



A Canadian Bar Association Special Committee Report

Crystal Clear

Strategic Directions for the CBA



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Crystal Clear: *Strategic Directions for the CBA*

Presented to the Council of the Canadian Bar Association by the CBA Futures Committee

ISBN 1-897086-31-8

August 2006

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Printed in Canada

Disponible en français

Letter From the Futures Committee

As legal professionals, we plan our work to make sure deadlines are met and successes achieved. The Canadian Bar Association also needs to plan. The CBA plans so that it can provide you and its 36,000 other members with relevant continuing legal education programs, top-notch services, and effective advocacy.

Planning is straightforward when the goal is clear, and the steps to achieve it well understood. It is much harder to plan for “the future”. How can we prepare the CBA to be there for its members in 2015 and beyond?

The Futures Committee has spent the last three years doing research, hosting discussions, talking to CBA members, and challenging you to get involved and offer your insights on what lies ahead for the legal profession, and therefore for the CBA.

We are delighted by the volume and quality of responses that we have received from our members from coast to coast to coast. It is obvious that you care about the CBA and value its role in your professional life.

Your input guided the writing of *Crystal Clear: New Perspectives for the Canadian Bar Association* and the formulation of its eleven recommendations. Your comments on those recommendations were all reported word-for-word to the Futures Summit and used there to develop advice for the Futures Committee.

Now, it is our proud responsibility to present our report to CBA Council. Based on all that we read, all that we heard, and all that we learned, we offer these recommendations on the direction the CBA should take so that in 2015 it will be even more dynamic, relevant, and effective than it is today.

The CBA Futures Committee

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Background

I.1 Participation in CBA’s Futures Planning

6500+ clicked to read the *EPIIgram* – “Are lawyers happy?”

3000+ clicked to read the *EPIIgram* – “What will the practice of law be like in 2014?”

2500+ clicked to read the *EPIIgram* – “Future World Follow-up”

600+ received a hard copy or CD of *Crystal Clear*

3500+ visited the CBA’s Futures web page

950+ commented on *Crystal Clear*

75+ participated in the Futures Summit

I.2 Important Dates in CBA’s Futures Planning

... Leading up to Publication of *Crystal Clear*

2003

March	• Futures Committee formed – 13 members
April	• Analysis of CBA’s survey research and selected planning documents, 1995 to 2003 by Ron Knowles, Western Management Consultants
May	• Futures Committee Report to the Board of Directors “Membership Retention and Recruitment Recommendations”
August	• Futures Committee Report to the Board of Directors and Membership Committee

I.2 Important Dates in CBA's Futures Planning

2004

February	<ul style="list-style-type: none"> • Research by Dr. David Brusegard – Impacts and Implications of Demographic and Social Change in the Legal Profession, and Trends from the Literature • “World Café” Council Dialogue – demographic, economic, and professional trends facing lawyers CBA Council Mid-Winter Meeting, Whitehorse
June	<ul style="list-style-type: none"> • Ipsos-Reid Survey results – members’ attitudes, aspirations, and overall expectations of their careers and the legal profession • <i>EPIIgram</i> – “What will the practice of law be like in 2014?”, based on the Whitehorse World Café
August	<ul style="list-style-type: none"> • “Saturday Afternoon Live with Tasha Kheiriddin”, Town Hall meeting with CBA Council CBA Council Annual Meeting, Winnipeg
October	<ul style="list-style-type: none"> • Consultation with Young Lawyers Directorate • Consultations with National Sections and Department of Justice Canada officials • Law Firm Human Resources Attrition Rates Survey • <i>EPIIgram</i> – “Future World Follow-up”
December	<ul style="list-style-type: none"> • <i>EPIIgram</i> – “Are lawyers happy?”, a report on the Ipsos-Reid Survey results

I.2 Important Dates in CBA's Futures Planning

... Following Publication of *Crystal Clear*

2005

February	<ul style="list-style-type: none"> • “Common Threads and Loose Ends” Meeting – communications and lawyers’ public image with Sandra Schulz, Q.C. and Veronica Jackson • CBA Council Mid-Winter Meeting, Charlottetown
April	<ul style="list-style-type: none"> • <i>EPIIgram</i> – “How to keep lawyers engaged, productive and on your team”, results from a Catalyst Canada survey of Canadian lawyers
August	<ul style="list-style-type: none"> • Publication of <i>Crystal Clear: New Perspectives for the Canadian Bar Association</i> with eleven recommendations for members’ consideration <ul style="list-style-type: none"> • Presentation of <i>Crystal Clear</i> and Council Discussion • Council Annual Meeting, Vancouver • Articles: <ul style="list-style-type: none"> • National, Volume 14, Number 5 • Law Times, August 22, 2005 • The Lawyers Weekly, August 26, 2005
October	<ul style="list-style-type: none"> • <i>EPIIgram</i> – “Your Future, Our Future” • Consultations: <ul style="list-style-type: none"> • Branch Executive Directors • Membership and Communications Committees • National Sections Council, Conference Chairs
November	<ul style="list-style-type: none"> • Consultations: <ul style="list-style-type: none"> • Manitoba Branch • Newfoundland and Labrador Branch • Young Lawyers Directorate
December	<ul style="list-style-type: none"> • Consultations: <ul style="list-style-type: none"> • Ontario Bar Association

I.2 Important Dates in CBA's Futures Planning

... Following Publication of *Crystal Clear*

2006

January	<ul style="list-style-type: none"> • Consultations: <ul style="list-style-type: none"> • British Columbia Branch • Nova Scotia Branch • Prince Edward Island Branch • Yukon, Northwest Territories and Nunavut “the Territories” Branches – interactive on-line • National Senior Staff
February	<ul style="list-style-type: none"> • Consultations: <ul style="list-style-type: none"> • Alberta Branch • New Brunswick Branch • Quebec Branch • Saskatchewan Branch
March	<ul style="list-style-type: none"> • Consultations: <ul style="list-style-type: none"> • Standing Committee on Equity – interactive on-line • Branch Executives – Manitoba, Québec, Saskatchewan • Earnscliffe Strategy Group focus groups – members, women members, young members, non-members • Compilation of all material from the consultations, and <i>EPIIgram</i> and e-mail responses
June	<ul style="list-style-type: none"> • Futures Summit

Analysis of the Consultations on *Crystal Clear*

2.1 What Did We Learn? — March 2006

Discussions on the *Crystal Clear* report began when the report was introduced at the CBA Annual Meeting of Council in August 2005. Consultations with CBA leaders, members and staff, and invitations for input from members and non-members continued until early March 2006. In all, comments were received from 22 sources, representing more than 950 people.

Participation in this feedback process was enthusiastic, with individuals and groups willingly reporting on their reactions to the 11 *Crystal Clear* recommendations.

The six recommendations that generated the most responses were:

- Recommendation 1 – Membership
- Recommendation 2 – Segmentation
- Recommendation 3 – Diversity and Inclusiveness
- Recommendation 5 – Law Practice Economics
- Recommendation 8 – Branding
- Recommendation 9 – Public Image

Participants had the least to say about Futures Planning (Recommendation 11). The recommendations on Integration (Recommendation 4) and Partnerships and Alliances (Recommendation 10) also drew a weak response.

Overall, in a general way, comments seemed to follow one of two threads:

1. focus on building membership and better communications, including information to members, and branding and public image work, and the rest will follow; or
2. deliver excellent programs and services to meet the needs of individual members – urban or rural, sole practitioner or member of a large law firm – and the rest will follow.

Significantly, some participants specifically commented on the CBA's valued role in public interest advocacy, law reform, and access to justice and said that this role should have been reflected in the recommendations.

Some participants expressed a concern about the broad range of the recommendations, and the possible costs of their implementation.

All in all, participants showed strong support for the CBA and its programs. The tone was generally positive and supportive of current efforts, and of the work being done to plan for the future.

Recommendation 1 – Membership

There were two distinct responses to the recommendation. On the one hand, some participants felt that this was the first priority and that everything else flows from it. “Higher membership = greater relevance and legitimacy.” (Young Lawyers’ Directorate) “[It] is the route to all others.” (Saskatchewan). On the other hand, some participants described the 90% goal as “unattainable” (British Columbia), “unrealistic” (Branch Executive Directors), or “silly” (Ontario). Some worried that the goal may distract the CBA from its core work, and “may sacrifice quality for quantity” (Sections and Conferences).

Some participants expressed concern over the rising and high cost of membership, « augmentation du taux d’adhésion – cause un malaise » (New Brunswick). A few commented on the need for lower membership fees for new lawyers, and a break from fees for women on maternity leave.

Some participants felt that recommendation 1 is not really a recommendation but an “outcome” (Alberta) or “result” (Saskatchewan).

Recommendation 2 – Segmentation

Delivering CLE programs and providing member services, including networking, are seen as the “core of the CBA’s work” (Equity). Participants appreciate the CBA’s role in keeping them in touch and informed. « De me garder informé de tous les développements récents dans mon domaine de pratique du droit de même que de me mettre en contact avec mes collègues à travers le pays et me faire profiter de leurs expériences. » (Montréal, *EPIIgram*) “I encourage the Association to pursue all of the non-regulatory aspects of the profession and thus fulfill a great need among the practitioners not only across Canada but in each of the provinces and regions.” (Edmonton, *EPIIgram*)

The proposal to focus programs and services for particular member groups resonated. “As clients are becoming more sophisticated in their requirements of lawyers, lawyers need more targeted support, ongoing education, multidisciplinary education, etc, and they need to fit it into their schedules.” (Woman, Focus Group). “CBA must know its market and then deliver the services that members want/need.” (Member, Focus Group)

Some participants mentioned the importance of making use of all technologies to deliver programs. “My vision for the new CBA: Delivers all programs in multimedia format, live, face-to-face, virtual, text, audio stream and video stream online, etc... so that members can choose what medium they want to use, such as iPod to access info.” (Council).

Participants who were uncomfortable with this recommendation or felt it was the least important tended to say that this work was already being done well by the CBA – “Seems to me the CBA is doing a decent job of this now.” (Young member, Focus Group) – or was being done well by others. “Recommendation 2 (segmentation) is what OBA already does well, so we don’t need CBA to meddle.” (Ontario)

A few participants reported that they already feel “bombarded” (Member, Focus Group) with information and materials.

A few participants were critical of existing service programs for members. “The actual membership benefits such as car rentals, hotel, office supplies, etc. are a joke and are not truly benefits at all.” (Alberta)

Recommendation 3 – Diversity and Inclusiveness

Comments on this recommendation ranged from “Incredibly important, needs to be included in each initiative undertaken by the CBA.” (Member, Focus Group) to “There is already diversity and inclusiveness.” (Member, Focus Group) The groups at the Branch consultation in British Columbia were perhaps representative of the overall response to this recommendation when they reported a “split in terms of some support and some opposition”.

Participants who were uncomfortable with the recommendation said that emphasis on diversity issues is unnecessary or risky. “Lawyers first – personal identities second.” (Non-member, Focus Group) “We should be sure that in accommodating diversity, we don’t lower our expectations or standards.” (Young member, Focus Group) However, several participants spoke to concerns about the current status of minority lawyers within the profession.

- “Minorities” are under represented as lawyers in the sense we have less visible minorities as lawyers than in any other profession.” (British Columbia)
- “Dramatic increases in tuition rates are negatively impacting inclusiveness in the legal profession.” (Woman, Focus Group)
- “Culture of the legal profession – not user-friendly for women; or the French outside of Quebec; or those not from higher socio-economic class.” (Council)
- “As a junior, female, non-white lawyer, I have experienced an “old boys club” mentality. This occasionally impedes my ability to practice to the best of my ability. (Member, Focus Group)

Some participants also mentioned that work-life balance needs to be included, and that it will become even more important with new lawyers entering the profession. Others said “age” was an area of diversity that needed to be addressed. “CBA must address and be responsive to the gap between generations in terms of lifestyle and workstyle.” (Prince Edward Island)

Finally, one participant felt the most important message to communicate is “Reflect diversity of population in CBA’s Board of Directors, Chairs of National Committees, etc.” (Council)

Recommendation 4 – Integration

This recommendation generated minimal response, and most of it was critical. Participants wondered about the necessity of the recommendation: “Restructuring is unnecessary and unrealistic” (Ontario); “not a priority at this time” (British Columbia); and “the ordinary member isn’t the least bit concerned about it”. (Alberta)

They worried that it would undermine the strength of Sections, which are the “life-blood” (Council) of the CBA and that the “Branches might lose” (Manitoba).

Some thought the recommendation was “contradictory” and used “buzzwords” and they questioned whether operations could ever be “seamless”. (Sections and Conferences)

Participants suggested that the cost of travelling to CBA meetings be shared. “Coordinate a travel pool to assist those who travel from a long distance, as subsidy to help with travel.” (Council)

Recommendation 5 – Law Practice Economics

There was much positive comment on this recommendation because of its broad appeal and importance. “Participants saw this recommendation as relevant to all members, regardless of type of practice or career stage.” (Prince Edward Island) “This item was appealing as members will see value in this.” (Branch Executive Directors) “There was wide agreement with respect to recommendation 5.” (Alberta) “Basically improving the bottom line for lawyers is what the profession needs.” (Newfoundland and Labrador) “Better attention to Law Practice Economics (*Recommendation 5*) can show new members immediate and tangible benefits.” (Ontario)

However, support for the recommendation was not unanimous, with some participants questioning the CBA’s role in business development. “Value is not a CBA concern (or shouldn’t be), not its role as I understand it.” (Member, Focus Group) « Pas certain que l’ABC doit jouer un tel rôle – peut être plutôt le rôle des barreaux provinciaux. » (Member, Focus Group) “It isn’t the CBA’s job to make sure lawyers are making money.” (Young member, Focus Group)

The recommendation was also criticized because it doesn’t cover salaried lawyers or lawyers working in the public sector (Manitoba) and because it was not considered relevant to members in “big” firms. (Young member, Focus Group)

Perhaps surprisingly, most participants did not respond to the many details provided in the recommendation about possible CBA activities related to the macro-economic, such as unbundling services and self-lawyering, and the micro-economic, such as compensation surveys and the bulk buying of goods and services. There were only a few suggestions:

- “Go after the CAs who practice a lot of law! Never mind the low-end clerks and paralegals.” (Oakville, ON, *EPIIgram*)
- “Developing programs and activities that support day-to-day practice – through events & websites, i.e. places to learn and go for support” (Sections and Conferences)
- “When we do support/institute public interest litigation, we should try to recruit younger lawyers as juniors.” (British Columbia, e-mail)
- “I would like to see an examination of succession issues, particularly in small firms. With the changing values and goals of those in private practice many senior practitioners are finding the value of their practice quite illusory.” (Council)

Recommendation 6 – Centre of Expertise and Information on the Legal Profession in Canada

Recognition that reliable information about lawyers and the practice of law is lacking prompted some participants to support this recommendation enthusiastically. “Centre of expertise a big hit, marvelous idea.” (British Columbia) “The information stored in the Centre of Expertise (*Recommendation 6*) is the most important thing we can do for future planning.” (Ontario)

Others, however, felt that there may be issues of “higher importance” (Young member, Focus Group) and that an Institute would be “a waste of scarce resources” (Woman, Focus Group) and “very ambitious and expensive.” (Sections and Conferences)

Negative comments include: “Concerns about the Centre of Expertise (*Recommendation 6*) include cost, logistics of creating and maintaining it. It must always be current (expensive). How will information be disseminated, where will it be stored?” (Ontario) « Quant au centre d’expertise, il risque de devenir une entité lourdement bureaucratique et coûteuse. » (Québec) “I don’t feel that this would have any effect upon me.” (Young member, Focus Group)

As well, participants thought that others, including Statistics Canada, law schools, independent researchers, and law reform bodies, could collect necessary data. There were also concerns that if the CBA collected the information it might be perceived as biased. “Unlikely to be perceived as credible and independent if it’s too ‘in house’.” (Member, Focus Group)

This statement seems to summarize many of the views expressed: “The Centre of Expertise on the Legal Profession (*Recommendation 6*) received mixed reviews. It’s a great idea but how do we make it useful and is it affordable?” (Territories)

Recommendation 7 – Communications

Responses to this recommendation fell into one of two camps:

1. members already receive enough information from the CBA
 - “Already seem to get a steady flow of CBA communications from the CBA.” (Member, Focus Group)
 - “The group felt this recommendation was in conflict with the data recovered through the Communications Audit.” (Branch Executive Directors)
 - “Communications and dialogue seen as less important: maintain what we are doing.” (Membership and Communications)

- “No more email!” (Woman, Focus Group)

2. the CBA needs to communicate more with members

- « Il faut à mon avis améliorer le dialogue avec les membres. » (Young member, Focus Group)
- “Highly encouraged, my own experience is delayed or no communication from the CBA.” (Young member, Focus Group)
- “Indeed, until today very little communication experience between me and CBA - very little understanding of its role and mission.” (Young member, Focus Group)
- “CBA communications both within the Association and beyond it is crucial. Participants are concerned that they don’t always know what CBA is doing.” (Prince Edward Island)

The recommendation’s proposals to implement new communications methods, such as regular two-way communications and “hot lines”, met with only some enthusiasm. “Two-way communication would be very valuable, and very welcomed.” (Alberta) But: “Dialogue for what purposes?” (Member, Focus Group) “It will be important to identify those members who want this type of communication with CBA...some may not.” (National Senior Staff) “Time is at a premium.” (Saskatchewan)

As one young member said in a focus group, “Dialogue is important but “state-of-the-art communications” technology is not necessarily what will promote dialogue – you need people to want to engage in the dialogue first.”

Recommendation 8 – Branding

The branding recommendation seemed to generate the most emotional responses, with participants prefacing their remarks with words like “arrogant”, “ridiculous”, “risky”, and “horrible idea” and using exclamation marks to punctuate their points.

Most did not agree with “branding” a CBA lawyer and did not want to convey different status to CBA and non-CBA lawyers. “Branding a ‘CBA lawyer’ is too elitist.” (Young Lawyers’ Directorate) “The profession is fragmented enough, different specialization, sizes of firms. We don’t need a rift in our ranks.” (Young member, Focus Group) “Lawyers should not be distinguished based on whether they are members of a ‘voluntary’ association.” (Woman, Focus Group) “Branding the CBA lawyer made several participants uncomfortable if it means that we’d define competency by virtue of membership in CBA. We need to keep

the CBA and law society roles distinct.”(Territories) “Some concern that branding and image campaigns will convey a notion of superiority, which is more bad publicity we don’t need.” (Ontario)

For those who liked the idea of a “CBA lawyer”, there was concern that “bad apples” would tarnish the CBA’s reputation and that defining the criteria for accrediting members and policing the legitimate use of the CBA’s name would be difficult. “Group liked the concept of a CBA lawyer but are very concerned with quality control.” (Newfoundland and Labrador) “Difficult to regulate.” (New Brunswick) “If we’re going to brand the CBA lawyer, we first need to identify the values that we’d want that lawyer to reflect.” (Saskatchewan)

Participants had a more positive response to branding work that would have a positive impact on all lawyers and on the CBA’s image. “We need to increase the image of the CBA and branding was defined as finding a catchier logo compared with the scales of justice used currently. Need a logo that stands out – a brand that stands out.” (Membership and Communications) “Branding: CBA membership should have certificates to be posted, used in advertising, held up as signifying a lawyer who contributes to the greater profession, to society and adopts our code of ethics and high standards.” (Sections and Conferences)

However, others were leery of the idea. “Branding could be potentially confusing and a disaster.” (Branch Executive Directors) “Concerned also about the terminology of branding. It reduces us from being a profession to being a commodity.” (Membership and Communications)

One group noted “if the connotation is “CBA lawyers are good and others are not” then our image campaign might be misdirected.” (Young Lawyers’ Directorate)

Recommendation 9 – Public Image

Public image and branding were closely linked for many participants, but while branding was controversial, work to enhance lawyers’ public image was not. Most participants were enthusiastic about this recommendation. “Although there was a wide range in the years of practice experience, all members were of the view that improving the image of lawyers was paramount.” (Nova Scotia) “It is crucial to improve the public perception of lawyers’ images.” (Ontario) “Everyone agreed image of the profession was important.” (Membership and Communications)

Misgivings about the recommendation concerned scepticism about the likelihood of success, and cost. “They weren’t uncomfortable with [this recommen-

dition] but essentially felt this was a bit of a pipe dream and let's not waste too much effort on it." (Newfoundland and Labrador) "We've done so much that hasn't worked ... is it worth it? Is this an objective or simply an ongoing effort with realistic (low) expectations re: outcome?" (National Senior Staff) "[This] group questioned whether the focus groups, polls, etc. would be money well spent. However all other groups agreed that working on the image is important and finding out which public perceptions are based in truth vs. which ones are based on myth or misunderstanding is a valuable exercise." (Young Lawyers' Directorate)

There was a sense that no matter how much work is put into their public image, lawyers will always be the subject of jokes. "People will always make fun of lawyers – self education, pride, and stricter self regulation are more useful than billboard ads." (Young member, Focus Group)

One group commented that "the notion of a 'truth and reconciliation committee' makes them gag." (Young Lawyers' Directorate)

Ways to influence public perceptions included:

- "our actions should do the talking for us" (British Columbia)
- "The image of the profession depends on its professionals not its organizations." (Member, Focus Group)
- "Encourage more outreach to immigrants new to Canada, to explain our legal system and their right to them." (Council)

Recommendation 10 – Partnerships and Alliances

Many people were uneasy with this recommendation, as they felt it had monopoly and exclusionary aspects. They didn't like the implied message of "Join the CBA or no one else" (Equity) "I don't believe in monopolies. Competition will only make things better." (Young member, Focus Group) "Why does the CBA want to act to the exclusion of others, should be more interested in working together." (Member, Focus Group)

Participants also doubted that exclusivity would work. "I'm not sure lawyers will join CBA to the exclusion of other legal organizations." (Woman, Focus Group) "I guess the idea behind this is to have the CBA be the voice of the legal profession in Canada. I see no benefit to that." (Woman, Focus Group)

Participants were more comfortable with the idea of an umbrella organization and partnerships. "Partnerships (*Recommendation 10*) is good but we should treat

the other organizations as allies or potential allies and not competitors or take-over targets.” (Ontario) “Partnering (*Recommendation 10*) is a good idea as long as we stay away from empire building.” (Alberta) Participants in one group suggested forging alliances with other professions (Young Lawyers’ Directorate).

But for some even partnering was not seen as worthwhile. “Partnership not a good idea, worried about dilution and affiliation.” (Manitoba) “They felt to go out and try to enter into partnerships with any of the other organizations may not be an effective way to spend money. It was viewed as being a costly item and that it would be preferable for CBA to develop itself as a unique organization.” (Newfoundland and Labrador) « Les membres du groupe B ne se sentent pas très à l’aise avec l’idée de conclure des alliances et des partenariats. Selon eux, le résultat pourrait être à l’inverse de celui recherché : l’Association du Barreau canadien finirait par attirer dans ses rangs certains juristes à l’exclusion d’autres et les partenariats et alliances pourraient dissuader bon nombre de membres potentiels à adhérer à l’ABC. » (Québec) “Be careful ... Sometimes a lot of energy is put in some possible partnerships that never happen.” (Equity)

There were a few positive comments. One group described this as “very positive for the profession, and it will help in attaining the membership recommendation (#1).” (Nova Scotia) “If we are the premier organization the rest won’t matter.” (Membership and Communications)

Recommendation 11 – Futures Planning

Ironically, the recommendation on planning for the future received few detailed comments. However, many consultation reports included a positive remark, such as “agree”, with respect to this recommendation. Some described futures planning as “critical” (National Senior Staff, Saskatchewan, Newfoundland and Labrador). “They felt this made good sense and had no problems with it.” (Branch Executive Directors) Two branch consultation groups (Saskatchewan, Prince Edward Island) listed it as the most important recommendation, among others.

It was ranked “least important to this group.” (Membership and Communications).

One participant said, “CBA needs a standing body looking at trends affecting the profession.” (Council)

2.2 Futures Committee Reflections on the Feedback

The Futures Committee reviewed the feedback received during the consultations on *Crystal Clear* and came to some important conclusions.

2.2.1 A Few Recommendations Received Particularly Positive Response

We found that all eleven recommendations held up well to the reality check of the consultations. The issues are relevant and resonate. While no recommendation received unanimous and unchallenged support, the ones that received particularly positive response are those related to:

- *Segmentation (Recommendation 2)*: We need to segment CBA's programs and services to make them personally and professionally meaningful to members.
- *Diversity (Recommendation 3)*: Diversity within our membership means different things. We need a new understanding of diversity so that all members feel that CBA understands and responds to their needs.
- *Law Practice Economics (Recommendation 5)*: CBA needs to increase its emphasis on programs and services to assist members in deriving economic benefit from the practice of law. This is not a distasteful focus, and it is not something about which we should be shy.
- *Image of Lawyers (Recommendation 9)*: Remains a key issue for many and merits CBA attention and effort.

2.2.2 The Intent Behind Some of the Recommendations Was Unclear

We found a need to clarify the intent behind some of the recommendations. Where there was general consensus on the direction of most of the recommendations, some elicited response that demonstrated that we had not got our communication quite right. The most controversial or “misunderstood” recommendations are the ones related to:

- Branding (*Recommendation 8*),
- Partnerships and Alliances (*Recommendation 10*), and
- The 90% membership target (*Recommendation 1*).

The resistance to these recommendations stemmed, in part, from the language we used around “Branding”; the implication of elitism and exclusivity in, for example, the notion of branding the CBA lawyer; and in the idea that CBA would be the professional organization for lawyers.

Our thinking behind these recommendations was that the CBA would, over

time, become so effective in supporting, serving and enhancing the value of membership, that 90% of Canadian lawyers would *want* the CBA to be their essential professional association, and those members would benefit so greatly from CBA's programs and services that there *would* be a distinguishable CBA lawyer identity.

Another recommendation that received mixed reviews was the one related to the CBA Centre of Expertise on the Legal Profession (*Recommendation 6*). Some consultations questioned the mandate of the CBA to create such a Centre. Others worried about the associated costs. Our vision was that the CBA would take a leadership role in creating a body of knowledge about the legal profession which would then enable us to better know and understand our members and potential members, and create the programs, services and environment to best support them in thriving, both professionally and personally. The Centre really is intended to provide the basis for direct benefit to members.

2.2.3 A Few Missed Issues

We discovered that we missed a few issues. It is a testimony to how engaged people were in the consultation process that they found what we missed, and made sure to tell us.

We heard first, that *Crystal Clear* lacked emphasis on the CBA's role in public interest advocacy. It was expressed to us that this function is so mission-critical to the CBA that it should have made it into the recommendations. We heard, too, that there is insufficient reference in the Report to our CLE function, especially since we know that CLE is one of the CBA's most valued member services. We agree with these views. Advocacy and CLE were not a focus of the *Crystal Clear* recommendations because we consider them to be essential to the CBA's *raison d'être*. Whatever the path forward, the CBA should continue to do advocacy work and deliver CLE to its members. We are sorry that we did not better communicate this ongoing, incontrovertible commitment to advocacy and CLE.

Finally, we heard that we should have explored the notion of measurability of success if we do implement these recommendations. We did not, but we agree that this should occur in the strategic planning phase of the Futures initiative.

There were two other issues that we missed completely. The first is that CBA has an important role to play in assisting lawyers to achieve greater work-life balance.

The second is that the nature of volunteerism is changing. The trend is that volunteers are more likely to take on *ad hoc* projects than long-term commitments.

This trend will no doubt have an impact on the CBA and its staff, and it is incumbent on us to remember this when we propose our advice to the CBA.

Both these issues should be addressed in ongoing Futures work.

2.2.4 Some Recommendations Are Not of Direct, Personal Interest to Members

Our final observation is that the consultations naturally gravitated to those recommendations that directly affect members in their individual experience of the practice of law. These are the recommendations that garnered most “support”—segmentation, diversity, law practice economics and image. We learned that some of the recommendations are more organizationally-oriented. While these are arguably critical to the health and well-being of the CBA of the future, they are of less interest to individual members.

Among these is the recommendation on communications (*Recommendation 7*). The consultations told us, “just do it, and don’t over-do it!” The recommendation on organizational integration (*Recommendation 4*) met with a resounding “whatever”. The recommendation on ongoing futures planning (*Recommendation 11*) elicited a snarky “duh!” So after we got over thinking that we had blown it, we realized that those reactions were totally appropriate, should have been anticipated and do not necessarily mean that we should not proceed.

With these thoughts in mind, we looked forward to the June Futures Summit and having a top team of CBA leaders build on the feedback received during the consultations.

The Futures Summit

3.1 What Happened?

The Futures Summit was held June 2-3, 2006 in Kanata, Ontario. It brought together a broad cross-section of 76 CBA leaders, decision-makers, thinkers and stakeholders representing various levels and positions of authority within the Association. They met to discuss the eleven recommendations of *Crystal Clear: New Perspectives for the Canadian Bar Association*, and to create a framework for the CBA's new strategic plan.

Participants included the CBA Board of Directors, Branch Presidents, Vice-Presidents and Executive Directors, the Finance Committee, the Futures Committee and Futures Champions identified by each Branch, Canadian Corporate Council Association (CCCA), Canadian Bar Insurance Association (CBIA), Canadian Bar Association Financial (CBAF), and senior staff of national CBA. Represented from within these groups and beyond were the National Sections Council and Conference Chairs, and the Communications, Continuing Legal Education, Equity, Legislation and Law Reform and Membership Committees of the CBA.

Working from a document that reproduced all comments received since the tabling of *Crystal Clear*, Summit participants analyzed this feedback and applied their own knowledge, wisdom, experience and expertise to refine and reformulate a series of implementation strategies related to each *Crystal Clear* recommendation. The work was professionally facilitated and proceeded using a small group format, with reporting back and discussions among the full plenary. The Summit concluded with a prioritizing exercise, oriented toward the relative priority for the implementation of each of the eleven recommendations.

Summit participants studied each *Crystal Clear* recommendation, and worked on strategies for their implementation considering factors including the relevance of the recommendation to members, current environmental realities, the CBA's

capacity to deliver on the recommendation, and the ethical implications of the strategic choices.

3.2 Major Themes of the Summit

Three major themes emerged from the Summit, relating to (a) the *Crystal Clear* recommendations, (b) rethinking CBA's organizational structure, and (c) managing the process of change within the Association.

3.2.1 The *Crystal Clear* Recommendations

The Summit validated the Futures initiative and confirmed the scope, relevance and appropriateness of the *Crystal Clear* recommendations. Participants refined some of the recommendations, clarifying their intent and the language used, and sometimes suggested changes in their orientation. For example, participants at the Summit said that “diversity” is not only about responding to the diverse needs of various demographic groups within the membership. Rather, it is a broader concept that requires language beyond “equity”, a focus beyond “designated groups”, and an orientation toward accommodating different perspectives arising from diverse personal and professional experiences.

The Summit also reiterated the *Crystal Clear* conclusion that, in order to best implement these recommendations, CBA requires much more information about its membership, potential membership, the legal profession and the environment in which lawyers and the CBA engage.

3.2.2 Rethinking CBA's Structure

Summit participants suggested a rethinking of the CBA's organizational structure. They recommended that the Association consider itself to be an interconnected system or network of equally positioned entities, offering services to members for their well-being. A connected and cooperative approach involving all parts of the CBA network is to be encouraged in every way.

Reassessing resource allocation was also suggested by some participants, in those areas where doing so would best serve the members.

While there may be different approaches that apply across the country, participants want to position the CBA to best serve its members.

3.2.3 Managing Change

The Summit concluded that the CBA is strongly positioned, powerful and cred-

ible. Beyond resource implications, there is little to prevent the implementation of many of the *Crystal Clear* recommendations. Participants said that it is essential for the change process to proceed with the highest degree of openness and transparency, and in an inclusive, collaborative fashion. They liked the process so far.

3.3. The *Crystal Clear* Recommendations: Views from the Summit

3.3.1 Recommendation 1 – Building CBA Membership

By increasing the relevancy and value of the CBA and taking specific recruitment and retention action, the CBA must raise the total membership annually as a percentage of the overall population of lawyers so that by the year 2015, 90% of Canadian lawyers will be satisfied members of the CBA. The ultimate goal is to reach 100% participation.

While Summit participants said that the 90% membership target may prove to be too ambitious, they also noted that size brings power, credibility, and legitimacy to the CBA as the voice of the legal profession in Canada. Building membership requires tangible benefits for members, including a sense of belonging. They said that the best way to create both the benefits and the environment for growth is to talk to and invest in potential membership groups, ask them to articulate their needs and what they expect from the CBA, and then build programs around that need. Hard-to-reach constituencies, including former members, “non-joiners”, geographically remote lawyers and students, among others, should be actively sought out. In this way, CBA can become a true umbrella organization, as one participant put it, “sheltering everyone from the rain”.

Strategies Summit participants suggested to implement this recommendation:

Gather information:

- Poll members, non-members, and potential new entrants to develop a better understanding of why lawyers do or do not join the CBA.
- Engage in activities such as ongoing market analysis to better understand lawyers’ needs and identify any services to be targeted to law students, among others.
- Analyze the factors that influence membership including:
 - cost
 - alternate fee structure
 - direct benefits
 - specific programs and services

- mission, mandate, and image of the CBA
- competing associations
- social or networking opportunities
- peer acceptance or pressure
- recruitment initiatives
- retention initiatives
- other factors.
- Identify which student recruitment programs are most successful.
- Identify and source member benefits for targeted groups.

Develop membership campaigns:

- Develop long-term campaign to recruit and retain members, including directed or targeted campaigns for selected groups, including demographic or practice groupings.
- Utilize, where possible, personal contact as a retention and recruitment tool.
- Better promote existing services.
- Develop a CBA point of contact in small and medium centres and increase the visibility of the CBA overall (e.g. appearances, articles, media coverage).
- Develop targeted packages of enhanced programs for specific segments (e.g. demographic, universal membership firms, sole practitioners).
- Consider CBA involvement in the development of law school curricula such as engaging CBA lawyers to deliver course content.

Work on financial issues:

- Provide incentives for those participating in research.
- Examine the tax deductibility of selected volunteer contributions of time or in kind services.
- Lobby for tax deductibility of membership fees for lawyers who are employees.

3.3.2 Recommendation 2 – Enhancing and Segmenting Core Programs and Services

The CBA must develop the programs and services that various member segments require, and deliver them in a targeted, timely and cost-effective manner, using the individual member’s preferred delivery mechanism.

Building on the membership discussion, Summit participants advised that

today's membership "segments" must not be used to predict member preferences and needs. Rather, the creation of "segments" follows the articulation of needs and preferences. Research intended to draw out those significant segments will be necessary, and the CBA should avoid predeterminations based on the status quo or assumptions.

In order to best serve its members, CBA may need to reassess the way in which resources and assets are currently allocated. In so doing, CBA must operate in the overall best interests of the Association.

A further note of caution relates to possible unintended consequences of this recommendation. Segmenting the membership and providing targeted, individualized member service is one way to achieve broad-based relevance, but it may also "atomize" the Association so that the ultimate result is a loss of cohesion. We need to focus, always, on the value of association and on why members choose to belong.

Strategies Summit participants suggested to implement this recommendation:

Learn more about members and their needs:

- Regularly survey members on their specific needs for programs and services, the relative importance of various programs and services, their willingness to pay fees beyond the basic membership fee, their preferred method of delivery, and any issues of timing or location.
- Review existing survey data to ensure we are maximizing the use of information we have now.
- Conduct ongoing environmental scans to identify existing and required segments and determine how well the segments are being serviced. Establish a process to ensure members feel they have had input into determining the segments CBA plans to serve. Proper consultation will ensure buy-in to the ultimate programs. Further, it is hoped that proper consultation will result in even those who do not agree with the outcome feeling they have been heard and understanding the reasons for decisions made.
- Monitor the marketplace for competing programs and services, and alter program and service design accordingly.
- Survey members on their preferred outside programs and services (e.g. insurance, financial services, bank loyalty cards, car rentals, travel packages), determine if these are best provided nationally, regionally or by the Branch, and better market the benefits of these programs and services to members where there is sufficient interest, real potential savings to the

members and additional benefits for the CBA.

- Introduce point of delivery evaluation tools for members for specific programs and services.

Establish a process for responding to member needs:

- Establish criteria for assessing which programs and services are core and which should be optional, dependent on sufficient demand or sunsetted.
- Establish mechanisms to allow the CBA to be nimble in its response to late-breaking issues.
- Analyze the financial impact of membership growth and determine whether resources need to be reallocated or increased in order to service these new members.
- Determine which programs and services may require segmented delivery because of the diversity of the membership.
- Determine benefits of presenting regional programming in addition to, or in substitution for, some National or Branch programming.
- Where necessary, establish separate budgets, specialized staff and technical support systems for creating and delivering segmented programs and services.

Develop appropriate programs, benefits, and services:

- Customize the content, marketing and delivery of existing and future segmented programs and services with the advice of a representative group from the segment concerned (Branch, Conference, Section, demographic group, practice area, practice model, etc.).
- Create value-driven programs (through consultation between the National and Branches) that will make better use of existing National and Branch resources and result in the desired programs for each segment.
- Identify delivery mechanisms for providing services to the various segments.
- Ensure that all necessary resources (human, financial, technology) are in place to ensure these programs succeed and ensure there are no unintended consequences of a particular course of action.
- Investigate and implement state-of-the-art technology, where feasible, for service delivery.

3.3.3 Recommendation 3 – Promoting Equity and Accommodating Differences

The CBA must assess member differences, including those related to gender, age and racial background, to determine if they necessitate shifts in CBA policy, advocacy, programming, governance, organization, communications or membership recruitment action, and via the segmentation of programs and services, develop and deliver such programs and services in ways that best accommodate the need.

The Summit considered whether targeting member services to “equity groups” was not just a subset of the “segmentation” recommendation. The outcome of the discussion was that the pursuit of equity within the CBA and the legal profession must be seen as more than another segmentation exercise and is broader than simply responding to the needs of “equity groups”. The notion of “diversity” better captures the CBA’s basic values and mission. It refers both to particular membership groups and to the notion of accommodating diversity of views, ideas and perspectives. A diversity objective should be reflected both in the organization, and in the membership.

In addition, participants said that while it is tempting to ground approaches to diversity in the context of “the business case”, we must be cognizant that the business case premise is more than economics. It is the creation of the psychological and political environment for diversity. A diverse organization thinks creatively and innovatively. This will not happen when a group is monolithic in its perspective. Diversity is a question of values. The need for diversity is fundamental to the strategic orientation of the Association.

Strategies Summit participants suggested to implement this recommendation:

Promote diversity:

- Be clear with members as to the benefits of diversity to the Association.
- Develop strategy to communicate diversity solutions to membership.
- Advocate for the recognition of differences and appropriate accommodation practices in law firms, law schools and law societies and for individual lawyers.
- Support developing networks, advocacy positions and special services within the CBA.
- Allocate sufficient resources to serve these target groups.
- Advocate for the recognition of differences, the promotion of equity and diversity and the introduction of accommodation practices (flextime, part-

time, family-related leave, accommodation of religious practices) in the CBA, the legal profession and the judiciary.

Learn more:

- Revisit the recommendations of the 1993 *Touchstones for Change* and 1999 *Racial Equality in the Canadian Legal Profession* reports and, where necessary, update their research, analysis and recommendations.
- Identify the groups of lawyers that constitute the target markets (visible minorities, gender, cultural/religion, geographical, age, socio-economic, practice areas).
- Identify barriers for specific groups to entry and/or progression in the legal profession in Canada.
- Identify barriers to particular groups to participation within the CBA.
- Review current CBA planning, management and governance structures to ensure that they address any barriers to participating in the CBA and accommodate diversity.
- Study the current availability and promote the provision of culturally appropriate legal services in Canada.

Meet specific needs:

- Tailor marketing to particular groups.
- Support different segments of the CBA membership in developing networks, advocacy positions, special programs and services within the CBA.

3.3.4 Recommendation 4 – Integrated Organizational Structure

The CBA, its Branches, constituent groups and related organizations must seek to operate in a way that is cohesive, representative, integrated and responsive, and that appears to be “seamless” from the outside, while maximizing the benefits of collaboration on management, planning, and programs and services for members.

A key message at the Summit was that the Futures Committee should reject all *Crystal Clear* language referring to the “integration” of the CBA. The term “integration” was considered to be unnecessarily inflammatory, in that it suggests centralization and consequent Branch disempowerment. Participants said that the focus of work on this recommendation should be on the “cohesiveness” of the Association, and “collaboration” in achieving it.

There was much discussion about the development of strategic plans at both the Branch and National levels of the CBA. It was suggested that the goal of achiev-

ing a cohesive organization will be realized if the Branch and National strategic plans are aligned to focus the Association on optimizing the value that is returned to members. Participants said that in order for this to occur well, all parts of the CBA will need to decide on the basic goals and vision for the future. Then, the various groups comprising the CBA network will have the opportunity to decide which of the commitments has the greatest meaning to them, and to which they can respond within their capacity, always with the purpose of achieving the overall objectives of the Association.

Ultimately, the goal is to provide leadership, consistent, relevant programs and benefits, and seamless, efficient service to members. To the extent that this involves significant organizational change or restructuring, participants said that it is essential for each constituent to feel heard and valued. They see that the challenge will be to ensure that all CBA groups are bonded to the whole, while remaining appropriately distinct, and that all effective constituent roles are supported.

Strategies Summit participants suggested to implement this recommendation:

Work cooperatively:

- Clarify expectations, roles, responsibilities and processes for inter and intra-organizational consultations. Identify the functions of the organization.
- Identify opportunities for common or shared systems, processes, programs and services. Determine who needs to be part of the delivery of each function (who has the capacity, who do members want it from, where are the economies of scale).
- Synchronize planning processes, advocacy agendas and communications and marketing strategies, where possible.
- Develop coordination mechanisms such as interorganizational advisory groups, task forces and consolidated Board committees.
- Organize Branch/National staff meetings and project teams.
- Consult regularly with the component organizations on key decisions and their impact on members and other stakeholders.
- Introduce transparent reporting mechanisms across the whole organization.

Learn from others:

- Survey component organizations to determine real or perceived barriers to cohesiveness.

- Examine the allocation of human and financial resources between organizations.
- Review governance models and collaboration mechanisms of other professional associations and develop new mechanisms to implement governance changes to eliminate barriers and facilitate implementation of shared systems and resources.

3.3.5 Recommendation 5 – Law Practice Economics

The CBA must undertake initiatives that assist CBA members to derive economic value from a career in law.

Participants at the Summit were confident that it is entirely appropriate for the CBA to defend the economic elements of the practice of law on behalf of its members—there had been some concern with possible perceptions of self-interest. They said that the focus of the recommendation should be on the creation of tools and resources for members to help them survive and thrive in practice, and keep law a good business to be in. Any new work that would result would be an additional benefit to members.

Summit participants cautioned, though, that the CBA needs to be cognizant of market realities in pursuing this recommendation, and realistic about the potential impact CBA might have on that market. Also, effective implementation may represent a shift in the CBA’s orientation and could be a huge undertaking, depending on the scope, size and methodology of the initiative.

Strategies Summit participants suggested to implement this recommendation:

Support lawyers in practice:

- Institute an accreditation process for legal specialties.
- Offer professional development on law firm management and law office skills for lawyers and legal staff, including “CBA” accreditation for law office staff.
- Advocate for fair remuneration for legal aid and public sector work.
- Undertake research and collate viable economic models for part-time and non-hourly billing as alternatives to “billable hours”. Assess their potential acceptance by legal consumers and present recommendations to the legal profession.
- Promote the application of technology to more and more areas of the practice of law.

- Provide research, tools, and information on ways to create work-life balance and make recommendations on the link between work-life balance and the bottom line. Inform lawyers on how to implement work-life balance without negatively impacting the bottom line.
- Facilitate bulk buying of goods and services (such as insurance, computer time, car rentals, travel agency fees, airline tickets, banking).
- Research and promote assistance to firms with employee relations and human resource management issues.
- Develop leadership, mentoring and firm management and business development programs for the profession.
- Take all actions necessary to reduce or eliminate competition for legal work from unregulated professional or paralegal organizations.
- Facilitate debt avoidance and paying off debts for law students, including assisting students with access to non-debt sources of funding and obtaining favourable tax treatment of law school debt.

Develop new markets:

- Develop a national referral network for firms and advisory boards.
- Provide information and networking opportunities to accommodate diversity within firms.
- Facilitate Branch/National marketing efforts on behalf of the profession.
- Promote new areas of legal work by building on the CBA's international reputation.
- Promote viable practices for lawyers by identifying under-serviced jurisdictions and practice areas.
- Enhance the image of lawyers and the profession to improve lawyer/client relationships and build demand for legal services.
- Enhance economic returns by building value into the CBA brand.

Do research:

- Research legal consumer preferences for “unbundling” of services.
- Research the phenomenon and the impact of “self-lawyering”.
- Examine the impact of alternative buyer arrangements like legal services insurance.
- Assess the impact of Alternative Dispute Resolution (ADR) and other new techniques on the legal profession.
- Undertake research and development of law practice tools and expand and promote PracticeLink, listservs and similar computer resources.
- Conduct periodic surveys of comparative compensation levels and

lifestyles for legal professionals and staff and communicate these results to the membership.

- Research legal service delivery models for hard-to-reach segments of the population, including rural and remote centres.

Expand the CBA's role:

- Enhance the capacity of the CBA to research and develop tools, resources, information and advocacy on issues affecting the business and practice of law via a CBA Department on Emerging Professional Issues (the EPICentre).
- Introduce risk management and futures theory into legal profession forecasting and planning exercises.
- Develop a business advisory group for lawyers (including accountants, business advisors, management and technology consultants, successor planning, etc.) on a cost recovery basis.

3.3.6 Recommendation 6 – Creating a Centre of Expertise and Information on the Legal Profession in Canada

The CBA must establish a highly-qualified professional centre of expertise and information on the legal profession in Canada whose objective would be to become the pre-eminent and authoritative source of information and expertise on all aspects of the legal profession in Canada, including how it is organized, demographic data, volumes and types of work, and comparators to other professions nationally and internationally.

One Summit work group reported that, “This recommendation is stellar and should be pursued vigorously”. Other participants saw it as the necessary underpinning to effective implementation of some of the other *Crystal Clear* recommendations. Most acknowledged the dearth of information about the legal profession, and the need for it to be collected, analysed and shared.

Summit participants said that the “Institute” does not have to mean a whole new bureaucracy within CBA. Rather, the focus should be on strengthening an organizational function, and on ensuring that relevant, useful, necessary information is generated and shared. This could occur through partnering or coordination of the function with other organizations or groups.

One Summit participant put it this way: “If we don’t do it, who will?”

Strategies Summit participants suggested to implement this recommendation:

Think more about this:

- Establish a task force or committee to determine if there is a need for the “Legal Profession Research Institute” and for specific data and information.
- If yes, assign staff or a consultant to assess and consult with other organizations such as the ABA or IBA on their experience with similar projects. A report would be delivered on the target market for this initiative and the feasibility of implementation and maintenance of such a centre.
- Establish means to evaluate the use of the Legal Profession Research Institute and the usefulness of its information and analyses.

Work on collecting information:

- Establish a dedicated centre called the “Legal Profession Research Institute” mandated to become the central focus for the collection, analysis and distribution of all data related to the structure, composition, operations and various segments of the legal profession in Canada.
- Direct the Institute to collect both quantitative and qualitative information.
- Identify potential sources of data.
- Provide input from particular segments within the CBA membership to ensure that the Institute includes sufficient segmentation of research and analysis in its operational planning.
- Identify and prioritize information to be collected.
- Use the Institute to develop information on competition to the legal profession.

Become experts:

- Create expertise on the quality assessment of non-Institute information, especially information from the Internet.
- Assist Branches, Conferences, Sections, members, partner organizations and allies in the development of surveys and other consultative mechanisms.
- Use the Institute to advise Statistics Canada on census planning.

Share information:

- Make the Institute accessible to Branches and partner organisations and involve the Branches and CBA partner organizations (for example, CBIA) in the creation of the Institute’s research and data collection program.
- Investigate the potential for making information available to non-CBA

members for a fee, and also providing fee-based specialized activities for CBA members.

- Create a clearinghouse function for non-Institute information for members and the public.
- Release key information and trends identified by the Institute to the media and the public.

Find partnerships:

- Develop internal and external financial resources including partnerships.
- Lobby government, law societies and academics to either provide these services or to partner with the CBA on this initiative.

3.3.7 Recommendation 7 – From Communications to Dialogue

The CBA must maximize the level of dialogue between the CBA and its members, engage members more directly in the CBA, and increase connectedness through the use of state-of-the-art communications technology.

The Summit heard that the CBA is already an effective and prolific communicator. The advice offered was “communicate to others as we wish to be communicated to”. In other words, proceed with all communications from a “value received” perspective, sending personally tailored, relevant information. Always be respectful of member needs and preferences for the type and mode of communication offered. Consider opportunities for members to communicate to the CBA, not just to receive. Recognize that members’ time is at a premium and guard against “communications fatigue”. Finally, be cognizant of the emerging need to accommodate language needs beyond the official languages, including communications to special needs groups.

Strategies Summit participants suggested to implement this recommendation:

Listen to members:

- Emphasize down-up dialogue rather than up-down.
- Clearly articulate the principles associated with two-way dialogue (e.g. clearly articulate the purpose for asking the question, what outcome may come, what response may be received).
- Communicate and articulate more clearly what the existing channels for communications are and what opportunity for input exists.
- Conduct regular two-way communications with members throughout the year, either electronically or in focus groups. Develop and encourage

interactive communications with members throughout the year on a strategic basis.

- Conduct regular surveys of members on-line and in focus groups to determine whether messages are being received.
- Introduce two-way communications technology to Annual and Mid-Winter meetings, CLE programs, and Council and Board meetings, to allow greater participation of members. Introduce and market more accessible interactive communications with members for all programs and services to allow greater participation of members.

Refine communications strategies:

- Have realistic expectations surrounding the communications—recognize the limitations.
- Conduct a comprehensive survey of the communications needs, preferences, and habits of CBA members.
- Customize communications tools to specific segments of the membership and to individual members, ensuring they are inclusive, and accommodate members with special needs.
- Find alternative communications mechanisms to replace blanket e-mails.
- Review current communications instruments and their effectiveness in delivering intended messages.
- Develop a comprehensive strategy for coordinated communication for CBA and its constituent parts.
- Create common or linked communications interfaces for the CBA and its Branches, including websites and information “hot lines”.

3.3.8 Recommendation 8 – Branding

The CBA must create a new brand, or develop the existing one, to ensure that the essence of the CBA is captured, and to allow for distinctiveness of specific CBA groups, while distinguishing the CBA unmistakably from all competitors and bringing maximum benefits to its members and partners.

Organizations do not determine their brand. Brand is bestowed by members and reflects the organization’s reputation earned by being consistent and reliable. Brand relates both to product or service and to the member’s and others’ experiences in engaging with the organization. The key to earning a good brand is good behaviour—as an organization, as groups within the organization and as individuals.

Summit participants suggested that a strong CBA brand might assist members in feeling pride of association and belonging. The CBA brand should continue to reflect credibility, excellence, balance, principle, professionalism and leadership within the legal profession and the broader community. In order for the CBA brand to be enhanced, all constituent parts of the Association need to buy into it. But a CBA brand must leave room for the brand identities of constituent groups.

The notion of branding “the CBA lawyer” was resoundingly rejected by the Summit. It was thought, though, that strong branding of the CBA would carry with it derivative benefits to CBA members.

Finally, the Summit coalesced around the benefit to the CBA of professional branding expertise.

Strategies Summit participants suggested to implement this recommendation:

Hire experts:

- Branding is a specialized field of endeavour with its own body of knowledge, standards and best practices. As a first step, the CBA should retain the services of a professional branding firm to assist in the development of a comprehensive branding strategy.

Consider who we are when developing the CBA brand:

- Work with the Branches and key partner organizations (e.g. CBIA, CBAF, CCCA) to develop a brand that unifies the total organization but that also allows each entity to be distinguishable from the National CBA.
- Promote the CBA’s substantive image through the determination and description of the “essence” of the organization and a planned advertising and communications campaign conveying that message.
- Recognize the diversity of the CBA network and develop techniques to allow segmented branding, while still supporting the overall brand and strategy.
- Build quality standards into any branded or co-branded product or service.
- Recognize the need to balance the segmented approach with a common brand.

Develop brand elements:

- Create a new CBA visual image through a revised logo design.
- Develop a memorable and meaningful slogan or tag line.

- Develop a co-branding program with CBA Branches, partner organizations and business associates.
- Ensure that the CBA brand is identified in connection with all programs, services, products, activities and support services.
- Develop the concept of “CBA” as immediately identifiable and distinguishable from “non-CBA”.
- Develop the link between the brand, the organization and the member.
- Promote the values of the organization.

Build on the brand:

- Use repetition through every CBA activity, program, service and product to ingrain brand recognition.
- Establish buy-in to a concept of a common brand as being good for all.
- Evaluate CBA controlled licensing of members to use the brand as a supporter of the CBA.
- Frequently test brand recognition and the associated values the brand conveys to various audiences.

3.3.9 Recommendation 9 – Improving the Image of Lawyers

The CBA must elevate the relationship of the legal profession with the public, levels of public trust in the profession, and the image of the profession and members of the CBA.

While the “truth and reconciliation” language of *Crystal Clear* did not resonate with the Summit, there was openness to the need for CBA to understand the basis for the public’s disaffection with lawyers — how lawyers’ behaviour may contribute to a negative image of the profession and how that image may result from the nature of the legal system itself. There was a clear sense of the need to engage with people who hold negative views, consolidate information that already exists, and assess CBA’s capacity to affect positive change.

The Summit considered the need to strike a balance between attempts to repair poor image and solutions that might be seen as “overkill”. Participants thought that the most effective image work the CBA might do on behalf of lawyers, albeit indirect, would be to encourage, promote and build on the public interest work of its members. The Summit was reminded that organizations that focus on the *value* of what their members do are generally more successful than those that focus on *what* their members do.

Finally, CBA has a duty to maintain public respect for the legal system, includ-

ing lawyers, and not ever undermine the legal protection that is afforded to the lawyer/client relationship. “Desk-side manner” is critical.

Strategies Summit participants suggested to implement this recommendation:

Examine possibilities of success:

- Engage a public affairs firm to assess whether the CBA has the ability, alone or in collaboration with others, to influence the image of lawyers with the public (because developing an improved image is a specialized field of knowledge). If yes, the firm, in consultation with lawyers and consumers of legal services should develop a strategy and manage the process of image enhancement which may include all or some of the strategies listed below.

Understand reasons for public perceptions:

- Develop a solid research base (using surveys, focus groups or other research methodologies including polling users and non-users of the legal system) on the perceptions of the public and their reasons for those perceptions.
- Test the reasons provided to determine their accuracy and, if inaccurate, why perceptions have been tainted.
- Accept valid criticisms and develop a multi-level approach to addressing them, including programs to change behaviours and attitudes of lawyers.
- Examine inaccurate perceptions (for example, where the problems may stem from the legal system or a misunderstanding of the role of lawyers) and create a communications strategy to remedy them.

Promote a positive image of lawyers:

- Provide increased education to the media and the public, including courses and Law Day events in elementary and secondary schools.
- Provide “good news” stories on lawyers’ achievements, including volunteer work in communities, *pro bono* work, and advocacy on behalf of clients, the legal system, the judiciary and human rights initiatives.
- Engage CBA Branches, sections, conferences, committees and partner organizations in a concerted effort to improve the image of lawyers.
- Conduct an ongoing advertising and marketing campaign to promote a positive image of the profession and the “CBA lawyer”.
- Use the CBA “brand” to identify the “CBA lawyer” as a “good apple”—civil, ethical, community-minded, fair, knowledgeable, accessible, charitable, altruistic.

Reinforce standards of ethical behaviour:

- Work with law schools to develop and teach courses on ethics and acceptable standards of behaviour for the profession.
- Continue CBA work in establishing and promoting the code of professional conduct, working toward and advocating improvements in the justice system and the administration of justice (including, but not limited to removing impediments to speedy resolutions.)

3.3.10 Recommendation 10 – Partnerships and Alliances

The CBA must develop its strength, cohesiveness and distinctiveness to a point where it will attract other legal organizations under its umbrella, or have lawyers join the CBA to the exclusion of other legal organizations.

Summit participants saw no benefit in exclusivity. In their opinion, lawyers will continue to seek out specialized legal associations that fulfill their needs differently than the CBA. The Summit considered this to be a sign of healthy competition for member attention.

The Summit recognized that there is no national competitor to the CBA, so while partnerships or joint ventures may be appropriate for some initiatives, CBA resources would be better spent reinforcing CBA's position and profile instead of searching out alliances.

Strategies Summit participants suggested to implement this recommendation:

Find out more:

- Identify potential benefits of collaboration and information exchange with specific organizations, including shared services arrangements and administrative joint ventures and establish a mechanism for inclusion of these organizations at specific events.
- Study the plans, operations, programs, services and impacts of competing or complementary legal organizations.
- Determine the level of cross-memberships of CBA lawyers in these organizations.
- Examine the potential impact of collaborative arrangements, partnerships and alliances on the public image of the profession and on the individual identities of the partners.
- Identify the potential benefits of partnerships and alliances to specific

groups, including groups within the CBA who may wish to become more independent.

- Where possible, develop formal agreements with other organizations which outline specific roles, and seek means to eliminate harmful competition and overlapping programs and services.

Communicate:

- Publicize partnership, alliance and collaborative work to members and the public to demonstrate benefits to stakeholders and the public interest.
- Communicate clearly the strengths and uniqueness of the CBA, for example, advocacy, continuing legal education and international development.

Look for opportunities:

- Be open and alive to all other organizations and look for obvious synergies.

3.3.11 Recommendation 11 – Futures Planning

The CBA must develop a culture of effective futures planning and risk assessment, both vis-à-vis the profession and the CBA itself.

The Summit heard that it is critical that the CBA understand the constantly changing environment, and the trends and emerging issues that potentially affect the experience of lawyers and the future of the legal profession. To this end, CBA should develop a culture or “discipline” of futures planning at all levels of the Association.

Summit discussions acknowledged that the Futures initiative has created a direct and substantive connection between futures thinking and strategic planning within the Association. This connection should be maintained, encouraged and institutionalized across the CBA.

Strategies Summit participants suggested to implement this recommendation:

Establish mechanisms for ongoing futures planning:

- Include futures analysis and risk assessment in all CBA planning processes and undertake these initiatives in a timely, efficient and focused manner.
- Formalize blue-sky sessions at all CBA Council meetings and encourage it in the Branches and other CBA entities. This would be known as a “discipline” of futures planning and a report would be drafted every few years.

- Designate Futures Champions on every Board and CBA constituent group.
- Dedicate resources for requisite personnel (e.g. staff, task force, contractors, consultants) to do strategic planning for the CBA and all Branches,
- For continuity, establish a small, national think tank and record minutes. It should maintain a “Crystal Book” in which ideas from all brainstorming sessions are recorded. The think tank research would expand and evaluate the information recorded in the Book. The think tank would integrate these creative ideas or concerns into the planning process.
- Involve the Board more closely in the futures planning process.
- Consult with external stakeholders to understand their concerns and their opinions of the CBA.
- Communicate information openly and consistently to members to foster acceptance of the need for research and to engage members in the process.
- Tie futures thinking to the strategic planning process.
- Develop appropriate plans in the Branches to align their activities to the CBA strategic plan.

Track issues:

- Continually identify emerging issues and trends relevant to the profession
- Ensure that input from the Centre of Expertise on the Legal Profession is included in ongoing futures planning by the CBA, should such a Centre be established.

3.4 Where Do We Start? Ranking the Crystal Clear Recommendations

Summit participants were asked to consider the relative order of implementation of the eleven recommendations. Working in small groups, they ranked a recommendation as “high” priority if they thought work to implement it *must* begin this year; a “mid” priority if they thought work to implement it *should* begin this year; and a “low” if they thought work on the recommendation could wait for a subsequent year. The purpose of the ranking exercise was to provide guidance to the Futures Committee as it considered its own advice to the CBA.

Here is the result of the Summit prioritization of the recommendations:

Recommendation 1: Membership

Do now	In the coming year, if possible	Wait until a later year
7	2	1

| chapter three |

Recommendation 2: Segmentation

Do now	In the coming year, if possible	Wait until a later year
7	3	0

Recommendation 3: Equity

Do now	In the coming year, if possible	Wait until a later year
5	4	1

Recommendation 4: Organization Integration

Do now	In the coming year, if possible	Wait until a later year
3	0	6

* one group abstained due to insufficient time to reach consensus

Recommendation 5: Law Practice Economics

Do now	In the coming year, if possible	Wait until a later year
0	4	6

* one group abstained due to insufficient time to reach consensus

Recommendation 6: Centre of Information

Do now	In the coming year, if possible	Wait until a later year
6	4	0

Recommendation 7: Communications

Do now	In the coming year, if possible	Wait until a later year
3	6	1

Recommendation 8: Branding

Do now	In the coming year, if possible	Wait until a later year
0	4	6

Recommendation 9: Image

Do now	In the coming year, if possible	Wait until a later year
3	5	2

Recommendation 10: Partnerships and Alliances

Do now	In the coming year, if possible	Wait until a later year
0	0	10

Recommendation II: Futures Planning

Do now	In the coming year, if possible	Wait until a later year
3	3	3

* one group abstained due to insufficient time to reach consensus

3.5 Final Reflections on the Summit

The Summit proceeded with respect, good humour, intelligence and a sense of cohesiveness among participants. Some report that it was “respectful of all jurisdictions, their interests and their points of view”. There was “a real interest in what others had to say and in factoring that into our own thinking”. Referring to the depth and breadth of the experience, one person said, “I have a world of respect for what we just went through”. Others expressed reservations about what they felt was insufficient time allotted to the prioritization exercise, « Je m’attendais à la discussion quant aux conclusions des divers “focus groups” et leur mise en oeuvre – c’est ce que nous avons fait pendant 45 minutes seulement... ». There was also some sense that some participants were “interest-group oriented – like they were carrying a particular brief.”

The Summit discussions flowed back and forth between considerations of the environment in which lawyers and the CBA operate and reflections on the more pragmatic implications of implementing the *Crystal Clear* recommendations. Participants provided substantive and directional input to inform the Futures Committee and provided a framework

A Framework for Action

4.1 Prelude

We are so grateful, and so impressed. When we took on the Futures Committee task three years ago, we knew we had a long road ahead. We hoped that we would not travel alone. As it turned out, CBA members have supported us, talked to us, written to us and assisted us with the task of helping the CBA to plan for the future. We thank you all for being there every step of the way.

Our Committee's mandate was to provide advice to the CBA about the kind of organization that the CBA should be in 2015, and what it would need to offer lawyers and the legal profession in order to be relevant and vibrant.

We are now ready to advise the CBA Council on a future direction, and to identify the next steps in futures planning. Our advice is not magically pulled from a hat. It is the result of the meetings and discussions that have taken place throughout our Committee's mandate. It is the result of your feedback and contributions to the process.

Crystal Clear: New Perspectives for the Canadian Bar Association had 11 recommendations. Those recommendations have now been scrutinized through two different processes: the nationwide consultations following their August 2005 release and the June 2006 Futures Summit. It is remarkable that, through both these processes, most of the recommendations received the same response from most members.

At the Summit, the 76 participants broke into twelve smaller groups to discuss the recommendations in detail, to brainstorm strategies to achieve them, and to suggest what needs to be done first. Priorities became clear.

Our advice sets a direction for the CBA to take in the months and years to come. It says "work with these aims in mind now", and it leaves other ideas for later. You will not find detailed strategies for meeting specific goals in our advice. Strategic planning groups within the CBA will need to take our advice to the

next level, and use the list of strategy suggestions from the Summit to set objectives, develop concrete plans to follow to achieve those objectives, and identify measures of success.

From among the 11 *Crystal Clear* recommendations, we are proposing that the CBA move forward with these six strategic directions.

4.2 The Advice

4.2.1 Strategic Direction 1 – Recruit New Members

Ranking at the Futures Summit – Recommendation 1: Membership

Do now	In the coming year, if possible	Wait until a later year
7	2	1

Recommendation 1 (Membership) – *One idea to communicate to the Futures Committee: “You need to empower members to be ambassadors for the organization. I suggest you engage champions (CBA leaders/winners) to promote initiatives that attract the new/middle/older members.” [Council member]*

Crystal Clear Recommendation 1, proposing the goal that 90% of all lawyers be CBA members by 2015, set out a bold target. It caused some concern during the consultations as being too hard a goal to reach.

We believe that the number is not as important as the direction. Increasing the percentage of lawyers who are CBA members *is* important and has many benefits—more and better member services, a stronger voice when the CBA speaks out on issues, greater diversity.

The CBA should be increasing its membership every year, holding on to current members, and continuing to build and strengthen the organization with new members, who bring fresh ideas and energy along with their membership fees.

4.2.2 Strategic Direction 2 – Build CBA’s Knowledge About the Legal Profession.

Ranking at the Futures Summit – Recommendation 6: Centre of Information

Do now	In the coming year, if possible	Wait until a later year
6	4	0

Recommendation 6 (Centre of Information) – “The Centre of Expertise is the most important and should be done right away.” [Ontario Branch consultation]

Knowing more about who is practicing law today and what type of work they do is critical to the success of many of the goals that we are suggesting the CBA set for itself. We also need to know who is leaving the practice of law, and why.

The CBA cannot meet the needs of its members, and of potential members, if it does not know more about them. *Crystal Clear* Recommendation 6, proposed a “highly-qualified professional centre of expertise and information on the legal profession in Canada”. Members had misgivings about this aspect of the recommendation, saying they feared it meant creating a new bureaucracy. However, at the Futures Summit, the recommendation was ranked in the top three, as a high, work-on-it-now priority. That is because Summit participants saw it as a necessary underpinning to other recommendations they supported, and felt that information gathering could occur effectively within existing CBA structures.

Building our knowledge about the profession should not be about creating a new bureaucracy. It is about working with others to collect useful information in a systematic way. We agree with the Summit participant who said, “If we don’t do it, who will?”

4.2.3 Strategic Direction 3 – Promote Diversity Within the CBA

Ranking at the Futures Summit – Recommendation 3: Equity

Do now	In the coming year, if possible	Wait until a later year
5	4	1

Recommendation 3 (Equity) – “It was suggested that CBA should play a leadership role on the equity front, as there is still a lot of work to do.” [Saskatchewan Branch consultation]

Our society is changing, and our legal profession is changing. We have to take

more positive and focused actions to make sure that our Association also changes to reflect the changing demographics in the legal profession. This means both finding out more about the barriers that are preventing full participation within the CBA, and acting to remove those barriers. This work is all about making equality a reality within our Association, and within the legal profession.

The quest for equality is also about recognizing diversity in its broadest sense. The CBA needs to be open to all ideas and perspectives, and needs to create an environment of welcome for all members.

4.2.4 Strategic Direction 4 – Develop Specialized Member Services and Benefits That Meet the Needs of Different Member Constituencies Within the CBA

Ranking at the Futures Summit – Recommendation 2: Segmentation

Do now	In the coming year, if possible	Wait until a later year
7	3	0

Ranking at the Futures Summit – Recommendation 5: Law Practice Economics

Do now	In the coming year, if possible	Wait until a later year
0	4	6

Recommendation 2 (Segmentation) – « Fondamental – pour augmenter l’adhésion. Il faut cibler les besoins. » [member, focus group]

Recommendation 5 (Business Practice Development) – “This is the most important recommendation because lawyering is first and foremost a source of livelihood.” [participant, women’s focus group]

Members of the CBA are not a homogenous group, so meeting member needs requires different programs and services focused on the special needs of groups of members. From practitioners in rural offices to older members considering retirement to new lawyers, members share similar needs but also have some very different needs.

The CBA must find out what members want, and then offer programs that will be valuable to them. Different terms, such as “target marketing” and “segmentation”, are used to refer to this member-focused service approach. Basically, the CBA should provide each member with benefits and services that are meaningful and relevant to that member.

We believe that meeting members’ needs must include providing services and programs that help members survive and thrive as lawyers. We recognize that participants at the Futures Summit did not rank the business practice development recommendation as a do-it-now priority. However, we believe that planning to serve members’ needs must include work to support the practice of law as a viable way to make a living. We should not be ashamed that law is not only a profession but also a business. Developing strategies to help lawyers run profitable offices, and to encourage members of the public to seek out legal advice when needed is appropriate, and, in our opinion, the CBA should not wait to begin this work.

The key to this strategic direction is to find out what members want, and to provide it, without losing track of the core values that make the CBA valuable to members, and valued by members.

4.2.5 Strategic Direction 5 – Work Cooperatively

Ranking at the Futures Summit – Recommendation 4: Organization Integration

Do now	In the coming year, if possible	Wait until a later year
3	0	6

* one group abstained due to insufficient time to reach consensus

Recommendation 4 (Integration) – “The group agreed with substance of the recommendation but did not like phraseology.” [Membership and Communications Committees consultation]

The *Crystal Clear* recommendation that caused the most consternation during the consultations and at the Futures Summit was recommendation 4, “Integration”. Unfortunately, “integration” was taken to mean centralization and top down control. Wrong word. Unintended concepts.

What became clear to us is that CBA members want all parts of the CBA network to cooperate and coordinate efforts, giving them the most effective services and the best value as members. Our view is that the creation of a more cohesive and collaborative CBA is a condition precedent to the implementation of other priorities.

The path ahead requires everyone in the CBA network to meet the needs of members by cooperating and collaborating on behalf of all members.

4.2.6 Strategic direction 6 – Make Futures Planning Work a Part of the CBA’s Way of Doing Business From This Day Forward

Ranking at the Futures Summit – Recommendation 11: Futures Planning

Do now	In the coming year, if possible	Wait until a later year
3	3	3

* one group abstained due to insufficient time to reach consensus

Recommendation 11 (Futures Planning) – “That CBA act on these priorities, and report back on progress, including re-evaluating goals and priorities.”
[Prince Edward Island Branch Consultation]

We recognize that, while members enthusiastically contributed to the Futures discussion, they did not all rank futures planning as a top priority. We feel, however, that ongoing planning for the future, like legal risk management, is a best practice.

A healthy organization must continually look for ways to move ahead, be more efficient, and offer members what they need. The Futures exercise is giving CBA members a shared sense of direction. The CBA needs to maintain this momentum, and keep moving forward.

The CBA’s strategic planning groups will now have the task of moving forward with the implementation of the futures work. Participants at the Futures Summit wanted Branch and National strategic plans to be “aligned”. We consider this alignment essential to having a high-performance CBA in the future.

Both the Branch and National CBA organizations, as well as our partner organizations, must stay on top of the futures file, and integrate “futures thinking” into day-to-day activities. By always considering how well a proposal fits with the CBA’s overall direction, the investment of the last months will be fully realized.

4.2.7 Not forgotten

We have chosen to focus on seven of the *Crystal Clear* recommendations (two have been combined, resulting in six strategic directions), and propose that they be the priorities for the CBA’s new strategic plan. The other four *Crystal Clear* recommendations are on:

- Communications (recommendation 7);
- Branding (recommendation 8);
- Image (recommendation 9); and

Partnerships and Alliances (recommendation 10).

For varying reasons, these recommendations either did not rank as immediate priorities among participants at the Futures Summit, or receive strong, consistent endorsements during the consultations, although the image recommendation definitely resonated with many members.

Ranking at the Futures Summit – Recommendation 7: Communications

Do now	In the coming year, if possible	Wait until a later year
3	6	1

Recommendation 7 (Communications) – “My concern is that unless the communication is helpful/relevant it’s just another distraction in an already busy day.” [participant, young members focus group]

With respect to the Communications recommendation, the message members sent was that the CBA is doing well in this regard. They feel sufficiently informed. They warned that they do not want to be flooded with information; their in-boxes are at capacity. We take this to mean that a specific focus on communications is not immediately necessary. However, it will be essential for the CBA to continually develop and refine its communications in order to adequately meet members’ changing needs and build on its effectiveness as an organization.

Ranking at the Futures Summit – Recommendation 8: Branding

Do now	In the coming year, if possible	Wait until a later year
0	4	6

Recommendation 8 (Branding) – “There may be a lot of misunderstanding about what is meant by branding. The overall perception seemed to be that branding the CBA is good, but branding a “CBA lawyer” is too elitist. Some groups were concerned that lawyers who can’t afford to become CBA members, but are still good lawyers, will be marginalized.” [Young Lawyers’ Directorate]

With respect to the Branding recommendation, members did not like the concept of a “CBA lawyer”, and many worried about the unwelcome exclusionary tone to the branding idea. We believe that by following the strategic directions we are proposing, the CBA’s identity will become stronger and clearer. We do not believe that now is the time to invest in a branding consultant.

Ranking at the Futures Summit – Recommendation 9: Image

Do now	In the coming year, if possible	Wait until a later year
3	5	2

Recommendation 9 (Image) – “Although there was a wide range in the years of practice experience, all members were of the view that improving the image of lawyers was paramount.” [Nova Scotia Branch consultation]

The recommendation on image received a favourable response during the consultations and at the Futures Summit. We are all concerned about the public’s perceptions of lawyers, and would like to see improvements in the image of the profession sooner rather than later. However, some participants in the focus groups felt that lawyers have had a public image problem “since the dawn of time”, that “it is beyond the ability of the CBA to impact this to any great degree”, that it may be too costly (« L’image publique oui – à quel frais? »), and that the image of the profession “depends on its professionals not its organizations”.

Taking all this into account, the Futures Committee decided not to propose that work on image be a first priority strategic direction. We make this recommendation with some trepidation knowing that the importance of improving lawyers’ image has been such a strong theme among the CBA’s membership, and that members do look to the CBA for leadership on this. However, we believe that we need to know more first. For us, improving our knowledge of the profession (strategic direction 2) is a more important step. It will take time to decide on a strategy and a level of resources to combat the image problem.

**Ranking at the Futures Summit – Recommendation 10:
Partnerships and Alliances**

Do now	In the coming year, if possible	Wait until a later year
0	0	10

Recommendation 10 (Partnerships and Alliances) – « Les membres du groupe B ne se sentent pas très à l’aise avec l’idée de conclure des alliances et des partenariats. Selon eux, le résultat pourrait être à l’inverse de celui recherché : l’Association du Barreau canadien finirait par attirer dans ses rangs certains juristes à l’exclusion d’autres et les partenaires et alliances peuvent dissuader bon nombre de membres potentiels à adhérer à l’ABC. » [Québec Branch consultation]

By strengthening our membership base (strategic direction 1) and working cooperatively within the CBA (strategic direction 5), we are confident that more positive relationships will also evolve with other organizations working with legal professionals.

We believe that futures work needs to focus on the six strategic directions we have set out. The rest will follow in the years and years to come, when progress is evaluated and ongoing planning exercises provide opportunities for assessing the need to make adjustments and shift direction.

The Six Strategic Directions

1. Recruit new members
2. Build our knowledge about the legal profession
3. Promote diversity within the CBA
4. Develop specialized member services and benefits that meet the needs of different member constituencies within the CBA
5. Work cooperatively
6. Make futures planning work a part of the CBA's way of doing business from this day forward.

4.3 Next Steps

Identifying the six strategic directions that the CBA can use to build its future is, of course, critical. But as we all know, having directions is only the beginning of the journey. The CBA must now follow these steps in a strategic planning process:

1. Gather support for this direction.
2. Set up teams to work on planning and implementation.
3. Decide on concrete short and longer-term goals with measurable outcomes.
4. Refine strategies from *Crystal Clear* and the Futures Summit to meet the goals.
5. Review progress.
6. Adjust strategies, if some are not working.
7. Assess results.

Members must be kept informed about what is being done, and how success will be measured. They need to be included in planning, and given a chance to participate, if they want.

We believe the “Futures Champions” in each Branch will be the eyes and ears of futures work. They should be included in Branch Executive Committee, Planning and Council meetings, where they can monitor how future goals are turning into today’s reality. Please keep in touch with your Futures Champion. We encourage all members to respond to requests for feedback, particularly when you are asked about the programs and services that you most want. Answers to those queries will enable the CBA to offer you what you need.

At the national level, the Board of Directors should track progress on futures work, and report back to members regularly on progress towards meeting the goals.

4.4 The CBA is Strong

There is no doubt that the CBA is a strong and vibrant organization. We have incredible members, and efficient management teams across the country. Members like the services they receive and are proud of the advocacy work that the CBA does. They support efforts to protect solicitor-client privilege, to encourage *pro bono* service, and to strengthen legal aid funding. They appreciate that being a member of the CBA is about direct member services, and about services that benefit the legal profession as a whole. We are so well positioned to move ahead dynamically.

We look forward to the days and months to come when the ideas that we have been discussing since the publication of *Crystal Clear* are turned into a strategic plan with goals, objectives, strategies, timelines, and measures of success. We look forward to seeing positive changes within the CBA as it gets ready for 2015.

We expect to see the CBA grow and thrive in the years to come. The CBA has everything it needs to make great things happen.

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