

Report on the CBA Survey of CLA Institutional Members

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International Development Committee

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I would also like to acknowledge the contribution of Mark Searl who was primarily responsible for collecting and analyzing the survey data and writing the Survey Report; Andrea Redway who designed and tested the actual survey; Robin Sully who conceptualized and guided the initiative and contributed to the writing of the final Survey Report; and Claudia de Oliveira, who assisted with the editing and formatting.

Hugh Robertson
Chair
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EXECUTIVE SUMMARY

Background

In 2003, the International Development Committee (IDC) of the Canadian Bar Association (CBA) commissioned a study on law societies and bar associations that are institutional members of the Commonwealth Lawyers' Association (CLA). The objective of this study was to gather information about the structure of these organizations, their membership, mandate, and activities, as well as the sufficiency of their resources and the challenges that they face. It was expected that the study would provide a comprehensive data base on the current structure and functioning of lawyers associations throughout the Commonwealth, the role that these organizations are playing in promoting the rule of law in their own countries and internationally, and their current capacities and needs. This information could then be used to develop appropriate programs for support and collaboration among CLA members, to promote the engagement of lawyers' organizations in legal and judicial reform processes and to obtain greater support from international and bilateral donors for those organizations in need of assistance.

The survey was conducted via the Internet using a web-based survey program, and was run for a 3-month period between March and June 2004. Sixty-six of the 114 CLA institutional members completed and returned the survey questionnaire, equivalent to a response rate of approximately 58%. The respondents represented 34 of the 53 Commonwealth countries, as well as nine non-Commonwealth countries. 35 of the respondents were organizations based in developing countries.

Survey Results

Membership & Structure

- 39 of the 66 survey participants were organizations with fewer than 1,000 members. 26 of these respondents were organizations based in developing countries.
- Across all institutions, the average percentage of female members was 31%, or slightly under one-third of total membership. With a few exceptions, female membership rates were lower among organizations in developing countries as compared to their counterparts in developed countries.
- Approximately 55% of respondents described themselves as self-governing regulatory bodies while 38% described themselves as independent non-profit organizations. 55 % of respondents indicated that they were established by legislation and 53% stated that membership in their organizations is mandatory. Some respondents that described themselves as self – governing regulatory bodies do not require that lawyers be members of their organizations to enjoy practice rights. Others indicated that they were not established by regulation and that they were voluntarily engaged in regulation. Accordingly some questions remain regarding the relationship between regulation and voluntary membership and the incidence of regulation of the profession in the absence of a legislative mandate.

- 99% of respondents indicated that their membership includes lawyers in private practice. Additional types of members commonly identified by respondents were government lawyers (79% of respondents) and lawyers working in other professions (73% of respondents). Over half of the respondents also included notaries and academics within their membership.
- 90% of respondents indicated that they receive funding from annual membership fees with the majority of survey participants deriving most of their funding from membership and/or licensing fees. This is a positive indicator of these organizations' structural independence from government. However, for the majority of developing countries limited financial resources remains a major challenge. Notably, nearly half of the respondents reported that they obtain additional funding from other sources, such as advertising, continuing legal education, and miscellaneous fees for member services.

Functions of Organization

- Respondents indicated their active engagement in a wide range of functions. Nearly all respondents reported that they are in some way engaged (*i.e.*, either as a primary or occasional activity) in improving ethical standards of the profession and working with other stakeholders (*e.g.*, the judiciary and ministries of justice) to improve the administration of justice. 90% of respondents reported being engaged in continuing legal education and advocacy on behalf of the profession and/or public interest.
- A majority of respondents indicated that they are mandated by statute to perform the functions of licensing lawyers, regulating lawyers, disciplining lawyers, administering the bar admission program and improving professional ethics. For all the remaining functions listed in the survey a majority of respondents reported that they are normally voluntarily engaged.
- With respect to the licensing, regulation and discipline of the legal profession, the majority of the respondents indicated that they were involved in these activities. However for the large majority of developed country legal organizations these were primary activities while only about half of the developing country respondents indicated that these functions were primary ones. It is notable that 40% of developing country respondents indicated that they never engage in licensing lawyers.
- 61% of respondents from developed countries indicated that bar admission courses were primary activities while only 33% of developing countries stated that these were primary activities. 40% of respondents from developing countries indicated that they are never engaged in the bar admission program.
- Over half of the respondents stated that they were engaged in the delivery of legal aid. However, while the large majority of respondents from developing countries indicated that this was a primary or occasional activity, a similar number of respondents from developed countries indicated that they never or no longer engage in the activity.

- 85% of respondents stated that organizations' ability to function independently from government is "extremely important" to members. 14% of respondents stated that their ability to function independently from government is considered "very important".

Law Reform & International Activities

- A majority of respondents stated that they are occasionally engaged in preparing draft legislation, commenting on draft legislation, making written and/or oral submissions to government, and participating in task forces or justice sector reform committees.
- Developing country respondents were generally less enthusiastic than their counterparts in developed countries regarding the efficacy of their law reform activities. For example, while 88% of respondents from developed countries reported that their law reform activities have had an impact in influencing 'change in government policy', only 50% of respondents from developing countries expressed this view.
- Fourteen respondents reported that they have participated in law reform projects that have been funded and supported by the international community. Ten of these were organizations in developing countries.
- Two-thirds of the 33 respondents describing their international activities stated that they were members of international lawyers' organizations and/or participated in activities such as conferences and seminars organized by these organizations. Three respondents, all organizations in developed countries, reported that they are conducting international legal and judicial reform projects.

Achievements, Goals, Resources Needed

- Respondents described an extensive range of achievements. The most commonly cited achievement was the introduction of new or revised legislation, Codes of Professional Conduct or similar rules regulating the profession. Other frequently cited achievements were advocacy work on behalf of the profession (e.g. defending solicitor-client privilege) and promoting or defending the rule of law. It was noted that some respondents identified their continued exercise of regulatory control over the profession as a significant achievement in the context of ongoing challenges to their regulatory authority.
- Respondents likewise outlined a variety of goals. The most commonly cited goal, particularly among respondents in developing countries, was establishing or expanding continuing legal education programs. Other frequently cited goals included expanding or improving member services, and preserving the independence of the profession. A number of respondents in developing countries also described fundamental operational goals such as establishing a secretariat and acquiring a building or office space.
- 40% of respondents cited limited financial resources as their 'most difficult challenge', with a further 28% of respondents describing this as a 'major challenge'. 35% of

respondents identified lack of membership participation as a ‘major challenge’. 33% of respondents described limited human resources as a ‘major challenge’. In all of these cases, majority of the responses received were from organizations in developing countries indicating that the challenges were significant greater in developing countries.

- Over 90 % of developing country respondents indicated that they need financial support in order to overcome their current challenges as compared to 50% of developed country respondents. Well over 70% of developing countries also indicated that they require technical assistance and knowledge exchange while almost 80% of developed countries expressed a need for knowledge exchange.
- 91% of respondents indicated that the CLA and its institutional members could best support their organizations through knowledge exchange.

Conclusions

The high response rate to the survey demonstrated the general willingness and interest of the CLA institutional members to share their experiences. Although the size and context of the legal organizations varied, their goals, functions and challenges were remarkably similar. What was very clear was that all of the respondent organizations recognized the importance of a strong and independent bar to support the rule of law, were committed to advancing access to justice, law reform and the profession and were actively engaged to the extent that their human and financial resources allowed.

While all the respondents indicated a need for collaboration and knowledge exchange, developing country bars have particular challenges. Most are relatively small organizations with insufficient financial and human resources to undertake their mandate. In addition to knowledge exchange they need technical assistance and support to achieve a sustainable financial position. The unique challenges that these organizations face need to be further examined. Facilitating collaboration on a regional basis with other legal organizations in activities of common interest, such as the development of codes of ethics and continuing legal education programs, may be an effective and responsive approach to support the needs of smaller developing bars.

The low rates of female membership reported by the majority of survey participants, especially those based in developing countries, demonstrates that women continue to be underrepresented in the membership of lawyers’ organizations. Sharing experiences and approaches of lawyers’ organizations within the CLA to develop strategies for improving gender equality within the legal profession and the justice system as a whole would benefit all CLA members.

Given the very important role that self-regulation plays in ensuring the independence of the bar, the current relationship between regulation and voluntary membership and the incidence of regulation of the profession in the absence of a legislative mandate among CLA members requires additional study. More importantly, it is apparent from the study that the independence of the legal profession is increasingly being challenged. This is an issue that needs to be closely monitored and will benefit from the collective voices of lawyers organizations from both developing and developed countries.

The majority of survey participants derived most of their funding from membership and/or licensing fees. Almost all developing country respondents indicated that lack of sufficient financial resources was a major challenge. In light of the importance of financial viability to the sustainability of lawyers' organizations and their activities and, in particular, their ability to effectively regulate the profession, this is an area that would benefit from the sharing of experience to develop more diversified and innovative funding alternatives.

All lawyers' organizations placed a high emphasis on improving the ethical standards of the profession and recognized the importance of competency within the legal profession. Developing and enforcing codes of ethics and the expansion of continuing legal education programming was a priority in terms of goals of both developing and developed countries. Comparative approaches to improving ethical standards of the profession and collaboration in continuing legal education programming would be beneficial to all of the CLA institutional members.

Another area of activity for almost all the lawyers' organizations was working with other stakeholders of the justice system to improve the administration of justice. The majority were also involved advocacy and law reform work. It is evident that not all lawyers' organizations enjoy the same ability to influence government policy. It may be useful for CLA members to share their experience in participating in domestic law reform and to consider the factors that affect the ability of organizations to influence government policy. Similarly, the provision of legal aid is an area that would benefit from the sharing of the experiences, approaches and strategies of CLA members.

The majority of respondents in both developed and developing countries indicated that they have not been involved in internationally supported law and legal system reform activities. Although the bar is an important institutional stakeholder in the legal system, it would appear that there continues to be an overall under-engagement and under-targeting of lawyers' organizations in legal and judicial reform projects that are being carried out in developing countries under the auspices of international and bilateral donor organizations. This is an area where developing and developed country organizations could work together and with the international and bilateral donor organizations to encourage and facilitate the engagement of lawyers' organizations in externally funded legal and judicial reform projects.

I. INTRODUCTION

In 2003, the International Development Committee (IDC) of the Canadian Bar Association (CBA) undertook a study on law societies and bar associations that are institutional members of the Commonwealth Lawyers' Association (CLA). The objective of this study was to gather information about the structure of these organizations, their membership, mandate, and activities, as well as the sufficiency of their resources and the challenges that they face.

Properly functioning law societies and bar associations (henceforth referred to collectively as “lawyers’ organizations”) make a critical contribution to the development of just legal systems, and may thus be considered essential components in state regimes that are committed to respecting and promoting the rule of law. International financial institutions and bilateral donors involved in legal and judicial reform projects have increasingly recognized that for these projects to be successful, they must engage a range of state and non-state actors in a holistic fashion.¹ To date, however, few of the legal and judicial reform projects carried out by international or bilateral donors have directly engaged lawyers’ organizations in reform processes, or have been specifically aimed at strengthening the capacity of lawyers’ organizations to carry out their proper role. The failure to adequately engage and support these organizations, it is believed, is linked to an overall dearth of in-depth information on the current state of lawyers’ organizations in both developed and developing countries.

With these considerations in mind, the CBA, which is an institutional member of the CLA, approached the latter organization in early 2003 with a proposal to conduct a survey of CLA institutional members. The CLA had conducted its own survey of its institutional members in 1999 on a smaller scale and with somewhat different objectives.² It was thought that the present project would provide overlapping benefits to both organizations. On the one hand, it would provide the CLA with a comprehensive database on the current structure and functioning of lawyers’ organizations throughout the Commonwealth, the role that these organizations are playing in promoting the rule of law in their own countries and internationally, and their current capacities and needs. This would potentially assist the CLA in developing appropriate programs for support and collaboration amongst its members, promoting the engagement of lawyers’ organizations in legal and judicial reform processes, and obtaining greater support from international and bilateral donors for those organizations in need of assistance. Simultaneously, the study findings would enhance the CBA’s awareness of the capacities and needs of lawyers’ organizations internationally, and especially in the developing world. This knowledge would assist the CBA in improving the effectiveness of its international development projects carried out by the IDC, and would potentially also prove useful in securing additional funding for international initiatives engaging lawyers’ organizations.

¹ See e.g., World Bank (2002). *Legal and Judicial Reform: Observations, Experiences, and Approach of the Legal Vice-Presidency* (Washington D.C.: World Bank), p. 5. Available at <http://www4.worldbank.org/legal/publications/ljobservations-final.pdf>

² Among its other goals, the 1999 CLA survey sought to obtain information about the CLA services most valued by members, and the types of potential CLA initiatives that members would find most useful. The results of this survey are available from the CLA.

The CBA-IDC project proposal was tabled and approved in principle at the CLA Council meeting in Melbourne in April 2003. Following the development of the survey questionnaire, the CBA hired Mark Searl, a lawyer and member of the Law Society of Upper Canada, to assist in conducting the survey and in analyzing the results.

This Report presents the findings of the CBA survey of CLA institutional members. The remainder of this section describes the survey methodology and characteristics of respondents. Part II presents the survey results in detail. Part III sets out conclusions arising from the study findings.

Survey Methodology

The survey was developed by the CBA with input from the CLA. A draft version of the survey was sent to a professional market researcher for comment. The draft survey was then piloted on two Canadian lawyers' organizations (one provincial law society and one provincial bar association) in order to obtain additional feedback on the survey structure and content.

The survey was conducted via the Internet using a web-based survey program. An introductory letter was e-mailed to all institutional members of the CLA for whom e-mail addresses were available; this letter explained the purpose of the survey and provided a link to the online version of the survey.³ The survey questionnaire was faxed to organizations that lacked Internet access or that had difficulty accessing the online version of the survey. The survey questionnaire was also sent as an e-mail attachment to organizations upon request.

The survey was launched on March 3, 2004, with a request that participants complete and return the survey by March 17; this deadline was subsequently extended to March 22. After the survey launch, selected organizations were contacted via telephone to track their progress in completing the survey. Difficulties were experienced in contacting many of the potential survey participants due to bouncing or invalid e-mail addresses as well as invalid fax and telephone numbers, and attempts were made where possible to obtain updated contact information. As a result, the survey continued to be sent out on a rolling basis to individual organizations after the March 22 deadline, and returned questionnaires were accepted until June 3 when the online survey was deactivated.

Characteristics of Respondents

Sixty-six of the 114 CLA institutional members completed and returned the survey questionnaire, equivalent to a response rate of approximately 58%.⁴ The respondents represented

³ See Appendix 1 for the original survey questionnaire.

⁴ See Appendix 2 for the list of participating organizations.

34 of the 53 Commonwealth countries, as well as nine non-Commonwealth countries. Thirty-five of the respondents were organizations based in developing countries.⁵

The regional breakdown of the respondents was as follows:

- Africa: 17 respondents (including four from South Africa and two from Namibia)
- Australia/ Oceania: 16 respondents (nine from Australia)
- Canada: 11 respondents
- Caribbean: 10 respondents
- Asia: six respondents (two from India)
- Europe: six respondents

Note on Presentation of Results

Not all respondents provided responses to every question in the survey. As such, the percentages listed throughout this report refer to the percentage of respondents providing answers to a given question or sub-section of a question, and not to the percentage of all survey participants. The total number of respondents providing any form of answer to a question is listed at the top of each table. Bold type is used in the tables to highlight the most popular responses received to a given question, or to highlight significant aspects of the results that are described in the text accompanying the tables.

⁵ The classification of ‘developing’ and ‘developed’ countries used in this survey is based on the 2003 List of Aid Recipients published by the Development Assistance Committee (DAC) of the Organization for Economic Co-Operation and Development, available online at http://www.oecd.org/document/45/0,2340,en_2649_34485_2093101_1_1_1_100.html.

II. SURVEY RESULTS

1. Membership & Structure

1.1 Membership size

Survey participants were asked to state their membership size. The majority of respondents provided an exact figure based on their most recent data on file; a handful of organizations provided approximate or estimated figures. Table 1.1 indicates the size ranges of organizations surveyed. As seen in this table, the majority of survey participants were organizations with fewer than 1,000 members. Within this subgroup, the greatest number of organizations fell into the 100 – 499 member range.⁶

Table 1.1. Size of organizations, global

Base = 66 respondents

Size of Organization	Count	%
Less than 100 members	14	21%
100-499	15	23%
500-999	10	15%
1,000-4,999	10	15%
5,000-9,999	8	12%
10,000-20,000	5	8%
Over 20,000	4	6%
Total	66	100%

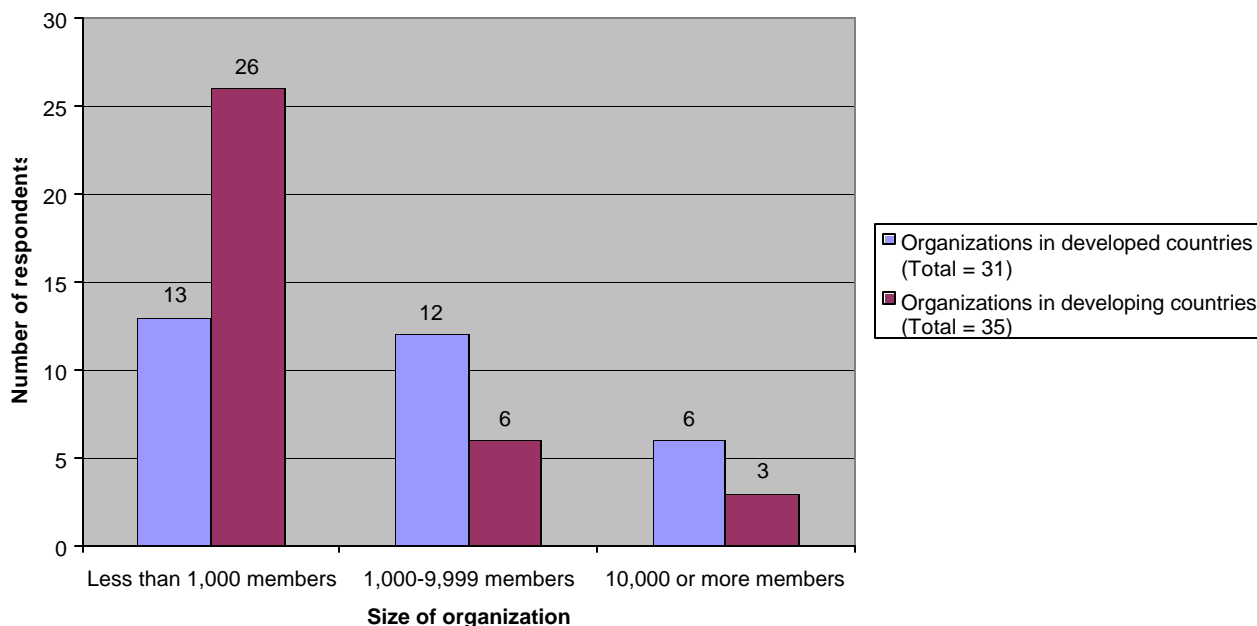
There was considerable variation in the sizes of participating organizations. The smallest organization, the Office of the Attorney General in Kiribati (“Kiribati AG”), consists of 10 members. At the opposite end of the spectrum were the Nigerian Bar Association, with a membership of 58,000, and the Law Society of England and Wales, with 92,752 practicing members and an additional 24,248 members who do not hold practicing certificates.

Figure 1.1 classifies the respondents using three major size groupings, and further divides them according to their location in a developed or developing country. This chart indicates that the majority of participating lawyers’ organizations in developing countries are smaller in size, having fewer than 1,000 members: within this size category, there were twice as many developing country respondents as there were organizations based in developed countries. By contrast, most participating lawyers’ organizations in developed countries are larger, comprising

⁶ See Appendix 3 for a list of the membership sizes of survey participants.

18 of the 27 respondents falling into the larger size groupings (*i.e.*, organizations with 1,000 – 9,999 members, and those with over 10,000 members).

Figure 1.1. Classification of organizations by size and country type



1.2 Number of female members

Sixty-two respondents provided information regarding the size of their female membership. Across all institutions, the average (mean) percentage of female members was 31%, or slightly under one-third of total membership. The median percentage of female members across all organizations was 33%. Both the mean and median percentages of female members were slightly higher for developed country organizations than for organizations in developing countries.

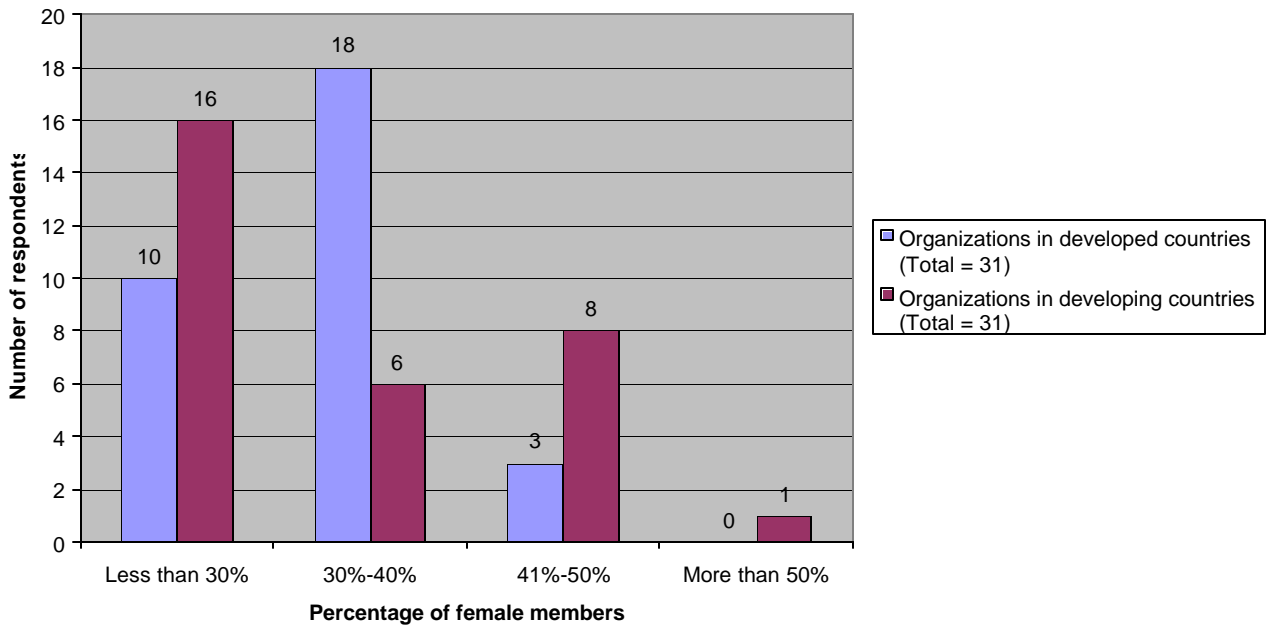
Table 1.2. Female membership of organizations

Base = 62 respondents

	Mean %	Median %	Count
Organizations in developed countries	31.1%	33%	31
Organizations in developing countries	30.9%	29%	31
All organizations	31%	33%	62

Figure 1.2 provides the distribution of developed and developing country organizations reporting female membership that fell within a particular percentage range of their total membership. This chart indicates that 16 developing country respondents, equivalent to just over half of the developing country institutions responding to this question, had female membership rates of less than 30%. Additionally, more than three times as many organizations from developed countries had female membership within the 30% – 40% range as compared to organizations in developing countries. At the same time, it may be noted that the small number of organizations reporting female membership rates over 40% came predominantly from developing countries. Only one respondent, the Anguilla Bar Association, reported having a female membership rate exceeding 50%.⁷

Figure 1.2. Percentage of female members, developed and developing countries



1.3 Structure of organization

Survey participants were asked to describe their structure using one of four given organization types: government agency, independent non-profit organization, self-governing regulatory body, or ‘some other structure’. Approximately 55% of respondents described themselves as self-governing regulatory bodies. Thirty-eight percent of respondents described themselves as independent non-profit organizations. One respondent, the Kiribati AG, identified itself as a government agency. Finally, four respondents classified themselves as being ‘some other structure’, such as an independent non-profit organization with a regulatory function (Law

⁷ See Appendix 4 for a listing of the female membership sizes of survey participants.

Institute of Victoria), and a hybrid government and self-regulating organization (Isle of Man Law Society).

Table 1.3. Structure of organizations, global

Base = 66 respondents

Type of Organization	Count	%
Self-Governing Regulatory Body	36	54.5%
Independent Non-Profit Organization	25	38%
Government Agency	1	1.5%
Some other structure	4	6
Total	66	100

Although most respondents described themselves as being self-governing regulatory bodies, a breakdown of the respondents into developed and developing country groupings produced a different perspective, as seen below in Table 1.4. While 68% of respondents in developed countries described themselves as self-governing regulatory bodies, 51% of respondents in developing countries described themselves as being independent non-profit organizations.

Table 1.4. Structure of organizations, developed & developing countries

Base = 66 respondents (31 developed/ 35 developing)

Structure of Institution	Organizations in developed countries		Organizations in developing countries	
	Count	%	Count	%
Self-Governing Regulatory Body	21	68%	15	43%
Independent Non-Profit Organization	7	22%	18	51%
Government Agency	0	0%	1	3%
Some other structure	3	10%	1	3%
Total	31	100%	35	100%

Six respondents that described themselves as ‘independent non-profit organizations’ rather than ‘self-governing regulatory bodies’ later stated (in Question 8 of the survey) that regulation of the profession is a primary activity of their organizations. It is unclear why these respondents did not describe themselves as self-governing regulatory bodies, or alternatively describe themselves using the ‘some other structure’ category. It appears likely that some survey participants saw themselves as fitting more than one of type of organization structure identified in the question, although they could only select one type for their response.

1.4 Establishment by legislation

Survey participants were asked to indicate whether they were established by legislation, and to provide the name of their enabling statute (if any).⁸ Fifty-five percent of respondents reported that they were established by legislation. Forty-five percent of respondents reported that they were not established by legislation. Similar percentages of respondents in both developed and developing countries indicated that they were established by legislation.

Table 1.5. Establishment by legislation

Base = 66 respondents (31 developed/ 35 developing)

	Established by Legislation		Not Established by Legislation	
	Count	%	Count	%
All organizations	36	55%	30	45%
Organizations in developed countries	16	52%	15	48%
Organizations in developing countries	20	57%	15	43%

It was observed that 8 respondents that described themselves (in Question 3 of the survey) as self-governing regulatory bodies indicated that they were not established by legislation. This raised a question regarding the source of these organizations’ regulatory authority. One organization, the Law Society of England and Wales, explained that it was originally established by Royal Charter but that many of its current regulatory powers are contained in legislation. Two of the other seven respondents similarly indicated on their websites that although they were not originally established by legislation, they now derive their regulatory authority from legislation.

1.5 Types of members

Survey participants were asked to indicate the types of legal professionals that are included as members in their organizations. All but one of the respondents to this question indicated that their membership includes lawyers in private practice.⁹ Seventy-nine percent of respondents reported that their membership includes government lawyers, and 73% of respondents indicated that their membership includes lawyers working in other professions. Over half of the respondents reported that their membership includes notaries and academics. Less than one-third of the respondents indicated that their membership includes law students, judges, or law clerks. Finally, 15% of respondents described themselves as containing other types of members, such as

⁸ See Appendix 5 for the list of enabling statutes.

⁹ One respondent, the Kiribati AG, had membership consisting exclusively of government lawyers.

foreign and interstate lawyers, lawyers working in corporations or as in-house counsel, legal office managers, and business professionals who work in the legal sector.¹⁰

Table 1.6. Types of members, global

Base = 66 respondents

Occupation	Count	%
Lawyers in Private Practice	65	99%
Government Lawyers	52	79%
Lawyers working in other professions	48	73%
Notaries	34	52%
Academics	34	52%
Law Students	19	29%
Judges	12	18%
Law Clerks	11	17%
Other	10	15%

Table 1.7 illustrates the composition of membership among organizations in developed and developing countries. It may be noted that a higher proportion of respondents in developed countries include academics in their membership as compared to their counterparts in developing countries. Additionally, there are substantial differences in the extent to which respondents in developed and developing countries include judges, law clerks and law students in their membership. The difference is most marked in the case of law students: while over half of the respondents in developed countries include law students in their membership, only 9% of developing country organizations include these as members.

¹⁰ Some responses provided under this category were re-classified for consistency: for example, ‘barristers’ or ‘advocates’ were regrouped under the heading ‘lawyers in private practice’.

Table 1.7. Types of members, developed & developing countries

Base = 66 respondents (31 developed/ 35 developing)

Occupation	Organizations in developed countries		Organizations in developing countries	
	Count	%	Count	%
Lawyers in Private Practice	31	100%	34	97%
Government Lawyers	25	81%	27	77%
Lawyers working in other professions	22	71%	26	74%
Notaries	14	45%	20	57%
Academics	19	61%	15	43%
Law Students	16	52%	3	9%
Judges	8	26%	4	11%
Law Clerks	8	26%	3	9%
Other	5	16%	5	14%

1.6 Nature of membership

Survey participants were asked to indicate the nature of membership in their organizations, *i.e.*, whether mandatory or voluntary, by appointment or election, or of some other form. Participants were able to select more than one response for this question if applicable. Overall, 53% of respondents indicated that membership in their organizations is mandatory. Fifty-two percent of respondents indicated that membership in their organizations is voluntary. Two respondents reported having forms of membership other than the types listed in the question, namely honorary membership and associate membership.

Table 1.8. Nature of membership, global

Base = 66 respondents

Nature of Membership	Count	%
Mandatory Membership	35	53%
Voluntary Membership	34	52%
By Election	4	6%
By Appointment	2	3%
Other	2	3%

Five respondents reported having both mandatory and voluntary forms of membership. The Law Society of Scotland, for example, explained that membership in its organization is mandatory for those solicitors wishing to practise and hold a practising certificate in Scotland, while solicitors who are not practising may be members if they so choose.

It was observed that 11 organizations that reported having voluntary membership had elsewhere indicated (in Question 3 of the survey) that they were self-governing regulatory bodies. This precipitated further inquiry regarding how organizations with voluntary membership are able to exercise regulatory authority. One answer to this inquiry was found in the example of the Law Society of New South Wales, which is responsible for the issuing of practicing certificates to solicitors in that jurisdiction. Although the certificate is mandatory for solicitors in New South Wales wishing to practice, it is not required that a solicitor be a member of the law society in order to be entitled to a practicing certificate:¹¹ membership in the law society is obtained through paying a separate fee and entitles members to a set of benefits unrelated to practice rights.¹²

As seen in Table 1.9 and Figure 1.3, a majority of respondents from developed countries described themselves as having a mandatory membership requirement, while a majority of respondents from developing countries indicated that membership in their organizations is voluntary.

Table 1.9. Nature of membership, developed and developing countries

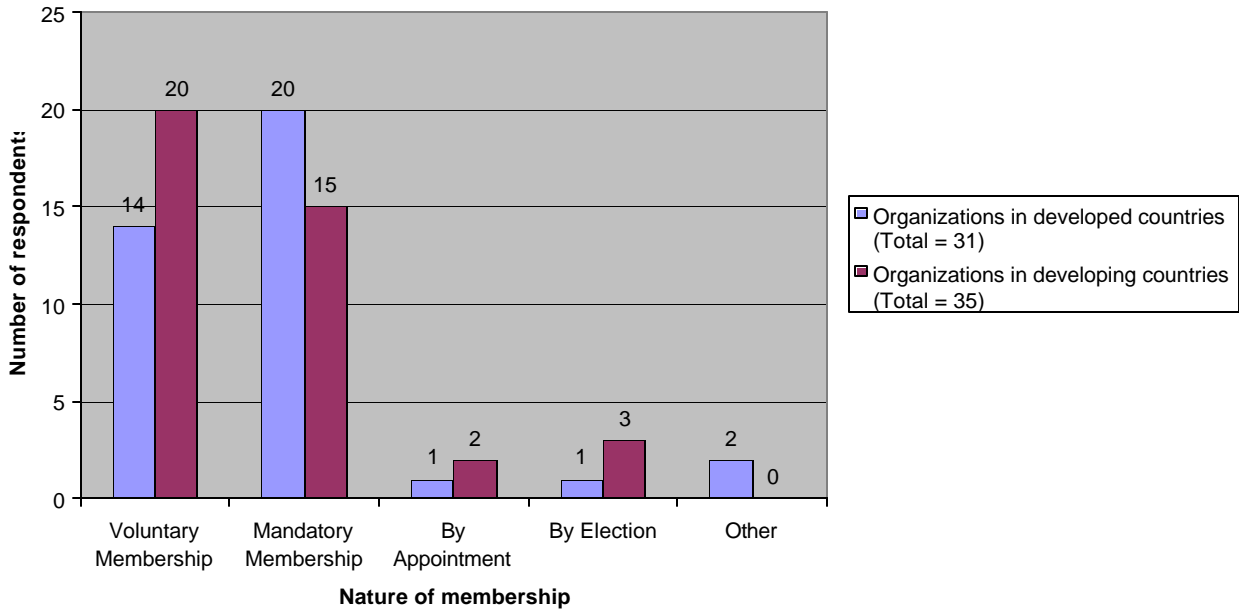
Base = 66 respondents (31 developed/ 35 developing)

Nature of Membership	Organizations in developed countries		Organizations in developing countries	
	Count	%	Count	%
Voluntary Membership	14	45%	20	57%
Mandatory Membership	20	65%	15	43%
By Appointment	1	3%	2	6%
By Election	1	3%	3	9%
Other	2	7%	0	0%

¹¹ This may be contrasted with the case of Scotland, where membership in the law society is mandatory in order to receive the solicitors' practising certificate.

¹² Note: this information was derived from the Law Society of New South Wales' website and was not provided directly by this respondent in its answers to the survey.

Figure 1.3. Nature of membership, developed and developing countries



1.7 Sources of funding

Survey participants were asked to indicate whether they received funding from annual membership fees, annual licensing fees, government funding, or other sources, and what percentage of their funding came from each of these sources. As seen in Table 1.10, 90% of respondents to this question indicated that they receive funding from annual membership fees. Twenty-one percent of respondents reported that they receive funding from annual licensing fees. As Table 1.11 indicates, membership fees comprise the majority (average 81%) of the total funding base for organizations that receive such fees. Annual licensing fees account for an average of 57% of total funding among those organizations that receive such fees.

Table 1.10 Sources of funding, global

Base = 63 respondents

Funding source	Count	%
Annual Membership Fees	57	90%
Annual Licensing Fees	13	21%
Government Funding	5	8%
Other	30	48%

Table 1.11. Extent of reliance on funding sources, global*Base = 63 respondents*

Funding source	Average % of organizations' total funding
Annual Membership Fees	81%
Annual Licensing Fees	57%
Government Funding	19% ¹³
Other	26%

Nearly half of the respondents reported that they obtain funding from 'other' sources. Upon request, 21 of the 30 respondents who indicated that they receive other forms of funding provided additional descriptive information on these funding sources. The most frequently cited among these were the following:

- Miscellaneous fees *e.g.*, law stamp fees, student fees, fees for certificate of good standing etc. (six responses)
- Continuing legal education seminars (five responses)
- Advertising (four responses)
- Investment income (three responses)
- Donations (three responses)
- Sponsorships (three responses)

Other income sources cited included fundraising events, revenue from publications, rental income, and partnerships with other lawyers' organizations.

Although only 13 respondents indicated that they receive funding from annual licensing fees, it was observed that 38 respondents (in Question 8 of the survey) listed licensing of lawyers as a primary activity of their organizations. Assuming that payment of a fee in some form is necessary in most jurisdictions in order to maintain the right to practise as a lawyer, a likely explanation for this discrepancy is that the fee described by some respondents as a 'membership fee' includes the benefit of practise rights.¹⁴

Table 1.12 indicates the sources of funding for organizations in developed and developing countries. This breakdown confirms that annual membership fees are the dominant source of funding in both sets of institutions. Regarding the extent of reliance on these funding sources (Table 1.13), it may be noted that among those organizations that receive funding from 'other' sources, the average percentage of funding that comes from these sources is higher for

¹³ This figure does not take into account the Kiribati AG, which as a government agency receives 100% of its funding from that source. If the Kiribati AG is included, the resulting average is 35%.

¹⁴ This must in particular be true in the case of respondents that referred to 'membership fees' rather than 'licensing fees', described licensing of lawyers as a primary activity of their organizations, and also indicated that membership in their organizations is mandatory (25 respondents).

developing country organizations (average 32%) than for those in developed countries (average 20%).

Table 1.12. Sources of funding, developed and developing countries

Base = 63 respondents (29 developed/ 34 developing)

Nature of Membership	Organizations in developed countries		Organizations in developing countries	
	Count	%	Count	%
Annual Membership Fees	26	90%	31	91%
Annual Licensing Fees	7	24%	6	18%
Government Funding	2	7%	3	9%
Other	15	52%	15	44%

Table 1.13. Extent of reliance on funding sources, developed and developing countries

Base = 63 respondents (29 developed/ 34 developing)

Funding source	Average % of organizations' total funding, developed countries	Average % of organizations' total funding, developing countries
Annual Membership Fees	84%	79%
Annual Licensing Fees	55%	59%
Government Funding	23%	15% ¹⁵
Other	20%	32%

¹⁵ This figure does not take into account the Kiribati AG (see note 12). If the Kiribati AG is included, the resulting average is 43%.

2. Functions of Organization

2.1 *Functions of organizations and level of engagement*

Survey participants were asked to indicate their level of engagement in each of the following functions: licensing of lawyers; regulation of lawyers; disciplining of lawyers; bar admission program; continuing legal education; advocacy on behalf of the profession and/ or public interest; delivery of legal aid; public legal education; working with the judiciary, prosecutors and ministries of justice to improve the administration of justice; improving ethical standards of the profession; promoting equality within the profession.

As indicated in Table 2.1, a majority of respondents described eight of the eleven listed functions as primary activities of their organizations and a ninth, public legal education, as an activity in which they are at least occasionally engaged. However, as seen in Table 2.2, there were some notable differences in the responses of developed and developing country organizations.

Nearly all respondents, both from developing and developed countries, reported that they are in some way engaged (*i.e.*, either as a primary or occasional activity) in improving ethical standards of the profession and working with other stakeholders (*i.e.*, judiciary etc.) to improve the administration of justice. Ninety percent of respondents reported being in some way engaged in continuing legal education and advocacy on behalf of the profession and/or public interest. Again both developed and developing countries had similar levels of engagement.

With respect to the licensing, regulation and discipline of the legal profession, while a large majority of developed country legal organizations stated that these activities were primary activities of the organization only about half of developing country respondents indicated that these functions were primary ones. As a number of developing countries responded that they occasionally engaged in these activities, it would appear that the large majority of developing country legal organizations have some role to play in the licensing, regulation and discipline of the legal profession. By way of example, while 83% of respondents from developed countries cited regulation of lawyers as a primary activity, only 48% of the respondents from developing countries did likewise. A further 29% of these respondents described this as an occasional activity, so that 77% of developing country respondents are involved in some way in regulating the legal profession.

Bar admission programs are normally associated with the licensing and regulation of the legal profession. While 61% of respondents in developed countries described the bar admission program as a primary activity, only 33 % of developing country respondents indicated that this was a primary activity, 27% described it as an occasional activity and 40% stated that they never engage in this activity. 40% of developing country respondents also indicated that they never engage in licensing lawyers.

While 55% of the respondents stated that they are in some way engaged in the delivery of legal aid, there was a significant difference between the involvement of developing and developed lawyers' organizations. 73% of respondents from developing countries indicated that they are engaged in delivery of legal aid either as an occasional or primary activity while 67% of

respondents from developed countries indicated that they never engaged or are no longer engaged in this activity.

Table 2.1. Functions of organizations, global

Base = 66 respondents

Function	Primary Activity of Organization		Occasionally Engaged (But Not a Primary Activity)		Previously Engaged (But No Longer Engaged)		Never Engaged	
	Count	%	Count	%	Count	%	Count	%
Licensing of lawyers	38	63%	3	5%	0	0%	19	32%
Regulation of lawyers	40	66%	11	18%	0	0%	10	16%
Disciplining of lawyers	35	56%	17	27%	2	3%	8	13%
Bar admission program	27	47%	11	19%	0	0%	20	34%
Continuing legal education	33	55%	21	35%	2	3%	4	7%
Advocacy on behalf of profession and/or public interest	33	55%	21	35%	0	0%	6	10%
Delivery of legal aid	11	20%	19	35%	6	11%	18	33%
Public legal education	11	20%	30	55%	1	2%	13	24%
Working with the judiciary, prosecutors and ministries of justice to improve the administration of justice	38	61%	23	37%	0	0%	1	2%
Improving ethical standards of profession	54	83%	10	15%	0	0%	1	2%
Promoting equality within The profession	38	62%	10	16%	1	2%	12	20%

Table 2.2. Functions of organizations, developed and developing countries

Base = 66 respondents (31 developed/ 35 developing)

		Organizations in developed countries		Organizations in developing countries	
		Count	%	Count	%
Licensing of lawyers	Primary Activity of Organization	23	77%	15	50%
	Occasionally Engaged (But Not a Primary Activity)	0	0%	3	10%
	Previously Engaged (But No Longer Engaged)	0	0%	0	0%
	Never Engaged	7	23%	12	40%
Regulation of lawyers	Primary Activity of Organization	25	83%	15	48%
	Occasionally Engaged (But Not a Primary Activity)	2	7%	9	29%
	Previously Engaged (But No Longer Engaged)	0	0%	0	0%
	Never Engaged	3	10%	7	23%
Disciplining of lawyers	Primary Activity of Organization	20	67%	15	47%
	Occasionally Engaged (But Not a Primary Activity)	5	17%	12	38%
	Previously Engaged (But No Longer Engaged)	1	3%	1	3%
	Never Engaged	4	13%	4	12%
Bar admission program	Primary Activity of Organization	17	61%	10	33%
	Occasionally Engaged (But Not a Primary Activity)	3	11%	8	27%
	Previously Engaged (But No Longer Engaged)	0	0%	0	0%
	Never Engaged	8	29%	12	40%

Table 2.2. Functions of organizations, developed and developing countries (continued)

		Organizations in developed countries		Organizations in developing countries	
		Count	%	Count	%
Continuing legal education	Primary Activity of Organization	19	66%	14	45%
	Occasionally Engaged (But Not a Primary Activity)	8	28%	13	42%
	Previously Engaged (But No Longer Engaged)	1	3%	1	3%
	Never Engaged	1	3%	3	10%
Advocacy on behalf of profession and/or public interest	Primary Activity of Organization	17	63%	16	48%
	Occasionally Engaged (But Not a Primary Activity)	7	26%	14	42%
	Previously Engaged (But No Longer Engaged)	0	0%	0	0%
	Never Engaged	3	11%	3	9%
Delivery of legal aid	Primary Activity of Organization	4	17%	7	23%
	Occasionally Engaged (But Not a Primary Activity)	4	17%	15	50%
	Previously Engaged (But No Longer Engaged)	5	21%	1	3%
	Never Engaged	11	46%	7	23%
Public legal education	Primary Activity of Organization	4	15%	7	25%
	Occasionally Engaged (But Not a Primary Activity)	17	63%	13	46%
	Previously Engaged (But No Longer Engaged)	0	0%	1	4%
	Never Engaged	6	22%	7	25%
Working with the judiciary, prosecutors and ministries of justice to improve the administration of justice	Primary Activity of Organization	17	59%	21	64%
	Occasionally Engaged (But Not a Primary Activity)	12	41%	11	33%
	Previously Engaged (But No Longer Engaged)	0	0%	0	0%
	Never Engaged	0	0%	1	3%
Improving ethical standards of profession	Primary Activity of Organization	26	87%	28	80%
	Occasionally Engaged (But Not a Primary Activity)	4	13%	6	17%
	Previously Engaged (But No Longer Engaged)	0	0%	0	0%
	Never Engaged	0	0%	1	3%
Promoting equality within the profession	Primary Activity of Organization	20	69%	18	56%
	Occasionally Engaged (But Not a Primary Activity)	5	17%	5	16%
	Previously Engaged (But No Longer Engaged)	0	0%	1	3%
	Never Engaged	4	14%	8	25%

2.2 Nature of engagement in organization function

Survey participants were asked to indicate whether they are mandated by statute to engage in their current functions, or whether they are voluntarily engaged. A majority of respondents indicated that their involvement in each of the functions of licensing, regulation, disciplining, administering the bar admission program, and improving ethical standards is mandated by statute. For all of the other listed functions, a majority of respondents indicated that they are voluntarily engaged.

Table 2.3. Nature of organization function, global

Base = 66 respondents

Function	Mandated by Statute		Voluntary Role	
	Count	%	Count	%
Licensing of lawyers	36	82%	8	18%
Regulation of lawyers	41	82%	9	18%
Disciplining of lawyers	41	75%	14	25%
Bar admission program	24	65%	13	35%
Continuing legal education	17	29%	42	71%
Advocacy on behalf of profession and/or public interest	16	27%	43	73%
Delivery of legal aid	12	34%	23	66%
Public legal education	8	17%	39	83%
Working with the judiciary, prosecutors and ministries of justice to improve the administration of justice	17	29%	42	71%
Improving ethical standards of profession	32	52%	30	48%
Promoting equality within The profession	8	16%	41	84%

Table 2.4 provides a breakdown of the responses to this question according to developed and developing country groupings. In both groupings, a majority of respondents described their functions of licensing, regulation, disciplining, and administering the bar admission program as being mandated by statute, thus largely echoing the pattern seen in Table 2.3. However, there was generally less uniformity among the respondents from developing countries regarding the mandatory or voluntary nature of these functions. Generally fewer developing countries were mandated by legislation to take on these functions. For example, while 96% of organizations in developed countries indicated that their function of licensing lawyers is mandated by legislation, only 67% of developing country institutions reported likewise. Similarly, 88% of developed country organizations were required to discipline lawyers by statute, while only 63% of developing country organizations were so mandated.

Table 2.4. Nature of organization function, developed and developing countries

Base = 66 respondents (31 developed/ 35 developing)

		Organizations in developed countries		Organizations in developing countries	
		Count	%	Count	%
Licensing of lawyers	Mandated by Statute	22	96%	14	67%
	Voluntary Role	1	4%	7	33%
Regulation of lawyers	Mandated by Statute	24	89%	17	74%
	Voluntary Role	3	11%	6	26%
Disciplining of lawyers	Mandated by Statute	22	88%	19	63%
	Voluntary Role	3	12%	11	37%
Bar admission program	Mandated by Statute	14	74%	10	56%
	Voluntary Role	5	26%	8	44%
Continuing legal education	Mandated by Statute	9	32%	8	26%
	Voluntary Role	19	68%	23	74%
Advocacy on behalf of profession and/or public interest	Mandated by Statute	4	15%	12	36%
	Voluntary Role	22	85%	21	64%
Delivery of legal aid	Mandated by Statute	2	18%	10	42%
	Voluntary Role	9	82%	14	58%
Public legal education	Mandated by Statute	3	14%	5	20%
	Voluntary Role	19	86%	20	80%
Working with the judiciary, prosecutors and ministries of justice to improve the administration of justice	Mandated by Statute	5	19%	12	38%
	Voluntary Role	22	81%	20	62%
Improving ethical standards of profession	Mandated by Statute	14	50%	18	53%
	Voluntary Role	14	50%	16	47%
Promoting equality within the profession	Mandated by Statute	2	8%	6	25%
	Voluntary Role	23	92%	18	75%

2.3 Types of activities

Survey participants were invited to describe the types of activities in which they are engaged in the following areas: continuing legal education; advocacy on behalf of profession and/or public interest; legal aid; public legal education; working with other stakeholders (*i.e.*, the judiciary, prosecutors, ministries of justice, etc.) to improve the administration of justice; improving ethical standards of the profession; promoting equality within the profession. For each area, the responses provided have been coded and grouped and are presented in Tables 2.5 – 2.11 below; the accompanying textual commentary highlights the most common responses and other points of interest. It should be noted that, as was the case in the rest of the survey, providing responses to this question was voluntary, and the comprehensiveness of respondents’ answers to this open-

ended question varied considerably. The responses seen below are useful in indicating which types of activities were most frequently cited by respondents, and also in providing a sense of the range of activities engaged in by lawyers' organizations. These responses should not however be interpreted as providing an accurate indication of the number or percentage of survey participants actually engaged in each of the activities described.

(a) Continuing legal education (CLE)

Fifty-six survey participants provided responses to this question. Forty-five respondents indicated that they provide seminars, workshops, courses or lectures as CLE activities for their members. Ten respondents indicated that they provide training programs in areas such as advocacy, alternative dispute resolution, and trust account partner training. Two respondents indicated that they are not engaged in CLE.

The number of respondents indicating that they provide seminars, workshops, courses or lectures was fairly evenly balanced as between institutions in developed and developing countries. With regard to training programs, however, more than twice as many respondents from developing countries indicated that they are engaged in this activity as compared to their counterparts in developed countries. The two respondents stating that they do not provide CLE were both institutions in developing countries with less than 100 members each.

Three respondents reported that they impose a mandatory CLE requirement upon members:

Solicitors are required to undertake 16 hours structured continuing professional development a year. The Law Society monitors this and accredits suitable courses and activities that qualify to be counted towards a solicitor's CPD requirement. [Law Society of England and Wales]

The Society prescribes the number of hours of CPD (continuing professional development) which practising members are required to carry out each year. This currently stands at 20 per annum. The Society also provides some CPD courses, although there are a large number of providers in this area. [Law Society of Scotland]

Seminars for practitioners to maintain their currency in law and legal practice. Approval of courses in practice management education (which are a mandatory requirement for solicitors seeking an unrestricted right to practice) Seminars for practitioners to allow them to fulfill their statutory obligations pursuant to regulation 142 of the Legal Profession Regulations. [Law Society of New South Wales]

These respondents were law societies in developed countries with large membership bases (approx. 93,000, 9,000, and 19,000 respectively). It should nonetheless be noted that a smaller, developing country institution, the Uganda Law Society (approx. 700 members), also reported that it is setting up a mandatory CLE program.

Table 2.5. Continuing legal education

Base = 56 respondents

Type of activity	Count	Organizations in developed countries	Organizations in developing countries
Seminars, workshops, courses, lectures	45	23	22
Training programs (advocacy, ADR, etc.)	10	3	7
Accreditation of training providers/ approval of training courses	4	3	1
Mandatory CLE requirement for members	3	3	0
Bar admission course	3	3	0
Financial support to primary CLE provider	1	1	0
Distributing legal materials to members	1	0	1
Monthly publication of law reports	1	0	1
Establishing LLB program for local practitioners with diploma in law	1	0	1
Help coordinate national activities	1	0	1
None/ not applicable	2	0	2

(b) Advocacy on behalf of the profession and/or public interest

Forty-six survey participants provided responses to this question. Twenty respondents indicated that they engage in advocacy on behalf of the profession and/or public interest through relations with government and other stakeholders, *i.e.*, meetings, liaisons, and lobbying. Fourteen respondents indicated that they make media releases and press statements. Nine respondents stated that they engage in litigation or make interventions in cases of particular importance to the profession or public interest. Nine respondents indicated that they organize lectures, seminars, conferences, or public debates. A number of organizations also reported under this section that they provide advocacy training programs for their members.¹⁶

The majority of respondents stating that they interact with government and other stakeholders via meetings, liaisons, and lobbying were organizations in developed countries (17 out of 20 respondents). Within this subset, 13 respondents were organizations with 1,000 or more members and 10 respondents were organizations with 5,000 or more members. In a similar category entitled ‘submissions to government’ (encompassing organizations that made submissions to government bodies such as parliamentary committees), all six respondents were organizations from developed countries and five of these had memberships of 5,000 persons or more.

Some organizations appeared particularly active in their function of making submissions to government, as seen in the following examples from the law societies of New Zealand and New South Wales:

¹⁶ These responses were regrouped with the responses to the preceding question on CLE.

The NZLS makes submissions on the vast majority of Bills before Parliament, generally focusing, in the public interest, on their workability rather than on the policy aspects. The NZLS's special role in safeguarding the public interest in that way is respected by Parliament. [New Zealand Law Society]

The Society made more than 150 submissions to Government in the financial year ending 30 June 2004. [Law Society of New South Wales]

Among organizations indicating that they make media releases and press statements, respondents from developing countries were predominant (9 of 14 respondents). With respect to hosting lectures, seminars, conferences, or debates, seven of the nine respondents indicating their engagement in such activities were developing country organizations with less than 1,000 members.

Table 2.6. Advocacy on behalf of the profession and/ or public interest

Base = 46 respondents

Type of activity	Count	Organizations in developed countries	Organizations in developing countries
Relations with government & other stakeholders: meetings/ liaisons/ lobbying	20	17	3
Media releases/ press statements	14	5	9
Litigation/ interventions in cases of particular importance to the profession or public interest	9	4	5
Lectures/ seminars/ conferences/ public debates	9	2	7
Submissions to government (e.g., parliamentary committees, inquiry committees)	6	6	0
Law reform work	2	2	0
Alternative policy development	1	1	0
Striking task forces to study issues	1	1	0
Defending members when Bar is sued	1	0	1
Conduct radio programs on topical issues	1	0	1
Occasional moots	1	0	1
Pamphlets	1	0	1
Never engaged	1	1	0

(c) Legal aid

Fifty-one survey participants provided responses to this question. Eleven respondents indicated that they run or administer programs providing legal advice and/ or representation, usually to assist specific classes of persons (e.g., low-income persons, women) or for specific types of cases (e.g., sexual offences, capital offences). Nine respondents indicated that their members

voluntarily engage in legal aid work on an *ad hoc* or informal basis.¹⁷ Nine respondents stated that they are not engaged in legal aid activities.

Seven of the eleven respondents that indicated that they provide legal advice and/ or representation were organizations in developing countries. Several of these organizations emphasized the comprehensive nature of their legal aid programs:

The NBA has a legal aid committee with a reach that is spread round the entire 36 States of Nigeria. As part of our legal aid activity, indigent persons who are unable to pay for the services of lawyers are represented free of charge, particularly in criminal matters. [Nigerian Bar Association]

Operate a national legal aid scheme that carries out legal representation, legal education, human rights awareness programs and counseling service. [Uganda Law Society]

This is an area where the BASL plays a significant role. We have a separate Legal Aid Chapter, which is funded by the UNHCR. We have been actively involved in legal aid work throughout Sri Lanka including the North and East. [Bar Association of Sri Lanka]

Seven of the nine respondents that stated that their members are involved in *ad hoc* legal aid work were organizations in developing countries; within this subset, five respondents were organizations with less than 1, 000 members.

One respondent, the Botswana Law Society, indicated that members are required to do *pro bono* work in the absence of a national legal aid scheme.

Respondents reported being engaged in an extensive range of legal aid activities and projects apart from the provision of legal advice and/ or representation. The Malaysian Bar Council, for example, reported having a mobile legal aid clinic, a radio talk show providing legal advice, and training workshops for legal aid volunteers. Another noteworthy response was that of the Law Society of Namibia, which established a trust fund for test case litigation:

The government (Ministry of Justice) is responsible to legal aid. Sometimes they fail to provide legal aid at all or timeously... The LSN had to establish a trust, funded by members, to pay for eventualities of rule of law infringements [in cases] where the Legal Assistance Centre (who gets their funding from international donors and specialises in human rights) cannot pay for the matter or if government will not or cannot pay. The LSN rule of Law Trust was established to pay for the test case of bail applications for a few of the treason trial accused persons.

Six of the nine respondents stating that they are not engaged in legal aid were organizations in developed countries. At the same time, it may be noted that all four of the respondents that indicated that they engage in lobbying for improvements on legal aid were organizations in developed countries. Three of these organizations (Law Society of British Columbia, Law Society of the Australian Capital Territory, and Canadian Bar Association) specified that their

¹⁷ 'Voluntarily' here refers to the legal aid work of lawyers, paid or unpaid, which is not part of a formal program run by the organizations to which they belong, and which is not required by these organizations as a condition of membership.

organizations lobby for increased government funding on legal aid programs. The Canadian Bar Association additionally indicated that it is currently preparing to launch a constitutional challenge regarding the right of access to adequate legal aid services.

Table 2.7. Legal aid

Base = 51 respondents

Type of activity	Count	Organizations in developed countries	Organizations in developing countries
Legal advice & representation	11	4	7
Ad hoc/ voluntary legal aid work by members	9	2	7
Liaison/collaboration with statutory legal aid Scheme	6	2	4
Lobbying for improvements on legal aid	4	4	0
Overseeing/ monitoring independent legal aid scheme	3	3	0
International development projects on legal aid issues	2	2	0
Providing counsel to assist with caseload at legal aid clinic	2	0	2
Visits to prisons	2	0	2
Public awareness campaign	2	0	2
Organizing the list of lawyers providing services under legal aid scheme	1	1	0
Reference point for <i>pro bono</i> in courts & tribunals	1	1	0
Meetings with Legal Aid Department to discuss payments of members' fees	1	1	0
Administration of legal aid quality assurance scheme	1	1	0
Partial funding of legal assistance scheme to facilitate <i>pro bono</i> work	1	1	0
Schools program	1	0	1
Trust fund for test case litigation	1	0	1
Mandatory <i>pro bono</i> requirement for members	1	0	1
Radio program providing legal advice	1	0	1
Law awareness/ literacy clinics in rural areas	1	0	1
Mobile legal aid clinic	1	0	1
Legal aid clinic during legal awareness week	1	0	1
Seminars/ training workshops for legal aid volunteers	1	0	1
None/ not applicable	9	6	3

(d) Public legal education

Forty-six survey participants provided responses to this question. Twenty respondents indicated that they organize public seminars, courses, lectures, and debates as public legal education

activities. Eight respondents indicated that they provide legal education programs directed at schools, including activities such as giving talks, hosting mock trial competitions or moots, and distributing educational materials. Eight respondents stated that they organize a 'Law Day' or 'Law Week' program, *i.e.*, a series of public events usually staged once per year with the goal of increasing public understanding of the law and legal processes. Five respondents indicated that they are not engaged in public legal education activities.

Twelve of the twenty respondents who stated that they organize public seminars, courses, lectures or debates were organizations in developing countries. Institutions in developing countries also accounted for the majority of respondents who indicated that they host radio and television programs (five of six respondents). In several other areas, however, organizations in developed countries were predominant among the responses received: this was true in respect of organizations providing school-directed education programs (seven of eight respondents), organizing Law Day or Law Week programs (six of eight respondents), distributing public information brochures or pamphlets (five of six respondents), and providing legal information to the public via the organizations' websites (five of five respondents).

One notable aspect of the responses gathered was the extent to which some organizations are using brochures and pamphlets as a public legal education tool, as seen in the following responses from law societies in England/Wales and New Zealand:

Last year the Law Society published a series of leaflets explaining basic legal transactions, and a leaflet entitled the Clients' charter, explaining what members of the public are entitled to expect from their solicitors. Some 22 million copies of the leaflets have been distributed (free of charge) to date. [Law Society of England and Wales]

The NZLS produces a series of "Law Awareness" pamphlets and distribute approximately 75,000 copies free to community groups annually (and a further 75,000 to law firms at minimal cost). [New Zealand Law Society]

Another point of interest was the indication from a few respondents that they are collaborating with other organizations in providing public legal education. Both the Samoa Law Society and the Law Society of Northern Ireland indicated that they work in conjunction with law faculties or faculty-based organizations in their respective countries. The Nigerian Bar Association stated that it collaborates with some public unions and non-governmental organizations, while the Ghana Bar Association stated that it collaborates with the Commonwealth Human Rights Initiative.

Table 2.8. Public legal education*Base = 46 respondents*

Type of activity	Count	Organizations in developed countries	Organizations in developing countries
Public seminars/ courses/ lectures/ debates	20	8	12
School programs	8	7	1
Law Day/Week	8	6	2
Radio and television programs	6	1	5
Public information brochures/ pamphlets	6	5	1
Other publications (law reports, legal bulletins, magazines, newsletters, journals) ¹⁸	5	2	3
Website	5	5	0
Media releases/ statements	4	2	2
Collaboration with other organizations	4	1	3
Giving financial support to body responsible for PLE	2	0	2
Media and the Law sessions	1	1	0
Full-time employed Education Liaison officer	1	1	0
Telephone pre-recorded legal information service	1	1	0
Telephone & on-line legal referral service	1	1	0
Promotional activities with a public education focus	1	1	0
Legal museums	1	1	0
Submissions to Parliament	1	1	0
None/ not applicable	5	3	2

(e) Working with other stakeholders (i.e. the judiciary, prosecutors, ministries of justice, etc.) to improve the administration of justice

Fifty-three survey participants provided responses to this question. Thirty-five respondents indicated that they engage in meetings, discussions, and consultations with other stakeholders, in particular government and the judiciary. Eighteen respondents indicated that they interact with other stakeholders through more formal mechanisms, such as liaison committees and task forces, that they have established themselves or in which they are participants.

For each of the two types of activities mentioned above, the ratio of respondents from developed and developing countries was fairly evenly balanced, suggesting that lawyers organizations in both developed and developing countries are diversified in the means they pursue to work with other stakeholders. Indeed, a number of respondents highlighted their use of both ‘informal’ and ‘formal’ mechanisms in this regard, as seen in the following examples:

¹⁸ ‘Other publications’ has been kept separate from ‘Public information brochures/ pamphlets’ so as recognize a functional distinction between the two types of publications: while pamphlets and brochures are likely to be created specifically for public dissemination, publications such as law reports, bulletins and newsletters are in many cases intended to be read by the legal community even though these publications may also be made available to a wider audience.

The CBA engages in consultations with Minister of Justice and other officials in Department of Justice and government generally. We have also established Liaison Committees, e.g., there is a Supreme Court of Canada Liaison Committee in which SCC judges participate and which meets annually to discuss issues of concern to the SCC Bench and the Bar. [Canadian Bar Association]

Regular involvement in this area consulting on planned legislation, regular meetings of Court User Groups and member involvement on Statutory Committees. [General Council of the Bar of Northern Ireland]

It was also evident that many organizations take a proactive role in engaging other stakeholders. This is illustrated in the following responses from law societies in Namibia and British Columbia:

Recently a High Profile Forum was established to ensure that the LSN has regular meetings with the high officials of the office of the Attorney General the Prosecutor General and the Ministry of Justice. This will ensure that the LSN is advised of new legislation and that problems of mutual concern can be discussed... [Law Society of Namibia]

The Society... recently initiated the formation of a Justice Review Task Force, comprised of representatives of the courts, government and the legal profession. The Task Force is working to identify a wide range of reform ideas and initiatives that may help make the justice system more responsive, accessible and cost-effective. [Law Society of British Columbia]

Table 2.9. Work with other stakeholders to improve the administration of justice

Base = 53 respondents

Type of activity	Count	Organizations in developed countries	Organizations in developing countries
Meetings/ discussions/ consultations	35	19	16
Formal liaisons (e.g. committees, task forces)	18	8	10
Making submissions/ interventions	5	3	2
Staging joint seminars	4	1	3
Assist the courts with new rules and procedures	1	1	0
Occasional review of performance of judicial officers	1	0	1
Law reporting project	1	0	1
Training sessions for clerks & police prosecutors	1	0	1

(f) Improving ethical standards of the profession

Fifty-three survey participants provided responses to this question. Twenty-four respondents indicated that they are engaged in efforts to improve ethical standards through the application, review, and periodic revision of their Codes of Professional Conduct or similar rules governing

their members. Two additional respondents (St. Kitts & Nevis Bar Association, Law Society of Samoa) indicated that they are currently seeking to introduce a code of ethics. Twenty-three respondents reported that they are involved in enforcing ethical standards through investigating complaints of professional misconduct and disciplining lawyers.

The majority of respondents that made reference to the application, review, or revision of their Codes of Professional Conduct or similar rules were organizations in developed countries (17 of 24 respondents). Conversely, the majority of respondents that cited their activities of investigating complaints and disciplining lawyers were organizations in developing countries (15 of 23 respondents).

It was noted that a number of respondents, predominantly organizations in developed countries, indicated that they are attempting to improve ethical standards through providing ethical advice and guidance to lawyers. The response from the Law Institute of Victoria provides one example:

The [ethics] program provides workshops for free across Victoria within firms, and phone direction for lawyers dealing with difficult situations. The ethics program is governed by an Ethics Committee with representatives of lawyers from the sector... Rulings and decisions are published (as appropriate) on-line in a specially designed ethics information section for all practitioners. The LIV also employs a duty solicitor to counsel lawyers.

The Law Society of New South Wales similarly reported having telephone advice services for members, while the Law Society of British Columbia stated that its Ethics Committee interprets existing rules for individual lawyers in addition to publishing ethics opinions for the profession as a whole.

Table 2.10. Improving ethical standards of the profession

Base = 54 respondents

Type of activity	Count	Organizations in developed countries	Organizations in developing countries
Codes of Professional Conduct/ other rules governing profession	24	17	7
Enforcement (investigating complaints/ disciplining lawyers)	23	8	15
Workshops/ seminars/ lectures	13	7	6
Ethics Committee	11	8	3
Provide advice/ guidance to lawyers	10	8	2
Continuing legal education	4	3	1
Publications (e.g., journal articles, magazine)	3	2	1
Publishing selected decisions of Ethics Committee, in print or on website	2	2	0
Telephone advice services for lawyers	2	2	0
Codes of Professional Conduct/ other rules governing profession (proposed or under consideration)	2	0	2
Full-time Ethics Liaison officer	1	1	0

Table 2.10. Improving ethical standards of the profession (continued)

Type of activity	Count	Organizations in developed countries	Organizations in developing countries
Providing duty solicitor to counsel lawyers	1	1	0
Mandatory ethics lectures for new members	1	0	1
Liaison with the judiciary and Law Council	1	0	1
Pamphlet on legal ethics mandatory for members	1	0	1

(g) Promoting equality within the profession

Forty-four survey participants provided responses to this question. Eight respondents indicated that they have an Equality or Diversity Committee that is responsible for promoting equality. Seven respondents reported that they are engaged in efforts to ensure equality of opportunity and representation on their own Committees and Councils. Seven respondents stated that they have model briefing policies or guidelines on equality-related issues for use by the profession. Five respondents indicated that they are not involved in any activities related to promoting equality.

Seven of the eight respondents that reported having an Equality Committee were organizations in developed countries; five of these were Canadian organizations. Organizations in developed countries were also responsible for all or most of the responses received in relation to a number of other activities, such as creating model briefing policies for the profession (six of seven respondents), commissioning research on equality issues within the profession (five of five respondents), and establishing an Equity Ombudsperson or officer (four of four respondents).

Most respondents did not specify the particular themes or issues that form the subject of their equality promotion activities. Among those organizations that did specify, 12 respondents referred to promoting gender equality. Seven respondents referred to promoting racial equality. Three organizations mentioned equality with respect to age (in particular, ensuring equal opportunities for more junior members of the profession). One respondent mentioned promoting equality in terms of sexual orientation.

It was apparent that some organizations have implemented innovative and responsive programs geared towards promoting equality, particularly in relation to gender equality. The New Zealand Law Society, for example, reported that it has a Women’s Consultative Group that “provides advice to the President and Board on matters relating to women in the profession, and serves as a link between the women lawyers’ groups around the country”. The Law Society of British Columbia indicated that offers “reimbursement of reasonable child care expenses incurred by Benchers and lawyers while on unpaid Law Society business”, while the Law Society of Western Australia stated that it has introduced rules on sexual harassment as well as a mediation service for dealing with complaints of sexual harassment within the profession.

Four respondents, all organizations in developing countries with less than 200 members each, reported that promoting equality was ‘not an issue’:

While this is not really an issue, the Bar has a very positive track record of participation by all members. [Anguilla Bar Association]

No discrimination. Full involvement of both male and female members in the activities of the Association. [Grenada Bar Association]

It may be noted that three of the four respondents providing this response had female membership rates exceeding 40%; one of these, the Anguilla Bar Association, indicated that more than half of its members were women.

Table 2.11. Promoting equality within the profession

Base = 44 respondents

Type of activity	Count	Organizations in developed countries	Organizations in developing countries
Equality/ Diversity Committee	8	7	1
Equalizing opportunities on Committees or Councils	7	3	4
Model briefing policies/ guidelines	7	6	1
Conducting/ commissioning research	5	5	0
Equity Ombudsperson/ Officer	4	4	0
'Not an issue'	4	0	4
Workshops/ seminars	2	1	1
Publications (magazines, journal articles)	2	1	1
Mentoring program for young lawyers and indigenous law students	1	1	0
Women's Consultative Group	1	1	0
Regular review of practice procedures	1	1	0
Sexual harassment rules and mediation service	1	1	0
Diversity Access Scheme	1	1	0
Creation of non-practicing membership Category with a lower fee	1	1	0
Reduction in liability insurance for members in part-time practice	1	1	0
Reimbursement of child care expenses for lawyers on unpaid Law Society business	1	1	0
Lobbying and liaison activities	1	1	0
Provide assistance to Maori Law Society	1	1	0
Equal Employment Opportunity awards	1	1	0
Making rules and procedures gender neutral	1	0	1
Speaking out on gender issues	1	0	1
Race and gender transformation programs	1	0	1
Remuneration Committee	1	0	1
Work generally to promote equality	5	2	3
None/ not applicable	5	2	3

2.4 Services provided to members

Survey participants were asked to give open-ended responses indicating the services they provide to members. The responses provided have been coded and grouped and are presented in Table 2.12. Once again, it should be noted that there was considerable variation in the comprehensiveness of respondents' answers to this question, both in terms of the level of detail provided and in respondents' interpretation of the term 'services'.¹⁹ Accordingly, while the responses seen below are useful in indicating the range of services currently being offered by lawyers' organizations and in analyzing respondents' perceptions of which services they consider most significant, the results should not be interpreted as providing an accurate indication of the number or percentage of survey participants actually providing each of the services described.

Of the 51 survey participants that provided responses to this question, 20 respondents described continuing legal education as a service they provide for their members. Sixteen respondents indicated that they disseminate information to their members (through, *e.g.*, regular newsletters) on issues of interest to the profession. Thirteen respondents reported that they offer social events and opportunities for networking. Eleven respondents indicated that they provide members with library facilities and resources. Ten respondents stated that they provide practice advice or support to members.

Comparable numbers of respondents from developed and developing countries indicated that they disseminate information, offer social and networking events or opportunities, and provide library facilities as services for members. In most other areas, however, organizations in developed countries accounted for the majority of responses received. For example, all 10 of the respondents that indicated they provide practice advice or support to members were organizations in developed countries. Similarly, organizations in developed countries comprised eight of the nine respondents that reported they provide their members with access to commercial benefits (*e.g.* discounts on car rentals, insurance policies etc.), and also comprised all five of the respondents that referred to their websites and online legal resources as services offered.

It was observed that some organizations have gone beyond the provision of professional support services and are additionally catering to the personal needs of members and their families. For example, three law societies (in Alberta, Manitoba, and Singapore) indicated that they provide a confidential counseling service for members; one of these, the Law Society of Manitoba, also reported having a 24-hour 'crisis line'. The Law Society of Singapore and the Bar Council of Malaysia both stated that their organizations have a welfare fund for members and their families in financial need. Finally, two respondents, the Nigerian Bar Association and the Tanganyika Law Society, reported that they have a fund that provides financial support to the surviving family of a deceased member.

¹⁹ For example, the number of respondents that listed CLE as a service offered to members is less than half of the number of survey participants that (in Question 8 of the survey) described CLE as a primary or occasional activity of their organizations (cf. Table 2.1). Thus, not all organizations that identified CLE as one of their functions also identified it as a 'service'.

Table 2.12. Services provided to members

Base = 51 respondents

Type of service	Count	Organizations in developed countries	Organizations in developing countries
Continuing legal education	20	13	7
Information and communications	16	7	9
Social & networking events	13	6	7
Library facilities	11	6	5
Practice advice/ support	10	10	0
Regulation of profession	9	4	5
Access to commercial benefits	9	8	1
Representation/ voice for the profession	9	5	4
Publications & subscriptions	7	5	2
Seminars, workshops, etc	6	2	4
Provide new legislation/ caselaw/ legal materials	5	0	5
General facilities e.g., use of phone, fax, office space	5	1	4
Website/ online legal resources	5	5	0
Forum for discussion	4	3	1
Lobbying	4	3	1
Arranging professional liability insurance	4	4	0
Specialist Committees/ opportunities for Committee involvement	4	4	0
Addressing complaints	3	1	0
Personal counseling service	3	3	0
Directories	3	1	2
Specialist Accreditation Scheme	2	2	0
Special sections e.g., in-house lawyers group	2	2	0
Mentor program	2	2	0
Pension fund	2	2	0
Discount rates on seminars organized by the Bar or law society	2	1	1
Affiliation to other bodies	2	1	1
Welfare Fund for members & their families in financial need	2	1	1
Fund for surviving family of deceased members	2	0	2
Policy development	1	1	0
Research solicitors	1	1	0
Limited employment service	1	1	0
Equity Ombudsperson	1	1	0
National mobility standing certificates	1	1	0
24-hour crisis line	1	1	0
Conciliation	1	1	0
Post/ courier services	1	1	0
University scholarships for children of members	1	1	0
Full-time Secretariat	1	0	1

Table 2.12. Services provided to members (continued)

Type of service	Count	Organizations in developed countries	Organizations in developing countries
Sourcing scholarships for further legal training	1	0	1
Organize exchange programs with other countries	1	0	1
Training pupil members	1	0	1
Administering the allocation of chambers	1	0	1
Assessment of fees	1	0	1
Curator work	1	0	1
Arranging attachments	1	0	1

2.5 Importance of institutional independence from government

Survey participants were asked to indicate how important it is to their members that they are able to function independently from government. Eighty-five percent of respondents reported that their ability to function independently from government is extremely important to members. Fourteen percent of respondents reported that their ability to function independently from government is considered very important. Only one respondent stated that institutional independence from government is not important to its members.²⁰

Table 2.13. Importance of institutional independence from government, global

Base = 65 respondents

	Count	%
Extremely Important	55	85%
Very Important	9	14%
Fairly Important	0	0%
Somewhat Important	0	0%
Not Important	1	1%
Total	65	100%

²⁰ This respondent, the Kiribati AG, is a government agency.

Figure 2.1. Importance of institutional independence from government, global

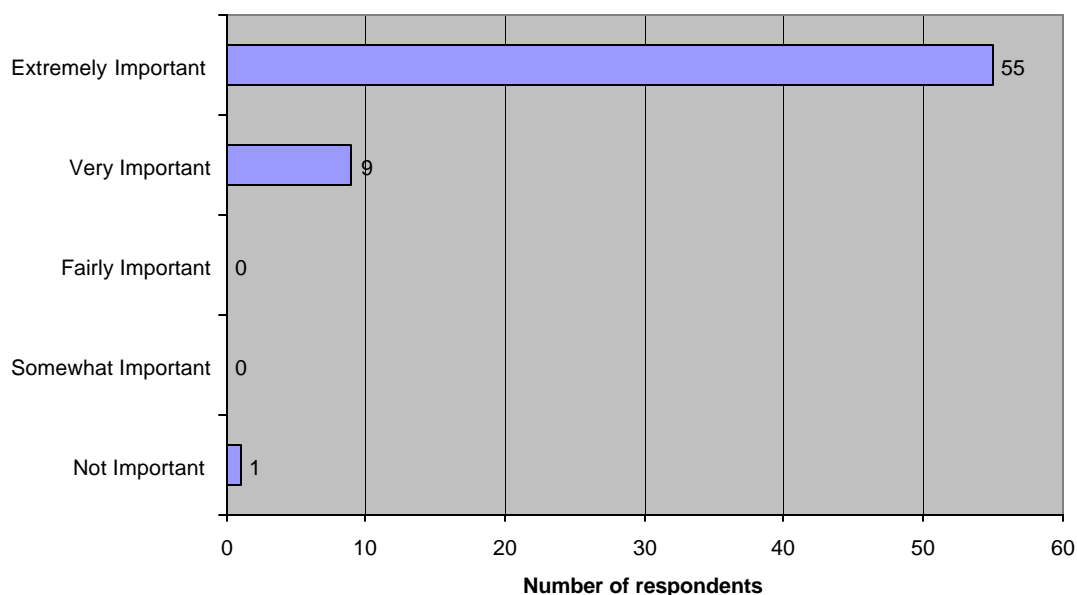


Table 2.14 confirms that for a clear majority of respondents in both developed and developing countries, the ability to function independently from government is considered extremely important. All but one of the remaining respondents indicated that such independence is considered very important.

Table 2.14. Importance of institutional independence from government, developed and developing countries

Base = 65 respondents (30 developed/ 35 developing)

	Respondents in developed countries		Respondents in developing countries	
	Count	%	Count	%
Extremely Important	24	80%	31	89%
Very Important	6	20%	3	8%
Fairly Important	0	0%	0	0%
Somewhat Important	0	0%	0	0%
Not Important	0	0%	1	3%
Total	30	100%	35	100%

3. Law Reform & International Activities

3.1 Participation in law reform

Participants were asked to indicate their level of engagement in each of the following types of law reform activities in their countries: preparing draft legislation, commenting on draft legislation, making written and/or oral submissions to government, and participating in task forces of justice sector reform committees. A majority of respondents stated that they are occasionally engaged in each of the listed law reform activities. Most of the remaining respondents, furthermore, described each of these law reform activities (with the exception of preparing draft legislation) as a primary activity.

Table 3.1. Law reform activities of organizations, global

Base = 66 respondents

Function	Primary Activity of Organization		Occasionally Engaged (But Not a Primary Activity)		Previously Engaged (But No Longer Engaged)		Never Engaged	
	Count	%	Count	%	Count	%	Count	%
Preparing draft legislation	8	13%	37	59%	0	0%	18	29%
Commenting on draft Legislation	25	39%	37	58%	0	0%	2	3%
Making written and/or oral submissions to government	28	42%	35	53%	1	2%	2	3%
Participating in task forces or justice sector reform committees	24	38%	33	52%	0	0%	6	10%

Table 3.2 shows the law reform activities of respondents according to developed and developing country groupings. A majority of respondents from developed countries (52%) described making written and/or oral submissions to government as a primary activity of their organizations, whereas a majority of respondents from developing countries (60%) stated that they are occasionally engaged in this activity. Apart from this, however, there was general similarity in the responses between the two groups, with a substantial majority of respondents in both developed and developing countries reporting that they are in some way engaged in all of the listed law reform activities.

Table 3.2. Law reform activities of organizations, developed and developing countries*Base = 66 respondents (31 developed/ 35 developing)*

		Organizations in developed countries		Organizations in developing countries	
		Count	%	Count	%
Preparing draft legislation	Primary Activity of Organization	4	13%	4	12%
	Occasionally Engaged (But Not a Primary Activity)	17	57%	20	61%
	Previously Engaged (But No Longer Engaged)	0	0%	0	0%
	Never Engaged	9	30%	9	27%
Commenting on draft legislation	Primary Activity of Organization	12	40%	13	38%
	Occasionally Engaged (But Not a Primary Activity)	18	60%	19	56%
	Previously Engaged (But No Longer Engaged)	0	0%	0	0%
	Never Engaged	0	0%	2	6%
Making written and/or oral submissions to government	Primary Activity of Organization	16	52%	12	34%
	Occasionally Engaged (But Not a Primary Activity)	14	45%	21	60%
	Previously Engaged (But No Longer Engaged)	0	0%	1	3%
	Never Engaged	1	3%	1	3%
Participating in task forces or justice sector reform committees	Primary Activity of Organization	11	38%	13	38%
	Occasionally Engaged (But Not a Primary Activity)	17	59%	16	47%
	Previously Engaged (But No Longer Engaged)	0	0%	0	0%
	Never Engaged	1	3%	5	15%

3.2 Impact of law reform activities

Survey participants were asked whether their law reform activities have had any of the following impacts on the law reform process in their countries: implementation of new legislation, reform of existing legislation, change of government policy, adoption of new government policy, and recognition by local media. A majority of respondents reported that their organizations' law reform activities have had an impact in each of the suggested areas. In particular, over 80% of respondents reported that their law reform activities have influenced the reform of existing legislation and have garnered recognition by local media. Furthermore, three-quarters of respondents indicated that their law reform activities have had an impact on the implementation of new legislation. A small number of respondents reported that their law reform activities have

had other impacts, such as increasing awareness within the profession and public about law reform issues.

Table 3.3. Impact of law reform activities, global

Base = 62 respondents

	Yes		No	
	Count	%	Count	%
Implementation of new legislation	46	75%	15	25%
Reform of existing Legislation	52	88%	7	12%
Change of government Policy	39	67%	19	33%
Adoption of new government policy	36	65%	19	35%
Recognition by local media	46	85%	8	15%
Other	5	50%	5	50%

Table 3.4 summarizes the responses received to this question according to developed and developing country groupings. This table reveals a number of differences between the two sets of organizations regarding the impact of their domestic law reform activities, with developing country institutions generally appearing less enthusiastic about the impact of these activities. For example, while 88% of respondents from developed countries reported that their law reform activities have been effective in influencing changes in government policy, only 50% of respondents from developing countries expressed the same view. Additionally, while 92% of respondents from developed countries indicated that their law reform activities have influenced the adoption of new government policy, 59% of respondents from developing countries reported that their law reform activities have not had an impact in this area.

Table 3.4. Impact of law reform activities, developed and developing countries*Base = 62 respondents (28 developed/ 34 developing)*

	Organizations in developed countries				Organizations in developing countries			
	Yes		No		Yes		No	
	Count	%	Count	%	Count	%	Count	%
Implementation of new Legislation	25	89%	3	11%	21	64%	12	36%
Reform of existing Legislation	26	93%	2	7%	26	84%	5	16%
Change of government Policy	23	88%	3	12%	16	50%	16	50%
Adoption of new government Policy	24	92%	2	8%	12	41%	17	59%
Recognition by local media	22	92%	2	8%	24	80%	6	20%
Other	3	75%	1	25%	2	33%	4	67%

3.3 Participation in internationally-supported law reform activities

Survey participants were asked whether they have engaged in law reform activities that have been funded and supported by the international community, and to describe the types of activities (if any) and the manner in which they have participated. Seventy-eight percent of respondents indicated that they have not been involved in internationally supported law reform activities. Among the 14 respondents reporting that they have been engaged in such activities, 10 were organizations in developing countries.

Table 3.5. Internationally-supported law reform*Base = 63 respondents*

	Yes		No	
	Count	%	Count	%
All organizations	14	22%	49	78%
Organizations in developed countries	4	14%	25	86%
Organizations in developing countries	10	29%	24	71%

Eleven organizations described the internationally supported law reform activities in which they have participated. The Law Society of Kenya, for example, cited a land law reform program that it conducted in conjunction with the United States Agency for International Development (USAID):

The overall goal of this project was to support democratic development in Kenya by minimizing electoral violence that has over the past been associated with land registration problems and conflicts in Kenya's multiple land laws. Thus, the Society through this project sought to address these problems by supporting activities aimed at reviewing Kenya's complex land laws, proposing reforms to land registration systems and land registries, making proposals for land reform to the Commission of Inquiry into the Land Law System of Kenya [Njonjo Commission] and supporting a land reform media campaign targeted at policy makers.

Apart from carrying out the activities outlined above, the Law Society of Kenya indicated that it conducted research on the Kenyan land law regime, carried out fact-finding missions in areas that had experienced land-related violence, disseminated both its own research findings and those of the Njonjo Commission to the general public, and engaged in extensive lobbying of government and policymakers.

The Law Society of England & Wales highlighted its international development activities promoting law reform:

We have undertaken a number of European Union funded law reform activities as the major project organiser (relating to comparative bail policies and procedures in the EU; a study on rules of evidence in particular). We have also received funding from the European Union, Department for International Development (UK), Foreign and Commonwealth Office, Westminster Foundation for Democracy etc., to organise projects in close collaboration with Bar Associations in other jurisdictions. These projects have included: work to establish legal aid networks in Africa; provide free legal assistance to indigents in Nigeria; educate the Nigerian profession in international human rights, support the establishment of legal aid centres in the Caribbean; supply books across the Commonwealth. We have also carried out non-Commonwealth projects funded by the European Union in ten countries across North Africa and the Middle East...

Other internationally supported law reform projects described by respondents included the following:

- Family Law Reform project: participation in national and parish consultations, and assistance with public education exercises (Grenada Bar Association)
- Constitutional Reform project: participation of Society members in touring the country and gathering opinions on the constitutional reform (Tanganyika Law Society)
- Participation in USAID-funded project for law reporting and improvements in court facilities (Jamaica Bar Association)
- Participation in World Bank institutional strengthening project (Bar Association of Sri Lanka)
- Participation in projects on Alternative Dispute Resolution, Court Modernization and Arbitration Reform (Ghana Bar Association)
- Participation in Family Law Reform project funded by Canadian International Development Agency (Dominica Bar Association)
- Legislative drafting: assistance received from Pacific Islands Forum, World Bank, Asian Development Bank (Kiribati AG)

3.4 *International activities*

Survey participants were asked to describe their international activities, if any. Thirty-three survey participants provided responses to this question; these have been coded and grouped and are presented in Table 3.6. Twenty-two respondents reported that they are members of international lawyers' organizations and/ or participate in the activities of these organizations such as conferences and seminars. The international and regional lawyers' organizations identified by respondents include the following:

- International Bar Association (IBA)
- International Association of Lawyers (UIA)
- International Institute of Law Association Chief Executives (IILACE)
- Commonwealth Lawyers' Association (CLA)
- Forum for Barristers and Advocates
- Council of the Bars and Law Societies of the European Union (CCBE)
- Union of Balkan Bar Associations (UBBA)
- The Law Association for Asia and the Pacific (LAWASIA)
- Presidents of Law Associations in Asia (POLA)
- African Bar Association (ABA)
- Pan African Lawyers Union (PALU)
- Southern African Development Community (SADC) Lawyers' Association
- Organization of Commonwealth Caribbean Bar Associations (OCCBA)
- Organization of Eastern Caribbean States (OECS) Bar Association

Three respondents indicated that they are fostering specific bilateral relationships with lawyers' organizations in other countries. One report of such activity came from the Law Society of Queensland:

The Society has signed Memorandums of Understanding with a number of Law Societies in the Asia Pacific region over the last two years namely the Fiji Law Society, the Papua New Guinea Law Society, the Taipei Bar Association and Shiho-Shoshi Lawyers Association of Saitama in Japan and is currently in the process of developing an agreement with the Shanghai Bar Association. These MOUs are generally just the first step in a process of cooperation between our respective organisations, often involving an educational component.

Three respondents stated that they are conducting international legal and judicial reform projects. Like the Law Society of England and Wales, the Canadian Bar Association reported being actively involved in international development work:

The CBA's International Development Committee runs projects aimed at assisting legal and judicial reform processes in developing countries, particularly in Asia and Africa. Current projects include: criminal justice reform and legal aid projects in China; legal aid and juvenile justice reform projects in Bangladesh; capacity-building programs with newly-established bar associations in Cambodia and Laos; continuing legal education projects with law societies in Uganda, Kenya, Tanzania, and Zimbabwe and also with the Ethiopian Bar Association. We have in the past run projects with legal advocacy groups in South Africa and other parts of southern Africa.

The Australian Bar Association similarly indicated that it is engaged in legal education and training projects in Bangladesh, New Guinea and the Solomon Islands.

A greater number of respondents from developing countries reported being members or participants in international lawyers' associations than their counterparts from developed countries. Overall, however, organizations from developed countries accounted for the majority of respondents reporting engagement in international activities.

Table 3.6. International activities

Base = 33 respondents

Type of activity	Count	Organizations in developed countries	Organizations in developing countries
Membership and/ or participation in international lawyers' organizations	22	8	14
Bilateral liaisons with other lawyers' organizations	3	3	0
International law reform & development projects	3	3	0
Submissions to government/ policymakers on international law or policy issues affecting the profession	3	3	0
Commenting on international law/ policy/ human rights issues	2	2	0
General representation/ raising international profile and reputation of the profession	2	2	0
Training for lawyers & Bar associations on domestic application of international human rights standards	1	1	0
Lawyer exchange program	1	1	0
International internship program for young lawyers	1	1	0
Informal discussions with other lawyers' organizations	1	1	0
Observer mission to Zanzibar	1	0	1
None/ not applicable	3	3	0

4. Achievements, Goals, Resources Needed

4.1 Achievements of organizations

Survey participants were asked to describe their three greatest achievements over the past 10 years.²¹ Forty-four survey participants provided answers to this question; the most commonly provided responses have been coded and grouped and are presented in Table 4.1. As this table indicates, the achievement most frequently cited by respondents was the introduction of new or revised legislation, Codes of Professional Conduct or similar rules regulating the profession (cited by 13 respondents). Other commonly cited achievements were advocacy work on behalf of the profession, *e.g.*, resisting proposed legislative changes that threatened solicitor-client privilege (seven respondents), and efforts to promote or defend the rule of law (seven respondents).

The respondents that referred to their general efforts in promoting and defending the rule of law in their jurisdictions were all organizations in developing countries. Institutions in developing countries were likewise predominant among respondents citing achievements in providing legal aid and in acquiring new building or office space for their operations.

Five respondents, four of them organizations in developed countries, identified their continued exercise of regulatory control over the profession as a significant achievement. Some of these respondents suggested that the continued self-regulation of the legal profession in their jurisdictions has recently been questioned or challenged:

Survival given a hostile public and government. [Law Society of Tasmania]

We have continued to grow and to provide an effective legal service to the community despite considerable opposition to the continued existence of an independent self-regulated Bar. [Cape Bar Council]

Certain patterns evident in the responses suggested a commonality of experience by respondents within a single country. For example, the three respondents that referred to their success in continuing to provide affordable professional indemnity insurance to their members in a competitive insurance market were all Australian organizations. Similarly, three of the four organizations that referred to their achievements in promoting equality and ‘transformation’ within the profession were organizations in South Africa.

²¹ Note: respondents were not required to rank their achievements as ‘greatest’, ‘2nd greatest’, etc.

Table 4.1. Achievements of organizations

Base = 44 respondents

	Count	Organizations in developed countries	Organizations in developing countries
New or revised legislation, Codes of Conduct, or other rules regulating profession	13	8	5
Advocacy work on behalf of the profession	7	4	3
Promoting/ defending the rule of law	7	0	7
Legal aid	5	1	4
Retention of regulatory powers	5	4	1
Provision of continuing legal education	4	2	2
Healthy relationship with government and/or judiciary	5	2	3
Initiatives to promote equality	4	1	3
Acquiring building or office space	4	0	4
Facilitating interprovincial/ interstate/ international mobility rights for lawyers	4	4	0
Provision of affordable professional indemnity insurance	3	3	0
Participation in legal/ judicial reform	3	1	2
Provision of online legal services to members	3	2	1
Public legal education	3	1	2
Improved library services	2	2	0
Introduction/ reform of trust account compliance monitoring mechanism	2	2	0
Establishing effective Secretariat	2	1	1
Scholarship programs	2	0	2
Human rights advocacy	2	0	2
Maintaining/ promoting high professional standards	2	0	2

In addition to these responses, individual respondents described numerous other achievements. These are as follows, listed according to developed and developing country groupings:

- Commence providing member benefits (Law Society of Tasmania)
- Management of the effects of competition policy on local legal profession (Law Society of Western Australia)
- Development of a Charter of Judicial Independence (Australian Bar Association)
- International training projects (Australian Bar Association)
- Introduced mediation to resolve complaints against lawyers (Law Society of Manitoba)
- Moved to policy governance model (Law Society of Manitoba)
- Revised discipline process (Nova Scotia Barristers' Society)
- Making formal disciplinary hearings open to the public (Law Society of Prince Edward Island)

- Including lay members on discipline committee and governing Council (Law Society of Prince Edward Island)
- International development program (Canadian Bar Association)
- Joining UBBA and joining CCBE as a full member (Cyprus Bar Association)
- Improving relationships with other lawyers' organizations internationally (Law Society of England and Wales)
- Legislation updating service (General Council of the Bar in Gibraltar)
- Reform of governing Council (Isle of Man Law Society)
- Introduction of new member sections (New Zealand Law Society)
- Introduction of practising certificate (General Council of the Bar of Northern Ireland)
- Meeting challenges of creation of Scottish Parliament (Law Society of Scotland)
- Adapting to changing legal services & competition context (Law Society of Scotland)

- Promoting positive public image of profession (Anguilla Bar Association)
- Establishment of an independent & self-regulating profession (Law Society of Botswana)
- Introduction of ADR (Ghana Bar Association)
- Achieving sustainability (Jamaica Bar Association)
- Publication of law reports (Jamaica Bar Association)
- Legal research (Bar Association of Sri Lanka)
- Ensuring that court judgments are reported (Law Society of Lesotho)
- Hosting international conferences *e.g.*, 1999 Commonwealth Law Conference (Bar Council Malaysia)
- Establishing Malaysian Mediation Centre (Bar Council Malaysia)
- Continued provision of pro bono legal services through training of candidate lawyers (Namibia Advocates' Society)
- Continued provision of specialised litigation services to public (Namibia Advocates' Society)
- Ensuring that local profession is unified (Namibia Law Society)
- Participation in High Court Registry review process (St. Kitts & Nevis Bar Association)
- Increasing membership (Samoa Law Society)
- Publication of bar bulletin/ newsletter (Bar Association of Seychelles)
- Localization of the Bench (Bar Association of Seychelles)
- Introduction of mandatory pro bono requirement (Cape Bar Council)
- Meeting challenges of transition to a democratic state (Cape Bar Council)
- Convincing membership of organization's advocacy/lobbying capacity (Law Society of the Northern Provinces)
- Advocacy training program (General Council of the Bar of South Africa)
- Regulation of profession (Tonga Law Society)
- Public recognition as watchdog organization promoting good governance & government accountability (Uganda Law Society)
- International award for efforts to promote rule of law (Law Society of Zimbabwe)

4.2 Goals of organizations

Survey participants were asked to indicate their goals for the next five to 10 years. Forty-five survey participants provided responses to this question; the most commonly provided responses have been coded and grouped and are shown in Table 4.2. As seen in this table, the most frequently cited goal was establishing or expanding continuing legal education programs (cited by 12 respondents). Other commonly cited goals included expanding or improving services provided to members (seven respondents), and preserving the independence of the profession (six respondents).

The majority of respondents that described the establishment or expansion of CLE programs as a goal were organizations in developing countries. Some of the other goals cited by developing country institutions, such as establishing a Secretariat and acquiring a building or office space, provided an indication of the basic challenges that a number of these organizations still face. Notably, the four respondents that referred to the goal of protecting judicial independence were also all developing country organizations.

The majority of respondents that identified the expansion or improvement of member services as a goal were organizations in developed countries. Some respondents described this goal as being linked to their actual or potential loss of regulatory control over the profession:

Given the uncertainty surrounding the Society's involvement in regulation of the legal profession, our focus will be primarily on upgrading member services. [Queensland Law Society]

Re-focus away from regulation and discipline to member benefits and service and CLE. [Law Society of Tasmania]

Four of the six respondents that cited preserving independence of the profession as a goal were also organizations in developed countries.

Finally, it may be pointed out that among the four respondents that mentioned improving access to justice as a goal, two organizations (Law Society of Uganda, Cape Bar Council) referred to *pro bono* work as a means of achieving this objective; the Law Society of Uganda, furthermore, indicated that it envisaged a system whereby all lawyers would provide some *pro bono* services.

Table 4.2. Goals of organizations*Base = 45 respondents*

	Count	Organizations in developed countries	Organizations in developing countries
Establish/ expand continuing legal education programs	12	3	9
Expand/ improve member services	7	6	1
Preserve independence of the profession	6	4	2
Promote/ maintain high levels of professional ethics and conduct	6	2	4
Establish/ expand legal aid	5	2	3
Promote/ defend rule of law	5	2	3
Continue to improve regulation of profession	4	4	0
Contribute to improving administration of justice	4	1	3
Obtain statutory recognition of organization's regulatory function and/or independence	4	2	2
Enhance accessibility to justice	4	0	4
Protect independence of judiciary	4	0	4
Promote/ defend equality	4	0	4
Establish/ strengthen Secretariat	4	0	4
Expand/ improve public services	3	2	1
Promote/ improve image of profession	3	1	2
Expand relationships with/ participation in international lawyers' organizations	3	0	3
Acquire building or office facilities	3	0	3
Continue/ increase advocacy on behalf of profession or public interest	3	0	3
Retain/ increase membership	2	2	0
Adapt to impact of technology on the profession	2	2	0
Maintain healthy relations with government	2	1	1
Increase input in legislative process	2	1	1
Retain professional involvement in regulation of lawyers	2	1	1
Introduce/ amend legislation governing profession	2	0	2
Participate in/ foster law reform	2	0	2
Expand public legal education programs	2	0	2
Establish library/ electronic research facilities	2	0	2

In addition to the goals listed above, individual respondents mentioned a number of other goals. These are as follows, divided according to developed and developing country groupings:

- Keep costs low to members (Law Society of Manitoba)
- Increase number of practicing lawyers in territory (Law Society of the Northwest Territories)

- Help lawyers recognize and adapt to changing legal profession & legal services market (Law Society of England and Wales)
- Introduce advocates quality standard for members (Isle of Man Law Society)
- Maintain functional coherence of Society (Isle of Man Law Society)
- Contribute to national social and economic development (Isle of Man Law Society)
- Protect the importance of court advocacy (Northern Ireland Bar Council)

- Achieve sustainability (Law Society of Botswana)
- Strengthen capacity of profession (Law Society of Botswana)
- Play major role in opinion making at national level (Law Society of Botswana)
- Assist in establishing juvenile and drug rehabilitation centre (Dominica Bar Association)
- Introduce a Legal Aid Act (Grenada Bar Association)
- Publish regular Bar Journal & improve on publication of Ghana Bar Reports (Ghana Bar Association)
- Prepare members for advent of foreign lawyers practicing in country (Bar Council Malaysia)
- Contribute to world peace (Nigeria Bar Association)
- Establish Code of Ethics (Samoa Law Society)
- Increase profitability (Tonga Law Society)
- Work on integrating human rights into domestic law (Law Association of Zambia)

4.3 Challenges of organizations

Survey participants were asked to indicate the extent to which they faced each of the following challenges: limited human resources, limited financial resources, lack of membership participation, government relations, and politicization of role. Forty percent of respondents cited limited financial resources as their most difficult challenge, with a further 28% of respondents describing this as a major challenge. Thirty-five percent of respondents identified lack of membership participation as a major challenge. Thirty-seven percent of respondents described government relations as somewhat of a challenge; 35% of respondents likewise described limited human resources as somewhat of a challenge. A few respondents referred to other challenges that echoed the previously stated goals of organizations, such as retaining membership and keeping up with ongoing technological advances.

Table 4.3. Challenges of organizations, global*Base = 60 respondents*

	Most Difficult Challenge		Major Challenge		Somewhat of a Challenge		Minor Challenge		Not a Challenge	
	Count	%	Count	%	Count	%	Count	%	Count	%
Limited Human Resources	9	16%	19	33%	20	35%	6	11%	3	5%
Limited Financial Resources	23	40%	16	28%	14	24%	3	5%	2	3%
Lack of Membership Participation	7	12%	20	35%	17	30%	7	12%	6	11%
Government Relations	5	9%	12	21%	21	37%	11	19%	8	14%
Politicization of Role	5	9%	8	15%	12	22%	16	29%	14	25%
Other	2	33%	1	17%	1	17%	0	0%	2	33%

Table 4.4 provides a breakdown of the responses to this question according to developed and developing country groupings. It may be noted that a majority of organizations in developing countries identified limited financial resources as their most difficult challenge. When this table is read in conjunction with Table 4.3, developing country institutions are seen to account for 29 of the 39 organizations describing limited financial resources as either their most difficult challenge or as a major challenge, as well as comprising 13 of the 20 organizations describing lack of membership participation as a major challenge. While a majority of respondents from developed countries described limited human resources as a major challenge, it should also be noted that organizations in developing countries comprised two-thirds of the respondents citing limited human resources as either their most difficult challenge or as a major challenge.

Table 4.4. Challenges of organizations, developed and developing countries

Base = 60 respondents(26 developed/ 34 developing)

		Organizations in developed countries		Organizations in developing countries	
		Count	%	Count	%
Limited Human Resources	Most Difficult Challenge	0	0%	9	28%
	Major Challenge	10	40%	9	28%
	Somewhat of a Challenge	9	36%	11	34%
	Minor Challenge	5	20%	1	3%
	Not a Challenge	1	4%	2	6%
Limited Financial Resources	Most Difficult Challenge	2	8%	21	62%
	Major Challenge	8	33%	8	24%
	Somewhat of a Challenge	9	38%	5	15%
	Minor Challenge	3	12%	0	0%
	Not a Challenge	2	8%	0	0%
Lack of Membership Participation	Most Difficult Challenge	1	4%	6	19%
	Major Challenge	7	28%	13	41%
	Somewhat of a Challenge	8	32%	9	28%
	Minor Challenge	5	20%	2	6%
	Not a Challenge	4	16%	2	6%
Government Relations	Most Difficult Challenge	1	4%	4	12%
	Major Challenge	2	8%	10	30%
	Somewhat of a Challenge	9	38%	12	36%
	Minor Challenge	8	33%	3	9%
	Not a Challenge	4	17%	4	12%
Politicization of Role	Most Difficult Challenge	0	0%	5	16%
	Major Challenge	2	9%	6	19%
	Somewhat of a Challenge	3	13%	9	28%
	Minor Challenge	9	39%	7	22%
	Not a Challenge	9	39%	5	16%
Other	Most Difficult Challenge	1	33%	1	33%
	Major Challenge	1	33%	0	0%
	Somewhat of a Challenge	1	33%	0	0%
	Minor Challenge	0	0%	0	0%
	Not a Challenge	0	0%	2	67%

4.4 Support needed by organizations

Survey participants were asked which of the following types of support they would need to overcome the challenges they face: financial support, technical assistance, knowledge exchange, or ‘other’ support. More than three-quarters of respondents indicated that they would need financial support in order to overcome their current challenges. Seventy-three percent of respondents indicated that they needed knowledge exchange, and 58% of respondents reported that they would need technical assistance. A small number of respondents listed other needs, such as an increase in membership and increased participation by members.

Table 4.5. Support needed by organizations, global

Base = 52 respondents

	Count	%
Financial Support	40	77%
Technical Assistance	30	58%
Knowledge Exchange	38	73%
Other	7	13%

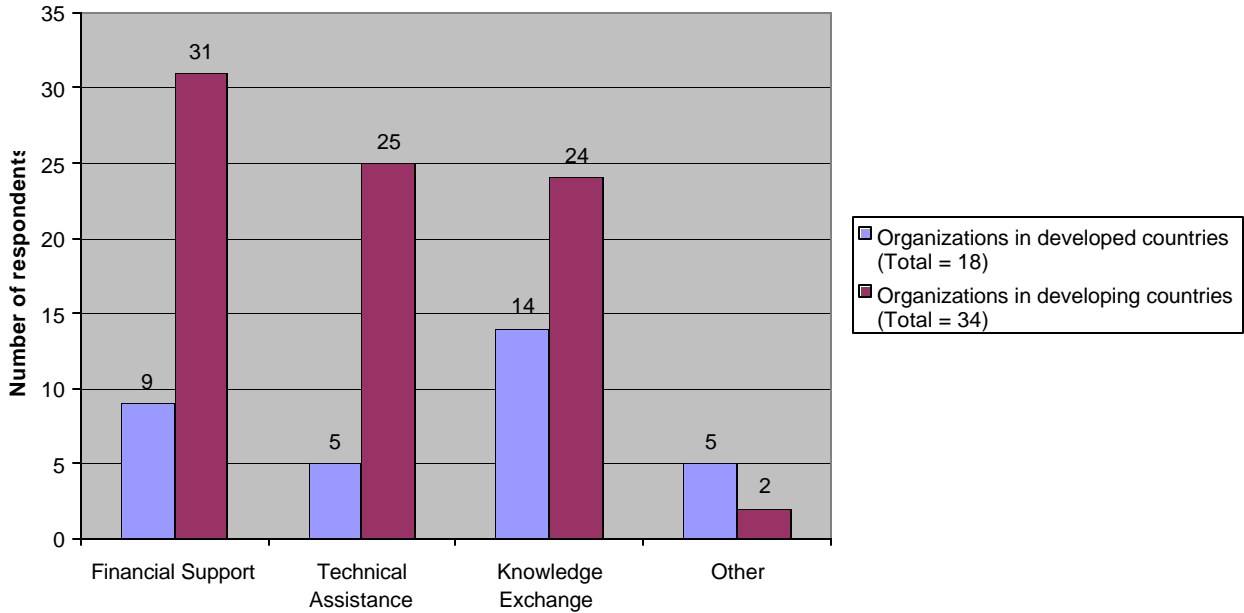
Table 4.6 and Figure 4.1 indicate the responses received to this question according to developed and developing country groupings. Nearly twice as many developing country institutions provided answers to this question as compared to their counterparts in developed countries. Over 90% of organizations in developing countries indicated that they would need financial support, while over 70% of these organizations indicated that they would also need technical assistance and knowledge exchange. The majority of respondents from developed countries, meanwhile, expressed a need for knowledge exchange.

Table 4.6. Support needed by organizations, developed and developing countries

Base = 52 respondents (18 developed/ 34 developing)

	Organizations in developed countries		Organizations in developing countries	
	Count	%	Count	%
Financial Support	9	50%	31	91%
Technical Assistance	5	28%	25	74%
Knowledge Exchange	14	78%	24	71%
Other	5	28%	2	6%

Figure 4.1. Support needed by organizations, developed and developing countries



4.5 How CLA can best support organizations

Survey participants were asked how the CLA and the other institutional members of the CLA could best support their organizations. Ninety-one percent of respondents indicated that the CLA and its institutional members could best support their organizations through knowledge exchange. Fifty-four percent of respondents requested financial support.

Table 4.7. How CLA can best support organizations, global

Base = 56 respondents

	Count	%
Financial Support	30	54%
Technical Assistance	25	45%
Knowledge Exchange	51	91%
Other	4	7%

As seen in Table 4.8 and Figure 4.2, a strong majority of respondents in both developed and developing countries expressed the need for knowledge exchange. The respondents requesting

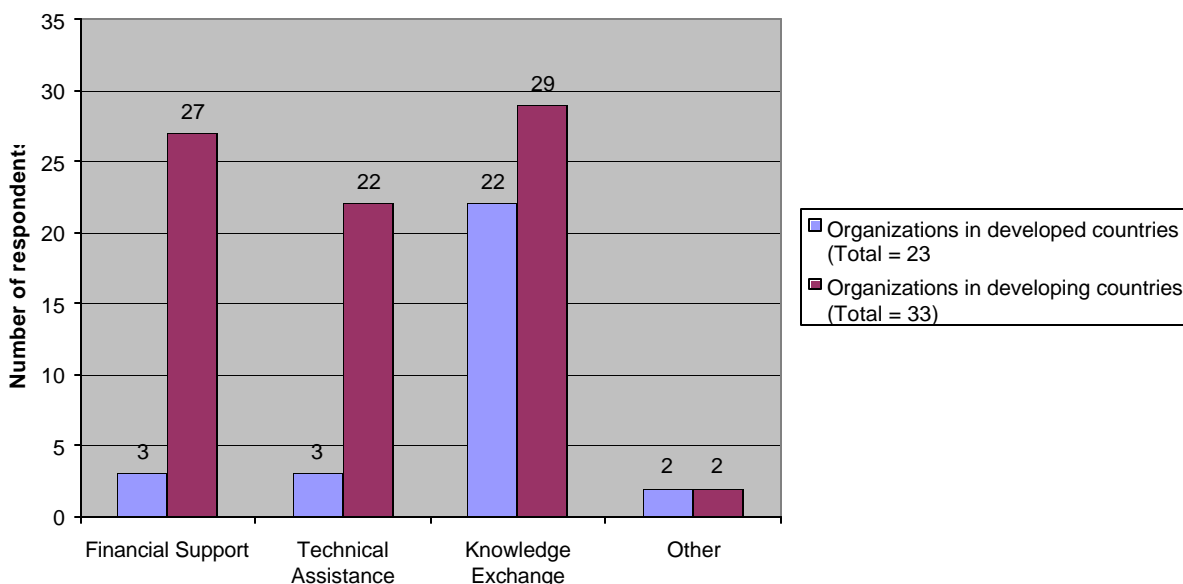
financial support were predominantly organizations in developing countries. A majority of developing country organizations also reiterated their calls for technical assistance.

Table 4.8. How CLA can best support organizations, developed and developing countries

Base = 52 respondents (23 developed/ 33 developing)

	Organizations in developed countries		Organizations in developing countries	
	Count	%	Count	%
Financial Support	3	13%	27	82%
Technical Assistance	3	13%	22	67%
Knowledge Exchange	22	96%	29	88%
Other	2	9%	2	6%

Figure 4.2. How CLA can best support organizations, developed and developing countries



It may be noted that in the concluding ‘comments’ section of the survey, some respondents expressed in greater detail their need for financial assistance and knowledge exchange:

The Bar has over the years relied on membership dues only for its function. The Bar cannot send its officers to IBA, CLA and other meetings for lack of resources... It has now purchased a premise but will require assistance to put it in a habitable state, furnish and equip it. [Ghana Bar Association]

The Tonga Law Society is still trying to grow at this point. It desperately needs all the guidance and help from other societies and groups. [Tonga Law Society]

Keen to hear of strategies to survive in the face voluntary membership and changing roles from statutory one of regulation and discipline to member benefits. [Law Society of Tasmania]

At the same time, other respondents indicated their willingness to provide support to other lawyers' organizations and to the CLA:

The Law Society is probably in the position where it has more to offer to other CLA members and stands ready to do so. [Law Society of England and Wales]

The GBA is willing to play a more active role in the work of the CLA. [Grenada Bar Association]

We would be happy to share our expertise in information technology, support services, project management, office development, professional services etc. [General Council of the Bar of Northern Ireland]

III. CONCLUSIONS

The high response rate to the survey +demonstrated the general willingness and interest of the CLA institutional members to share their experiences. Although the size and context of the legal organizations varied, their goals, functions and challenges were remarkably similar. What was very clear was that all of the respondent organizations recognized the importance of a strong and independent bar to support the rule of law, were committed to advancing access to justice, law reform and the profession and were actively engaged to the extent that their human and financial resources allowed. When asked how the CLA could support their work, respondents in both developed and developing countries overwhelmingly affirmed that they would like the CLA to help facilitate knowledge exchange among member organizations.

Nearly 60% of the lawyers' organizations that participated in this survey had fewer than 1,000 members. Within this sub-group, two-thirds of the respondents were organizations based in developing countries. This suggests that a substantial portion of the lawyers' organizations in the Commonwealth is comprised of relatively small organizations based in developing countries. Size has a direct impact on the resources available to the organizations to undertake their mandate. As the majority of lawyers' organization's revenue is currently raised from fees, smaller organizations have difficulty in funding the operational structure required to effectively engage in a full range of regulatory, law reform, access to justice and continuing legal education activities. With fewer members they also have a limited volunteer base to support their activities. An option may be to consider collaboration on a regional basis with other legal organizations within the Commonwealth in activities of common interest such as the development of codes of ethics and continuing legal education programs. Certainly the situation of small lawyers' organizations, particularly those in developing countries, and the unique challenges that these organizations face should be further examined.

The low rates of female membership reported by the majority of survey participants, especially those based in developing countries, demonstrates that women continue to be underrepresented in the membership of lawyers' organizations. Notwithstanding the commendable efforts on the part of many organizations to ensure equality of opportunity and equal treatment for female legal professionals, addressing deficiencies of gender, equality within the profession clearly remains a pressing issue. Again, this is an area that could perhaps benefit from a sharing of approaches and experiences of lawyers' organizations within the CLA, to develop strategies for improving gender equality within lawyers' organizations and the legal profession as a whole.

There appears to be some variation in the manner in which lawyers' organizations in different jurisdictions carry out the function of regulation. Some respondents that described themselves as self-governing regulatory bodies do not require that lawyers be members of their organizations in order to enjoy practice rights. Others indicated that they were not established by legislation and that they were voluntarily engaged in regulation. Additional information was obtained on some, but not all, of these organizations explaining their particular regulatory frameworks. Accordingly, some questions remain regarding the relationship between regulation and voluntary membership, and the incidence of regulation of the profession in the absence of a legislative mandate. This is an area that requires additional study and exchange given the very important role that self-regulation plays in ensuring an independent bar.

The majority of survey participants derived most of their funding from membership and/or licensing fees and was not dependent on government funding. This is a positive indicator of these organizations' structural independence from government. It is also evident, however, that limited financial resources is a major challenge for the vast majority of developing country respondents. As a result, most are working to diversify their funding sources. Nearly half of the respondents indicated that they derive some funding from sources other than membership/licensing fees or government funding. Noteworthy in this regard is the prevalence of 'miscellaneous' fees for member services, and CLE programs, as increasingly significant sources of income for many lawyers' organizations. Given the importance of financial viability to the sustainability of lawyers' organizations and their activities and, in particular, their ability to effectively regulate the profession, this is an area that would benefit from a sharing of experience to develop more diversified and innovative funding alternatives.

Overall, survey participants demonstrated that they are carrying out a variety of functions, both mandated and voluntary, and are actively engaged in a wide spectrum of activities in relation to those functions. All of the lawyers' organizations placed a high emphasis on improving ethical standards of the profession. In this regard, a number of organizations, predominantly in developed countries, are pursuing a more personalized and preventative approach to improving ethical standards by providing ethical advice services for individual lawyers. Recognizing the importance of competency within the profession, a majority of the respondent organizations both in developing and developed countries indicated that they were involved in the delivery of CLE and that the expansion of CLE programming was a priority in terms of their goals. Comparative approaches to improving ethical standards of the profession and collaboration in CLE programming would perhaps be beneficial to CLA institutional members.

Another area of activity for almost all the lawyers' organizations was working with other stakeholders of the justice system to improve the administration of justice. The majority were also involved advocacy and law reform work. With respect to law reform work, respondents in developing countries were far less optimistic than their counterparts in developed countries as to the impact of these activities, particularly in relation to influencing a change of government policy or the adoption of new government policy. This calls into question the quality of the relationship between lawyers' organizations and the state in these countries: it is evident that not all lawyers' organizations enjoy the same ability to influence government policy, even if they are all similarly interested in being participants in law reform. It may be useful for CLA members to share their experience in participating in domestic law reform and to consider the factors that affect the ability of organizations to influence government policy.

While many organizations in both developed and developing countries are engaged in public legal education, few organizations in developed countries are actively engaged in the delivery of legal aid. Developing country respondents on the other hand have expanded their legal aid activities and implemented innovative programs that are responsive to the circumstances and needs of vulnerable groups. The provision of legal aid is critical to ensure access to justice for the poor and disadvantaged, yet funding legal aid remains a challenge in all countries. Perhaps this is an area that would benefit from the sharing of the experiences, approaches and strategies of CLE members.

A large majority of survey participants indicated that their ability to function independently from government is extremely important to members. Notwithstanding this, it is apparent that the independence of the legal profession is increasingly being challenged. A number of organizations in both developed and developing countries, particularly those in Australia, made pointed references to public and/or state hostility to the continued self-regulation of the profession, and the actual or potential loss of regulatory control. Should this trend continue, it is likely to have dramatic consequences for the role and functioning of lawyers' organizations and more importantly for the rule of law. This is a clearly a critical issue that needs to be closely monitored and would benefit from the collective voices of developing and developed lawyers' organizations. In that regard, the CLA members could consider the challenges to self-regulation of the profession, the underlining bases for these challenges and the manner in which lawyers organizations have responded.

More than 70% of respondents in both developed and developing countries indicated that they have not been involved in internationally supported law and legal system reform activities. This confirms that, while there is some – and hopefully increasing – activity in this area, there continues to be an overall under-engagement and under-targeting of lawyers' organizations in legal and judicial reform projects that are being carried out in developing countries under the auspices of international and bilateral donor organizations. At the same time, the respondents that provided examples of their involvement in internationally supported law reform activities demonstrate that lawyers' organizations are clearly interested in participating in projects aimed at strengthening the rule of law, improving the administration of justice, and supporting democratic development. This is an area where developing and developed country organizations could work together and with the international and bilateral donor organizations to encourage and facilitate the engagement of lawyers' organizations in externally funded legal and judicial reform projects.

APPENDIX 1
CBA SURVEY OF CLA INSTITUTIONAL MEMBERS



CANADIAN BAR ASSOCIATION/L'ASSOCIATION DU BARREAU CANADIEN
SURVEY OF CLA INSTITUTIONAL MEMBERS

Name of Institution _____
Contact Person _____ Telephone _____
Address _____
Fax _____ E-mail _____
Country _____

1. How many members does your institution have? (Please write in) _____
2. How many female members does your institution have? (Please write in) _____
3. Which of the following best describes the structure of your institution? (Please check one)
 Government Agency
 Independent Non-Profit Association
 Self-Governing Regulatory Body
 Some other structure (Please specify) _____
4. (a) Was your institution established by legislation? (Please check 'Yes' or 'No') _____ Yes _____ No

(b) If you answered 'Yes' to (a), please state the name of the legislation _____
5. Which of the following are members of your organization? (Please check all that apply)

<input type="radio"/> Lawyers in Private Practice	<input type="radio"/> Government Lawyers
<input type="radio"/> Lawyers working in other professions	<input type="radio"/> Judges
<input type="radio"/> Notaries	<input type="radio"/> Law Clerks
<input type="radio"/> Academics	<input type="radio"/> Law Students
<input type="radio"/> Other (Please specify) _____	
6. Please indicate the nature of your memberships. (Please check all that apply)

- Voluntary Membership
- Mandatory Membership
- By Appointment
- By Election
- Other (Please specify) _____

7. Please indicate the sources of funding for your organization, in percentages, where applicable (the total should add to 100%).

_____ % Annual Membership Fees
 _____ % Annual Licensing Fees
 _____ % Government Funding
 _____ % Other (Please specify) _____

8. Please indicate (by checking the appropriate box) which best describes your organization's level of engagement in each of the following functions:

FUNCTIONS	Primary Activity of Organization	Occasionally Engaged (But Not a Primary Activity)	Previously Engaged (But No Longer Engaged)	Never Engaged
Licensing of lawyers				
Regulation of lawyers				
Disciplining of lawyers				
Bar admission program				
Continuing legal education				
Advocacy on behalf of profession and/or public interest				
Delivery of legal aid				
Public legal education				
Working with the judiciary, prosecutors and ministries of justice to improve the administration of justice				
Improving ethical standards of profession				
Promoting equality within the profession				

9. If your organization is engaged in the listed function, please also indicate (by checking the appropriate box) whether your organization is required to engage in this function by legislation or whether it is a voluntary function of your organization.

FUNCTION	Mandated by Statute	Voluntary Role
Licensing of lawyers		
Regulation of lawyers		
Disciplining of lawyers		
Bar admission program		
Continuing legal education		
Advocacy on behalf of profession and/or public interest		
Delivery of legal aid		
Public legal education		
Working with the judiciary, prosecutors and ministries of justice to improve the administration of justice		
Improving ethical standards of the profession		
Promoting equality within the profession		

10. Please describe the type of activities that your organization engages in relating to:

(a) Continuing legal education: _____

(b) Advocacy on behalf of profession and/or public interest: _____

(c) Legal aid: _____

(d) Public legal education: _____

(e) Working with other stakeholders (i.e. the judiciary, prosecutors, ministries of justice, etc.) to improve the administration of justice: _____

(f) Improving ethical standards of the profession: _____

(g) Promoting equality within the profession: _____

11. What services does your institution provide to its members? _____

12. How important to your members is your institution's ability to function independently from government?

- Extremely Important
- Very Important
- Fairly Important
- Somewhat Important
- Not Important

13. Please indicate to what extent (by checking the appropriate box) your organization has participated in the following law reform activities in your country.

LAW REFORM ACTIVITIES	Primary Activity of Organization	Occasionally Engaged (But Not a Primary Activity)	Previously Engaged (But No Longer Engaged)	Never Engaged
Preparing draft legislation				
Commenting on draft legislation				
Making written and/or oral submissions to government				
Participating in task forces or justice sector reform committees				

14. Have your organization's law reform activities had any of the following impacts on the law reform process in your country:

LAW REFORM ACTIVITIES	Yes	No
Implementation of new legislation		
Reform of existing legislation		
Change of government policy		
Adoption of new government policy		
Recognition by local media		

Other (Please specify) _____

15. (a) Has your institution engaged in any law reform activities that have been funded and supported by the international

Community? (i.e. World Bank, UNDP, etc.) _____ Yes _____ No

(b) If yes, please describe the type of activity and how your institution has participated:

16. Please describe the international activities that your institution is engaged in: _____

17. Please describe the 3 greatest achievements of your institution over the past 10 years:

18. Please describe the goals of your organization over the next 5 to 10 years:

19. (a) Please rate the following challenges faced by your organization according to their level of importance (by checking the appropriate box):

CHALLENGES	Most Difficult Challenge	Major Challenge	Somewhat of a Challenge	Minor Challenge	Not a Challenge
Limited Human Resources					
Limited Financial Resources					
Lack of Membership Participation					
Government Relations					
Politicization of Role					
Other					

(b) What type of support would your institution need to overcome these challenges?

- Financial Support
- Technical Assistance
- Knowledge Exchange
- Other (Please specify) _____

20. How can the CLA and the other institutional members of the CLA best support your institution?

- Financial Support
- Technical Assistance
- Knowledge Exchange
- Other (Please specify) _____

21. Please Provide Any Additional Comments: _____

APPENDIX 2

LIST OF SURVEY PARTICIPANTS

Note: Not all institutional members of the Commonwealth Lawyers Association are from countries that continue to be part of the Commonwealth. Participants from non-Commonwealth countries are marked with an asterix (*).

1. Participants by Region

Africa

Law Society of Botswana
Ghana Bar Association
Law Society of Kenya
Law Society of Lesotho
Society of Advocates of Namibia
Law Society of Namibia
Nigerian Bar Association
Bar Association of Seychelles
Sierra Leone Bar Association
Cape Bar Council (South Africa)
General Council of the Bar of South Africa
Law Society of the Northern Provinces (South Africa)
Law Society of South Africa
Tanganyika Law Society
Uganda Law Society
Law Association of Zambia
Law Society of Zimbabwe *

Australia/ Oceania

Australian Capital Territory Bar Association
Law Society of the Australian Capital Territory
Law Society of New South Wales (Australia)
Queensland Law Society (Australia)
Law Society of Tasmania (Australia)
Law Institute of Victoria (Australia)
Western Australia Bar Association
Law Society of Western Australia
Australian Bar Association
Kiribati Office of the Attorney General
Nauru Law Society
New Zealand Law Society

Norfolk Island Bar Association *
Samoa Law Society
Tonga Law Society
Vanuatu Law Society

Canada

Law Society of Alberta
Law Society of British Columbia
Law Society of Manitoba
Law Society of Newfoundland
Law Society of New Brunswick
Law Society of the Northwest Territories
Nova Scotia Barristers' Society
Law Society of Prince Edward Island
Law Society of Upper Canada
Law Society of Yukon
Canadian Bar Association

Caribbean

Anguilla Bar Association *
Antigua/Barbuda Bar Association
Bahamas Bar Association
Dominica Bar Association
Grenada Bar Association
Jamaican Bar Association
St. Kitts and Nevis Bar Association
Bar Association of St. Lucia
Law Association of Trinidad and Tobago
Turks and Caicos Islands Bar Association *

Asia

Law Society of Hong Kong *
Bar Council of India
India Bar Association
Bar Council Malaysia
Law Society of Singapore
Bar Association of Sri Lanka

Europe

Cyprus Bar Association
Law Society of England and Wales
General Council of the Bar in Gibraltar *
General Council of the Bar of Northern Ireland *
Isle of Man Law Society *
Law Society of Scotland *

2. Participants from Developing Countries

Anguilla Bar Association *
Antigua/Barbuda Bar Association
Law Society of Botswana
Dominica Bar Association
Ghana Bar Association
Grenada Bar Association
Bar Council of India
India Bar Association
Jamaican Bar Association
Law Society of Kenya
Kiribati Office of the Attorney General
Law Society of Lesotho
Bar Council Malaysia
Society of Advocates of Namibia
Law Society of Namibia
Nauru Law Society
Nigerian Bar Association
Samoa Law Society
Bar Association of Seychelles
Sierra Leone Bar Association
Cape Bar Council (South Africa)
General Council of the Bar of South Africa
Law Society of the Northern Provinces (South Africa)
Law Society of South Africa
Bar Association of Sri Lanka
St. Kitts and Nevis Bar Association
Bar Association of St. Lucia
Tanganyika Law Society
Tonga Law Society
Law Association of Trinidad and Tobago
Turks and Caicos Islands Bar Association *
Uganda Law Society
Vanuatu Law Society
Law Association of Zambia
Law Society of Zimbabwe *

APPENDIX 3

MEMBERSHIP SIZE OF ORGANIZATIONS

Note: For each size category, the organizations are presented according to developed and developing country groupings, with organizations in developing countries appearing first. The membership size of each organization appears in brackets.

Less than 1,000 members:

Kiribati Office of the Attorney General (10)
Nauru Law Society (18)
Bar Council of India (19)
Society of Advocates of Namibia (24)
Anguilla Bar Association (34)
Dominica Bar Association (36)
Bar Association of Seychelles (40)
St. Kitts & Nevis Bar Association (50)
Vanuatu Law Society (60)
Tonga Law Society (63)
Turks and Caicos Islands Bar Association (70)
Grenada Bar Association (80)
Samoa Law Society (81)
Law Society of Lesotho (100)
Bar Association of St. Lucia (120)
Antigua/Barbuda Bar Association (132)
Sierra Leone Bar Association (140)
Law Society of Botswana (170)
Law Society of Namibia (322)
Cape Bar Council (344)
Law Association of Zambia (620)
Tanganyika Law Society (660)
Uganda Law Society (650-700)
India Bar Association (700)
Law Association of Trinidad and Tobago (800)
Law Society of Zimbabwe (800)

Norfolk Island Bar Association (22)
General Council of the Bar in Gibraltar (130)
Australian Capital Territory Bar Association (145)
Western Australia Bar Association (165)
Isle of Man Law Society (185)
Law Society of Prince Edward Island (220)
Law Society of Yukon (225)
Law Society of the Northwest Territories (383)

Law Society of Newfoundland (461)
Tasmania Law Society (500)
General Council of the Bar of Northern Ireland (575)
Bahamas Bar Association (690)
Law Society of the Australian Capital Territory (900)

Total: 39 organizations (26 in developing countries, 13 in developed countries)

1,000-4,999 members:

Jamaican Bar Association (1,070)
General Council of the Bar of South Africa (1,891)
Ghana Bar Association (3,000)
Law Society of Kenya (4,000 +)

Cyprus Bar Association (1,450)
Law Society of Manitoba (2,200)
Law Society of New Brunswick (1,513)
Nova Scotia Barristers' Society (2,200)
Law Society of Western Australia (2,500)
Law Society of Singapore (3,500)

Total: 10 organizations (four in developing countries, six in developed countries)

5,000-9,999 members:

Bar Association of Sri Lanka (7,800)
Law Society of the Northern Provinces (8,121)

Law Society of Hong Kong (5,301)
Australian Bar Association (5,500)
Queensland Law Society (6,289)
Law Society of Scotland (8,768)
Law Society of Alberta (8,848)
New Zealand Law Society (9,037)

Total: eight organizations (two in developing countries, six in developed countries)

10,000-20,000 members:

Bar Council Malaysia (11,500)
Law Society of South Africa (15,000)

Law Society of British Columbia (10,590)
Law Institute of Victoria (10,865)
Law Society of New South Wales (18,881)

Total: five organizations (two in developing countries, three in developed countries)

Over 20,000 members:

Nigerian Bar Association (58,000)

Law Society of Upper Canada (34,551)
Canadian Bar Association (38,951)
Law Society of England and Wales (92,752/117,000)

Total: four organizations (one in developing country, three in developed countries)

APPENDIX 4

GENDER PROFILE OF ORGANIZATIONS

Note: The organizations are presented according to developed and developing country groupings, with organizations in developing countries appearing first.

<u>Organization</u>	<u>No. of members</u>	<u>No. of women</u>	<u>Women %</u>
Anguilla Bar Association	34	21	61.8%
Antigua/Barbuda Bar Association	132	38	28.8%
Law Society of Botswana	170	51	30%
Dominica Bar Association	36	17	47.2%
Ghana Bar Association	3,000	N/A	N/A
Grenada Bar Association	80	35	43.8%
Bar Council of India	19	0	0%
India Bar Association	700	200	28.6%
Jamaican Bar Association	1,070	500	46.7%
Kenya Law Society	4,000+	1,500	37.5%
Kiribati Office of the Attorney General	10	5	50%
Law Society of Lesotho	100	40	40%
Bar Council Malaysia	11,500	N/A	N/A
Law Society of Namibia	322	83	25.8%
Society of Advocates of Namibia	24	4	16.7%
Nauru Law Society	18	2	11.1%
Nigerian Bar Association	58,000	14,500	25%
Samoa Law Society	81	39	48.1%
Bar Association of Seychelles	40	15	37.5%
Sierra Leone Bar Association	140	20	14.3%
Cape Bar Council	344	54	15.7%
General Council of the Bar of South Africa	1891	220	11.6%
Law Society of the Northern Provinces	8,121	2,199	27.1%
Law Society of South Africa	15,000	N/A	N/A
Bar Association of Sri Lanka	7,800	3,200	41%
St. Kitts and Nevis Bar Association	50	24	48%
Bar Association of St. Lucia	120	60	50%
Tanganyika Law Society	660	105	15.9%
Tonga Law Society	63	25	39.7%
Law Association of Trinidad and Tobago	800	300	37.5%
Turks and Caicos Bar Association	70	15	21.4%
Uganda Law Society	650-700	N/A	N/A
Vanuatu Law Society	60	15	25%
Law Association of Zambia	620	120	19.4%
Law Society of Zimbabwe	800	100	12.5%
Australian Capital Territory Bar Assoc.	145	8	5.5%
Law Soc. of the Aust. Capital Territory	900	400	44.4%
Law Society of New South Wales	18,881	7,469	39.6%
Queensland Law Society	6,289	2,189	34.8%
Tasmania Law Society	500	134	26.8%
Law Institute of Victoria	10,865	4,181	38.5%
Western Australia Bar Association	165	20	12.1%

Law Society of Western Australia	2500	875	35%
Australian Bar Association	5,500	500	9.1%
Bahamas Bar Association	690	290	42%
Law Society of Alberta	7,348	2,230	30.3%
Law Society of British Columbia	10,590	3,441	32.5%
Law Society of Manitoba	2,200	600	27.3%
Law Society of Newfoundland	461	200	43.4%
Law Society of New Brunswick	1,513	486	32.1%
Law Soc. of the Northwest Territories	383	126	32.9%
Nova Scotia Barristers' Society	2,200	770	35%
Law Society of Prince Edward Island	220	62	28.2%
Law Society of Upper Canada	34,551	11,760	34%
Law Society of Yukon	225	62	27.6%
Canadian Bar Association	38,951	13,511	34.7%
Cyprus Bar Association	1,450	562	38.8%
Law Society of England and Wales	117,000	36,819	31.5%
General Council of the Bar in Gibraltar	130	25	19.2%
Law Society of Hong Kong	5,301	2,067	39%
Isle of Man Law Society	185	72	38.9%
New Zealand Law Society	9,037	3,339	36.9%
Norfolk Island Bar Association	22	3	13.6%
Gen. Council of the Bar of North. Ireland	575	164	28.5%
Law Society of Scotland	8,768	2,866	32.7%
Law Society of Singapore	3,500	1,400	40%

APPENDIX 5

LIST OF ENABLING STATUTES OF ORGANIZATIONS

Note: Thirty-three organizations provided the names of their enabling legislation. The year of the legislation is indicated where this was provided by the respondents.

<u>Organization</u>	<u>Name of Enabling Statute</u>
Queensland Law Society	Queensland Law Society Act 1952
Law Society of Tasmania	Legal Profession Act 1993
Law Society of Botswana	Legal Practitioners Act 13 of 1996
Law Society of Alberta	Legal Profession Act
Law Society of British Columbia	Legal Professions Act 1884
Law Society of Manitoba	Legal Profession Act
Law Society of Newfoundland	Law Society Act
Law Society of the Northwest Territories	Legal Profession Act
Law Society of Prince Edward Island	Legal Profession Act
Law Society of Upper Canada	The Law Society Act
Law Society of Yukon	Legal Profession Act
Cyprus Bar Association	Advocates Law Cap 2
Isle of Man Law Society	Law Society Act 1859
Law Society of Kenya	The Law Society of Kenya Act
Law Society of Lesotho	Law Society Act 1983
Bar Council Malaysia	Legal Profession Act 1976
Society of Advocates of Namibia	Admission of Advocates Act
Law Society of Namibia	Legal Practitioners Act, Act 15 of 1995
New Zealand Law Society	Law Practitioners Act 1982
Nigerian Bar Association	Legal Practitioners Act 1975
Samoa Law Society	Law Practitioners Act 1976
Law Society of Scotland	Legal Aid and Solicitors (Scotland) Act 1949
Bar Association of Seychelles	Legal Practitioners Act
Law Society of Singapore	Legal Profession Act Cap 161
Law Society of the Northern Provinces	Attorneys Act No. 53 of 1979
Bar Association of St. Lucia	Legal Profession Act 2000
Tanganyika Law Society	Tanganyika Law Society Ordinance
Tonga Law Society	Law Practitioners Act 1989
Law Association of Trinidad and Tobago	Legal Profession Act 1986
Turks and Caicos Islands Bar Association	Legal Profession Ordinance
Uganda Law Society	Uganda Law Society Act
Law Association of Zambia	Laws of Zambia Cap 31
Law Society of Zimbabwe	Legal Practitioners Act