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British Columbia Law Institute / Canadian Centre for Elder Law

Fiscal 2012 – 13 Strategic Plan

As of April 1, 2011

Introduction

The British Columbia Law Institute (BCLI) 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. BCLI is the effective successor of the BC Law Reform Commission, which was the law reform agency of British Columbia for many years until 1996.

The first BCLI Strategic Plan was approved in August 2007 and revised as of April 1, 2009. This Plan is an update, and incorporates minor substantive revisions to the earlier Plan.

1. Core Assumptions

Since their respective start-ups, BCLI and CCEL have consistently and successfully developed their legal research, law reform, legal education and other outreach activities. To continue improving the excellence of our activities we have adopted core assumptions described in Jim Collins's book, *Good to Great*. *Good to Great* develops a strategic roadmap both for not-for-profit and for-profit organizations based on common indicia found in organizations that have achieved long-term excellence.

Get the right people on the bus – This assumption recognizes that excellent people are key to ongoing success. Leaders must recruit the right people and sometimes allow the wrong people off the bus.

Get the right people in the right seats – Each person possesses unique strengths and weaknesses. It is essential to organize so that each person is in a position to optimize her/his strengths.

Develop internal successors – Research indicates that the most successful organizations develop their people, including developing future leaders of the organization. This applies both to recruiting with a view to future leadership qualities and to effective mentoring and professional development.

Face the hard facts – Successful firms face and accept the difficult realities facing the organization. This requires realistic assessment particularly of the weaknesses and threats facing the organization. It implies that at some points one must accept that a program is not working and change directions or accept that some very difficult initiatives must be taken.

BCLI has completed a realistic review of the strengths, weaknesses, opportunities and threats:

<u>Strengths</u> Excellence, integrity Nimble and creative Good government relationships Access to legal expertise Strong, engaged Board Premises assured	<u>Weaknesses</u> Reliance on skeletal staff Lack of Board diversity Reliance on project partners Not well known Financially vulnerable
<u>Opportunities</u> Expand government relationships Expand NGO relationships Greater use of students Social enterprise Persistence and patience	<u>Threats</u> Government uncertainty Loss of key financial support Board engagement, participation Loss of key personnel Reduced connection with ULCC

“Hedgehog Concept” – Organizations that achieve sustained excellence have a simple mission based on answering the question, “What can we be the best at doing?” Having developed a clear simple mission, the organization pursues it with focus and persistence. By analogy, the fox runs around spending a lot of energy and often becoming distracted as he pursues his purpose; the hedgehog proceeds slowly, directly and persistently toward his goal.

BCLI’s Strategic Mission, which has not changed since the first Plan, is our “Hedgehog Concept”:

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 Vision reflects the part we can play to support a better society. Our Vision has not changed:

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.

To accomplish our Mission requires adherence to a high standard of Values. We have added reference to “the rule of law” to revise the statement of values.

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

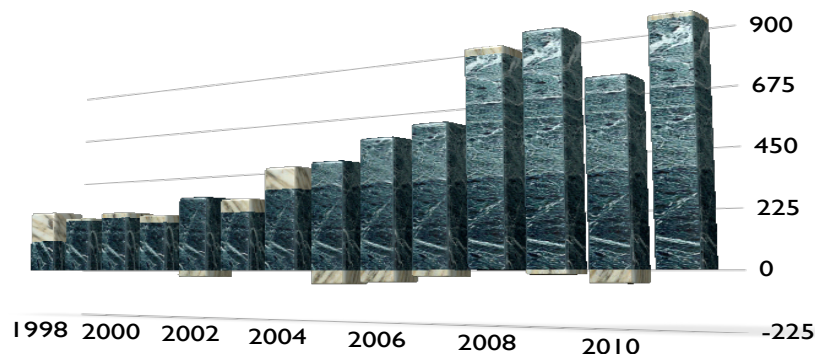
Expand by increments – Most very successful organizations develop with internal growth or by taking small steps in new areas. Large leaps into new businesses or activities tend to involve significant risk of failure and produce suboptimal results due to distraction, assimilation challenges, etc.

BCLI will continue to develop BC law reform activities gradually and purposefully. CCEL will continue to expand work on issues affecting older adults to meet the needs of the growing numbers of older adults in Canada.

2. History and Environment

BCLI has successfully grown its activities since inception. As a not-for-profit organization without sustaining funding to support operations, BCLI is challenged each fiscal year to achieve financial results that are at, or near, break-even. With a growing reputation, BCLI and CCEL have been successful in attracting more project funding from more sources, which tends to support our financial viability.

Financial results since inception



Notes:

1. Amounts are 000's CAD \$
2. Results to 2010 are actual. Fiscal 2011 is an estimate
3. Light portions on top or bottom of bars represent:
 - (on top) – revenues exceeding costs; and
 - (on bottom) – costs exceeding revenues, i.e. losses

Successes

Since adoption of the Strategic Plan in early fiscal 2008, BCLI and CCEL have achieved impressive success: (details in Appendix A)

- **Wills Estates & Succession** – Based on the BCLI's 2006 Report, *Wills, Estates and Succession: A New Legal Framework*, a new Wills, Estates & Succession Act, BC (WESA) was enacted.
 - Final development of new Probate Rules;

- New collaboration with the Continuing Legal Education Society of BC; and
- undue influence project relating to the new WESA.
- **16 Law Reform Projects Completed** – BCLI / CCEL has completed 16 legal research and law reform projects
- **8 Funded Projects in process** – BCLI / CCEL has a full book of current legal research, law reform and legal education projects
- **3 Successful GREAT debates**
- **3 Successful Elder Law Conferences**
- **Excellent Governance and planning**
- **3 & counting public interest articling students**
- **Expanded Government Relationships**

3. Challenges and Opportunities

BCLI / CCEL has several key challenges and opportunities.

BC politics and law reform uncertainty

The governments of Canada, British Columbia and other Canadian jurisdictions deal with and are subject to significant changes from time to time. The priority placed on support of independent law reform waxes and wanes depending on multiple factors, many of which are beyond the ability of BCLI / CCEL to influence. With this reality, BCLI / CCEL will continue to work to maintain and develop constructive and positive relationships with key governments to:

- continue to explore needs for law reform work; and
- present BCLI and CCEL as credible and useful agencies for governments.

Geographic scope unique and beneficial

In accordance with its objects of incorporation, BCLI is not constrained to limit its work to law reform issues within British Columbia and the mission of CCEL is to carry out legal research, law reform, and outreach activities on issues affecting older adults in Canada. This breadth of geographic scope continues to serve us well.

Post '08 economy

The Canadian and global economy suffered a significant downturn and readjustment in 2008, with the ongoing consequence that economies are challenged with recovery. BCLI has received reduced financial support for its continuing activities and experienced financial challenges in hosting events as potential participants deal with allocating reduced financial resources. BCLI / CCEL will continue to seek to expand and diversify its funding sources to support and strengthen our operations.

Aging population – increasingly important

It is well known that the average age of Canada's population is continuing to rise. CCEL will continue to pursue the increasing opportunities to carry out legal research, law reform and outreach activities to serve the growing needs of the aging population.

People

Consistent with the key assumptions, BCLI / CCEL will continue to support and develop our principal resource, people. We will:

- Seek to have the best people at all levels
- Provide the best human resource practices
- Support and strive for a high-quality, committed Board
- Support and recruit dedicated expert volunteers for projects
- Continue and increase development of students (See Appendix B)
- Support an expert, committed and efficient staff. This includes:
 - Support and development of Krista James as new National Director, CCEL;
 - With the departure of the previous National Director, CCEL, focus on succession development; and
 - Provide the best training and development within BCLI / CCEL's financial capabilities, including media training and French-language training.

Practice Excellence

Practice excellence is essential for BCLI and CCEL's ongoing success. We will continue to focus on achieving the best in legal research, legal writing, and legal education and outreach activities. We will continue to develop creative and effective outreach activities. In everything we do BCLI / CCEL strives for continuous improvement. Key indicators are:

- Ethic of teamwork. Everyone is expected to support our activities through back-up reviews of writing, accommodating the practical time needs of others, celebrating successes, etc.
- Particularly for CCEL, we recognize that more public legal education programs are needed for older adults and we will have a priority to create elder-friendly legal education tools.
- We will give attention to appropriate policy development and activities, which continue to support the relevance of our activities.

Funding

As a small not-for-profit agency without sustaining financial capital, BCLI / CCEL pays special attention to achieving financial break-even annually. To accomplish this, we will:

- Work to maintain our key stakeholder relationships

- Continue to diversify our revenue sources
- Continue to operate on a low-cost basis.

We will continue to explore potential opportunities to develop sustaining funding. One opportunity to achieve sustaining funding is to establish a profitable social enterprise. To establish a successful social enterprise requires entrepreneurial creativity and persistence, especially since BCLI is not able to accept any substantial financial risk to establish the enterprise.

Critical Relationships

BCLI / CCEL must continue to maintain and develop a host of key relationships to sustain success. We will continue an open collaborative approach to continue to grow and strengthen our relationships including:

- Acting collaboratively and cooperatively
- Diligently reporting to funders and others as appropriate
- Sharing ideas broadly
- Being transparent in our activities
- Creatively exploring mutual opportunities
- Liaising effectively
- Welcoming input to the best strategies for BCLI / CCEL.

Increase Outreach Activities

To support development of our core legal research and law reform work, BCLI / CCEL will continue to expand our outreach activities by:

- Responding effectively and positively to the media opportunities
- Seeking public education and consultation opportunities
- Continuing to developing hosted events such as the GREATdebate and Canadian / International Conference on Elder Law.

Expand Work Types

The world is experiencing an explosion in communications technologies. BCLI / CCEL will continue to explore new and creative ways to carry out and communicate our work such as through:

- Webinars, practice guides and blogs
- The creative use of technologies such as videos, skype, etc.
- Increased French-language communication and publication.

Build BCLI and CCEL Brands

BCLI and CCEL remain relatively unknown. BCLI and CCEL will continue to build our names and reputation in many ways such as:

- Continuing to grow government and NGO relationships
- Grow events such as the GREAT~~debate~~ and Canadian / International Conference on Elder Law
- Supporting our key project volunteers such as through continuing professional development credits for project participants
- Developing an advisory council to support CCEL's national scope.

4. Measuring Success

To measure and evaluate success, BCLI established an evaluation system based on Law Reform Points (LRP) with the initiation of the first Strategic Plan. The LRP measuring system has proved to be an effective means to measure ongoing success, and both motivate and focus staff on our strategically important activities.

<u>Indicator</u>	<u>LRPs</u>
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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

The results of measuring LRPs are shown below and indicate continuing improvement in our activities and results.

Q. ended	March	June	September	December	Totals
2007	n/a	30	10	70	110 (9 mo.)
2008	26	37	57	151	273
2009	51	42	89	162	344
2010	86	103	67	123	379

Appendix A

Since adoption of the Strategic Plan in early fiscal 2008, BCLI and CCEL have achieved impressive success:

- **Wills Estates & Succession** – Based on the BCLI's 2006 report, *Wills, Estates and Succession: A Modern Legal Framework*, BCLI supported developments resulting in the 2009 passage of a new Wills, Estates & Succession Act, BC (WESA). BCLI has completed a related project on Probate Rules reform and is assisting with the final development of new Probate Rules. The work in succession law has provided a catalyst for new collaboration with CLE BC, beginning with a collaborative course on succession law in November 2010 and continuing with exploration of future collaborative projects. BCLI has undertaken a new project to provide recommended practices relating to undue influence issues relating to the new WESA.

- **16 Law Reform Projects Completed** – BCLI has completed 16 legal research and law reform projects:

Privacy Act Report	Society Act Report
Real Property – Phase 1	Probate Rules Report
Family Caregiving Leave Paper	CASA Webinar Series
Financial Literacy 101	Financial Literacy 102
Commercial Tenancy Report	Counterpoint Project
Predatory Lending Paper	Law Reform Materials Online
Relief Under Legally Defective Contracts Report	
A Practical Guide to Elder Abuse & Neglect, Canada	
Older Adult Abuse & Neglect, Newfoundland	
Workplace Dispute Resolution Report	

- **8 Funded Projects in process** – BCLI has a full book of current legal research, law reform and legal education projects:

Elder Guardianship & Mediation	Real Property – Phase 2
Unfair Contracts Relief	Assisted Living, BC
ULCC Trustee Act	'Undue Influence' - WESA
Elder Abuse & Neglect – Volunteers	Elder Abuse & Social Isolation BC CEAS

- **3 Successful GREATdebates** – In conjunction with Boughton Law Corporation and CLE BC (in 2010), BCLI has hosted three successful GREATdebate events providing a unique opportunity to develop relationships with members of the bar and judiciary.

- **3 Successful Elder Law Conferences** – CCEL has hosted the 3rd, 4th and 5th successful Canadian / International Conference on Elder Law since inception of the first Strategic Plan. The conferences represent substantial successes:

- CCEL develops and expands key relationships
- The conference provides an excellent forum to exchange expertise and concepts on elder law issues and
- Enhances CCEL's reputation as a national and international leader in elder law issues.

CCEL is challenged to develop future conferences in the more challenging post 2008 financial world.

- **Excellent Governance and planning** – BCLI has continued to improve its governance in all areas including:
 - Board, Board Committee and Project Committee meeting organization and effectiveness
 - The development, execution and update of a good Strategic Plan
 - Well-run legal research and law reform projects including good project plans, effective project budgeting, excellent project meetings, and excellent project legal research, writing and outreach activities.
- **3 & counting public interest articling** – The Law Foundation of BC generously initiated funding for public interest articling positions with several of its supported organizations including BCLI. The initiative has been very successful. The Law Foundation, BC has established the initiative as a permanent program and BCLI is one of the principal recipients.

BCLI conducts its public interest articling program with Boughton Law Corporation to provide solicitor and litigation training in addition to the legal research training. BCLI has had 3 successful articulated students and has hired Emma J. Butt, a graduate of the program, as a BCLI/CCEL staff lawyer.

- **Expanded Government Relationships** – BCLI has continuously expanded its key government relationships. Key government relationships include:
 - Ministry of Attorney General, BC
 - Ministry of Labour, BC
 - Human Resources & Skills Development, Canada
 - Public Health Agency, Canada
 - Department of Justice, Canada
 - Ministry of Finance, BC
 - Ministry of Health, BC

Appendix B

Mentoring at the British Columbia Law Institute

The British Columbia Law Institute (BCLI) and its division, the Canadian Centre for Elder Law (CCEL), are leaders in mentoring law students and recent law graduates in legal research and law reform work as well as outreach and educational activities. With emphasis on non-partisan and innovative approaches and overall excellence, BCLI provides law students and recent law graduates with unique, high quality mentoring on a broad range of legal topics and event activities. Since incorporation in 1997, BCLI has provided mentoring for more than 50 law students and law graduates.

During our fiscal year ended March 31, 2011, BCLI provided unique and substantive mentoring programs for 8 students and graduates.

- Public interest articling program – The Law Foundation of BC generously funds public interest articling programs with various organizations, including BCLI. During fiscal 2011, Heather Lynne Campbell has completed public interest articles with Laura Watts as her principal. Our program is unique in that the articling student spends time working on BCLI's research and law reform activities, and is then seconded for approximately four months with Boughton Law Corporation to work in solicitor and litigation practice.

As of March 1, 2011, BCLI has hired Emma J. Butt as a Staff Lawyer with BCLI. Emma articulated with BCLI/Boughton through the Law Foundation's public interest articling program before joining Boughton Law Corporation as an associate lawyer. Emma is an excellent example of the great success of the public interest articling program.

- Articling – BCLI has contracted Andrew McIntosh, an experienced lawyer from England, as a legal researcher while Andrew has obtained qualification to practice law in British Columbia. With Greg Blue, QC, as principal, BCLI provided the shortened articling program required by the BC Law Society for qualification. Andrew has worked on various BCLI and CCEL projects including Probate Rules Reform, Real Property Reform – Phase 2, and Assisted Living, BC, the latter two of which are funded in part by the generous contributions of the Notary Foundation of BC.
- Legal Researchers – BCLI retains up to four legal researchers from time to time, dependant upon the work involved in legal research and law reform projects. During fiscal 2011, BCLI engaged several people in this program:
 - Kristine Chew, a lawyer transferring to practice in British Columbia, has worked as a contracted legal researcher with BCLI. Kristine provided legal research support on several BCLI and CCEL projects including Assisted Living, BC, elder abuse and neglect and Unfair Contracts Relief.
 - During the summer of 2010, Kisa Macdonald, then a 2nd year UVic law student, made significant contributions to CCEL projects including elder abuse and neglect and the Workplace Dispute Resolution Project. Kisa is returning to BCLI this year for articles under the Law Foundation's public interest articling program.
 - During the summer of 2010, Jenya Rusen, then a 2nd year UBC law student, provided legal research on several BCLI and CCEL projects and research, organiza-

tion of the 2010 Canadian / International Conference on Elder Law and analysis into developing a potential social enterprise business for BCLI. During her third year, Jenya has continued on a volunteer basis to research a potential new law reform project relating to liability for animal caused injuries.

- Anna Krangle-Long, a student in the UBC School of Library, Archival and Information Studies is assisting BCLI as a volunteer to catalogue BCLI's library of materials. This is in part continuing work supported by the Law Foundation of BC's generous funding to support BCLI / CCEL to make its library of materials accessible online.
- BCLI has an arrangement with the Immigrant Services Society of BC (ISSBC) for the internship of ISSBC students. Under the program, students intern at BCLI for up to 2 months and participate in our activities while improving English language skills. To date, two students Lyn Khositrunwanich (Thailand) and Kenta Yoshioka (Japan) have successfully participated in the program.
- CCEL has a longstanding collaboration with Stetson University of Florida and its Elder Law program. During the summer of 2010, CCEL hosted David McClelland for an internship in Vancouver. While with CCEL, David provided research in several areas, notably in the Assisted Living, BC and Workplace Dispute Resolution projects. We are hoping to organize internships for many Stetson law students in future.

BCLI and CCEL are proud and pleased of our many successes in mentoring. With a strong commitment to continue mentoring students and graduates we will continue to explore new opportunities and relationships. Please contact us if you want to explore our mentoring ideas and opportunities at www.bcli.org.