

# **British Columbia Law Institute**

**Fiscal 2008**

## **Strategic Plan**

as of August 15, 2007

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## **British Columbia Law Institute (“BCLI”) Strategic Plan, 2007 – 2008**

### **1. Executive Summary**

The British Columbia Law Institute was created in January 1997 by incorporation under the Society Act. As set out in Article 2 of the Constitution, the purposes of the British Columbia Law Institute 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.

The Canadian Centre for Elder Law Studies (“CCELS”) was created in 2003 as a division of British Columbia Law Institute and has as its mission to:

The objectives of the CCELS are:

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

all in relation to issues of law and aging.

**Our Vision for society is just and efficient laws, a broad understanding of the legal system, with excellent education and effective community outreach, contributing 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 valuing justice, independent law reform, continuous improvement, respect for people, 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 legal research and writing in CCELS
- 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
- maintain excellent relations with critical friends
- maintain outreach on CCELS-side and Increase outreach on BCLI-side
- engage, collaborate with, 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:

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

## **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 obtaining funding from government both for project work and core funding.

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

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

all in relation to issues of law and aging.

CCELS 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 2007-2008, internal staff is comprised of five full-time staff including the Executive Director, three staff lawyers, and an administrative assistant. In addition we engage a permanent part-time person as Librarian / Information Technology Manager, and two to three temporary researchers, the latter of which are law students or recent law school graduates.

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.

<b>Year ended March 31</b>	<b>Expenses</b>	<b>Revenues</b>
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 (unaudited)	580,553	542,093 *

*\*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 outreach relating to law reform – and has been referred to by one of our major fund providers as the British Columbia ‘think-tank’ of law reform. CCELS 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 CCELS 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. BCLI compares favourably in terms of the nature and quality of its research and publications to its sister law reform agencies both nationally and internationally.

Peers of the CCELS exist in 6 countries internationally, although the CCELS is a unique organization within Canada. CCELS’ 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 CCELS’ 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 which we will strive, with others, to build.

**Our Vision for society is just and efficient laws, a broad understanding of the legal system, with excellent education and effective community outreach, contributing to a legal system, which 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 allows for 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 excellence in law reform. 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 CCELS 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. For this to happen 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.

### **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 which 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.

**Our Values are based on the highest ethical standards valuing justice, independent law reform, continuous improvement, respect for people, 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, 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 three 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?

During 2006, the Board established a Strategic Planning and Steering Committee which performed significant preparatory work for the development of a new Strategic Plan. In early 2007 the work continued with one-on-one meetings with Board members to provide input into a series of strategic questions.

This process generated the following results which are attached as appendices to this strategic plan:

- SWOT analysis (Appendix A)
- Summary of Operational Issues (Appendix B)

- Director interview results (Appendix C)

## **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 and staff will work respectfully and efficiently as a group to achieve a high-performing effective Board.

We will continue to seek high quality staff members including full-time employees, part-time employees and temporary researchers. We will manage 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.

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
- Personal development and education

#### **4.2.2 Maintain excellence in legal research and writing practices.**

We benefit from an excellent staff who have 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 legal research and writing in CCELS**

CCELS has achieved exceptional success in outreach, becoming well-known as a leader in elder law issues. CCELS will continue to produce high quality publications which foster new discourse in the area of law and aging.

We recognize the significant need for new and innovative research, writing, recommendations and reform pertaining to issues of law and aging. We will increase the focus and capacity of our resources to meet this expanding need.

#### **4.2.4 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, independent, non-political and objective orientations.

#### **4.2.5 Maintain and expand operational funding and project funding**

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

#### **4.2.6 Establish sustaining funding to assure continuance of law reform**

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 will actively explore a range of alternatives to establish sustaining funding.

#### **4.2.7 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
- maintain and expand funding and funding sources to support law reform
- maintain and expand involvement of Critical Friends in our activities

#### **4.2.8 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

- effective liaison
- sharing ideas
- seeking input into our strategies
- working cooperatively and collaboratively
- diligent reporting
- a commitment to transparency
- exploring mutually beneficial opportunities

#### **4.2.9 Maintain outreach on CCELS-side and increase outreach on BCLI-side**

CCELS has achieved excellent success with outreach in the first few years of its existence. These initiatives will be continued and improved.

The outreach will be significantly increased on the BCLI side.

We will expand:

- outreach to various legal, academic and professional organizations
- public outreach, consultation and meetings
- use of media
- conference participation
- participation in public education

#### **4.2.10 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 at BCLI.

#### **4.2.11 Consider developing a new 'specialist division' to focus on a particular area of law reform**

As noted, the establishment of CCELS has been a successful means to expand awareness of BCLI and law reform generally. CCELS identified a large growing need which was not being filled in Canada. In theory, there is potential to

replicate this success with another new 'specialist division' although there are significant risks and cost considerations to be assessed. Establishment of a new specialist division will be considered.

### 4.3 Measures of Success

We need a simple, motivating means of measuring success both internally as a means to plan for, act upon and measure success. We will measure success by tracking Law Reform Points ("LRPs") including such indicators as:

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

## 5. Operating Plan - Fiscal 2008 - 2010

The 2008 Operating Plan implements the Strategic Mission and Objectives.

### 5.1. Maintain the best human resources at all levels including having the best people, and best human resource practices

A good Operating Plan starts with good people – the right people on the bus in the right places. We are fortunate to have a strong Board of Directors and an excellent staff.

*\*We will engage our Directors in Projects and other activities in the following ways:*

- *Any Director can provide input into any Project*
- *On large Projects, engage at least one Director on the Project Committee*

- *On short Projects, arrange for one or two Directors as designates to ensure detailed reviews on behalf of the Board*
- *Identify opportunities for Directors to be ambassadors for BCLI / CCELS*
- *Directors will actively support fundraising.*

As a result of some term expiries and a resignation, BCLI is experiencing some Board renewal which provides opportunities to increase Board diversity and expertise.

***\*We Will:***

- *enhance the Board and establish optimal Board Committees*
- *promote efficiency in Board meetings and contributions to Projects*
- *develop procedures for Board participation in the work of BCLI/CCELS including systems for projects and other major activities*

An additional staff lawyer is required to support the continued increase in law reform projects.

***\*We will hire a new staff lawyer as soon as practicable.***

A Personal Activity and Development Plan (“PAD Plan”), which is consistent with the Strategic Plan, will be established for the ED and each full-time employee. The PAD Plan will permit the employee and supervisor to create an annual activity and development plan as an aid for each employee in setting goals and priorities and as a means for the employee and supervisor to review personal results and progress on a quarterly and annual basis.

***\*We will develop and manage PAD plans for each full-time employee.***

During early fiscal 2008 the engagement arrangements with all staff lawyers have been converted from contract status to employment status and benefits have been provided at the cost of BCLI.

***\*We will, to the extent permitted by funding, remunerate, accommodate and provide benefits for staff which are competitive, compared with other non-profit organizations.***

The use of research assistants in research and writing projects and other activities such as the Canadian Conference on Elder Law (“CCEL”) is an efficient

means for us to complete those activities and provide emerging lawyers with excellent research and work experience.

*\*We will continue to engage research assistants on short-term work terms and to the extent practical, will assist law students to complete their Articles for Call to the Bar.*

## **5.2. Maintain excellence in legal research and writing practices and increase focus on legal research and writing in CCELS**

Our operations produce law reform research and writing 'Projects' as a key output.

*\*We will plan and organize all Projects in a professional manner including:*

- *creating a plan for each Project*
- *creating a budget for each Project*
- *engaging Board and Committee involvement as appropriate*
- *applying the highest standards of research and writing*
- *applying our Principles of Assessment*
- *increasing the focus in CCELS on research and writing*
- *generally applying the best management practices to all Projects*

A list of current projects as of August 15, 2007 is attached as Appendix D.

## **5.3. 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 strives to make important contributions to law reform in British Columbia society and to increase awareness of law reform and law reform issues generally. CCELS strives to do the same on a national basis with a particular focus on law and aging.

*\*We will undertake projects and outreach activities which:*

- *involve policy-making recommendations*
- *involve socially relevant law reform issues*
- *ensure that we continuously and explicitly maintain an independent, professional, non-political and objective orientation consistent with our Values*

#### **5.4. Maintain and expand operational funding and project funding**

We are a charitable not-for-profit society. As such we depend on funding from various sources including governments, foundations, associations, interest groups, and the public. Our organization is focused on fiscal responsibility and efficiency so that we can accomplish the most with the funds available.

##### ***\*We will***

- *create responsible, efficient Budgets which we will manage carefully*
- *develop and maintain excellent relationships with all donors and potential donors*
- *seek to expand our funding base to further our Strategic Mission*
- *consider retaining an external consultant.*

#### **5.5 Establish sustaining funding to assure continuance of law reform**

Our funding is provided on a year-to-year and project basis with the implicit risk of significant decline in the future. As there is a need for law reform on an ongoing basis, we will take actions directed at developing sustainable funding.

##### ***\*We will***

- *initiate mechanisms to support sustainable funding*
- *initiate, maintain and grow sustaining funding*

#### **5.6 Facilities**

We are located in Annex #1 of the UBC Law Faculty buildings. Proximity to the Law Faculty library is important for research projects and the Law Faculty provides in-kind support through rent subsidization. The Law Foundation has provided long-term facilities support through requiring that we be provided space in a new Law Faculty building when constructed which is an important strategic benefit for us.

***\*We will continue to work within, and maximize the use of, our current facilities***

*\*We will request active participation in planning for long-term occupancy in the Law Faculty building project*

## **5.7 Maintain excellent relations with Critical Friends and engage an expanded list of Critical Friends**

Successful law reform is dependent upon having key groups who support law reform on an ongoing basis.

The following are regarded as **Critical Friends**:

### **5.7.1 Government**

- Ministry of the Attorney General of British Columbia
- Federal / Provincial / Territorial (F/P/T) Ministries of Justice
- F/P/T Ministries Responsible for Seniors
- F/P/T Ministries of Health
- Veterans' Affairs

### **5.7.2 Law Reform Agencies**

- Alberta Law Reform Institute
- Saskatchewan Law Reform Commission
- Manitoba Law Reform Commission
- Ontario Law Commission
- New Brunswick Ministry of Justice Law Reform Branch
- Nova Scotia Law Reform Commission
- Uniform Law Conference of Canada
- Commonwealth Association of Law Reform Agencies
- International law reform agencies

### **5.7.3 Faculties**

- UBC Faculty of Law
- UVIC Faculty of Law
- Simon Fraser University Departments of Criminology and Gerontology
- Simon Fraser Gerontology Research Centre
- University of Toronto Department of Lifecourse and Aging
- National and international faculties of Gerontology or Lifecourse and Aging
- National and international faculties of Medicine
- National and international faculties of Nursing
- National and international faculties of Bioethics
- Other national and international faculties of law

#### **5.7.4 Foundations, Associations and Agencies**

- The Law Foundation of British Columbia
- The BC Notary Foundation
- The BC Real Estate Association
- The BC Real Estate Foundation
- National and international foundations
- Social Science and Humanities Research Council
- Canadian Institutes of Health Research
- National Centres of Excellence
- National Centres of Research

#### **5.7.5 Judiciary**

- Provincial and Federally appointed Judges
- National Judicial Institute
- International judicial institutes

#### **5.7.6 Law Societies and Bar Associations**

- The BC Law Society
- National and international law societies
- BC regional bar associations
- The Canadian Bar Association - national and provincial sections
- International Bar Associations
- Florida State Bar Association
- Continuing legal education societies
- BC Trial Lawyers Association
- National trial lawyers associations

#### **5.7.7 Publishers and Publications**

- LexisNexis
- Springer Publications
- Advocate
- Lawyers Weekly
- BarTalk
- Deadbeat – Ontario Bar Association Wills, Estates and Trusts Publication

#### **5.7.8 Law and Aging Associations**

- Advocacy Centre for the Elderly
- American Bar Association Commission on Law and Aging
- Stetson University Elder Law Center of Excellence
- William Mitchell College of Law, Elder Law Center
- Wake Forest University Elder Law Center

- Georgetown University Elder Law Center
- University of Illinois Elder Law Center and Journal
- Elder Law Australia, University of Western Sydney NSW
- Haifa Israel Elder Law Centre
- National Association of Elder Law Attorneys
- National Aging and Law Association
- Canadian Association of Retired Persons
- American Association of Retired Persons
- International Guardianship Network
- National Guardianship Network
- National and international Public Guardians and Trustees

### **5.7.9 Health and Aging Associations or Networks**

- National health associations
- Regional health authorities
- Research networks on aging
- NICE Network
- BC NAR Centres of Excellence on aging
- BC Seniors Services Society
- BC Coalition to Eliminate Abuse of Seniors
- National and Regional associations to eliminate abuse of seniors
- Community response networks
- BC Prevention of Adult Abuse and Neglect Collaborative
- Centre for Research and Personhood in Dementia
- National and regional psycho-geriatric associations
- Baycrest Hospital and Research Sciences Centre

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

***\*We will engage with our Critical Friends in the following ways:***

- ***communicate with Critical Friends***
- ***meet with the key law firms***
- ***host an annual elder law conference***
- ***host the first annual F/P/T Forum on Elder Abuse***
- ***host the second annual Ting Forum on Social Justice Elder Law conference***
- ***host an appreciation event for volunteers and alumni***
- ***create an alumni and supporter association***
- ***meet with key government ministries***
- ***meet with key funding foundations***
- ***meet with key academic organizations***

- *host a fundraising event*
- *improve the annual Law Reform lecture*
- *share our Strategic Plan with Critical Friends*
- *improve our annual reports*
- *work cooperatively and collaboratively to explore law reform needs*
- *maintain diligent reporting*
- *develop an Elder Law journal*

## **5.8 Maintain outreach on CCELS-side and increase outreach on BCLI-side**

Effective outreach is an essential part of our work.

Since inception, CCELS has been very successful in developing outreach activities, most notably the Canadian Conference on Elder Law (CCEL) now in its third year. The establishment of CCELS has been an effective means for us to expand Critical Friends, funding, geographic horizons, and provide general growth in law reform.

In BCLI, less attention has been given to outreach. There is a need for BCLI to increase its outreach activities to:

- Provide education about law and its reform
- Gather information about public concerns with the legal system
- Raise the public level of awareness of BCLI
- Raise support for BCLI and institutional law reform

### ***\*We will***

- *continue and expand CCELS outreach paths*
- *consider a BCLI law reform Conference in 2008*
- *consider hosting the FOLRAC Conference in 2009*
- *redesign BCLI website*
- *update and continuously improve CCELS website*
- *improve our annual reports*
- *expand publicizing research and reports*
- *engage new groups and individuals of law reform*
- *participate in continuing legal education, consultations, conferences etc*
- *seek opportunities for related committee work*

## **5.9 Engage, collaborate with, and learn from other law reform institutions**

*\*We will collaborate with and learn from other law reform institutions to further our continuous improvement.*

- *Consider the ALRI communications strategy*
- *Explore sustainable funding mechanisms with FOLRAC members*
- *Communicate regularly with international law reform agencies*
- *Share methodologies, publications and experience with other agencies*
- *Investigate use of new technologies for inter-agency communications*
- *Association of Commonwealth law reform agencies*

## **5.10 Consider developing a new 'specialist division' to focus on a particular area of law reform**

*\*We will consider in subsequent years, the establishment of another specialist division.*

## **5.11 Fiscal 2008 Budget (revised)**

Since the approval of the original 2007/2008 Budget, significant change has occurred both in funding revenue and costs.

*We will updated the Budget periodically as appropriate.*