations by identifying new opportunities of needed law reform in British Columbia, Canada, and internationally.

BCLI is committed to its central work in law reform and outreach activities. Where appropriate, we will explore and develop opportunities to incrementally expand the organization.

4.3 Measures of Success

Measuring success in law reform activities is challenging since successes occur over extended time periods and several factors are relevant as indicators of success. We will measure success by tracking Law Reform Points (“LRPs”) including the following indicators:

Indicator	LRPs
Legislation passed or Recommendation implemented or adopted *	5
New or renewed funding	4
Judicial, academic or professional citation	3
Third party project or review invitation	2
Third party notice / publicity	1

* We take a broad view of ‘implemented’ or ‘adopted’ since BCLI / CCEL recommendations may come into use through adoption without the passage of legislation.

Appendix A

A summary of Strengths, Weaknesses, Opportunities and Threats (SWOT) was derived from interviews with Directors in late 2008:

<p>Strengths High-quality research & writing Expert & experienced staff Professional leadership Reputation for excellence Nimble & flexible organization</p>	<p>Weaknesses Not well known Only a few people Lack of diversity of expertise Confusion re Board/Staff responsibility re Reports</p>
<p>Threats Loss of key financial support Loss of key personnel Lack of government attention & implementation Reduced connection with ULCC Lack of fully engaged Board</p>	<p>Opportunities Expand both government & private relationships Development of plain language statutes Increase awareness of BCLI More attention to evaluation Better relationship with ULCC Incremental growth Expand financial sources</p>