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STATEMENT OF ASSURANCE

We have completed the internal audit of the Public Works and Government Services Departmental Legal Services Unit (DLSU). The objective of this internal audit was to review and assess the framework within which services are delivered by the DLSU to its clients and to recommend improvements to this framework. The DSLU is part of the Business and Regulatory Law Portfolio and reports to the Assistant Deputy Minister of Business and Regulatory Law.

This internal audit was carried out in accordance with the requirements of the Treasury Board Secretariat *Policy on Internal Audit* and the Institute of Internal Auditors *Standards for the Professional Practice of Internal Auditing*. During the audit period, we

- examined relevant documentation concerning the operations of the PWGSC DLSU;
- interviewed management, lawyers, and staff in the DSLU;
- interviewed management and staff in the office of the Assistant Deputy Minister, Business and Regulatory Law Portfolio;
- interviewed the Assistant Deputy Attorney General, Civil Litigation; and
- interviewed client representatives by telephone.

Our internal audit conclusions were based on the assessment of findings against pre-established criteria and reflect the audit work carried out between August and October 2005.

In our opinion, sufficient and appropriate audit work has been performed and evidence gathered to support the accuracy of the conclusions reached and contained in this audit report.

EXECUTIVE SUMMARY

The Department of Justice has established dedicated Departmental Legal Services Units (DLSUs) to provide legal advice to other government departments and agencies. These units are often located in the same building as the client's senior management team and most DLSU heads regularly attend their client's departmental management committee meetings. DLSUs provide client organizations with legal advice and assistance to facilitate their operations. This audit focused on the management practices of the DLSU that provides services to Public Works and Government Services Canada (PWGSC).

Planning

While a high level planning framework is in place, its focus on financing the provision of legal services limits its effectiveness. The framework is based on Memoranda of Understanding (MOU) with the Assistant Deputy Ministers (ADM) responsible for PWGSC's major business lines. The agreements describe the number of client-funded lawyers that will be assigned, and the associated salaries and bar fees to be recovered from PWGSC. A Client Driven Service (CDS) Agreement, which the Department of Justice prefers to have with all of its clients, addresses the provision of both legal services and operational support, and associated service standards. A new business planning process to be implemented by the Department of Justice in March 2006 will require an explicit consultation with clients to determine the demand for legal services. The MOUs with PWGSC lack the expected level of detail and are not based on a formal assessment of demand. Recommendations have been made to increase the level of detail in the agreement with PWGSC and to develop more formal demand estimates to support it and against which, performance monitoring and reporting can be undertaken.

Mechanisms to manage workflow are inadequate. Requests are made directly to lawyers by their assigned clients and there is no process in place to prioritize work. Each lawyer, with a few exceptions, works independently and is responsible for managing/negotiating the competing priorities. Lawyers are expected to use the DLSU's open door policy to request assistance, but because they believe that everyone's workload is high, they do not do this. Rather, a significant amount of time is spent negotiating priorities among clients/files, thereby reducing the time

available for substantive legal work. The workload is not distributed based on lawyers' availability, in part because workload volumes are neither collected nor formally monitored. Recommendations have been made to improve the efficient use of legal resources by establishing a process for file prioritization and by implementing formal monitoring of workload and availability.

Organizing

The DLSU's lawyers have been organized into teams and Senior Counsel serve as Team Leaders. Much of the operational decision-making has been delegated to the Team Leaders. This structure, however, is not viewed by the DLSU lawyers as a formal management structure but rather simply identifies which lawyers are expected to serve which clients. The Team Leaders have ongoing responsibility for a significant number of major files/cases. It is the audit team's opinion that this is compromising the potential effectiveness of the team structure. Recommendations have been made to enhance the effectiveness of the DLSU's team structure.

Filing predominates the work of many support staff and lawyers were of the view that qualified staff become uninterested with such work and seek opportunities elsewhere as soon as possible. This discourages the lawyers from delegating some tasks to support staff. Recommendations have been made on the establishment of standardized DLSU processes which should help to ensure that both professional and support staff perform activities that are commensurate with their qualifications.

Performance Monitoring

The DLSU has participated in portfolio-wide assessments of client satisfaction, but does not have an ongoing, systematic process for assessing its performance. The foundation for such a process exists in a draft client satisfaction survey that could be used annually.

Communications

Regular DLSU-wide staff meetings are held that alternate between meetings of the lawyers and paralegals, and of all staff. Otherwise, communications are informal, bilateral exchanges. As a result, many of the lawyers have a limited understanding of what else is going on in the DLSU. The benefits of having regular, formal meetings of individual teams to discuss issues such individual files, emerging issues, priorities, file assignments, etc. were identified by several lawyers. Recommendations designed to improve DLSU communications have been made.

Human Resources

The DLSU is facing several human resources challenges, including matching staffing levels to workload and providing professional development opportunities. In addition, PWGSC is planning significant changes that are expected to result in larger and more complex transactions for the DLSU to review.

Two of the four paralegals in the DLSU are PWGSC employees and as a result have limited or no access to resources available to Department of Justice employees (e.g. JUSnet or the law library). This hampers their productivity. As PWGSC employees, they believe that opportunities for paralegal positions in the Department of Justice are closed to them, thereby limiting their career options. A recommendation has been made to explore options for making Justice resources more readily available to DLSU staff who are employees of client departments.

The DLSU does not have a formal training and orientation process for new lawyers and support staff, and is hampered in its ability to provide career development for its staff by the size of its training budget. Each Team Leader uses a different approach involving mentoring to orient and train new lawyers. There is no guarantee that all staff will acquire a base level of common knowledge about the client. Subsequent career planning is difficult due to the high workload (lawyers stated that they had no time to take training), minimal exposure to other types of work (lawyers do not move from team to team), and financial constraints. Training that is both relevant and affordable, is difficult to find. Learning plans are developed but are carefully worded to avoid situations that may lead to objectives not being achieved. Several recommendations have been made to improve the orientation process and to enhance the learning opportunities available to DLSU lawyers and staff.

Performance appraisals are completed annually for lawyers within the DLSU and most included the required learning plan. Performance appraisals for support staff are not consistently completed and none completed in 2003–2004 or 2004–2005 included a learning plan. A recommendation was made that performance appraisals for all staff be completed annually.

Financial and Materiel Resources

The measures taken to administer the DLSU's financial resources are adequate. We noted that this was also the case for the administration of materiel resources.

Information Systems

Many of the DLSU's systems are either awkward to use so as to compromise productivity and/or usefulness, have incomplete data, or are not complemented by the robust standards and procedures that are needed to ensure that they provide efficient and effective support to the DLSU.

Access to the Department of Justice Intranet, JUSnet, was provided to the DLSU in March 2005 via JUSaccess which is a web-based gateway. JUSaccess uses Public Key Infrastructure (PKI) as a security mechanism to restrict access to Department of Justice employees. Several user IDs and passwords are required to access the applications available on JUSnet. Most DLSU staff find this very inconvenient, inhibiting its use.

The DLSU was provided with on-line access to the Department of Justice's LOPORS (Legal Opinions and Precedents On-Line Retrieval System) in 2004. To date only eight local opinions have been entered in the database and there is a backlog of between 200 and 300 opinions. The primary delay is the fact that a DLSU lawyer must decide which ones should be entered. A recommendation has been made to address this backlog.

The Timekeeping System (TKS) categories to record staff time are too broad to reflect the actual work performed. This contributes to data not being recorded on a timely basis. TKS will soon be replaced by iCase, which is expected to provide reports that more accurately reflect lawyers' actual work. The *Legal Services Review* is expected to recommend that DLSUs bill their clients for every hour of service provided. Hourly billing, when implemented, will place a premium on accurate time recording. Accurate timekeeping, combined with the more timely reporting that will be available from iCase, will provide the quantitative basis for monitoring workload, and adjusting imbalances when necessary. Recommendations to further improve the time reporting processes were made.

The Records Information Management System (RIMS), a Department of Justice system, is reliable, easy to use, and has good technical support. However, its potential has been compromised by the rapid turnover of Records Classifier clerks, which led to inconsistencies in how files were key worded. This issue was brought to the attention of the Senior General Counsel, who determined that the only practical solution was to add another employee to the records management function. The position of Records Supervisor was added, and at the time of the audit efforts were underway to correct past key wording errors (including simple typing errors) to improve the retrievability of files.

The DLSU uses a Litigation Information System (LIS) that was developed for them several years ago. It is plagued by problems. There has been no maintenance since it was implemented and the categories for data entry are now outdated. A link was never developed to Caseview or iCase so data needs to be entered manually into LIS. Several required fields were found to be missing data; it is not possible to determine if a case is closed or active; and the system does not allow for the deletion of erroneous records. Further, no one in the DLSU knows how to produce reports from the LIS (there was no training and there is no user manual). A recommendation has been made to review the suitability of the departmental Litigation Information System.

Compliance to Legislation and Policies

The DLSU is in compliance with key government and department legislation and policies, including the *Financial Administration Act* and the *Government Contracts Regulations*.

Interfaces with Other Sections of the Department

No problems were reported with respect to interactions with other sections within the Department of Justice's Headquarters. The DLSU has, however, become the government's de facto Commercial Law centre of expertise, often fielding questions regarding procurement, contracting and leasing from lawyers in other DLSUs across the government. While there is no mechanism for capturing this time in TKS, several lawyers indicated that the time required was "significant". There is no current mechanism for billing for this time and it must be absorbed by the DLSU. A recommendation has been made to investigate mechanisms for funding the cost of providing this service to other DLSUs.

Level of Client Satisfaction

Overall, there is a high level of satisfaction with the range of services provided by the DLSU and the manner in which those services are provided. Those who have experienced delays in obtaining service believe that they are attributable, in part, to high workload volumes.

Conclusions

The PWGSC DLSU provides a high level of service. However, there are weaknesses in its management control framework and administrative infrastructure. These weaknesses, while not causing serious problems now, make the DLSU's ability to continue providing high quality

services vulnerable to changes in management in either or both the DLSU and its client department.

The weaknesses are related to:

- the DLSU's planning and budgeting practices;
- how it manages its workload;
- the direction provided to both professional and support staff;
- DLSU communications;
- the management of its human resources;
- the information that is available to support decision making.

Opportunities for improvement also exist with respect to improving the consistency of the DLSU's work processes and how work is distributed between the DLSU's lawyers and its support staff.

The management response to the recommendations contained in this report was provided by the Senior General Counsel, Public Works and Government Services Canada Legal Services on May 11, 2006.

1. INTRODUCTION

In carrying out its responsibility to provide legal advice to other government departments and agencies, the Department of Justice has established dedicated Departmental Legal Services Units (DLSUs) for most government departments and agencies. These units are responsible for

- providing client organizations with legal advice and assistance to facilitate their operations and
- ensuring that DLSU policies, programs, and operations conform to the law.

The DLSUs 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 DLSU that provides services to Public Works and Government Services Canada (PWGSC).

1.1 Organizational Structure

Within the Department of Justice, DLSUs have been organized into groups or portfolios based on areas of common interest. The PWGSC DLSU is part of the Business and Regulatory Law Portfolio and reports to the Assistant Deputy Minister (ADM) of Business and Regulatory Law. A Senior General Counsel is responsible for the DLSU.

A close relationship typically develops between DLSUs and their clients. DLSUs are generally located in the same building as the client's senior management team, and most DLSU heads regularly attend their client's departmental management committee meetings. This is the case for the PWGSC DLSU, which is located in Gatineau, Quebec.

Generally, the client provides the DLSU with a significant level of funding. Client funding covers costs for:

- all operations and maintenance (O&M),
- support staff including paralegals,
- office space, and
- salaries and bar fees for some of the lawyers on staff.

All DLSU lawyers are Department of Justice employees. In addition, two of the paralegals in the PWGSC DLSU are Department of Justice employees.¹

The current financial and human resources allocated to the PWGSC DLSU are shown in Table 1.

Table 1
PWGSC DLSU Resources

Human Resources	2005–2006
Number of lawyers	33
Number of support staff	18
Financial Resources	
Salary Costs	
Department of Justice A-Base	\$1,648,576
PWGSC A-Base	\$695,300
O&M Costs	
PWGSC A-Base	\$1,628,000
Total Available Funding	\$3,971,876

All lawyers, except the General Counsel, have been assigned to teams that work exclusively for the client’s major business lines, which are:

- Land, Aerospace, and Marine Systems and Major Projects
- STAMS, CASMS, ITSB,² and Corporate Services
- Real Property
- Canadian International Trade Tribunal (CITT)

¹ These two paralegals’ salaries are also cost recovered from the client. They were Department of Justice employees in the previous Department of Public Works, and remained so after this department was amalgamated with the Department of Supply and Services to form PWGSC in 1993.

² STAMS (Services and Technology Acquisitions Management Sector), CASMS (Commercial Acquisitions and Supply Management Sector), ITSB (Information Technology Services Branch).

The General Counsel reports to the Senior General Counsel. Each team is headed by a Senior Counsel who also reports to the Senior General Counsel. The Team Leader positions were established by the current Senior General Counsel as hybrid positions that combine management responsibilities with respect to the lawyers in their teams and Senior Counsel responsibilities for particularly large, complex, or sensitive files.

There are also two lawyers in Halifax who are part of the Real Property Team.

The support staff currently includes

- the Manager of Administrative Services,
- the Records Supervisor and Records Classifier,
- four paralegals,
- the Executive Assistant to the Senior General Counsel,
- nine legal assistants, and
- one receptionist.

The legal assistants and receptionist report to the Manager of Administrative Services. All other support staff report to the Senior General Counsel.

1.2 Audit Objectives and Scope

The overall objective of this audit was to review and assess the framework within which the PWGSC DLSU delivers services to its clients and to recommend improvements to this framework.

The audit team examined and assessed:

- the management framework, including:
 - policies, practices, and procedures related to planning, organizing, controlling, leading, and communicating;
 - the management of human, financial, and materiel resources;
- the 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/department policies;

- the appropriateness of interfaces with other sectors of the Department of Justice, including regional offices, the Business and Regulatory Law Portfolio, and the Legislative Services Branch;
- the appropriateness of interfaces with the client department; and
- the level of client satisfaction with the legal services provided.

In addition to these general elements, the audit team gave specific attention to the mix of resources, workflow processes, and liability forecasting/planning.

The fieldwork for this audit was carried out between August and October 2005.

1.3 Methodology

Information for this audit was obtained through the following methods:

- a review of relevant documentation concerning the operations of the PWGSC DLSU;
- interviews and focus groups with management, lawyers, and staff in the DLSU and with management and staff within the Assistant Deputy Minister's (ADM) office (Business and Regulatory Law Portfolio);
- an interview with the Assistant Deputy Attorney General (ADAG), Civil Litigation; and
- telephone interviews with client representatives.

2. FINDINGS—MANAGEMENT FRAMEWORK

The management framework comprises policies, practices, and procedures relating to planning, organizing, controlling, leading, and communicating, and to the management of human, financial and materiel resources. The audit team examined

- the DLSU's planning practices and reporting requirements;
- how the DSLU organizes and directs staff;
- how the DSLU monitors its performance;
- the DLSU's communications practices; and
- the adequacy of financial, human, and materiel resources to deliver program services.

2.1 Planning

Planning is an essential function of management. It serves to ensure objectives are met and to identify issues, activities, and initiatives that will contribute to the achievement of stated objectives. It is also the process by which managers identify priorities, an important aspect of managerial responsibilities, especially in situations where resources are scarce.

2.1.1 Memorandum of Understanding for Provision of Legal Services

The audit team found that while a high level planning framework is in place, its focus on financing the provision of legal services limits its effectiveness.

The DLSU's current planning framework for providing services to PWGSC consists of Memoranda of Understanding (MOU) with the ADMs responsible for the PWGSC's major business lines. These encompass the period April 1, 2004 to March 31, 2005. Each MOU identifies the client-funded lawyers that will be assigned to each business line, as well as the costs to be recovered from the business line for these lawyers' salary and bar fees. The

responsible ADM indicates his or her agreement to provide funding to cover the costs as stipulated in the MOU.

MOUs for the period April 1, 2005 to March 31, 2006 have not been signed. For this period, the Senior General Counsel has proposed an amendment to the funding model. At present, about equal numbers of the DLSU's lawyers are funded by the Department of Justice A-Base³ and by PWGSC. For historical reasons, some business lines have assigned lawyers that are funded primarily from the A-Base, while others have assigned lawyers that are primarily client-funded. Because the latter business lines must disburse funds to receive legal services, the Senior General Counsel has proposed establishing a single MOU to replace the set of MOUs now used. It would be signed by the Corporate Services, Human Resources and Communications Branch on behalf of the Department. PWGSC branches' or sectors' budgets would be adjusted according to a prorated formula that would ensure that all business lines contribute to the client-funded portion of legal services, irrespective of whether their assigned lawyers were A-Base-funded or client-funded.⁴

As with the current MOUs, the proposed amendment addresses only salary costs and bar fees. It does not include provision of operational support (support staff, accommodation, travel, training, materials, and supplies) to the DLSU. The Senior General Counsel advised the audit team that the DLSU's O&M budget is established by the client department based on its view of what is affordable. She also pointed out that, unlike other organizational units in PWGSC, the DLSU's O&M budget has been exempt from cut-backs, and that it has remained stable for several years. In addition, the client department has been willing to transfer funds to the DLSU for exceptional one-time expenses, for example new computers and construction of additional closed offices.

In the opinion of the audit team, while this approach to O&M budgeting may be providing a satisfactory level of funding at the present time, it is vulnerable to changes in management, either in the DLSU or in the client department. Without a formal process in place for determining O&M requirements and specifying it in the MOUs with PWGSC, there is a significant risk that the DLSU will have insufficient funds to provide its staff with the tools they need (e.g., training, library books, etc.) to support the provision of high quality legal services.

³ The government's Main Estimates, which are approved each year by Parliament, set out the appropriation that is to be provided to each department and agency. In some instances, the Main Estimates establish budgets for specific departmental/agency programs. In turn, departments allocate a portion of their appropriation base (A-base) to different ongoing programs and functions. Additional funding can come from departmental reallocations, funding from another government department, or the Supplementary Estimates, which are generally approved in the fall of each year.

⁴ The formula was still under development when the field work for the audit was completed.

The Director, Program Support and Business Strategies for the Business and Regulatory Law Portfolio informed the audit team that the preferred practice is for each DLSU Head to develop a Client Driven Service Agreement with its client department for the provision of both legal services and operational support. It is the audit team's opinion it would be beneficial to implement this practice in the PWGSC DLSU.

An additional problem with the current MOU is that it does not provide any service quality standards against which the provision of legal services can be monitored. As discussed in Section 2.3, the Department of Justice Office of Strategic Planning and Performance Management (SPPM) is also concerned about service quality standards for DLSUs (discussed in more detail under "Performance Monitoring"). It is currently pilot testing performance indicators for implementation in all DLSUs.

Under the new departmental business planning process that the Department of Justice expects to implement in March 2006, each DLSU will be expected to explicitly consult with its clients to determine forthcoming demand for legal services and to determine the human resources, training, and agent services that will be required to address the forecasted demand. We were told that most DLSUs forecast demand informally or intuitively, and that these DLSUs will have to adopt more formal practices to satisfy the requirements of the new process.

The audit team is of the opinion that this is the case for the PWGSC DLSU. Currently, forecasts of demand are based on the collective experience of the Senior General Counsel and her four Team Leaders. The Senior General Counsel advised the audit team that, in her view, workload statistics are not helpful in predicting demand for legal services and are, therefore, not reviewed. Instead, she relies on "intelligence" gleaned from participation on various departmental committees to assess whether new initiatives planned by the client department's business lines will increase demand for legal services. When she and the Team Leaders judge that demand will increase, the DLSU negotiates for additional client-funded lawyers, usually by offering to dedicate an experienced lawyer to the initiative and recruiting a replacement for this lawyer. The audit team was advised that thus far this has been a successful practice. At the time of the audit, additional lawyers were being brought into the DLSU to support implementation of PWGSC's strategic plan.

It is the opinion of the audit team that, as with the O&M budget, this practice is vulnerable to changes in management. A formal process to forecast demand for legal services should include systematically monitoring workload. Systematic monitoring can capture long-term and incremental changes in workload in the practice areas. The DLSU's current practices also do not

take into account changes in workload that may be occurring with respect to established areas of practice and that are not currently being systematically monitored.

Recommendations and Management Response

- 1. It is recommended that the Senior General Counsel incorporate the performance indicators developed from the SPPM pilot test into the Client Driven Service Agreement.**

I agree. When the SPPM performance indicators have been finalized, they will be incorporated in the Client Driven Service (CDS) Agreement.

- 2. It is recommended that the Senior General Counsel develop a Client Driven Service Agreement that, in addition to incorporating the proposed amendment to the funding model for lawyers' services, details the level of operational support that PWGSC is to provide to the DLSU.**

I agree. The level of operational support that PWGSC will supply will be incorporated in this year's CDS Agreement.

- 3. It is recommended that the Senior General Counsel, in consultation with the client, prepare an estimate, by business line, of the anticipated need for legal services, which can be used for monitoring throughout the year.**

I agree. The current CDS Agreement already provides estimates of the anticipated need for legal services by business line, by lawyer.

- 4. It is recommended that the Senior General Counsel ensure that the DLSU's workload, with respect to both new initiatives and established areas of practice, is formally monitored.**

I agree. A reporting procedure has been instituted which requires the Senior Counsel to assess workload distribution within their practice groups and report to the Senior General Counsel quarterly. This will enable the Senior General Counsel with the Senior Counsel to formally monitor the DLSU workload with respect to both new initiatives and established areas of practice and enable the Senior General Counsel to be involved in decision-making with reallocation of work or resources is necessary.

2.1.2 Workflow Management

The processes in place to manage and control the workflow of the lawyers in the DLSU are inadequate.

Each year, PWGSC purchases over \$10 billion in goods and services on behalf of government and manages 60,000 contractual documents. It also accommodates almost 210,000 public servants across Canada and manages over 6.6 million square metres of space in some 1,840 locations.⁵

The management of PWGSC's DLSU characterizes it as a commercially-oriented law practice that processes a large number of transactions concerning the government's acquisitions and its real property. The DLSU's lawyers advised the audit team that transaction volumes are indeed high, and that clients expect that legal advice concerning their files will be provided quickly. Lawyers reported that it is not unusual to get very little advance notice to review files, making the pace of work hectic and their daily activities very difficult to plan or predict.

Lawyers within teams are assigned to specific organizational units within the client's business lines. Requests for legal services are made directly to the individual lawyers by their assigned clients, and arrive via all available communication channels (i.e., by telephone, fax, e-mail, walk-in). Lawyers reported that clients make no attempt to set priorities for requested legal services, and there is no process in place to prioritize the work (i.e., it is not channelled through the Team Leaders). With the exception of the CITT lawyers, each lawyer works independently on files, and is responsible for managing/negotiating competing priorities among active files. (Lawyers reported that they set priorities primarily according to the dollar value of the file.)

Some lawyers have developed their own tools for attempting to manage their personal workflow (e.g., templates to ensure that clients gather all the required information and documentation before they consult a lawyer, standard replies to client queries) but these have been individual initiatives that are not shared or widely-known within the DLSU. As well, the lawyers that have developed templates state that they have been of limited effectiveness because clients either ignore or refuse to accept them. It is the audit team's opinion that the use of standardized

⁵ PWGSC Report on Plans and Priorities, 2005-2006.

templates would meet with greater success if they were presented to clients as DLSU templates, rather than as individual initiatives.

There is an open door policy in the DLSU. Lawyers are expected to use it to request assistance and advice concerning a file from their Team Leader if they need either, to help negotiate or clarify priorities with clients, and to request assistance if workload is becoming unmanageable. The audit team was informed that, from the lawyers' perspective, the overall management philosophy regarding workflow has Senior General Counsel and the Team Leaders assuming that everything is satisfactory unless they are informed otherwise.

Lawyers reported that although they know that they can consult the Team Leaders and their colleagues regarding their workload (open door policy), they do not consult them because they believe that everyone's workload is high. Lawyers and their Team Leaders advised the audit team that the high workload situation is compounded because the PWGSC DSLU regularly functions with less than its regular complement of lawyers because people are often on various forms of unanticipated leave that do not allow for replacement. Short-term staffing is also impractical because it is widely accepted in the DLSU that it takes about six months for someone new to become fully productive and able to work independently.

Lawyers also reported spending a significant amount of time negotiating priorities among clients/files. This reduces the time they have for substantive legal work. As well, there is an ever-increasing tendency for clients to consult the DLSU's lawyers on non-legal (policy, business) matters and issues. Clients confirmed that they request more legal opinions than previously and we were told that some client requests for advice may not address a legal issue. With the exception of CITT, lawyers reported that they are spending increasing amounts of time reviewing files that turn out to contain no clear legal issue or question (or any legal issue or question whatsoever).

The Senior General Counsel and the Team Leaders acknowledge that the number of transactions is high, and that there are periods throughout the year when a specific lawyer may have spikes in the number of requests for legal services from his/her clients. They also confirm that clients are increasingly referring more routine policy or business matters to the DLSU for review. The Team Leaders advised the audit team that these factors make it impossible to distribute the workload evenly except over the long term. In addition, because workload is not distributed through a formal process or according to availability, lawyers confirmed that workload is not distributed evenly and advised the audit team that there are periods of time when some lawyers are available to take on additional work. Workload volumes are neither collected nor formally

monitored, though Team Leaders stated that they meet informally among themselves to share information about their lawyers' activities.

Currently, decisions on how quickly the workload will be handled are left to the individual lawyers. Several lawyers reported that they work significant overtime on a regular basis. Others reported working standard, 7.5-hour days. They stated that this was their practice in other DLSUs and that they have continued working 7.5-hour days since joining the PWGSC DLSU.

We note that the lawyers who attended the focus group sessions exhibited a good esprit de corps and stated that the DLSU was one of the most team-oriented that they had ever worked for. They also stated that they valued being able to operate independently.

The DLSU's paralegals advised the audit team that they organize and manage their assigned work among themselves. The Real Property Team Leader supervises the paralegals, most of whom are working on real property matters, even though, in theory, they are available to support all DLSU teams. There is a misperception among the lawyers that are not in the Real Property Team that the paralegals can only do real property-related work.

The paralegals also reported a high workload, which causes them to defer or put aside routine tasks that they used to perform regularly (e.g., shelving books in the library). They stated that they might be more efficient if they were assigned to specific lawyers rather than operating as a resource pool, even though, in practice, most of their work is with the Real Property Team.

It is the audit team's opinion that, notwithstanding the challenges it faces, the DLSU is not using its available legal resources effectively and efficiently. The lack of a process for prioritizing requests for legal services and distributing them to qualified lawyers according to their availability is contributing to imbalances in workload, delays in the delivery of services to clients, requirements for significant overtime, and extensive discussions with clients concerning priorities.

Recommendations and Management Response

- 5. It is recommended that the Senior General Counsel establish a process for reviewing requests for legal services and develop criteria for prioritizing requests before they are assigned to lawyers.**

I agree, but with reservations. Instead of reviewing requests for legal services and developing criteria for prioritizing requests **before** they are assigned to lawyers, the management team will carefully monitor the workloads of the members of their teams. To review and prioritize requests before they are assigned to lawyers could create a bottleneck and delay the turnaround time on opinions. Management's responsibility is to ensure that the workload is, to the extent possible, evenly distributed, but this can be done after the fact. New initiatives which will require significantly more effort than the normal daily requests for opinions and contract review will continue to be assigned to one or more lawyers by the management team. Examples of major new initiatives which are currently assigned by management are files like the examination of the client's real property portfolio to determine how it should be managed which involves both acquisition of services (financial advisors) and real property expertise.

- 6. It is recommended that the Senior General Counsel describe the documents and information that must be provided to the DLSU in support of a request for legal services and communicate this to the client.**

I agree. Templates that had been developed by some lawyers for their own use have now been shared with all the lawyers in the unit for their use, as appropriate.

- 7. It is recommended that the Senior General Counsel ensure that clients be informed of the results of the prioritizing process.**

I agree. Managers will ensure that their team members communicate to their clients the priority they have assigned to the requests, with an estimated timeframe for responses to the requests for legal advice.

8. **It is recommended that the Senior General Counsel require the Team Leaders to formally monitor the workload and availability of the lawyers in their teams and to use the information obtained from such monitoring to adjust workload imbalances when necessary.**

I agree. See responses to recommendations #4 and #5.

9. **It is recommended that the Senior General Counsel ensure that all lawyers in the DLSU are informed that the paralegal staff are available to provide support to any lawyer and are not assigned to exclusively supporting the Real Property Team.**

I agree. This has been implemented and an additional paralegal has been added to the team.

2.2 Organizing and Directing Staff

Key management responsibilities include organizing the teams and providing direction to team members so that work can be processed in the most efficient manner possible. Doing so assists team members to understand and address priorities within required time frames.

2.2.1 Counsel

The Senior General Counsel advised the audit team that she had organized the DLSU's lawyers into teams and recruited the Senior Counsel who serve as Team Leaders. She stated that her objectives in setting up the team structure were to:

- improve the efficiency of the DLSU. When she joined the DLSU, lawyers were co-located with specific clients in their offices, and may not have been fully utilized by these clients;
- expose lawyers to a variety of files in a practice area; and,
- provide clients with a back up if a lawyer is absent.

Several operational management responsibilities have been delegated to the Team Leaders. These include managing workload within teams, setting priorities within teams, approving leave and training requests, recruiting new lawyers, and completing performance appraisals. Other operational decisions that have DLSU-wide implications are discussed among the management teams (Senior General Counsel and the four Team Leaders) and made collectively. These include

reallocating lawyers among teams; deciding whether there is a need to hire additional lawyers; approving requests for training, attending conferences, and leave; implementing internal policies (e.g., a scent-free workplace); and distributing performance appraisal ratings among the DLSU's lawyers.

The audit team was informed that delegation of some operational decisions to the Team Leaders allows the Senior General Counsel to focus on the major, high-risk files that are of particular interest to the minister and deputy minister of PWGSC, or the Department of Justice while the Team Leaders focus on routine team activities.

The organization of the DLSU's lawyers into teams is not viewed by the lawyers as a formal management structure; rather it identifies which lawyers are expected to serve which clients. Lawyers within teams do not formally report to their Team Leader on their workload or on the status of their work. Individual lawyers are responsible for the timeliness and quality of their own work, and it is incumbent on them to seek advice from more senior lawyers (Team Leaders or more experienced colleagues) if they think they need help.

Only the lawyers on the CITT Team share the Senior General Counsel's view that having lawyers organized into teams provides the DLSU's clients with a back up when a member of the team is absent. Two of the three lawyers on this team have been on flexible work hours for several years, and have developed a close and collaborative relationship with each other that enables them to work jointly on files and to replace one another as required. Lawyers on the other three teams reported having such heavy workloads that they could not take on the work of absent team members. They informed the audit team that if a lawyer is absent, the work on his or her files will most likely not proceed.

Team Leader positions were created so that Team Leaders would fulfil both management and Senior Counsel responsibilities. Team Leaders informed us that they are responsible for a significant number of major files, and that they do not provide oversight or quality assurance of their team's work unless invited to do so by the lawyers. Also, the Team Leaders do not conduct scheduled team meetings.

The audit team is of the opinion that the team structure is an effective way to support the work of the DLSU, but that the management role of the Team Leaders will need to be strengthened if the Senior General Counsel's objectives in forming teams are to be realized.

Recommendations and Management Response

- 10. It is recommended that the Senior General Counsel gradually reduce the case/file load of the Team Leaders so that they can more actively manage their teams (e.g., provide quality assurance and oversight, plan and conduct team meetings, and formally monitor workload and availability).**

I agree. Four new lawyers will be added to the unit in the next two to three months in the real property section, which should assist in reducing team leader workload.

2.2.2 Support Staff

Support staff (the legal assistants and receptionist), all of whom fill PWGSC positions, report to the Manager of Administrative Services, who is responsible for staffing support staff positions. The audit team was informed of several concerns relating to support staff:

- Support staff positions require qualifications that exceed the actual day-to-day work assigned by the lawyers, many of whom prefer to do most tasks themselves (see below). Filing predominates the work of many support staff, and lawyers were of the view that qualified staff rapidly become uninterested with such work and seek opportunities elsewhere as soon as possible.
- There are no DLSU-wide standardized processes governing the work of the lawyers. Each lawyer works independently, and support staff find it difficult to accommodate varied working styles and preferences.
- The systems used to support daily operations are incompatible.⁶ The support staff told us that this exacerbates the stresses of having to accommodate the lawyers' varied working styles and preferences.

Several lawyers reported that they have decided to be as independent as possible of support staff because of the inconsistent level of support available. These lawyers asserted that if they were convinced that qualified support staff would remain, they would consider training them to take on some of the routine work that they themselves now do. The lawyers stated that they were not optimistic that this would happen.

⁶ For example, the Department of Justice uses Microsoft Word, Excel and Internet Explorer, while PWGSC uses Lotus WordPro, Lotus 1-2-3 and Netscape Navigator.

Recommendations and Management Response

- 11. It is recommended that the Senior General Counsel ensure that standardized processes are developed and that the DLSU's lawyers and support staff receive training in their application and use.**

I agree. The DLSU has adopted the software applications in use by PWGSC and DOJ and will ensure that all support staff and lawyers are trained in their use as appropriate.

- 12. It is recommended that the Senior General Counsel collaborate with the Manager of Administrative Services when developing DLSU-wide work processes to ensure that both professional and support staff are performing activities commensurate with their qualifications by clearly differentiating work that must be performed by lawyers and work that should be performed by support staff.**

I agree. To the extent that there has been any blurring of roles, this will be corrected.

2.3 Performance Monitoring

Performance monitoring (that is, the ongoing, systematic process of collecting, analyzing, communicating, and using quantitative and qualitative performance information) is an essential component of assessing an organization's progress in meeting expected results and, if necessary, making adjustments to ensure these results are achieved. It supports decision-making, accountability, and transparency.

While the DLSU participated in a portfolio-wide assessment of client satisfaction that was completed in 2002–2003, it does not have an ongoing, systematic process for assessing its performance. It has, however, taken an important step (development of a draft client satisfaction survey instrument) to lay a foundation for such a process. These steps have been completed in parallel with work undertaken by the Department of Justice's Office of Strategic Planning and Performance Management to establish a basis for performance monitoring. SPPM is planning to implement formal performance monitoring as part of the new departmental business planning process that is scheduled to be in place by March 2006. At present, the SPPM is examining methods for assessing both workload and service quality, and is pilot testing several tools to ensure their reliability and validity before implementing them across the Department.

The Executive Director of the Office of Strategic Planning and Performance Management informed the audit team that a mix of quantitative and qualitative indicators should emerge from the pilot testing. Quantitative indicators currently under consideration include:

- number of new files;
- number of open files;
- number of active files;
- number of files closed;
- number of files of different levels of complexity for each of the above.

Client satisfaction is the SPPM’s preferred qualitative indicator. It intends to develop a client-satisfaction survey that can be used by all DLSUs.

The Senior General Counsel in the DLSU stated that other than client satisfaction, it will be very difficult to devise quantitative indicators that assess DLSU performance. This is a view shared by the Business and Regulatory Law Portfolio’s Director of Program Support and Business Strategies.

The audit team is of the opinion that an important arbiter of service quality for complex professional services, such as those provided by DLSUs, is client satisfaction, and that emphasis should be placed on developing methods and procedures for assessing it. Communicating qualitative and quantitative performance information is an essential component of assessing an organization’s progress in meeting expected results.

The audit team also views the progress that PWGSC’s DLSU has made in this regard as commendable. As part of a review of the PWGSC Program Activity Architecture, the DLSU developed a draft client satisfaction survey that could be used annually. For each individual lawyer, the survey assesses satisfaction with legal services from the perspectives of quality, timeliness, and interpersonal relations. There are several questions related to each perspective (13 in total), and a five-point scale for each question (from “needs a lot of improvement” to “excellent”, plus “not applicable”). Because it assesses lawyers individually, it could feed into performance appraisals.

The DLSU has also proposed monitoring the percentage of clients stating that they are “satisfied” and “fully satisfied” with the DLSU’s legal advice. The target, to be achieved by Spring 2008, is 80 per cent of responses indicating “satisfied” or “fully satisfied.”

As noted above, communicating qualitative and quantitative information is an essential component of assessing an organization's progress in meeting expected results. One mechanism for providing this information formally to PWGSC would be to incorporate it annually into the CDS agreement.

Recommendations and Management Response

- 13. It is recommended that the Senior General Counsel implement annual performance monitoring starting in the 2006-2007 fiscal year that takes into consideration the client satisfaction survey results.**

I agree. Client satisfaction survey results will be taken into consideration in performance appraisals.

- 14. It is recommended that, consistent with exemplary practices concerning performance monitoring, the Senior General Counsel implement a process for communicating the results from the annual survey to PWGSC senior management.**

I agree. Client satisfaction survey results will be communicated to PWGSC senior management.

2.4 Communicating

Effective and appropriate communications are essential in any workplace. Information needs to be shared on a timely basis so that actions can be taken based on current and correct information.

While there are scheduled staff meetings in the DLSU and an open door policy that encourages staff to approach management if they have questions or concerns, these are inadequate to ensure effective and appropriate communication.

The Senior General Counsel stated that she holds a staff meeting every two weeks, alternating between a meeting that is attended by all staff, and one attended by the lawyers and paralegals only. The Senior General Counsel chairs these meetings and meets with the Team Leaders for a half hour before each one to determine the issues that should be addressed. We were told that hand-written notes are taken for all meetings. These notes were formalized and distributed as minutes for four meetings that took place from February 2003 through January 2005. We are of

the view that distributing formal minutes for all meetings ensures that every DLSU member, not just those who attended, benefits from the information conveyed at the meeting.

Other than the semi-monthly staff meetings, communications are informal, and rely on the DLSU's open door policy. The Senior General Counsel stated that she meets with her Team Leaders as required to discuss priorities and how to manage workload between the teams. The audit team was informed that ad hoc meetings among the Team Leaders take place as required, but that there are no scheduled team meetings.

The DLSU lawyers informed the audit team that there is very limited vertical or horizontal communications within the DLSU (e.g., from the Senior General Counsel and Team Managers to them, and across and within teams) and that many of them do not know what is happening in the other teams.

Several lawyers stated that, even though their workload is heavy, it would be helpful if there were brief, regularly-scheduled, formal meetings of the individual teams to discuss issues such as resourcing, file assignments, priorities, emerging legal issues, etc. They said that DLSU staff meetings do not allow for the discussion of individual files or emerging issues, and that the open door policy, while a sound principle, only enables bilateral information exchanges between a Team Leader and an individual lawyer.

Recommendations and Management Response

- 15. It is recommended that the Senior General Counsel require the Team Leaders to institute brief, regularly-scheduled formal meetings with their teams.**

I agree. This will be implemented immediately.

- 16. It is recommended that the Senior General Counsel ensure that minutes of staff meetings are distributed following every meeting.**

I agree. This has always been our practice and it will be continued.

2.5 Management of Human, Financial, and Materiel Resources

The Treasury Board has established an extensive framework of policies for managing human, financial, and materiel resources. One of the requirements of these policies is that limited resources are managed with prudence and probity.

In addition to implementing Treasury Board policies, management is expected to ensure that the required resources are available and that the staffing mix is balanced so that required work can be executed in the most efficient manner possible.

2.5.1 Human Resources

The audit found that the DLSU is facing several human resources challenges, including matching staff resources to workload and providing professional development opportunities.

PWGSC has developed a five- to eight-year strategy, known as *The Way Forward*, to enable the government to reduce its procurement costs by consolidating government-wide purchasing so that it can leverage its buying power to get the best possible prices. It also plans to achieve large-scale cost reductions by rationalizing the government-wide real property function, improving strategic and operational real property investment and holdings management, and increasing the participation of the private sector in the delivery of these functions.

The Senior General Counsel advised the audit team that the changes stemming from the implementation of this PWGSC strategy will change the DLSU's workload. Once the changes have been fully implemented, there will be fewer transactions, overall, for the DLSU to review. However, the transactions that it is expected to review will be larger and more complex. As well, to support implementing this strategy, PWGSC will need to develop new procurement tools, such as templates and plain English contracting documents. Revisions to the Standard Acquisitions Contract Clauses (SACC) Manual⁷ will also be required. The DLSU will be expected to review these as they are developed and refined, while carrying on with its normal responsibilities. This implies that there will be an increase in workload throughout the transition.

⁷ The SACC Manual provides suppliers and clients of PWGSC with information on terms and conditions commonly used in the contracting process by the federal government and PWGSC. Its contents are referred to in bidding opportunities and contracting activities.

Another factor influencing workload is the government's commitment to rebuilding the Canadian military. According to the Team Manager for Land, Aerospace and Marine Systems and Major Projects, this will increase the number of very complex, very high-dollar value National Defence procurement projects.⁸ There will be a commensurate increase in workload for the Land, Aerospace and Marine Systems and Major Projects Team, which provides legal services to support these procurements.

The DLSU lawyers and paralegals expressed concerns about matching resources to workload. They observed that there is “always someone” on some form of short-term leave, and that certain teams have a high proportion of lawyers nearing retirement. Neither the lawyers nor the paralegals were aware of provisions to replace staff who retire, take leave, or are otherwise unavailable (e.g., on language training).

The Senior General Counsel advised the audit team that it is only possible to replace staff when there is a bona fide vacancy in the DLSU (i.e., when an individual retires or takes up a new position). When there is a bona fide vacancy, an external competition can be held to recruit a qualified individual to fill the vacancy. However, the Department of Justice does not replace lawyers who are unavailable as a result of leave for a period of less than one year.

Two of the four individuals performing paralegal duties in the DLSU are Department of Justice employees, and two are PWGSC employees. The latter two employees believe that they face a number of challenges not faced by the Department of Justice employees.

- They do not have access to JUSnet (the Department of Justice intranet).
- They cannot get passes to access the Department of Justice law library or building (they are considered visitors, and must be signed in and escorted).
- They cannot apply for job opportunities elsewhere in the Department of Justice.

As well as limiting their career options, these challenges hamper the paralegals' productivity.

⁸ These are projects that have cost estimates that exceed \$100 million and that the Treasury Board would assess as high risk.

Recommendations and Management Response

17. It is recommended that the Senior General Counsel explore with the ADM, Business and Regulatory Law Portfolio, options for providing paralegals employed by PWGSC with easier access to Department of Justice resources.

I agree, but would note that access issues have been and continue to be addressed by the Department of Justice.

Resource Mix

There is a ratio of one legal assistant to four lawyers. There were mixed views on whether this ratio is adequate or whether additional resources are required.

The Senior General Counsel believes that there is a need for a Deputy Head position and another paralegal to support the CITT Team. Team Leaders agree on the need for a Deputy Head position, but have mixed views on increasing other resources (lawyers and paralegals). One informed the audit team that it would be preferable to replace legal assistants with paralegals (since, in his view, the latter can do more complex tasks but cost only marginally more). Many lawyers stated that more lawyers are needed, both to deal with the high and seemingly growing workload, and to replace staff who become unavailable. Paralegals also believe that the DLSU could benefit from more paralegals, but expressed concern that many lawyers do not know how to use paralegals effectively, or are personally disinclined to use them.

It is the audit team's opinion that the first step to establishing an appropriate resource mix in the DLSU is to ensure that it operates at its full capacity. This will require

- improving workload management; and
- ensuring that both professional and support staff are performing activities that are commensurate with their qualifications.

Recommendations with respect to these requirements have been made earlier in this report.

Training and Career Development

In recent years Treasury Board has placed considerable emphasis on training and developing staff. The 2003 Treasury Board of Canada Secretariat (TBS) *Management Accountability*

Framework includes “people” as one of its ten elements for success. Indicators of success include renewed/sustained capacity and opportunities to grow. To support this direction, all permanent employees who wished to have a personal learning plan were to be given the opportunity to have one by March 31, 2004.

The Department of Justice has an annual minimum five-day professional development requirement for all of its lawyers. However, the DLSU is hampered in its ability to provide career development by the high workload and the size of its training budget.

The DLSU has compiled a handbook that provides information on PWGSC’s enabling legislation, relevant policies, and regulations (i.e., the Government Contracts Regulations). We were told that on their first day, new lawyers receive a copy as a desk reference. Each Team Leader then provides additional, individualized orientation and training to new lawyers assigned to his or her team. This training consists of mentoring the lawyers as they work on their initial files (e.g., ensuring that the lawyer is introduced to the other lawyers in the unit and to key people in the client’s organization; discussing the files with the lawyers after they have reviewed them). As well, the individual teams offer seminars based on lessons learned from their experience with complex files (e.g., such as those that reach the Canadian International Trade Tribunal).

Lawyers are permitted to take formal training and attend conferences on legal subjects and issues that are directly relevant to their work responsibilities. Materials from these must be brought back and shared with the rest of the DLSU.

The DLSU lawyers and paralegals informed the audit team that there is little relevant, affordable formal training available. Staff indicated that courses provided by the Department of Justice are not suitable. In their view, private sector courses are seen as more relevant, but are usually too expensive. Furthermore, career planning is challenging due to the high workload (lawyers stated that they had no time to take training), minimal exposure to other types of work (lawyers do not move from team to team), and limited training opportunities due to financial constraints.

A learning plan is produced for each lawyer annually, but staff advised the audit team that its content is written very carefully to avoid situations that may lead to objectives not being achieved (i.e., staff set objectives that they have already accomplished so the plan will not reflect poorly on them).

The paralegals believe that it would be beneficial for all new lawyers to be apprised of each paralegal's specialty. In their view, this would help ensure that their services are properly utilized.

The training budget for the DLSU is \$25,000 (roughly \$500 per DLSU employee). It is the audit team's opinion that this is insufficient to cover five days of training.

Recommendations and Management Response

- 18. It is recommended that the Senior General Counsel ensure that all new lawyers receive an explanation of each paralegal's specialty.**

I agree. Each paralegal will be instructed to prepare a description of their individual specialties for inclusion in the new lawyers' handbook.

- 19. It is recommended that, as part of the development of a Client Driven Service Agreement with PWGSC, the Senior General Counsel negotiate a substantial increase in the DLSU training budget.**

I agree. Senior General Counsel will strive to ensure through PWGSC's budget process, that there is sufficient client funding to permit appropriate level of training for PWGSC legal counsel. Senior General counsel will consult with Justice Headquarters on appropriate training requirements for legal counsel. Timeframe: 2006-07 budget.

- 20. It is recommended that the Senior General Counsel require that Team Leaders monitor team members' learning plans to ensure that the plans contain valid learning objectives.**

I agree. This recommendation has been implemented.

Performance Feedback

Performance appraisals for all DLSU staff are to be prepared annually. Appraisals are important tools for setting objectives, providing feedback on performance, and for identifying training requirements.

Performance appraisals were done for all lawyers for the 2003–2004 fiscal year. Most of these appraisals had a learning plan attached, but 11 did not. All appraisals were signed by both the individual lawyer and his/her Team Leader. Not all performance appraisals for 2004–2005 were completed at the time of the audit field work. There were four appraisals outstanding. The audit team was informed that the appraisals were outstanding because the lawyers were too busy to participate in the appraisal process. By not participating in the process in a timely fashion the lawyers and their supervisors are foregoing an important opportunity to gain feedback on performance and to identify opportunities for personal and professional development.

One support staff performance appraisal was completed for the 2003–2004 fiscal year and four were completed for 2004–2005. Although the completed appraisals do not include learning plans, they were signed by both the managers and employees. When performance appraisals are not completed, or when they are completed without including learning plans, support staff lose opportunities for personal development. This can restrict their opportunities to grow within the public service.

Recommendations and Management Response

21. It is recommended that the Senior General Counsel ensure that performance appraisals are completed annually for all lawyers and support staff.

I agree. Performance appraisals have always been completed for lawyers. The Senior General Counsel will strive to ensure that they are also completed for support staff.

Flexible Work Arrangements

As Employer of the Public Service, the Treasury Board is committed to providing policies designed to help employees balance their work, personal, and family responsibilities.⁹ It has developed policies on part-time work, flexible hours, variable work week (compression and extension), and teleworking. A number of DLSU employees have taken advantage of these policies to establish non-traditional working schedules.

Two of the CITT lawyers work share, and one paralegal works a compressed week. As well, all lawyers have been provided with the tools (a cast-off computer and connectivity) to enable teleworking. Many lawyers reported that they take advantage of these informal flexible

⁹ Treasury Board of Canada Secretariat, *Telework Policy*, December 9, 1999.

arrangements and work from home, especially if they need to concentrate on a large or complex file and want to avoid disruptions.

There was no evidence that the use of either formal or informal flexible working arrangements had an impact on the DLSU's ability to meet the clients' needs in a timely manner. However, we note that the lack of a centrally-available schedule showing who is out of the office and why makes it difficult for other DLSU staff to know whether an individual can be contacted if an issue arises.

Recommendations and Management Response

22. It is recommended that the Senior General Counsel ensure that a centrally available schedule is set up indicating who is absent from the office and why.

I agree. The Senior General Counsel will set up a centrally available schedule indicating who is absent from the office, and whether they can be contacted through support staff. The reason the person is not available will not be provided, as that information, for privacy reasons, is for the information of management only.

2.5.2 Financial Resources

It is our view that the measures taken to administer the DLSU's financial resources are adequate.

The audit team sampled the DLSU's financial transactions and reviewed its financial reporting and verification processes. The sampled transactions were found to be in compliance with the requirements of the *Financial Administration Act* and the *Government Contracts Regulations*. Acquisition of goods is tightly controlled through a formal process, which requires the use of a Standing Offer. The DLSU does not acquire professional services.

DLSU management receives regular financial reports that are produced by PWGSC's financial system (Common Departmental Financial System) and by the Department of Justice Salary Management System. The PWGSC reports are produced monthly by the PWGSC financial advisor for operations. The Department of Justice reports are produced quarterly. Both reports are reviewed and verified by the Manager of Administrative Services and signed off by the Senior General Counsel.

2.5.3 Materiel Resources

It is our view that the measures taken to track and protect the DLSU's materiel resources are adequate.

The DLSU is located in separate offices in the client's building—the Place du Centre complex in Gatineau, Quebec. Physical access to the DLSU is restricted. Visitors must be signed in by a DLSU staff member at the PWGSC Security Desk on the ground floor before entering the elevators. Access is further restricted to the DLSU's offices; the main doors to the offices are always locked, and a receptionist at the front desk controls access to those without passes.

Information and files are kept in a separate Records Room, which is a secure room that is locked every night. There is one employee on site all day.

There is an inventory system for the DLSU's physical assets that is managed by PWGSC. All items are bar coded, and computer assets are verified/reviewed once a year. Controls are in place to track the movement of assets (e.g., from the office to home). Any losses (we were told that there have been none) would be reported to the PWGSC Corporate Security Directorate.

3. FINDINGS—PROGRAM OPERATIONS

3.1 DLSU Information Management/Information Technology (IM/IT) Systems

The DLSU uses several IM/IT systems. It is imperative that these systems provide reliable information in a timely manner.

The audit team found that many of the DLSU's systems are either awkward to use so as to compromise productivity and/or usefulness (e.g., access to Department of Justice systems via JUSnet/JUSaccess and TKS) have incomplete data (e.g., LOPORS, LIS), or are not complemented by the robust standards and procedures (e.g., RIMS, LIS) that are needed to ensure that they provide efficient and effective support to the DLSU.

3.1.1 Technical Support for DLSU IT Systems

The Manager of Administrative Services and several of her staff informed the audit team that the requirement to use two sets of systems,¹⁰ one provided by the Department of Justice, the other by PWGSC, is the most serious problem they face in providing support to the DLSU. They reported that identifying the source of a technological problem and remedying it can be very time consuming and difficult when there are two different IT infrastructures. Helpdesk support must be sought from PWGSC and/or the Department of Justice, and it is not always clear which helpdesk to call, or which department's system or network is the cause of the problem. The audit team was told that although both departments' helpdesk staff are generally responsive and supportive, the DLSU requires its own technical expertise to address the complexities of dealing with two IT infrastructures.

¹⁰ For example, the Department of Justice uses Microsoft Word, Excel and Internet Explorer, while PWGSC uses Lotus WordPro, Lotus 1-2-3 and Netscape Navigator.

3.1.2 JUSnet and JUSaccess

The Department of Justice intranet, JUSnet, makes information available to departmental staff across the country. It comprises over 200 sub-sites that are maintained on a decentralized basis by the branches and divisions within the Department. JUSnet makes information readily available to departmental employees, for example, concerning training opportunities. The Legal Opinions and Precedents On-Line Retrieval System (LOPORS: see next subsection) is maintained on it.

Access to JUSnet was provided to the DLSU in March 2005, via JUSaccess. JUSaccess is web-based gateway that provides secure access to JUSnet and thence to the Department's corporate and legal applications such as LOPORS. JUSaccess uses Public Key Infrastructure (PKI) as a security mechanism to restrict access to Department of Justice employees. It requires a password and a special diskette that holds a PKI certificate (a PKI ID). Logging on to JUSnet, once connected via JUSaccess, requires another user ID and password. Once logged on to JUSnet, most applications, for example Leave Self-Service, require yet another user ID and password. DLSU staff told us that they find this very inconvenient, which inhibits the use of the system.

For example, lawyers are supposed to use JUSnet to file leave requests with their supervisors. However, the audit team was informed that using the system for leave applications is much more time consuming and frustrating than completing a paper form. Several lawyers stated that they do not complete their leave applications until they return from leave because if they file a JUSnet application and they must change their leave by a day or two, amending the JUSnet form is drudgery. Therefore, they complete their leave applications upon their return.

3.1.3 Legal Opinions and Precedents On-Line Retrieval System

The Department of Justice's LOPORS is used to capture information on legal opinions provided to client departments. It is an essential tool for the Department, as it facilitates the provision of consistent advice across the country and over time.

The DLSU was provided with on-line access to LOPORS last year, and has started to input its own "local collection" of opinions and precedents. The system can be used by all DLSU staff, but most report that there are too many passwords and that using it is a "painful" process.

The other factor compromising the usefulness of the system is a lack of data. It currently contains only eight local opinions.¹¹ There are between 200 and 300 opinions that have to be entered into LOPORS. Almost all of these need to be scanned because non-print versions cannot be located. However, we were advised that the DLSU owns only one scanner and it is located at the receptionist's desk. It is worth noting, of course, that scanners are relatively inexpensive and can be purchased through Standing Offers.

We were advised that the DLSU lawyers decide which opinions merit becoming part of the DLSU's local collection. They informed us that their heavy workload, combined with the bottleneck created by a single scanner, means that progress in entering opinions in LOPORS is very slow.

If the DLSU lawyers do not have ready access to important legal opinions in commercial law, there is a risk of inconsistency in applying the law and in providing advice to clients.

It is the audit team's opinion that once the lawyers have identified which opinions should become part of the local collection, scanning them is a task that could be assigned to a student.

Recommendations and Management Response

23. It is recommended that the Senior General Counsel ensure that the DLSU's opinions are reviewed and that those which should be part of the DLSU's local collection be entered into LOPORS.

I agree. The Senior General Counsel will strive to ensure that the DLSU's opinions are reviewed and that those that should be part of the DLSU's local collection are entered into LOPORS.

3.1.4 Timekeeping System

The Timekeeping System (TKS), which was developed by the Department of Justice, is used to record working time of the DLSU lawyers. This information is reported quarterly via e-mail to the Department of Justice, where it is processed and sent back to the DLSU as a summary report. The DLSU must validate the data in the report. The Senior General Counsel stated that this was a

¹¹ The DLSU's lawyers do, however, have access to all departmental records which means that they can view about 25,000 opinions/precedents.

very time consuming process that does not contribute to the provision of quality legal services to the client.

The DLSU's lawyers also stated that the system is not very useful because its categories are too broad to reflect the actual work they do for their clients. For example, although lawyers on the CITT Team have a different time code for every complaint by a supplier to the CITT (and there are now several hundred of these codes), there are no subordinate categories. Other DLSU lawyers, those who work on multi-million dollar contracts, have a choice of four categories (negotiation and drafting, administration, disputes, other). As a result, many lawyers wait until the last minute to input their data (i.e., at the end of the quarter rather than on a daily/weekly basis) and consistently use the same categories. The audit team is of the opinion that the upcoming conversion from TKS to iCase is an opportune time to identify timekeeping codes that better meet the needs of PWGSC and the Department of Justice.

Entering data regularly (i.e., daily) ensures that the information is accurate and complete. The audit team understands that there is a new iCase system that will replace the current timekeeping system and that will provide reports that are both more timely and that more accurately reflect lawyers' actual work. As well, the *Legal Services Review*¹² will recommend that DLSUs bill their clients for every hour of service provided. Hourly billing, when implemented, will place a premium on accurate time recording.

It is our view that more frequent and up-to-date timekeeping will be required to ensure that lawyers' time is accurately recorded. In addition, accurate timekeeping, combined with the more timely reporting that will become available from iCase, would provide a quantitative basis for monitoring workload and for adjusting imbalances when necessary.

¹² The Department of Justice has been collaborating with the Treasury Board Secretariat on this review, which is aimed at identifying improvements to the delivery of legal services, recommending a sustainable funding regime, and considering approaches to managing litigation effectively in the federal government. We were told that the review's final recommendations would be presented to the Expenditure Review Subcommittee of the Treasury Board in late 2005.

Recommendations and Management Response

24. It is recommended that the Senior General Counsel require that lawyers report their time more frequently to ensure the accuracy of information.

I agree. The Senior General Counsel will immediately advise lawyers to report time worked more frequently, particularly now that iCase has been implemented, for purposes of monitoring workload.

25. It is recommended that the Senior General Counsel review the time codes in consultation with clients as part of the upcoming conversion from TKS to iCase to identify codes that best meet Department of Justice and PWGSC reporting requirements.

I agree. The transition from TKS to iCase has taken place in this DLSU. The Senior General Counsel instructed the Office Manager to ensure the identification of codes that best meet ODJ and PWGSC reporting requirements. Lawyers have been instructed to use the “Justice National Timekeeping Protocol: Guidelines” which replaces the “time codes” used under the former TKS systems.

3.1.5 Records Information Management System

An efficient records management system is critical for any legal practice so that relevant information and precedents can be quickly retrieved. Good practices include

- prompt filing of all correspondence and related documents, including e-mails;
- indexing files; and
- removing multiple copies of the same document.

Completed files should be archived in accordance with the Treasury Board *Policy on the Management of Government Information* and the associated National Archives approved Records Disposition Authorities so that on-site space requirements can be minimized.

The DLSU uses the Department of Justice’s Records Information Management System (RIMS) to manage records from their creation to their final disposition. RIMS tracks departmental files

and folders and provides advanced searching and reporting capabilities. It facilitates the full life cycle management and tracking of hard copy (paper) records.

The audit team was told and also observed that RIMS is reliable, easy to use, and has good technical (helpdesk) support from the Department of Justice. There is readily-available user documentation to support its use, and most lawyers know how to use it, though they usually rely on their legal assistants to retrieve files.

The system's potential to support efficient and effective records management was compromised due to the high turnover of clerks occupying the Records Classifier's position. We were told that incumbents of this position provided only limited training to their replacements, and that this led to inconsistencies in how files were key worded.

It is the opinion of the Manager of Administrative Services and of several lawyers, that there is high turnover in the Records Classifier position because it is classified too low to attract and retain an individual with the qualities needed to improve the DLSU's records management. This issue was brought to the attention of the Senior General Counsel, who determined that the only practical solution was to add another employee to the records management function. The position of Records Supervisor was added, and at the time of the audit efforts were underway to correct past key wording errors (including simple typing errors) to improve the retrievability of files. As well, all new files are being key worded by the same clerk, which has led to greater consistency.

The audit team was informed that, until recently, systematic archiving was not done on a consistent basis. With the addition of another employee to the records management function work has begun on clearing the backlog. The audit team was advised, however, that it is difficult to make progress in clearing the backlog because DLSU lawyers must decide which files to archive. Their heavy workload was cited as the major impediment to doing this. We were told that the Senior General Counsel periodically reminds lawyers, via e-mail, to review the files.

Recommendations and Management Response

26. It is recommended that the Senior General Counsel continue to emphasize to staff that files are to be reviewed so that they can be archived on a timely basis.

I agree. The Senior General Counsel will continue to emphasize to staff that files are to be reviewed on an on-going basis so that they can be archived on a timely basis.

3.1.6 Library

The library in any legal practice is an important resource. It is used to research precedents in different jurisdictions and differing legal perspectives in particular areas of the law.

The DLSU Law Library is managed by a Library Committee that meets on an ad-hoc basis to decide which books to buy. Meetings are held when at least six books have been suggested. Books, once purchased, are sent to the PWGSC library to be catalogued in a system called Biblio-Web, which logs information on all collections in that department (the DLSU has its own collection). Once catalogued, the books are returned to the DLSU and shelved in its Law Library.

The audit team was advised that Biblio-Web is a well-supported, reliable system that is always available and that allows searches of the DLSU's collection by subject, as well as providing access to other public collections. The audit team observed the system in use and determined that it is a very simple, user-friendly system that displays results quickly and clearly.

The Law library itself is a small room located on the first floor beside the Records Room. It is not locked and is always accessible to lawyers. There is a manual card system that lawyers use to record that they have taken a book out. The audit team was informed that this simple system works well: books are easily retrieved and the DLSU has never lost a book.

3.1.7 Litigation Information System

The DLSU has a Litigation Information System (LIS) that was developed several years ago for PWGSC by a system developer hired on contract by the Department of Justice. The objective was to provide access to all PWGSC litigation cases (the audit team was informed that there are about 500 active cases at any one time, with most cases involving a supplier suing the government). The Senior General Counsel stated that this system was intended to be a key tool for managing litigation risk by providing relevant and timely information about litigation and supporting the activities of a PWGSC Litigation Management Committee. It is intended that this Committee would be a sub-committee of the PWGSC Executive Committee and would meet monthly to monitor litigation and to provide instruction to litigation counsel at key decision points during the course of a litigation file.

The audit found that the LIS is plagued by problems. We were informed that there has been no maintenance on it since its implementation, and that the categories used for data entry have never been reviewed or updated since the system’s original design. These are now outdated.

The audit team was given a demonstration of the LIS. This revealed that it has residual flaws and that response time is slow. In the audit team’s opinion, however, the main issue is poor data quality.

The information in the LIS is neither up-to-date nor complete. We were informed that the initial intent was to have Department of Justice litigators at headquarters create the original case files and have the DLSU lawyers add information to these throughout the course of the case. We were told that the litigators at Headquarters are too busy to set up the files themselves, and the system has never been linked to either of the Department’s two systems that could supply this information (Caseview and iCase). Consequently, data has been entered manually from iCase reports. It should be noted that these iCase reports provide limited information and must be supplemented by information provided by the DLSU lawyers for the data in LIS to be complete.

The test conducted by the auditors confirmed this. Several required fields (e.g., “management,” “cost,” and “resolution”) in a sample case were not filled out, and it was impossible to determine if the case was closed or still active. In addition, the system does not allow the deletion of erroneous records. We observed many records that we were told should not be there, but are still displayed when using the system.

The system contains data for about 200 files. We were advised that CITT cases are not tracked through LIS, and that the Real Property Branch of PWGSC compiles its own reports of liabilities and gains that it shares with the DLSU.

Because there is no user manual and no one knows how to produce reports, we do not know if the system allows the production of reports. Reports must be produced manually, a process that takes two weeks.

It is the audit team’s opinion that the LIS, in its current form, does not provide relevant or timely information about litigation that can be used to manage litigation risk.

Recommendations and Management Response

- 27. It is recommended that the Senior General Counsel reconsider the suitability of using the LIS and, if LIS is deemed unsuitable, that a robust replacement be developed and implemented.**

I agree. The LIS will be reviewed and if it is found to be unsuitable the Senior General Counsel will try to ensure that a more robust replacement is developed.

3.2 Compliance with Legislation and Policies

We found the DLSU to be compliant with key government and departmental legislation and policies (including the *Financial Administration Act* and the *Government Contracts Regulations* as discussed under “Financial Resources”).

Hiring is done through a competitive process and the DLSU complies with the requirements of the *Official Languages Act*. Services are provided to clients in the language of their choice and staff meetings are held in English and French. In group meetings with the lawyers and staff, the audit team found that the conversation kept shifting quite naturally between English and French.

3.3 Appropriateness of Interfaces with Other Sections of the Department

There is a Commercial Law Secretariat at the Department of Justice headquarters, but the audit team was informed that the Secretariat focuses on arranging meetings; it does not serve as a centre of expertise on commercial law matters. Rather, the DLSU itself has become the government’s de facto Commercial Law centre of expertise, often fielding questions regarding procurement, contracting, and leasing from lawyers in other DLSUs who do not have commercial law expertise. The broad categories for recording time in the TKS do not provide codes that capture time spent by lawyers responding to these questions. Several lawyers informed the audit team that time spent on this was “significant.” This issue should be taken into consideration when the DSLU reviews the coding system as recommended in “Timekeeping System.”

The DLSU must also interface regularly with the staff in the office of the Assistant Deputy Minister, Business and Regulatory Law Portfolio. The staff in both the DLSU and the ADM’s

office reported that the interface between them is good. In addition, the CITT team deals regularly with the Civil Litigation Section, and the Real Property Team with the Criminal Law Policy Branch, the Property Law Section and the Aboriginal Affairs Group. The DLSU also relies on the Constitutional and Administrative Law Section. We were told that these intersections were very helpful to the DLSU.

Recommendations and Management Response

28. It is recommended that the Senior General Counsel, in collaboration with the Assistant Deputy Minister, Business and Regulatory Law Portfolio, explore options for compensating the DLSU for time spent providing commercial law advice on behalf of the Department of Justice to other government departments.

I agree. The Senior General Counsel will discuss the possibility of compensation for the DLSU for the time spent providing commercial law advice on behalf of DOJ to other government departments.

3.4 The Appropriateness of Interfaces with the Client Department

The DLSU's lawyers advised the audit team that PWGSC is experiencing organizational instability, which is a source of frustration for the DSLU lawyers. This instability contributes to the growing tendency to refer files to the DLSU that require policy interpretations or business decisions rather than legal opinions and advice. It appears unlikely that this situation will change for the foreseeable future.

3.5 Level of Client Satisfaction

PWGSC officials contacted as part of the audit indicated that, overall, there was a high level of satisfaction with the range of services provided by the DLSU and the manner in which those services are provided. This is consistent with the results of a survey done by the Department of Justice for the Business and Regulatory Law Portfolio in 2002.

Clients at executive levels of PWGSC and those working with high profile, urgent files (i.e., those that are of particular interest to the Deputy Minister and the Minister) report uniformly

high and consistent levels of satisfaction with the quality, quantity, and responsiveness of the legal services provided to them.

Satisfaction among clients at more junior levels is more variable. While some are very satisfied with the levels of service, others indicate that service quality (especially timeliness) depends on the lawyer assigned to the file. Clients who have experienced delays believe that these are attributable, in part, to high workload volumes, especially at peak periods. They believe that the DLSU needs more resources to deal with such spikes in volume. Recommendations to enhance the DLSU's ability to manage its workload volume have been made in "Management of Human, Financial, and Materiel Resources."

4. CONCLUSION

The audit team found that the DLSU for PWGSC provides a high level of service. However, there are weaknesses in its management control framework and administrative infrastructure. These weaknesses, while not causing serious problems now, make the DLSU's ability to continue providing high quality services vulnerable to changes in management in either or both the DLSU and its client department.

The weaknesses are related to:

- the DLSU's planning and budgeting practices;
- how it manages its workload;
- the direction provided to both professional and support staff;
- DLSU communications;
- the management of its human resources;
- the information that is available to support decision making.

Opportunities for improvement also exist with respect to improving the consistency of the DLSU's work processes and how work is distributed between the DLSU's lawyers and its support staff.

5. RECOMMENDATIONS AND MANAGEMENT RESPONSE

- 1. It is recommended that the Senior General Counsel incorporate the performance indicators developed from the SPPM pilot test into the Client Driven Service Agreement.....14**

I agree. When the SPPM performance indicators have been finalized, they will be incorporated in the Client Driven Service (CDS) Agreement.

- 2. It is recommended that the Senior General Counsel develop a Client Driven Service Agreement that, in addition to incorporating the proposed amendment to the funding model for lawyers’ services, details the level of operational support that PWGSC is to provide to the DLSU.14**

I agree. The level of operational support that PWGSC will supply will be incorporated in this year’s CDS Agreement.

- 3. It is recommended that the Senior General Counsel, in consultation with the client, prepare an estimate, by business line, of the anticipated need for legal services, which can be used for monitoring throughout the year.14**

I agree. The current CDS Agreement already provides estimates of the anticipated need for legal services by business line, by lawyer.

- 4. It is recommended that the Senior General Counsel ensure that the DLSU’s workload, with respect to both new initiatives and established areas of practice, is formally monitored.....14**

I agree. A reporting procedure has been instituted which requires the Senior Counsel to assess workload distribution within their practice groups and report to the Senior General Counsel quarterly. This will enable the Senior General Counsel with the Senior Counsel to

formally monitor the DLSU workload with respect to both new initiatives and established areas of practice and enable the Senior General Counsel to be involved in decision-making with reallocation of work or resources is necessary.

- 5. It is recommended that the Senior General Counsel establish a process for reviewing requests for legal services and develop criteria for prioritizing requests before they are assigned to lawyers.18**

I agree, but with reservations. Instead of reviewing requests for legal services and developing criteria for prioritizing requests **before** they are assigned to lawyers, the management team will carefully monitor the workloads of the members of their teams. To review and prioritize requests before they are assigned to lawyers could create a bottleneck and delay the turnaround time on opinions. Management's responsibility is to ensure that the workload is, to the extent possible, evenly distributed, but this can be done after the fact. New initiatives which will require significantly more effort than the normal daily requests for opinions and contract review will continue to be assigned to one or more lawyers by the management team. Examples of major new initiatives which are currently assigned by management are files like the examination of the client's real property portfolio to determine how it should be managed which involves both acquisition of services (financial advisors) and real property expertise.

- 6. It is recommended that the Senior General Counsel describe the documents and information that must be provided to the DLSU in support of a request for legal services and communicate this to the client.....18**

I agree. Templates that had been developed by some lawyers for their own use have now been shared with all the lawyers in the unit for their use, as appropriate.

- 7. It is recommended that the Senior General Counsel ensure that clients be informed of the results of the prioritizing process.18**

I agree. Managers will ensure that their team members communicate to their clients the priority they have assigned to the requests, with an estimated timeframe for responses to the requests for legal advice.

- 8. It is recommended that the Senior General Counsel require the Team Leaders to formally monitor the workload and availability of the lawyers in their teams and to**

use the information obtained from such monitoring to adjust workload imbalances when necessary.....19

I agree. See responses to recommendations #4 and #5.

- 9. It is recommended that the Senior General Counsel ensure that all lawyers in the DLSU are informed that the paralegal staff are available to provide support to any lawyer and are not assigned to exclusively supporting the Real Property Team.19**

I agree. This has been implemented and an additional paralegal has been added to the team.

- 10. It is recommended that the Senior General Counsel gradually reduce the case/file load of the Team Leaders so that they can more actively manage their teams (e.g., provide quality assurance and oversight, plan and conduct team meetings, and formally monitor workload and availability).....21**

I agree. Four new lawyers will be added to the unit in the next two to three months in the real property section, which should assist in reducing team leader workload.

- 11. It is recommended that the Senior General Counsel ensure that standardized processes are developed and that the DLSU’s lawyers and support staff receive training in their application and use.....22**

I agree. The DLSU has adopted the software applications in use by PWGSC and DOJ and will ensure that all support staff and lawyers are trained in their use as appropriate.

- 12. It is recommended that the Senior General Counsel collaborate with the Manager of Administrative Services when developing DLSU-wide work processes to ensure that both professional and support staff are performing activities commensurate with their qualifications by clearly differentiating work that must be performed by lawyers and work that should be performed by support staff.22**

I agree. To the extent that there has been any blurring of roles, this will be corrected.

- 13. It is recommended that the Senior General Counsel implement annual performance monitoring starting in the 2006-2007 fiscal year that takes into consideration the client satisfaction survey results.24**

I agree. Client satisfaction survey results will be taken into consideration in performance appraisals.

- 14. It is recommended that, consistent with exemplary practices concerning performance monitoring, the Senior General Counsel implement a process for communicating the results from the annual survey to PWGSC senior management.....24**

I agree. Client satisfaction survey results will be communicated to PWGSC senior management.

- 15. It is recommended that the Senior General Counsel require the Team Leaders to institute brief, regularly-scheduled formal meetings with their teams.....25**

I agree. This will be implemented immediately.

- 16. It is recommended that the Senior General Counsel ensure that minutes of staff meetings are distributed following every meeting.25**

I agree. This has always been our practice and it will be continued.

- 17. It is recommended that the Senior General Counsel explore with the ADM, Business and Regulatory Law Portfolio, options for providing paralegals employed by PWGSC with easier access to Department of Justice resources.28**

I agree, but would note that access issues have been and continue to be addressed by the Department of Justice.

- 18. It is recommended that the Senior General Counsel ensure that all new lawyers receive an explanation of each paralegal's specialty.30**

I agree. Each paralegal will be instructed to prepare a description of their individual specialties for inclusion in the new lawyers' handbook.

- 19. It is recommended that, as part of the development of a Client Driven Service Agreement with PWGSC, the Senior General Counsel negotiate a substantial increase in the DLSU training budget.....30**

I agree. Senior General Counsel will strive to ensure through PWGSC’s budget process, that there is sufficient client funding to permit appropriate level of training for PWGSC legal counsel. Senior General counsel will consult with Justice Headquarters on appropriate training requirements for legal counsel. Timeframe: 2006-07 budget.

- 20. It is recommended that the Senior General Counsel require that Team Leaders monitor team members’ learning plans to ensure that the plans contain valid learning objectives.....30**

I agree. This recommendation has been implemented.

- 21. It is recommended that the Senior General Counsel ensure that performance appraisals are completed annually for all lawyers and support staff.31**

I agree. Performance appraisals have always been completed for lawyers. The Senior General Counsel will strive to ensure that they are also completed for support staff.

- 22. It is recommended that the Senior General Counsel ensure that a centrally available schedule is set up indicating who is absent from the office and why.32**

I agree. The Senior General Counsel will set up a centrally available schedule indicating who is absent from the office, and whether they can be contacted through support staff. The reason the person is not available will not be provided, as that information, for privacy reasons, is for the information of management only.

- 23. It is recommended that the Senior General Counsel ensure that the DLSU’s opinions are reviewed and that those which should be part of the DLSU’s local collection be entered into LOPORS.....36**

I agree. The Senior General Counsel will strive to ensure that the DLSU’s opinions are reviewed and that those that should be part of the DLSU’s local collection are entered into LOPORS.

- 24. It is recommended that the Senior General Counsel require that lawyers report their time more frequently to ensure the accuracy of information.38**

I agree. The Senior General Counsel will immediately advise lawyers to report time worked more frequently, particularly now that iCase has been implemented, for purposes of monitoring workload.

- 25. It is recommended that the Senior General Counsel review the time codes in consultation with clients as part of the upcoming conversion from TKS to iCase to identify codes that best meet Department of Justice and PWGSC reporting requirements.....38**

I agree. The transition from TKS to iCase has taken place in this DLSU. The Senior General Counsel instructed the Office Manager to ensure the identification of codes that best meet ODJ and PWGSC reporting requirements. Lawyers have been instructed to use the “Justice National Timekeeping Protocol: Guidelines” which replaces the “time codes” used under the former TKS systems.

- 26. It is recommended that the Senior General Counsel continue to emphasize to staff that files are to be reviewed so that they can be archived on a timely basis.....39**

I agree. The Senior General Counsel will continue to emphasize to staff that files are to be reviewed on an on-going basis so that they can be archived on a timely basis.

- 27. It is recommended that the Senior General Counsel reconsider the suitability of using the LIS and, if LIS is deemed unsuitable, that a robust replacement be developed and implemented.42**

I agree. The LIS will be reviewed and if it is found to be unsuitable the Senior General Counsel will try to ensure that a more robust replacement is developed.

- 28. It is recommended that the Senior General Counsel, in collaboration with the Assistant Deputy Minister, Business and Regulatory Law Portfolio, explore options for compensating the DLSU for time spent providing commercial law advice on behalf of the Department of Justice to other government departments.....43**

I agree. The Senior General Counsel will discuss the possibility of compensation for the DLSU for the time spent providing commercial law advice on behalf of DOJ to other government departments.