

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
1. INTRODUCTION.....	7
1.1 Organizational Structure	7
1.2 Audit Objectives and Scope.....	8
1.3 Methodology	9
2. KEY OVERALL FINDINGS.....	11
2.1 Planning, Organizing, Controlling, and Communicating	11
2.2 Management of Human, Financial and Materiel Resources	13
2.3 Reliability of Information Systems for Decision-Making and Accountability Purposes ...	14
3. DEPARTMENT OF FISHERIES AND OCEANS LSU.....	17
3.1 Planning	17
3.2 Organization of Staff and Workload.....	18
3.3 Communicating.....	22
3.4 Management of Human, Financial and Materiel Resources	23
3.5 Reliability of Information Systems for Decision-Making and Accountability Purposes ...	27
3.6 Appropriateness of Interfaces with Other Sections of the Department	29
3.7 Compliance to Legislation and Policies.....	30
3.8 Level of Client Satisfaction	30
4. HEALTH CANADA LSU	33
4.1 Planning	33
4.2 Organization of Staff and Workload.....	34
4.3 Communicating.....	37
4.4 Management of Human, Financial and Materiel Resources	38
4.5 Reliability of Information Systems for Decision-Making and Accountability Purposes ...	40
4.6 Appropriateness of Interfaces with Other Sections of the Department	41
4.7 Compliance to Legislation and Policies.....	42
4.8 Level of Client Satisfaction	42
5. RECOMMENDATIONS AND MANAGEMENT RESPONSE.....	43

EXECUTIVE SUMMARY

The overall objective of the audit was to review and assess the framework within which selected Department of Justice legal services units (LSU) delivered services to their clients, and to recommend improvements to this framework. The LSUs at the Department of Fisheries and Oceans (DFO) and Health Canada were included in this audit.

The fieldwork related to this audit was undertaken between October 2001 and January 2002.

Key Overall Findings for Both LSUs

Planning, Organizing, Controlling, and Communicating

The audit found that the two LSUs were using different mechanisms to manage their arrangement with their client department. One LSU was in the process of negotiating a new Client Driven Service (CDS) agreement while the other uses an extensive number of Memorandums of Understanding (MOUs). Clients were not concerned with the format of the agreement. They were primarily looking for an agreement that was not too onerous to negotiate and that provided some degree of certainty with respect to the services that would be provided and the cost to the client department.

The audit found that, in each LSU, the negotiations to put in place the agreement must be supported by solid financial analyses. The skills required to prepare a sound business case are not typically available within the LSUs. The office of the ADM, Regulatory Affairs and Business Portfolio may be best positioned to provide support in carrying out these analyses.

Management of Human, Financial, and Materiel Resources

The audit found that the Performance Review and Employee Appraisal (PREA) process was not undertaken on an annual basis for the support staff in both LSUs. While support staff are employees of the client department, the LSU Head has a responsibility to ensure that annual

PREAs are provided for all staff within the LSU. It also provides key information that is used in the development of training plans.

Despite recent efforts to improve orientation training for new employees, the audit found that it still was not provided on a consistent basis. The main cause given for insufficient or inconsistent orientation was the significant backlog of legal work awaiting new staff when they join the LSUs.

Reliability of Information Systems for Decision Making and Accountability

The Department of Justice Legal Opinions Retrieval System (LOPORS) has been made available to all LSUs on a CD-ROM, which is updated quarterly. Several computers are also available within each LSU with a direct link to LOPORS on the Department of Justice Intranet site. A significant number of lawyers within each LSU were found to be unaware that access to the departmental Intranet and LOPORS was available within their LSU. A key information source that lawyers wanted to have was a Department of Justice telephone directory that also clearly showed organizational structures and staff's assigned responsibilities. It was thought that such a resource would help to identify appropriate contact persons and facilitate more timely responses to queries.

Key Findings for the DFO Legal Services Unit

Planning, Organizing, Controlling, and Communicating

The audit found that the LSU needs information to support potential business cases to the DFO. Such information is not readily available within the LSU at this time. Current office procedures (e.g. timekeeping system, reports on individual files) need to be enhanced to enable tracking of the necessary information.

LSU secretaries report daily to the lawyers for the work to be accomplished. The office manager is responsible for decisions relating to hiring, approving leave, preparing performance appraisals and re-assigning work. The audit found that some lawyers would like a more active and formal role in these processes, especially the hiring of new staff, as the lawyers play a key role in the secretaries' training and work closely with them on a day-to-day basis. The audit also found that whenever the requirements of the office as a whole took precedence over individual preferences for annual leave or individual workload prioritization, it was not clear if the affected individuals were provided with an explanation.

The audit found that there was general agreement that increasing the complement of trained legal support staff would help to alleviate the lawyers' heavy workload. Lawyers showed a reluctance to request paralegal assistance because of the known heavy demand on their time. Due to the significant turnover of LSU secretarial staff during 2001, many of the lawyers were reluctant to assign the secretaries anything more than routine administrative tasks. For example, the audit found instances of lawyers opening their own files and attributing file numbers to documents because of concern that their secretary had insufficient training to carrying out these tasks.

Management of Human, Financial and Materiel Resources

The audit found that annual appraisals provided to staff were not very detailed and did not identify areas for improvement, which would have facilitated the development of an annual training plan. The Department of Justice has set a minimum requirement of five days of professional development each year for all lawyers. The audit found that there were concerns within the LSU as to how this requirement was being applied.

Unilingual English lawyers within the LSU were found to be concerned about their access to intensive French language training. It is government policy to provide access to language training, but staff must demonstrate their potential for attaining the level of proficiency required within the authorized time.

The audit found that the LSU uses DFO financial systems to track operating and maintenance (O&M) expenses as the year progresses. However, additional administrative processes need to be in place to ensure that there are sufficient funds available throughout the entire fiscal year.

The LSU uses an electronic file management system to generate and compile file numbers for its paper filing system and to track key information. The audit found that the problems with the numbering system and inconsistent nomenclature have created delays in file retrieval. An action item to improve the current file management practices within the LSU is on the LSU Action Plan. The audit findings support the LSU's pursuit of improvements in this area.

Compliance to Legislation and Policies

The audit found that the LSU was generally in compliance with government and departmental legislation. Some weaknesses were found with respect to compliance with the *Official Languages Act* due to the tendency of English to predominate at meetings. Services are provided to clients in the language of their choice.

Level of Client Satisfaction

The audit found that clients are generally very positive about the quality of the work, the ready access to lawyers, and with the courtesy afforded them. Clients contacted as part of the audit identified areas for improvement relating to the joint establishment of expectations at the outset in terms of the level of detail required and the timeliness of a response.

Health Canada LSU

Planning, Organizing, Controlling, and Communicating

The audit found that the LSU currently has 32 different MOUs in place with different branches across Health Canada. While the MOUs provide greater flexibility than a single CDS agreement, each one requires a significant amount of time to negotiate and it may be more difficult to ensure that the requirements for administrative infrastructure are adequately addressed. There may be economies to be realized by consolidating at least some MOUs.

The audit found that, for a variety of reasons, during 2001 there was a significant turnover in secretarial staff which led to an increasing reliance on term and casual employees and agency personnel. In turn, this has led to a lack of consistency in the support services to lawyers and a perception that there are not enough secretaries in the LSU. Expediently filling these positions with indeterminate employees may help to alleviate this perception.

With respect to supervising and training secretarial staff, the audit found that there was broad consensus that a dedicated office manager would help to create a focal point for standardized secretarial support, monitoring and coordinating secretarial workload and initiating administrative improvements, thus improving overall office efficiency.

The audit also found that the workload was heavy for the lawyers and that there was a need for additional trained support. As noted already, expediently filling of the secretarial positions with indeterminate employees should help to address this concern.

The audit found that the working relationship within the LSU was excellent. It was clearly evident that the lawyers felt free to consult with each other as required and all staff recognized that the Senior General Counsel would readily make time available if there was an issue that needed to be addressed.

Reliability of Information Systems for Decision-Making and Accountability Purposes

The audit found that legal files can be readily retrieved when required and all information is included on the file. The LSU library is difficult to use as there is no index or catalogue of the collection. The Department of Justice library in Ottawa is not within walking distance of the LSU and thus the lawyers would like to make the LSU library their primary reference source, as it is more convenient.

Compliance to Legislation and Policies

The LSU was found to be generally in compliance with government and departmental legislation. The audit found that as is the case in many other units in the National Capital Region, English tends to predominate in staff meetings. Efforts to encourage the use of French in LSU meetings have been made and should continue.

Level of Client Satisfaction

The audit found that all clients contacted in the course of the audit expressed a high level of satisfaction with the level of service, communication, access to lawyers and the overall quality of the work performed by the LSU.

The management response to the recommendations contained in this report was provided by the ADM, Business and Regulatory Law Portfolio on October 8, 2002; the Senior General Counsel, Fisheries and Oceans LSU on October 21, 2002; and the Senior General Counsel, Health Canada LSU on October 26, 2002.

1. INTRODUCTION

In carrying out its responsibility to provide legal advice to other government departments, the Department of Justice has established dedicated departmental legal services units (LSUs) for most government departments and agencies. These units are responsible for:

- providing client organizations with legal advice and assistance to facilitate operations of the department or agency;
- ensuring that policies, programs, and operations of the department or agency conform to the law.

The LSUs interact with other sectors of the Department of Justice with respect to litigation and to obtain advice on specialized matters such as compliance with the *Canadian Charter of Rights and Freedoms*.

This audit focused on the management practices of the Department of Justice LSUs that provide services to the Department of Fisheries and Oceans Canada (DFO) and Health Canada.¹

1.1 Organizational Structure

LSUs have been organized into groups or portfolios based on areas of common interest. Both the DFO and the Health Canada LSUs are part of the Business and Regulatory Law Portfolio and report to the Assistant Deputy Minister (ADM) of Business and Regulatory Law. A Senior General Counsel is responsible for each LSU.

A close relationship typically develops between LSUs and their client. The LSUs are generally located in the same building as the client's senior management team, and most LSU heads attend

¹ As part of the long-term audit plan, the management practices of Legal Service Units are audited on a regular basis. The units providing service to the Department of Fisheries and Oceans and Health Canada were selected for audit during the 2001-2002 fiscal year.

their client’s departmental management committee meetings on a regular basis. This is the case for both the DFO and Health Canada LSUs, which are located in Ottawa.

A significant level of funding is generally provided to LSUs by their clients. This includes all funding for operations and maintenance (O&M), the provision of all support staff including paralegals, the provision of office space, and funding to cover the salary costs for some of the lawyers on staff. All lawyers within the LSU are Department of Justice employees or are on secondment from some other organization to the Department of Justice. The financial and human resources allocated for the 2001–2002 fiscal year to provide services in each of the LSUs included in this audit are as follows:

Financial and Human Resources	DFO	Health Canada
# of lawyers	24	32
# of support staff (including paralegals)	15	15
# of articling students	1	0
O&M from the client	\$373,500	\$443,472
Total funding provided by client	\$5,478,011	\$7,100,000

The DFO and Health Canada LSUs have different organizational structures, which will be discussed in the respective sections of this report.

1.2 Audit Objectives and Scope

The overall objective of this audit was to review and assess the framework within which selected LSUs delivered services to their clients and to recommend improvements to this framework.

The following elements were considered as part of the audit enquiry:

- the management framework (policies, practices and procedures relating to planning, organizing, controlling, leading and communicating, and the management of human, financial and materiel resources);
- reliability of information systems for decision-making and accountability purposes;
- the extent of compliance of systems, procedures, and practices with legislation, regulations, and key central agency/departmental policies;
- the appropriateness of interfaces with other sectors of the Department, including regional offices, the Public Law and Central Agencies Portfolio, and the Legislative Services Branch;
- the appropriateness of interfaces with the client department;

- the level of client satisfaction with the legal services provided.

In addition to these general elements, the audit team gave specific attention to the levels of resource support and workflow processes of each LSU.

The fieldwork for this audit was carried out from October 2001 to January 2002.

1.3 Methodology

Information for this audit was obtained through the following methods:

- review of relevant documentation concerning the operations of each of the LSUs;
- review and analysis of budget information;
- interviews and focus groups with management, lawyers, and staff in each of the LSUs and with staff within the ADM's office (Business and Regulatory Law Portfolio);
- interviews by telephone with selected Department of Justice regional offices and with staff in the Health Canada Regulatory Satellite Unit;
- interviews by telephone with client representatives.

2. KEY OVERALL FINDINGS

This section provides an overview of the audit team's key findings with respect to both of the LSUs that were examined. The following sections will separately address the team's detailed findings for the DFO and Health Canada LSUs.

2.1 Planning, Organizing, Controlling, and Communicating

Since the mid 1990s, all LSUs were expected to have a Client Driven Service (CDS) agreement with their client department. The agreements were intended to identify all Department of Justice resources that would be provided to a client, including the services of the LSU, specialized legal services (legal opinions and advice), property transactions and transfers, legislative renewal, assistance in policy development, training clients on legal matters, and prosecution and litigation services from the Department of Justice regional offices. While the use of CDS agreements is supported by the portfolio, it is recognized that one format may not necessarily be appropriate for all clients.

At the time of this audit, the DFO did not have a CDS agreement in place, but negotiations were underway for a new agreement. Health Canada has used an extensive number of Memorandums of Understanding (MOUs) in lieu of the conventional CDS agreement format. Clients in both organizations would like to see some kind of agreement in place that is not too onerous to negotiate so that there is some degree of certainty with respect to the services that will be provided and the cost to the client department.

Negotiations to put in place some form of agreement with a client department must be supported by solid financial analysis. Client departments are looking for a sound business case in support of increased funding levels. The skills required to support this level of financial analysis are not typically found in the LSU nor is it something that is required on a day-to-day basis. The office of the ADM, Business and Regulatory Law Portfolio, is best positioned to provide the type of financial analysis support required by LSUs when they are negotiating an agreement with their client.

Recommendations and Management Response

- 1. It is recommended that the ADM, Business and Regulatory Law Portfolio ensure that assistance is available from his office to support LSUs in preparing the financial analysis required to negotiate a service agreement with client departments and agencies.**

While the negotiations to put in place an agreement (be it a formal CDS Agreement or otherwise) with a client department must be supported by solid financial analysis; the office of the ADM, Business and Regulatory Law Portfolio has, through the Business Manager position staffed in April of 2001, provided an increased level of support to the LSU toward the preparation and justification of the analysis in question. The Business Manager is supported in this effort by a Senior Administrative Officer and an Administrative Assistant, whose primary roles include the maintenance of the Portfolio's Salary Management System (SMS) and the management of the salary recovery for all Headquarters Client departments.

Other support functions provided by the Business Manager include, but are not limited to, providing detailed budgetary allocation information, preparing detailed client specific and Portfolio wide comparative resource analyses, coordinating regional financial and timekeeping data and managing and reporting on overall resource utilization from both an HQ and overall "national" Portfolio perspective.

Given the size and complexity of many of the Client Departments who are served through by the Business and Regulatory Law Portfolio, much of the information and expertise required in the area of financial management and associated analyses resides directly within the LSU itself. This relates in particular to the client's contribution to the funding of legal services, more specifically as it relates to initiative specific resources, the regional distribution of these resources and the internal organizational structures and procedures governing their recovery.

In the case of the Department of Fisheries and Oceans, the recognition of the increased role played with the LSU itself has resulted in the permanent staffing of a LSU Senior Financial Manager to manage and oversee the ongoing financial activities of the Unit. This includes the provision of financial information in support of the CDS process and the direct coordination of many financial aspects of the client's regional operations. The establishment and staffing of this position is seen by the Portfolio Office as key to improving the provision of timely and accurate resource utilization information in addition to facilitating the work of the Portfolio Business Manager in managing the overall resources of the Portfolio. As such, it is

currently being examined in additional detail by the Portfolio Office for potential application to other large LSUs.

2.2 Management of Human, Financial and Materiel Resources

In both LSUs examined in the course of this audit, the lawyers received Performance Review and Employee Appraisals (PREAs) on an annual basis. Several concerns were voiced about the efficacy of this process. Many had concerns with the timeliness of the feedback and the level of detail received. Ongoing, informal feedback from the LSU Head and/or Team Leader, which is based on direct observation or client input, was found to be more useful than the PREA because it was more timely and more relevant. Concerns were also voiced that revealed a perception that there is a quota when determining the number of high performers in a LSU. Lawyers felt that no matter how hard they worked, it was unlikely to make a difference in their PREA. Promotion opportunities are viewed as being quite limited and there are no other obvious rewards for high performance.

In both LSUs, the audit team noted that annual appraisals for support staff are not undertaken on a regular basis. Similar findings have been noted in previous LSU audits. While support staff are provided by the client department, only those working with them in the LSU (lawyers and other support staff) are in a position to provide the input necessary to prepare the PREA. All employees are entitled to and should receive regular feedback on their performance. Such information is imperative to ongoing staff development and the development of appropriate training plans.

Orientation for new support staff and lawyers are inconsistently implemented, although the necessary infrastructure for orientation (materials and sessions) is in place. The main cause given for insufficient or inconsistent orientation was the significant backlog of legal work awaiting new staff when they join the LSU. Lawyers indicated that their learning curve could have been significantly shortened had they been introduced to key legislation, client issues, and legal opinions at the onset, as well as legal advisory resources, the client's corporate structure and the roles of the various units, the client organizational chart, and the names, faces, and roles of senior management. The DFO LSU responded to the findings of another LSU audit conducted in 1999 by including meetings with the ADM as part of the orientation. Several new lawyers commented that they had met with the ADM of the Regulatory Affairs and Business Portfolio as part of their recent orientation process.

Recommendations and Management Response

- 2. It is recommended that the DFO and Health Canada LSU Heads ensure that all support staff receive an annual performance appraisal.**

Senior General Counsel, Fisheries and Oceans

Agreed. Annual performance appraisals and performance objectives are being completed for all staff. In future, appraisals will be provided annually within prescribed timeframes.

Senior General Counsel, Health Canada

Health Canada support staff will receive an annual performance appraisal. This has already been made known in our office and discussed in a unit meeting.

- 3. It is recommended that the DFO and Health Canada LSU Heads ensure that all new staff members are provided an orientation to the LSU, the client, and the Department of Justice during the first few weeks of their employment with the LSU.**

Senior General Counsel, Fisheries and Oceans

Agreed. New employees are now provided with a general orientation to the LSU and through Intranet packages information on both DFO and DOJ. Team leaders also brief new lawyers on their portfolio in DFO. The outline of a more formalized orientation program that can be tailored to staff needs is nearing completion and expected to be in place for 2003.

Senior General Counsel, Health Canada

New staff members will be provided with more timely and consistent orientation to the LSU, the client and the Department of Justice, building upon current orientation materials and sessions.

2.3 Reliability of Information Systems for Decision-Making and Accountability Purposes

Progress continues to be made in providing LSU staff with access to Department of Justice information sources. Since the last audit of LSUs was undertaken in 1999, the Department's Legal Opinions Retrieval System (LOPORS) has been made available to all LSUs on a CD-ROM, which is updated quarterly. Each LSU has several computers that are connected to the Department of Justice Intranet site. In both LSUs examined as part of this audit, there were a significant number of lawyers who were unaware that an Intranet connection was available within the LSU and/or how to use the LOPORS database. The audit team understands that

connectivity to the Department's Intranet is not provided to LSU lawyers at their work stations due to security reasons. Lawyers' computers are connected to their client's local area network (LAN). If the same computers were also connected to the Department of Justice wide area network (providing Intranet access), there is an increased risk that Department of Justice information might be accessed through the client's LAN. Therefore, three lawyers at Health Canada have two computers in their offices—one connected to the Health Canada LAN and the other to the Department of Justice Intranet.

The lawyers' primary concern about their lack of connectivity to the Department of Justice's Intranet was that they did not have ready access to departmental e-mail lists and telephone numbers. There was a broad consensus that access to a telephone directory that clearly showed the organizational structure and range of responsibilities would facilitate easier identification of appropriate contact people when the lawyers have specific questions. Some departments do make available electronically an internal telephone directory that reflects the organizational structure. Others, such as the Treasury Board Secretariat (TBS), have made available from time to time, a listing providing departmental contact names for particular policy areas. Similar listings within the Department of Justice would assist LSU staff to locate the appropriate person and obtain a response in as timely a manner as possible.

Recommendations and Management Response

- 4. It is recommended that the ADM, Business and Regulatory Law Portfolio work with the Director General, Information Management Branch to ensure that departmental Intranet listings provide as much information as possible on organizational structure and specific responsibilities.**

Access to contact people in the Portfolio. We have taken many measures to give people information on contacts and to give them the opportunity to create their own networks of contacts:

- We host a number of learning and networking events, several a month, to give people a chance to meet legal experts in different fields in DOJ. (See our portfolio website under Current Events.)
- We have created or are in the process of creating several groups of practice for the same reasons. The groups include Employment Law, ATIP Law, Biotechnology; Real Property Law, Commercial Law, Legal Risk Management, and Charter Law.

- We also organize events to facilitate networking for personnel involved in managerial or administrative issues. These include monthly half-day sessions for LSU administrative assistants and annual meetings for LA-2Bs; monthly lunches for LSU heads.

Access to a telephone directory. Up-to-date phone numbers and addresses of all DOJ staff are available on the Government's directory.

In addition, I would like to bring the following to your attention:

- Access to LOPORS is now available to any LSU lawyers or paralegals who need it through either one of two technologies: Secure Remote Access and TRUEPASS. All LSUs have been contacted and all personnel requesting access to LOPORS now have it. In fact we have connected over 350 LSU staff to the LOPORS database over the past six months.
- Two measures have been taken to ensure that LSU staff had access to current email addresses of other DOJ personnel. First, electronic aliases were produced for all LSU staff so that all DOJ personnel, no matter what other Department's computer network they belong to, can be reached by email by using the following standard address: firstname.familyname@justice.gc.ca. Secondly, to address this problem we also publish a complete list of email addresses for all DOJ employees on our portfolio site.

We have communicated to our staff both of these ways of finding a person's email address.

We agree that there would be some benefit from a departmental directory that reflected its organizational structure. Such a directory was available in the past. Unfortunately, our Portfolio does not, in the present time, have the resources or the mandate to resurrect it.

For our Portfolio there is, on our website, a directory of our ADM's office staff, as well as a listing of all our LSUs and, for each LSU, a list of the people who work in it.

3. DEPARTMENT OF FISHERIES AND OCEANS LSU

During the period of this audit, two Senior Counsel in the DFO LSU were acting as the LSU Head on a rotational basis. A new Senior General Counsel started at the LSU in early December 2001, just as the audit team was finishing the data collection phase. The absence of a Senior General Counsel in the LSU undoubtedly had an impact on several of the issues outlined in this section.

3.1 Planning

In 1997, a CDS agreement was established between the Department of Justice and the DFO, with annual service plans to cover the period between April 1, 1997 and March 31, 2001. A new agreement was being developed at the time of the audit, but a draft had not yet been completed. It is understood that the DFO would like to have the new CDS agreement finalized so that there is a basis for their continued funding of the LSU.

The process for negotiating the agreement to the level of detail required by the DFO has been more time consuming than anticipated by LSU management. Several lawyers have been involved in this process.

There is broad consensus among LSU team leaders that a specialized resource with business case development expertise would be very useful in assisting the LSU in establishing an agreement with the client department. While the portfolio business manager can provide limited support for the process, the LSU must take the lead in developing the business case. Furthermore, the type of information that the DFO would like to see supporting any business case is not readily available within the LSU at this time. Management noted that the current office procedures and time-keeping system do not allow for the generation of reports per file that would provide useful information such as noting the originator of the request for legal advice, the names of the lawyers who had worked on a file, or the amount of time spent on the file. Such information would be useful in projecting the client department's needs.

To provide some degree of central control and monitoring over the provision of legal services to the DFO across the country, the LSU has coordinated and established funding arrangements between the DFO and Department of Justice regional offices. Generally, funding has been provided through MOUs that supplement the CDS agreement. The processes used to establish the MOUs have been inconsistent and not every region providing services to the DFO has a MOU in place. Inconsistencies in agreement format and/or the timing to establish funding arrangements have created uncertainties for Department of Justice regional managers with respect to their future funding levels.

Generally, the lawyers, in consultation with their clients, deal with the day-to-day individual file planning. Priorities are discussed with the client on an ongoing basis, typically through telephone conversations. Lawyer and client interviews have confirmed that this is working quite well and there were no significant concerns.

Recommendations and Management Response

- 5. It is recommended that the Senior General Counsel ensure that appropriate resources and skills are in place within the LSU for the development of the business case for the CDS agreement. (See also Recommendation 1.)**

- 6. It is recommended that the Senior General Counsel review the existing office procedures and systems to determine how they need to be enhanced to ensure that information that is needed to support a business case to the client is readily available.**

5 & 6 Agreed. A business manager position is being established within the LSU to provide strategic and business planning, resource management, information management, and comptrollership support to the Senior General Counsel and staff within the LSU. A senior finance manager has been seconded to the LSU to fulfill this function. The business management function will provide support not only for the development, negotiation and ongoing management of service agreements but also management of the law practice in keeping with principles of modern comptrollership. It is expected that improvements in LSU business management practices will be fully implemented by 2004.

3.2 Organization of Staff and Workload

The LSU has 24 lawyers and 15 support staff. The support staff includes an office manager, three paralegals, seven secretaries, three file room clerks who manage the file room, the library and

provide computer support, and a financial clerk who assists the office manager in processing payment requests.

The LSU has a team-based organizational structure with legal staff reporting to their respective team leaders and team leaders reporting to the Senior General Counsel. The secretaries and clerical staff report to the office manager. Within this structure, six teams of lawyers have been established by functional expertise:

- Coast Guard and Corporate Services Team,
- Science and Oceans Team (primarily environmental law),
- Fisheries Team,
- Human Resources Team,
- Aboriginal Affairs Team,
- Legal Risk Management Team (litigation coordination).

These teams, for the most part, reflect the organizational structure of the client department. Three paralegals in the LSU report to the Senior Counsel for Human Resources for administrative requirements (leave, performance appraisals etc.), but on a day-to-day basis two of the paralegals are accountable to the individual lawyers requesting research and analysis services and the other paralegal is accountable to the lawyer who acts as the LSU Legal Risk Management Coordinator.

Seven secretaries provide support to the LSU lawyers. One secretary is the administrative assistant to the Senior General Counsel and reports directly to him. Six secretaries provide administrative support to three to four lawyers each, and report on a daily basis to these lawyers for the work to be accomplished. The office manager is responsible for hiring the secretaries, approving their annual and sick leave, preparing their performance appraisals, and re-assigning work if some of the secretarial staff have too much work or are absent. Some lawyers indicated that they should have a more active role in the hiring process. The lawyers play a pivotal role in the subsequent training of the secretaries and must work with them closely on a day-to-day basis. Requests for annual leave must take into account the lawyers' requirements as well as the requirements of the office as a whole. While the lawyers do provide their input into the leave approval decision, it is not clear how much weight their input is given. Secretaries who were interviewed reported that when their leave is denied, a reason is not provided.

The file room staff, although they report to the office manager, generally operate in an independent fashion, while the financial clerk reports to and works closely with the office manager.

With respect to workflow, clients direct work requests to either the Senior General Counsel, the team leader, or directly to the staff lawyer. Lawyers indicated that the great majority (70-90%) of the work arrives directly from their assigned clients. This system appears to be working well. Some team leaders were copied on all outgoing legal opinions to provide a mechanism for them to monitor and be informed of the legal work being delivered by team members. The other team leaders rely on the lawyers within their team to discuss with them issues of potential concern prior to finalizing an opinion.

Sensitive legal and program impact issues are immediately raised to the team leader and then to the Senior General Counsel for awareness and direction.

Recommendations and Management Response

7. It is recommended that the Senior General Counsel provide the LSU lawyers with a formal role in the hiring process of support staff.

Agreed. LSU lawyers are now consulted regarding competencies required of support staff for incorporation into statement of qualifications when staffing support positions. In addition, they are participating in the final interview portion of selection boards.

8. It is recommended that the office manager provide feedback to the affected individuals (both support staff and lawyers) whenever the requirements of the office as a whole take precedence over individual preferences for annual leave or individual workload prioritization.

Current practice in the LSU is for support staff and lawyers to be consulted regarding support needs and changes that may be required to address emerging priorities. Vacation schedules are widely distributed with discussion regarding office and individual requirements aimed at resolving issues to both management and staff mutual benefit. With respect to individual workload prioritization, the legal services team leaders not the office manager discuss these issues with individual lawyers.

Level of Support

There was general agreement that while the workload was heavy for the lawyers, one of the most pressing needs in the LSU was to enhance the complement of trained legal support staff. Most of

the lawyers the audit team consulted were hesitant to request research and analysis support from the two available paralegals in the unit as it was widely recognized that there was an existing heavy demand on their time. Those interviewed suggested that more articling students could be used for the type of advanced research and analysis support required.

The lawyers indicated that they would like to assign more to their secretaries but find that they have insufficient legal training to do more than coordinate meetings, complete leave forms, arrange travel, file correspondence, reformat legal opinions into standard templates and track responses to correspondence. The audit team noted instances of lawyers opening files and attributing file numbers to documents because they did not believe that their secretary had sufficient legal training to correctly use the file numbering structure.

There has been significant turnover in legal staff in the LSU in the past. Some clients have indicated that a significant amount of time was required to familiarize new lawyers with files. While this has been a source of frustration in the past, the situation has recently been more stable. Ongoing turnover in the secretarial pool, especially in the past year, has also been an issue of concern. Some lawyers indicated that due to a lack of a standardized training program for new secretaries, the turnover has meant that a significant amount of lawyers' time has been spent training new secretaries on basic office procedures. Secretaries see lawyers as the logical source for this type of information because they work closely with them on a day-to-day basis.

Recommendations and Management Response

9. It is recommended that the Senior General Counsel review the level of paralegal services at the LSU.

Agreed. The LSU has commenced a project to implement by April 2003 a legal advice/opinion request tracking system aimed at providing the LSU management team with better information regarding legal services workload. This information will facilitate an informed assessment of the gap in paralegal support as well as other support requirements. This gap analysis is expected to be completed by the late fall of 2003.

10. It is recommended that the Senior General Counsel ensure that, as required, training is provided to the secretaries in the LSU to enable them to take responsibility for routine legal administrative matters such as the assignment of file numbers.

Agreed. Administrative support positions within the LSU have been reclassified to the CR-5 level incorporating expanded duties for routine legal administrative matters. As part of the

annual performance appraisal process both support staff (and the lawyers they support) have been asked to identify gaps in competencies and related training needs. Individual training plans will be developed and training undertaken over the next year. Future performance reviews will incorporate a review and update of training plans. Specific administrative training will be also provided to current and new support staff to upgrade competencies in areas such as travel, document management, etc. These specific training sessions are scheduled to begin in the fall of 2002.

3.3 Communicating

There is a good level of informal, daily communication among both the lawyers and the support staff to resolve issues and respond to client requests. Regularly scheduled meetings are also held for all counsel and for individual teams. The new Senior General Counsel has recently made adjustments to the frequency and format of the all counsel meeting. Meetings are now held every two weeks and all items discussed must be on the agenda, which is prepared in advance. Team leaders are responsible for proposing specific items. This new meeting format has been well received by the team leaders and is seen as an improvement over the previous format.

A management meeting consisting of the Senior General Counsel and the team leaders is held weekly to discuss issues related to client files that fall within the jurisdiction of several teams, legal risk management (addressing high impact files), and issues related to the administration of the legal service practice. This is working well and is well received by all the team leaders consulted.

Most of the teams within the LSU also have scheduled weekly meetings where issues related to case files and team administrative issues are discussed. Several teams regularly include, via conference call, Department of Justice regional staff from the offices in Halifax and Vancouver. Team members and regional staff have indicated that the team meetings are quite useful. Some teams have been unable to meet on a consistent basis due to frequent cancellations. The team leaders' conflicting commitments generally caused the cancellations. As a result, team discussion and resolution of legal issues surrounding certain files did not occur in as timely a manner as would have been desirable.

While the support staff do not regularly meet as a group to discuss issues that are unique to them, neither they nor the lawyers saw that as an impediment.

3.4 Management of Human, Financial and Materiel Resources

Human Resources

While annual performance appraisals are provided to the lawyers in the LSU, many were dissatisfied with the process. The appraisals were not very detailed and did not identify areas for improvement, which would have facilitated the development of a training plan. Performance appraisals are generally not provided for support staff even when they have specifically requested one. While the support staff are, strictly speaking, employees of the client, Department of Justice lawyers are supervising them on a day-to-day basis and are best positioned to assess their performance. This lack of feedback has created uncertainty with respect to the adequacy of support staff performance and is a missed opportunity for managing staff relations and ensuring continual improvement.

Despite efforts by both Departments and the LSU to develop orientation processes, new staff members (both lawyers and support staff) are not consistently provided with an orientation to the Department of Justice or the DFO. Many new staff find that when they join the LSU, there is already a significant amount of work waiting for them to address and that it is difficult to find time for a formal orientation. We were told that this lack of orientation creates difficulties and delays as new staff do not know key and relevant legislation, ongoing issues, and who to call or what channels/protocols they must follow to obtain information. It can take staff many months to obtain this knowledge, during which time their productivity is impaired.

The Department of Justice has set a minimum requirement of five days of professional development each year for all of its lawyers. DFO lawyers had concerns about how this was applied in their LSU. The lawyers saw the five days allocated for professional development as a maximum rather than a minimum. There were also concerns with how “lunch and learn” sessions sponsored by the Department of Justice and attended on the lawyers’ own time were considered to be part of the required five days. Permission was rarely given to attend conferences or training events outside of the Ottawa area. Many of the lawyers believe that they require continuing legal education in specialized areas for which travel to other parts of Canada or the United States is essential.

The lawyers also commented that they did not feel that they were encouraged to pursue career development opportunities if it meant leaving the LSU for an extended period of time, either for another opportunity with the Department of Justice or to take a leave of absence with the intent of ultimately returning to the LSU. From a management perspective, extended absences of this

kind can place considerable strain on the remaining resources on the LSU as it can be very difficult to find a temporary replacement, thus increasing the workload for everyone else.

A number of unilingual English lawyers commented on how their language skills were a limiting factor for potential advancement. French language training is offered in the office twice a week, but this was seen as insufficient to master the language. Access to intensive French language training is perceived as being quite limited. It is government policy that “employees continue to have generous access to language training to enable them to meet the language requirements of bilingual positions in support of the government’s requirements as well as to meet their career objectives.”² In order to be eligible for language training employees must demonstrate their potential for attaining the level of proficiency required within the authorized language training time.³

Recommendations and Management Response

11. It is recommended that the Senior General Counsel ensure that annual performance appraisals are of sufficient detail that they can be used as the basis for developing an annual training plan.

Agreed. Performance appraisals are being completed for all staff and associated training plans developed for 2002-3. Updating of training needs and development of associated plans is now part of annual performance reviews.

12. It is recommended that the Senior General Counsel ensure that all lawyers have access to appropriate professional development as set out by the Department of Justice.

Agreed. The Legal Services Management Committee will be putting in place a formal process for LSU wide assessment, coordination, and approval of professional development activities.

13. It is recommended that the Senior General Counsel ensure that all staff are aware of the requirements for language training as set out in the TBS *Policy on Language Training* and where appropriate, ensure that staff are provided with language training.

² Treasury Board Secretariat, *Policy on Language Training*, February 2001.

³ The maximum number of hours of language training during working hours at government expense that may be authorized for a candidate to reach a language proficiency level is 1,000 hours for level A; 1,300 hours for level B, and 1,860 hours for level C.

Agreed. Staff will be advised of language training requirements as part of the regular staffing process for LSU positions and, where required, formal language training plans, will be put in place.

Financial and Materiel Resources

O&M expenditures are managed using DFO financial systems (ABACUS and FIS). These systems are used to manage credit card expenditures, the purchase of goods using PWGSC standing offer agreements and the subsequent processing of the associated invoices, and the transfer of funds to the Department of Justice to cover salary costs for some lawyers. A sample of invoices was reviewed. All were found to have been properly authorized.

The DFO financial systems have been designed such that expenditures cannot be made unless there is a sufficient remaining uncommitted allotment. Additional planning processes must be used by the LSU to ensure that sufficient funds are available for the entire fiscal year. One way to achieve this is to set up a series of commitments at the beginning of the fiscal year for anticipated expenditures throughout the year. However, this approach can be very labour intensive as funds must then be decommitted and recommitted throughout the year as specific procurement arrangements are made. Depending on the size of the budget, many organizations use a spreadsheet application to keep track of the budget, expenditures to date, commitments, expected expenditures, and the free-balance so that budget forecasts for the balance of the fiscal year can be easily generated. No such tracking process currently exists within the LSU, thus placing the LSU at risk of running out of funds prior to the end of the year or of lapsing funds that could have been used in support of LSU objectives.

The LSU at the DFO uses an electronic file management system called FOREMOST (competitor to RIMS, a widely used governmental records information management system). FOREMOST generates and compiles file numbers for the paper filing system, captures file information such as the file number, title, and keywords and allows for searches. However, lawyers have indicated that the numbering system for the files and the lack of a common nomenclature for files have created delays in file retrieval.

A card-on-the-shelf system is used to control hardcopy files that are borrowed from the file room. This control has proven to be inadequate in that lawyers pass on files to other lawyers and the information indicated in the card-on-the-shelf is not updated accordingly. There were indications that files do go missing but are generally found again, although not always on a timely basis.

Some documents remain with lawyers, unfiled for lengthy periods, while lawyers ascertain whether it should be filed with an existing file or if a new file should be established. The complexity and lack of user-friendliness of the system has created difficulties for the lawyers and support staff to attribute appropriate file numbers to files. There is a broad consensus among the LSU lawyers and support staff of the existing limitations with the current filing system, and it has been identified as an item in the LSU Action Plan.

Security infrastructure and protection of other assets is good; however, a LOPORS CD-ROM was misplaced. As the CD-ROM contained legal opinions that are considered to be restricted information, the inability to locate it is considered to be a serious concern. Electronic media containing restricted information must be handled with care and its location should be known at all times.

The office manager uses a loan form to loan office equipment to lawyers (e.g. lap-top computers). The LSU facility is secured, requiring an access card for staff and telephone clearing and door trigger control entry for visitors. The administrative assistant to the Senior General Counsel administers the access control system. The adequate protection of assets was raised with team leaders and the office manager, and no incidents or concerns were identified.

Recommendations and Management Response

14. It is recommended that the Senior General Counsel ensure that adequate processes are implemented to manage the LSU budget throughout the year.

Agreed. A review of budget management processes is underway within the LSU. For 2002-3, an annual budget has been developed and reviewed by the Legal Services Management team. Regular monitoring of budgetary status has been implemented with a monthly review of financial position prepared for discussion at the Legal Services Management meeting. Spending controls have also been implemented to ensure that the LSU operates within approved budget allocations and makes informed decisions on expenditure proposals.

15. It is recommended that the Senior General Counsel and the LSU continue to pursue their action plan to address improvements to the current file management system.

Agreed. The LSU will continue pursuing improvements in information management and more specifically in file management. Work on legal advice/opinion request tracking and

related file management practices will be complemented by a review later in 2003 of the LSU's Automated Legal Opinion Retrieval System (ALORS).

3.5 Reliability of Information Systems for Decision-Making and Accountability Purposes

As noted in the previous section, the current filing system within the LSU does not facilitate the ready retrieval of information. Files are given numbers and not names, thus making it difficult to retrieve specific and related files within a reasonable period of time unless one is already aware of the existence of a file. A document may remain unfiled for lengthy periods while it is determined if it should be filed with an existing file or if a new file should be established. The file itself often has duplicate copies of the same e-mails and documents are not consistently filed in a chronological manner. As noted earlier, the LSU is aware of the existing limitations with the current filing system and has an item in its Action Plan to address it.

The LSU has two high-speed access lines to the Department of Justice's LOPORS (Department Legal Opinions Retrieval System). These have been located in the paralegals' work area. The LSU had also been provided with a copy of the system on CD-ROM but when it was misplaced, a replacement was not made available. The lawyers advised the audit team that they did not use LOPORS because either they did not know about it, did not know how to use it, or thought it was simply easier to call a contact at the Department of Justice to get the information required.

A legal opinions retrieval system of the DFO LSU opinions, called ALORS (automated legal opinion retrieval system), is currently under development for the DFO LSU. The intent of this database is to supplement LOPORS, which was never intended to include all LSU opinions but rather those that were further interpreting the law and were of broad interest across the Department of Justice. Within the DFO LSU, a database such as ALORS consisting of all previous opinions provided by the LSU as of a certain date would be invaluable in ensuring consistency in the advice provided to the client and would help new lawyers to become more familiar with the legal issues facing the DFO.

ALORS is only now being piloted within the LSU, and according to management presentations, still needs to be further enhanced before it is likely to receive broad acceptance. Current limitations of the system include an inability to print reports, copy e-mail text into it, or attach a Microsoft Word document. Testing of the system has also shown that keyword searches are not always successful even when it is known that the term is in the database. Because of the existing limitations with ALORS, copies of opinions are also being stored in Microsoft Word format on the shared drive on the LSU LAN by the team currently piloting it.

In the absence of an electronic tool that includes copies of all previous DFO LSU opinions, staff must locate opinions from old files based on their own recollection of where they may be or by talking to colleagues. The lack of a standard wording or coding system for documenting legal opinions adds to the difficulty in finding all relevant opinions. ALORS, when it is fully functionally, is expected to alleviate this problem.

A significant portion of the work carried out by the Coast Guard and Corporate Services Team relates to events that happen in maritime waters such as shipwrecks, grounded ships, and environmental disasters. This team has been relying on second-hand information provided by telephone or by e-mail to determine the extent of the legal issues that need to be addressed. The lawyers dealing with these types of incidents believe that travel to the site, while potentially expensive, is imperative to ensure that the potential range of legal issues facing the government is adequately assessed at the outset. In the past, LSU management has been satisfied with conducting the required legal research by telephone for these types of incidents.

To support the DFO legal risk management process, the LSU carries out a high impact assessment of the litigation cases being managed by the Department of Justice regional offices. However, information related to these cases is not provided on a consistent basis, thus forcing the LSU to use informal information obtained from personal contacts in the regional offices. The regions rely on Caseview (a case management software application) as their source of information but, according to the regions, Caseview information cannot be made available to the LSU because it is not always up-to-date. This lack of access is problematic for the lawyer who acts as the LSU Legal Risk Coordinator as she needs access to current information on the status of litigation files to properly carry out her duties. Without electronic access, she must totally rely on the regions to provide information on a timely basis. A new mandatory system, I-case, is expected to replace Caseview soon. LSUs will be able to access I-case through the Department of Justice Intranet.

Recommendations and Management Response

16. It is recommended that the Senior General Counsel ensure that all lawyers within the LSU receive training on what LOPORS is and how to use it.

Agreed. LOPORS will be incorporated into an LSU orientation package for new staff; a package that will be provided to all LSU lawyers in 2002-3.

17. It is recommended that the Senior General Counsel review the current LSU policy on travel to sites as part of the legal research, to view significant events first-hand as appropriate, to ensure the full range of legal issues are being addressed and that the government is adequately protected.

Agreed. LSU travel policy will be reviewed to promote opportunities for lawyers to network with clients and become more familiar with client's operations/issues where they actually occur. Note that the travel policy review will take place in conjunction with changes in TBS travel policies that are expected to be issue in the fall of 2002.

3.6 Appropriateness of Interfaces with Other Sections of the Department

The audit team found that the success of the interfaces with other sections of the Department of Justice varied widely. LSU inquiries to specialized areas such as constitutional, human rights or administrative law by telephone or e-mail were generally answered within a reasonable period of time once the correct person was contacted. Many lawyers commented on how an up-to-date telephone directory that clearly showed the reporting structure and identified areas of specific responsibility would greatly facilitate identification of the correct person. Recommendation 4 addresses this concern.

Those LSU teams that included the regions by teleconference in their weekly team meeting have excellent working relationships with their regional colleagues. Approximately a year ago, one team established a requirement that all issues in their area of expertise be referred back to them for input prior to advice being given to a client. Another team has not been communicating with the regions as frequently as it might because it has been necessary to cancel many regularly scheduled team meetings. On occasion, regional staff need to provide advice before they are able to contact the LSU for input (for reasons such as time differences and urgency of the matter). Regional staff contacted by the audit team indicated that they are hampered by their lack of background in some areas of the law where they are not in regular contact with the appropriate LSU team. Ongoing communications with the LSU in all areas of practice would enable the regional offices to better serve DFO regional personnel.

3.7 Compliance to Legislation and Policies

The LSU was found to be generally in compliance with government and departmental legislation. Diversity is evident across the LSU. The audit team was also advised that employment equity requirements have been discussed at numerous LSU staff meetings.

However, the audit team found weaknesses within the LSU with respect to compliance with the requirements of the *Official Languages Act*. Several of the lawyers within the LSU, including one team leader, are unilingual English. As a result, English has tended to predominate at LSU meetings. LSU management are aware of the issue and continue to encourage the use of both official languages at meetings. Services are provided to clients in the language of their choice.

Recommendations and Management Response

18. It is recommended that, to further encourage the use of French, the Senior General Counsel ensure that English summaries are provided of information delivered in French at staff meetings.

Agreed. The management team actively encourages use of both official languages within the LSU. Summaries in English or French are provided at meetings to encourage the use by employees of their language of choice.

3.8 Level of Client Satisfaction

Generally, the clients contacted as part of this audit were extremely positive about the quality of the work, the ready access to the lawyers, and with the courtesy afforded them. It was noted that, on occasion, the level of the detail in LSU responses has been far more than what was expected. Two clients contacted in the course of the audit advised the audit team that they received very lengthy responses, in one case forty-seven pages, to what they thought was a very simple question and to what they believed warranted a short response.

Other areas for improvement identified to the audit team included faster response times and more knowledgeable staff. Several clients commented that they found that they had to wait longer than what they thought was reasonable to obtain legal advice. Others noted that there had been a high degree of turnover in the lawyers in the LSU which, from their perspective, resulted in a duplication of effort as yet another lawyer became familiar with the file.

Recommendations and Management Response

- 19. It is recommended that, in consultation with the LSU lawyers, the Senior General Counsel review the importance of establishing client expectations at the outset in terms of the level of detail and timeliness of a response.**

Agreed. The implementation (by April 2003) of a legal advice/opinion request tracking system will aid individual lawyers, team leaders and the Senior General Counsel in more effectively managing LSU workload and in consultations with clients regarding the relative priority of requests and the establishment of realistic timeframes for responses. With better information on legal service workload, both the LSU and clients will be better able to make informed decisions and manage the demand for legal services. Appropriate frameworks and protocols will also be developed over the next year to aid lawyers in establishing, with clients, specific service expectations (turnaround times, priority lists, BF reporting, etc) and business parameters (resource requirements, administrative/financial responsibilities) associated with legal service requests.

4. HEALTH CANADA LSU

4.1 Planning

The LSU has chosen to use MOUs with Health Canada to set out the services that will be provided and the funding that will be provided by both the Department of Justice and Health Canada to cover the cost of the required legal services. The Client Driven Service Agreement expired in 1999 and there are no plans to renew it. When a significant issue arises that requires legal support, a MOU is negotiated to provide the necessary funding. Thirty-two different MOUs are currently in place with different Branches across Health Canada. This mechanism is seen as being more flexible than the CDS agreement in adjusting to new, emerging demands for service.

While MOUs may provide greater flexibility, each one requires a significant amount of time to negotiate and it may be more difficult to ensure that the requirements for administrative infrastructure (e.g. secretarial support, library, training, informatics, information management) are adequately addressed. A number of clients noted that a multi-year MOU would be preferable to a series of single-year agreements as the agreement would not need to be renegotiated as frequently. It is the auditors finding that wherever possible, consolidating MOUs in similar service areas would also reduce the amount of time required to negotiate agreements.

Lawyers discuss individual files priorities with clients on an ongoing basis. Both the lawyers and the clients contacted during the course of this audit indicated that this process is working quite well.

Recommendations and Management Response

20. The Senior General Counsel consider, where appropriate, consolidating MOUs in order to minimize the time required to negotiate them.

Consideration is being given to consolidate MOUs with the client. Some discussions have already occurred with the client in this regard. Indeed, efforts have already commenced on the development of a business plan that will assist in Health Canada and Legal Services

jointly forecasting and planning for priorities for client-focused Justice work and the resourcing thereof.

4.2 Organization of Staff and Workload

At the time of the audit, the LSU had a complement of 47 employees: the Senior General Counsel, 31 staff lawyers (of whom five were functioning as team leaders), three paralegals (of which one was leaving the unit during the audit, one paralegal was dedicated to the blood team, and the other paralegal was providing research services to the remainder of the LSU), seven secretaries and one administrative assistant to the Senior General Counsel), three file room clerks, and one dedicated LAN administrator for the LSU (who, as a Health Canada employee, reports to the Health Canada IT Team).

At the time of the audit the LSU had a flat organization structure with all staff reporting to the Senior General Counsel. The LSU is currently in transition to a formal team structure that will be aligned with Health Canada's organizational structure and which will better meet client requirements for service. Five teams were in place at the time of the audit with team leaders providing leadership but without formal responsibility. An Associate Director's position is also being established that will be assigned responsibility for much of the Senior General Counsel's current administrative responsibilities.

A team has been jointly established with Health Canada to address legislative renewal. It is comprised of a general counsel who is managing the team, three other lawyers and six Health Canada employees. It is accountable to both the Senior General Counsel and a Health Canada Assistant Deputy Minister (ADM). Conflicting priorities, which arise from time to time, are quickly resolved through discussions with the Senior General Counsel and the Health Canada ADM.

The Health Canada LSU also acts as the LSU for Statistics Canada. A portion of one lawyer's time is dedicated to meeting Statistics Canada requirements.

Over the past year, a significant number of secretaries have left the LSU for a variety of reasons. Some have taken short-term assignments elsewhere for developmental purposes. Because of the time required to hire a new staff member, there has been an increasing reliance on term and casual employees and agency personnel to meet the current requirements of the LSU. There is also some consideration being given to what types of services support staff should be providing

in the future. The decisions that are ultimately made will have an impact on the classification of these positions.

At the time of the audit only three of the seven secretaries in the LSU had indeterminate status. Because of the limitations on how long temporary personnel may work for the government in the course of a year, there has been considerable turnover in the support personnel. This has led to a lack of consistency in the support services provided to the lawyers and a sense that there are an insufficient number of secretaries. Several of the team leaders indicated that not all the secretaries have the same understanding of their range of responsibilities. For example, some secretaries willingly photocopy for a lawyer while others may refuse. Many lawyers are now doing their own photocopying and filing to ensure that it gets done within a reasonable timeframe.

Concerns were also voiced by both the secretaries and the lawyers about the level of supervision and training provided to the secretaries. Currently, the Senior General Counsel's administrative assistant oversees the other secretaries in the office. She has a very heavy workload. The other two secretaries with indeterminate status have informally taken on responsibility for training new secretaries when they arrive. There was broad consensus that there would be value in having a dedicated office manager responsible for support staff. In the view of the audit team, such a position would create a focal point for standardized secretarial support, monitoring and coordinating secretarial workload, and initiating administrative improvements, thus improving overall office efficiency.

Support for the LSU LAN is provided by a dedicated resource from Health Canada's Information, Analysis and Connectivity Branch (IACB). This arrangement with IABC ensures that backup is available when the LAN administrator is away for any reason and that the LAN administrator can more easily receive the ongoing training required to keep abreast of changes in technology. From time to time issues arise that require direction from the LSU. The administrator is not certain with whom she should discuss these matters. While she officially reports to the Senior General Counsel, she recognizes that he is very busy and she is reluctant to approach him. As a result, on some items where she would prefer to seek input but believes that it is not significant enough to bring to the Senior General Counsel's attention, she will proceed on her own initiative. If there was an office manager, there would be a more obvious focal point for these types of matters.

With regard to workflow, individual clients direct work requests to either the Senior General Counsel, the team leaders, or directly to the staff lawyers. The origin of the work varied from lawyer to lawyer. For new lawyers, the work was mostly assigned from either the Senior General

Counsel or the team leader. However, for many lawyers the great majority of work arrives directly from the client to which they are assigned. This system seems to be working well. Lawyers raise sensitive legal issues or program impact issues to the Senior General Counsel as they occur.

Recommendations and Management Response

21. It is recommended that the Senior General Counsel consider creating a position of office manager that would function as a focal point for all administrative matters in the LSU and be able to provide ongoing direction for support staff.

Consideration is being given to the creation of a position of office manager, as focal point for administrative matters and to provide ongoing direction to support staff. This recommendation requires resources not currently available. As indicated above (response to recommendation 20), work is underway on the development of a business plan with the client that may assist in securing resources for this position.

22. It is recommended that the Senior General Counsel arrange to have the secretarial positions filled on an indeterminate basis as expeditiously as possible.

Secretarial positions are currently subject of a study of Health Canada Human Resources with a view to ensuring that the classification of these positions is appropriate in meeting the needs of counsel and in fairly reflecting the work done by incumbents. That study should result in a report in the next month. Classification adjustments will occur, as appropriate. Further indeterminate staffing will be completed.

Level of Support

There was general consensus that while the workload was heavy for the lawyers, and that an additional lawyer in some groups would certainly be welcomed, one of the most pressing needs mentioned is to enhance the complement of trained legal support staff. Most of the lawyers consulted during the audit were hesitant to request research and analysis support from the paralegal in the unit as it is widely recognized that there was an existing heavy demand on her time and the response time could be lengthy.

The lawyers would like to assign more to their secretaries but recognize that with the relatively high ratio of lawyers to secretaries (four or five lawyers to a secretary), they have little time to

address anything more than the most pressing items. The significant turnover of secretaries and the constant retraining of replacements over the past year has also exacerbated the situation. Many of the lawyers have found it much easier to do their own photocopying and filing.

Recommendations and Management Response

23. It is recommended that the Senior General Counsel review the need for additional paralegals and secretaries to optimize lawyer time on legal advisory work.

We are reviewing the need for additional paralegals and support staff to optimize efficiency in the LSU and ensure the best possible client service. A needs assessment has been undertaken with Team Leaders. As indicated above (response to recommendation 20), work is underway on the development of a business plan with the client that may assist in securing further resources in this regard.

4.3 Communicating

There is a good level of daily, informal communication among the lawyers and the support staff to resolve issues and respond to client requests. It was very evident to the audit team that the lawyers had an excellent working relationship with each other and felt free to consult with each other as required.

The Senior General Counsel meets with all staff on a biweekly basis to address the latest issues, changes, and administrative requirements. When the meeting has to be cancelled due to other commitments of the Senior General Counsel, it is not rescheduled. This has not been a concern for staff because of the Senior General Counsel's open door policy. Both the lawyers and support staff indicated that they felt that the Senior General Counsel would quickly give them time to meet with him if there was an issue that needed to be addressed. At the same time, the support staff indicated that, from time to time, they had issues that they were reluctant to take to the Senior General Counsel because they realized that he was quite busy.

The LSU teams have implemented different practices to ensure that there is adequate communication among team members. Some teams meet on a weekly basis while others discuss issues informally on a daily basis. There was general consensus that abundant, effective communication was occurring on a regular basis throughout the LSU.

4.4 Management of Human, Financial and Materiel Resources

Human Resources

LSU lawyers receive annual performance appraisals but support staff do not consistently get performance appraisals. The lawyers indicated that the ongoing feedback they receive from the Senior General Counsel is more useful to them than their formal performance appraisal. Professional development is strongly encouraged for all staff.

Work has been undertaken to create an orientation package for new staff but it was not consistently made available to staff who had recently joined the LSU. In the case of new secretaries, especially those from agencies, judgment has to be exercised with respect to the degree of orientation that should be provided. At the outset it is often assumed that someone will only be working in the LSU for a few weeks and thus a minimal orientation is provided. However, due to a variety of circumstances, the few weeks often stretches into months.

The resources available to the LSU for staff training and development are quite limited. The Department of Justice recognizes the importance of providing training and development to staff and has set a general guideline of five days annual training for each employee. In 2001-2002 the LSU had set aside a budget of \$3,000 to cover training costs for 31 lawyers and 16 other staff members. In our view, these resources are not sufficient to ensure that LSU legal and other staff receive the ongoing training and professional development they require.

Previous audits of LSUs have commented on the importance for lawyers to remain current with evolving legal thinking especially in very specialized areas of law by attending training sessions and conferences conducted at a national or international level. A previous audit report of LSUs recommended that the Portfolio Head ensure that the training budgets for each LSU are sufficient to ensure lawyers and support staff receive the necessary training and development required for the performance of their duties. This is even more crucial in specialized areas of law as well as legal areas that are rapidly evolving. The management response noted that it was up to the individual LSU heads to make sure that their budgets cover the cost of adequate training for staff.

The LSU head advised the audit team that efforts to increase the level of funding from Health Canada for LSU staff training and development have not been successful.

Recommendations and Management Response

24. It is recommended that the Senior General Counsel consult with the ADM, Business and Regulatory Law regarding approaches that could be used to ensure that the LSU training and development budget is adequate to meet the needs of staff.

I will consult with the ADM, Business and Regulatory Law regarding approaches that could be used to ensure that the LSU training and development budget is adequate to meet the needs of staff. The Health Canada LSU often resorts to asking the client, on a case by case basis, to support the cost of professional development/training and conferences. While the client has, to an extent, been supportive in this regard, there has also been questioning of why the Department of Justice does not have a plan and resourcing in place to support the continuous learning of its own personnel. There has been a concern of “off-loading” on the client. Pending a more general resolution of this issue, our LSU is now attempting to build a modest training component into MOUs, as they are re-negotiated. Such a component is related to the services being delivered to the client. This “solution” does not apply to A-base funded counsel positions.

Financial and Materiel Resources

O&M expenditures are managed using the Health Canada financial systems (FIRMS and FIS). A review of sample transactions found that proper procedures were being followed.

To manage the LSU budget, all expenditures, both planned and actual, are tracked using a spreadsheet. The Senior General Counsel’s administrative assistant, who manages the budget, knows at all times what the outstanding free balance is. She meets with the Senior General Counsel on a monthly basis to review the budget and also forwards a report to Health Canada’s Departmental Planning and Financial Administration Directorate.

Adequate processes are in place to protect LSU assets. The LSU is located in the Brooke Claxton Building in Tunney’s Pasture. A valid Government of Canada pass is required to access the building. The physical premises of the LSU are secure. All doors are locked and an access code is required for entry, including to the boardroom. Security includes motion detectors on both the floors occupied by the LSU. The LAN administrator controls the inventory of computers. There is a sign-out procedure for equipment not permanently assigned to one person and an inventory of equipment used by staff at home is also maintained.

With respect to file management, responses to clients on smaller issues are provided directly by e-mail and typically are not filed in the central LSU records. Legal opinions related to ongoing files are forwarded to the file room for filing. The Records Information Management System (RIMS) database is used to track files and lists all documents on file. Staff are able to readily find files when they need them.

4.5 Reliability of Information Systems for Decision-Making and Accountability Purposes

The LSU uses the RIMS to track files. When opened, each file is assigned a number and a bar code is placed on the file to facilitate tracking. Information recorded in the system includes the date the file is opened, file contents, current location (e.g. in a lawyer's office, second or fourth floor file room), and the date of closure, if applicable. No electronic copy of the file contents is kept. There is a general consensus that files can be readily retrieved when required and all information is included on the file. The only concern voiced to the audit team was that correspondence is not consistently placed in chronological order on the file.

The lawyers interviewed in the course of the audit indicated that it is difficult to find books in the LSU library unless one knows exactly where they are. No index or catalogue exists of the collection. The lawyers would like to make the LSU library their primary reference source as it is much more convenient than traveling downtown to the Department of Justice library. It was also noted that multiple copies of key reference books would be useful so that more than one person could use the same source concurrently. Maintaining the library services would also be improved if there was a resource specifically assigned that responsibility.

The LSU has access to LOPORS through four secure connections. There is also a CD-ROM version of LOPORS available within the LSU that is updated quarterly. The LSU is in the process of building up its own database of legal opinions to provide greater assurance that the LSU is providing consistent opinions to its clients.

Normally, most Department of Justice clients do not have their own administrative structure to monitor litigation files. In the case of Health Canada, that department and the LSU maintain information on all litigation files. Health Canada's Health Products and Food Litigation Secretariat, within the Health Products and Food Branch, provides information to the Department of Justice to support litigation related to food and health products. The Secretariat is also responsible for the strategic management of the litigation. The LSU maintains its database of litigation files in Lotus Approach and uses it to identify trends in this legal area. The LSU

litigation coordination team is satisfied with the mechanisms currently being used to manage litigation files.

Recommendations and Management Response

25. It is recommended that the Senior General Counsel plan for and acquire library materials to meet the needs of the LSU.

We are planning for and will acquire further library materials to build-up our library and its capacity to meet the needs of the LSU. A council composed of LSU staff has been formed to make recommendations with respect to learning tools and approaches, including the library. A paralegal has had a percentage of her time assigned to assisting in this regard.

4.6 Appropriateness of Interfaces with Other Sections of the Department

LSU lawyers advised the audit team that obtaining advice from specialized legal service groups within the Department of Justice is readily achieved by telephone or by e-mail, especially if one has established contacts. If a lawyer does not have an established contact, the request is typically addressed to the head of the specialized unit. Responses can take some time. The process is further facilitated when the question is precise and is accompanied by appropriate background information.

Responses from the Regulations Section, Legislative Services Branch, frequently take a long time. Part of the delay is attributable to the fact that the Section uses a committee structure to review and respond to requests for interpretation of legislation. All requests for assistance must be initiated in writing by sending a memorandum.

The Regulations Section of the Legislative Services Branch has a satellite unit collocated with Health Canada, but in a different building than the LSU. The LSU itself is spread over two floors in the Brooke Claxton Building. It is recognized that while there would be synergies in the Regulations Section's satellite unit being located with the LSU, such as greater informal discussion of legal issues and a sharing of resources, the square footage on LSU floors is quite limited and therefore not conducive to such an arrangement. Efforts are currently being made by the LSU and the Regulations Satellite to enhance the level of communication between the two groups. Some members of the LSU, primarily team leaders, have regular discussions with the satellite while others have almost no interaction.

Not all Health Canada LSU lawyers communicate with the Department of Justice regional offices in the course of their work. Those who do advised the audit team that they found access to be fairly easy and communication to be good.

4.7 Compliance to Legislation and Policies

The LSU was found to be generally in compliance with government and departmental legislation. The audit team was pleased to note that the LSU has been exemplary in encouraging diversity within the workplace and in dealing with challenges related to having staff with physical disabilities.

As is the case with many other units in the National Capital Region, English tends to predominate at staff meetings. Although the Francophone employees did not raise the issue in interviews, the Senior General Counsel did acknowledge that there was a tendency to use English in group meetings. The Senior General Counsel has made it clear that both languages are acceptable.

Recommendations and Management Response

26. It is recommended that the Senior General Counsel continue to take initiatives to encourage use of both official languages in the work place.

We will continue to build on our efforts to encourage the use of both official languages in the workplace and, in particular, in meetings. We have had a discussion in this regard at a recent unit meeting.

4.8 Level of Client Satisfaction

All of the clients contacted in the course of this audit expressed a high level of satisfaction with the level of service, communication, access to lawyers and the overall quality of the work performed by the LSU. One client noted that it would be useful to have a database of legal opinions that Health Canada employees could access to gain a better understanding of the legal thinking to date on particular issues, without having to take up LSU lawyer's time.

5. RECOMMENDATIONS AND MANAGEMENT RESPONSE

1. **It is recommended that the ADM, Business and Regulatory Law Portfolio ensure that assistance is available from his office to support LSUs in preparing the financial analysis required to negotiate a service agreement with client departments and agencies.12**

While the negotiations to put in place an agreement (be it a formal CDS Agreement or otherwise) with a client department must be supported by solid financial analysis; the office of the ADM, Business and Regulatory Law Portfolio has, through the Business Manager position staffed in April of 2001, provided an increased level of support to the LSU toward the preparation and justification of the analysis in question. The Business Manager is supported in this effort by a Senior Administrative Officer and an Administrative Assistant, whose primary roles include the maintenance of the Portfolio's Salary Management System (SMS) and the management of the salary recovery for all Headquarters Client departments.

Other support functions provided by the Business Manager include, but are not limited to, providing detailed budgetary allocation information, preparing detailed client specific and Portfolio wide comparative resource analyses, coordinating regional financial and timekeeping data and managing and reporting on overall resource utilization from both an HQ and overall "national" Portfolio perspective.

Given the size and complexity of many of the Client Departments who are served through by the Business and Regulatory Law Portfolio, much of the information and expertise required in the area of financial management and associated analyses resides directly within the LSU itself. This relates in particular to the client's contribution to the funding of legal services, more specifically as it relates to initiative specific resources, the regional distribution of these resources and the internal organizational structures and procedures governing their recovery.

In the case of the Department of Fisheries and Oceans, the recognition of the increased role played with the LSU itself has resulted in the permanent staffing of a LSU Senior Financial Manager to manage and oversee the ongoing financial activities of the Unit. This includes the

provision of financial information in support of the CDS process and the direct coordination of many financial aspects of the client's regional operations. The establishment and staffing of this position is seen by the Portfolio Office as key to improving the provision of timely and accurate resource utilization information in addition to facilitating the work of the Portfolio Business Manager in managing the overall resources of the Portfolio. As such, it is currently being examined in additional detail by the Portfolio Office for potential application to other large LSUs.

2. It is recommended that the DFO and Health Canada LSU Heads ensure that all support staff receive an annual performance appraisal.....14

Senior General Counsel, Fisheries and Oceans

Agreed. Annual performance appraisals and performance objectives are being completed for all staff. In future, appraisals will be provided annually within prescribed timeframes.

Senior General Counsel, Health Canada

Health Canada support staff will receive an annual performance appraisal. This has already been made known in our office and discussed in a unit meeting.

3. It is recommended that the DFO and Health Canada LSU Heads ensure that all new staff members are provided an orientation to the LSU, the client, and the Department of Justice during the first few weeks of their employment with the LSU.....14

Senior General Counsel, Fisheries and Oceans

Agreed. New employees are now provided with a general orientation to the LSU and through Intranet packages information on both DFO and DOJ. Team leaders also brief new lawyers on their portfolio in DFO. The outline of a more formalized orientation program that can be tailored to staff needs is nearing completion and expected to be in place for 2003.

Senior General Counsel, Health Canada

New staff members will be provided with more timely and consistent orientation to the LSU, the client and the Department of Justice, building upon current orientation materials and sessions.

4. It is recommended that the ADM, Business and Regulatory Law Portfolio work with the Director General, Information Management Branch to ensure that departmental Intranet listings provide as much information as possible on organizational structure and specific responsibilities.....15

Access to contact people in the Portfolio. We have taken many measures to give people information on contacts and to give them the opportunity to create their own networks of contacts:

- We host a number of learning and networking events, several a month, to give people a chance to meet legal experts in different fields in DOJ. (See our portfolio website under Current Events.)
- We have created or are in the process of creating several groups of practice for the same reasons. The groups include Employment Law, ATIP Law, Biotechnology; Real Property Law, Commercial Law, Legal Risk Management, and Charter Law.
- We also organize events to facilitate networking for personnel involved in managerial or administrative issues. These include monthly half-day sessions for LSU administrative assistants and annual meetings for LA-2Bs; monthly lunches for LSU heads.

Access to a telephone directory. Up-to-date phone numbers and addresses of all DOJ staff are available on the Government's directory.

In addition, I would like to bring the following to your attention:

- Access to LOPORS is now available to any LSU lawyers or paralegals who need it through either one of two technologies: Secure Remote Access and TRUEPASS. All LSUs have been contacted and all personnel requesting access to LOPORS now have it. In fact we have connected over 350 LSU staff to the LOPORS database over the past six months.
- Two measures have been taken to ensure that LSU staff had access to current email addresses of other DOJ personnel. First, electronic aliases were produced for all LSU staff so that all DOJ personnel, no matter what other Department's computer network they belong to, can be reached by email by using the following standard address: firstname.familyname@justice.gc.ca. Secondly, to address this problem we also publish a complete list of email addresses for all DOJ employees on our portfolio site.

We have communicated to our staff both of these ways of finding a person's email address.

We agree that there would be some benefit from a departmental directory that reflected its organizational structure. Such a directory was available in the past. Unfortunately, our Portfolio does not, in the present time, have the resources or the mandate to resurrect it.

For our Portfolio there is, on our website, a directory of our ADM's office staff, as well as a listing of all our LSUs and, for each LSU, a list of the people who work in it.

- 5. It is recommended that the Senior General Counsel ensure that appropriate resources and skills are in place within the LSU for the development of the business case for the CDS agreement. (See also Recommendation 1.)18**

- 6. It is recommended that the Senior General Counsel review the existing office procedures and systems to determine how they need to be enhanced to ensure that information that is needed to support a business case to the client is readily available..18**

5 & 6 Agreed. A business manager position is being established within the LSU to provide strategic and business planning, resource management, information management, and comptrollership support to the Senior General Counsel and staff within the LSU. A senior finance manager has been seconded to the LSU to fulfill this function. The business management function will provide support not only for the development, negotiation and ongoing management of service agreements but also management of the law practice in keeping with principles of modern comptrollership. It is expected that improvements in LSU business management practices will be fully implemented by 2004.

- 7. It is recommended that the Senior General Counsel provide the LSU lawyers with a formal role in the hiring process of support staff.20**

Agreed. LSU lawyers are now consulted regarding competencies required of support staff for incorporation into statement of qualifications when staffing support positions. In addition, they are participating in the final interview portion of selection boards.

- 8. It is recommended that the office manager provide feedback to the affected individuals (both support staff and lawyers) whenever the requirements of the office as a whole take precedence over individual preferences for annual leave or individual workload prioritization.....20**

Current practice in the LSU is for support staff and lawyers to be consulted regarding support needs and changes that may be required to address emerging priorities. Vacation schedules are widely distributed with discussion regarding office and individual requirements aimed at resolving issues to both management and staff mutual benefit. With respect to individual

workload prioritization, the legal services team leaders not the office manager discuss these issues with individual lawyers.

9. It is recommended that the Senior General Counsel review the level of paralegal services at the LSU.....21

Agreed. The LSU has commenced a project to implement by April 2003 a legal advice/opinion request tracking system aimed at providing the LSU management team with better information regarding legal services workload. This information will facilitate an informed assessment of the gap in paralegal support as well as other support requirements. This gap analysis is expected to be completed by the late fall of 2003.

10. It is recommended that the Senior General Counsel ensure that, as required, training is provided to the secretaries in the LSU to enable them to take responsibility for routine legal administrative matters such as the assignment of file numbers.....21

Agreed. Administrative support positions within the LSU have been reclassified to the CR-5 level incorporating expanded duties for routine legal administrative matters. As part of the annual performance appraisal process both support staff (and the lawyers they support) have been asked to identify gaps in competencies and related training needs. Individual training plans will be developed and training undertaken over the next year. Future performance reviews will incorporate a review and update of training plans. Specific administrative training will be also provided to current and new support staff to upgrade competencies in areas such as travel, document management, etc. These specific training sessions are scheduled to begin in the fall of 2002.

11. It is recommended that the Senior General Counsel ensure that annual performance appraisals are of sufficient detail that they can be used as the basis for developing an annual training plan.24

Agreed. Performance appraisals are being completed for all staff and associated training plans developed for 2002-3. Updating of training needs and development of associated plans is now part of annual performance reviews.

12. It is recommended that the Senior General Counsel ensure that all lawyers have access to appropriate professional development as set out by the Department of Justice.24

Agreed. The Legal Services Management Committee will be putting in place a formal process for LSU wide assessment, coordination, and approval of professional development activities.

13. It is recommended that the Senior General Counsel ensure that all staff are aware of the requirements for language training as set out in the TBS *Policy on Language Training* and where appropriate, ensure that staff are provided with language training.24

Agreed. Staff will be advised of language training requirements as part of the regular staffing process for LSU positions and, where required, formal language training plans, will be put in place.

14. It is recommended that the Senior General Counsel ensure that adequate processes are implemented to manage the LSU budget throughout the year.....26

Agreed. A review of budget management processes is underway within the LSU. For 2002-3, an annual budget has been developed and reviewed by the Legal Services Management team. Regular monitoring of budgetary status has been implemented with a monthly review of financial position prepared for discussion at the Legal Services Management meeting. Spending controls have also been implemented to ensure that the LSU operates within approved budget allocations and makes informed decisions on expenditure proposals.

15. It is recommended that the Senior General Counsel and the LSU continue to pursue their action plan to address improvements to the current file management system.26

Agreed. The LSU will continue pursuing improvements in information management and more specifically in file management. Work on legal advice/opinion request tracking and related file management practices will be complemented by a review later in 2003 of the LSU's Automated Legal Opinion Retrieval System (ALORS).

16. It is recommended that the Senior General Counsel ensure that all lawyers within the LSU receive training on what LOPORS is and how to use it.28

Agreed. LOPORS will be incorporated into an LSU orientation package for new staff; a package that will be provided to all LSU lawyers in 2002-3.

17. It is recommended that the Senior General Counsel review the current LSU policy on travel to sites as part of the legal research, to view significant events first-hand as

appropriate, to ensure the full range of legal issues are being addressed and that the government is adequately protected.....29

Agreed. LSU travel policy will be reviewed to promote opportunities for lawyers to network with clients and become more familiar with client’s operations/issues where they actually occur. Note that the travel policy review will take place in conjunction with changes in TBS travel policies that are expected to be issue in the fall of 2002.

18. It is recommended that, to further encourage the use of French, the Senior General Counsel ensure that English summaries are provided of information delivered in French at staff meetings.30

Agreed. The management team actively encourages use of both official languages within the LSU. Summaries in English or French are provided at meetings to encourage the use by employees of their language of choice.

19. It is recommended that, in consultation with the LSU lawyers, the Senior General Counsel review the importance of establishing client expectations at the outset in terms of the level of detail and timeliness of a response.....31

Agreed. The implementation (by April 2003) of a legal advice/opinion request tracking system will aid individual lawyers, team leaders and the Senior General Counsel in more effectively managing LSU workload and in consultations with clients regarding the relative priority of requests and the establishment of realistic timeframes for responses. With better information on legal service workload, both the LSU and clients will be better able to make informed decisions and manage the demand for legal services. Appropriate frameworks and protocols will also be developed over the next year to aid lawyers in establishing, with clients, specific service expectations (turnaround times, priority lists, BF reporting, etc) and business parameters (resource requirements, administrative/financial responsibilities) associated with legal service requests.

20. The Senior General Counsel consider, where appropriate, consolidating MOUs in order to minimize the time required to negotiate them.33

Consideration is being given to consolidate MOUs with the client. Some discussions have already occurred with the client in this regard. Indeed, efforts have already commenced on the development of a business plan that will assist in Health Canada and Legal Services

jointly forecasting and planning for priorities for client-focused Justice work and the resourcing thereof.

21. It is recommended that the Senior General Counsel consider creating a position of office manager that would function as a focal point for all administrative matters in the LSU and be able to provide ongoing direction for support staff.....36

Consideration is being given to the creation of a position of office manager, as focal point for administrative matters and to provide ongoing direction to support staff. This recommendation requires resources not currently available. As indicated above (response to recommendation 20), work is underway on the development of a business plan with the client that may assist in securing resources for this position.

22. It is recommended that the Senior General Counsel arrange to have the secretarial positions filled on an indeterminate basis as expeditiously as possible.....36

Secretarial positions are currently subject of a study of Health Canada Human Resources with a view to ensuring that the classification of these positions is appropriate in meeting the needs of counsel and in fairly reflecting the work done by incumbents. That study should result in a report in the next month. Classification adjustments will occur, as appropriate. Further indeterminate staffing will be completed.

23. It is recommended that the Senior General Counsel review the need for additional paralegals and secretaries to optimize lawyer time on legal advisory work.37

We are reviewing the need for additional paralegals and support staff to optimize efficiency in the LSU and ensure the best possible client service. A needs assessment has been undertaken with Team Leaders. As indicated above (response to recommendation 20), work is underway on the development of a business plan with the client that may assist in securing further resources in this regard.

24. It is recommended that the Senior General Counsel consult with the ADM, Business and Regulatory Law regarding approaches that could be used to ensure that the LSU training and development budget is adequate to meet the needs of staff.39

I will consult with the ADM, Business and Regulatory Law regarding approaches that could be used to ensure that the LSU training and development budget is adequate to meet the needs of staff. The Health Canada LSU often resorts to asking the client, on a case by case

basis, to support the cost of professional development/training and conferences. While the client has, to an extent, been supportive in this regard, there has also been questioning of why the Department of Justice does not have a plan and resourcing in place to support the continuous learning of its own personnel. There has been a concern of “off-loading” on the client. Pending a more general resolution of this issue, our LSU is now attempting to build a modest training component into MOUs, as they are re-negotiated. Such a component is related to the services being delivered to the client. This “solution” does not apply to A-base funded counsel positions.

25. It is recommended that the Senior General Counsel plan for and acquire library materials to meet the needs of the LSU.....41

We are planning for and will acquire further library materials to build-up our library and its capacity to meet the needs of the LSU. A council composed of LSU staff has been formed to make recommendations with respect to learning tools and approaches, including the library. A paralegal has had a percentage of her time assigned to assisting in this regard.

26. It is recommended that the Senior General Counsel continue to take initiatives to encourage use of both official languages in the work place.42

We will continue to build on our efforts to encourage the use of both official languages in the workplace and, in particular, in meetings. We have had a discussion in this regard at a recent unit meeting.