

MANAGEMENT RESPONSE AND ACTION PLAN

Evaluation Report Title: Evaluation of Litigation Services

Approval Date of Evaluation by Deputy Minister: 12/2019

Recommendation 1: The NLS, in consultation with other Sectors or Portfolios, should clarify business processes including how and when various groups such as Portfolios (including LSUs), Sectors and client departments should be involved in the litigation process.

Rationale for Recommendation:

While the new structure supports closer relationships among litigation units—the regional offices, CLS, and other litigation units—there is less communication and engagement between, in particular, regional offices and Portfolios, including LSUs. In addition, the approach to working together on litigation files is not consistent across the NLS and Portfolios (including LSUs). The evaluation found that there was a need to clarify roles and responsibilities, including how and when the NLS, Portfolios (including LSUs) should be involved at various stages of litigation.

Management Response:

We agree with the recommendation. The NLS will lead and consult with appropriate parties across Portfolios (including LSUs), Sectors and client departments on the development and communication of guidance mechanisms that clarify the roles and responsibilities of the NLS, Portfolios and Sectors in the litigation process. Roles and communication strategies may differ depending on the staffing and roles set up within the LSUs, Portfolios and/or clients.

Action(s)	Deliverable(s)	Accountability	Planned Completion Date
What SMART action(s) will be taken to address this recommendation?	Expected deliverable(s) to demonstrate the completion of the action	ADM/ADAG responsible for implementing the action	
Consultations between Regional Directors and/or Regional Directors General with appropriate parties across Portfolios (including LSUs), Sectors and client departments to discuss how we work together including, but not limited to, discussing issues around risk assessments, principles relating to contact with the client and timeliness of litigation advice.	Minutes and/or Record of Decisions resulting from meetings.	ADAG, NLS	October 2020
Develop, in collaboration with appropriate parties across Portfolios and Sectors, guidance to clarify the roles and responsibilities of the NLS, Portfolios (including LSUs), Sectors and clients during the litigation process. This guidance will function as a communication roadmap in managing different types of litigation as it moves through different types and levels of courts.	Documents endorsed by all stakeholders. Publishing of guidance documents to Justice internal network and distribution of notice of documents to Justice employees via JustInfo.	ADAG, NLS	January 2021

Recommendation 2: The NLS, in consultation with other Sectors and Portfolios, should establish opportunities for networking and information sharing among personnel from NLS, Portfolios (including LSUs) and Sectors, as well as within the NLS (e.g., across regions).

Rationale for Recommendation:

The need for improvement in the communications from senior NLS management to NLS staff was evident from some evaluation findings. For example, clarity of when to involve the Office of the Assistant Deputy Attorney General on litigation files was an issue raised by both LSU and NLS counsel. Another example was simply having a better understanding of the objectives and achievements of the NLS. Justice personnel also suggested that an unintended consequence of the creation of the NLS was that there is less communication and engagement between NLS litigation units and Portfolios (including LSUs). Ongoing communication and engagement between these groups was highlighted as important to understanding client departments' realities and policy objectives in the context of litigation files.

Management Response:

We agree with the recommendation.

<p style="text-align: center;">Action(s)</p> <p>What SMART action(s) will be taken to address this recommendation?</p>	<p style="text-align: center;">Deliverable(s)</p> <p>Expected deliverable(s) to demonstrate the completion of the action</p>	<p style="text-align: center;">Accountability</p> <p>ADM/ADAG responsible for implementing the action</p>	<p style="text-align: center;">Planned Completion Date</p>
<p>Provide opportunity for networking amongst the paralegal community across Sectors, Portfolios and client-departments, and provide professional training opportunities.</p> <p>Opportunities for networking events for other legal professionals will also be explored.</p>	<p>The Steering Committee on Paralegal Excellence (SCOPE) members agreed to organize a 2-day Paralegal Symposium for and by paralegals, including paralegals employed by client-departments.</p>	<p>ADAG, NLS</p>	<p>April 2020</p>
<p>In collaboration with corporate Communications, determine the best mechanisms (e.g. consider increased involvement at Sector and Portfolio management meetings) and tools to disseminate information to ensure a common understanding of the objectives and achievements of the NLS throughout the Department.</p>	<p>A communications strategy will be developed by the NLS and recommended to the NLS Board of Directors for approval. The strategy will provide transparent and consistent communication as well as ensure awareness and best practices by:</p> <ul style="list-style-type: none"> • Evaluating current mechanisms and tools (e.g. SharePoint); and • Assessing the effectiveness of the NLS communication strategy through ongoing consultations and feedback. 	<p>ADAG, NLS</p>	<p>September 2020</p>

Recommendation 3: The NLS should further explore opportunities to enhance the use of various alternative dispute resolution processes, as well as the possibility of pursuing settlement at earlier stages in the litigation process.

Rationale for Recommendation:

While alternative dispute resolution options are being utilized, there is the potential to consider options to resolve cases in a more cost-effective manner (i.e., pursuing settlement at an earlier stage of the court process).

Management Response:

We agree with the recommendation.

Action(s) What SMART action(s) will be taken to address this recommendation?	Deliverables Expected deliverables to demonstrate the completion of the action	Accountability ADM/ADAG responsible for implementing the action	Planned Completion Date
Consider findings from departmental review of dispute prevention and resolution needs and resources.	Present findings from the departmental review to the NLS Board of Directors and determine appropriate actions.	ADAG, NLS (in consultation with Portfolios/Sectors)	September 2021
Analysis of LEX information regarding settlements and stage of settlements, including new information collected beginning Q4 2019-20.	Present findings to NLS Board and determine appropriate actions.	ADAG, NLS	March 2022