Evaluation of Advisory Services

Final Report

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ACRONYMS

AI	Artificial intelligence
BRLP	Business and regulatory Law Portfolio
CAP	Central Agency Portfolio
EWG	Evaluation Working Group
FTE	Full-Time Equivalent
FY	Fiscal Year
IFMS	Integrated Financial and Material System
IRRP	Indigenous Rights and Relations Portfolio
LSB	Legislative Services Branch
LSU	Legal Services Unit
MOU	Memorandum of Understanding
NLS	National Litigation Sector
OECD	Organisation for Economic Co-operation
PCO LSS	Privy Council Office Legal Services Sector
PCO	Privy Council Office
PSDI	Public Safety, Defence and Immigration Portfolio
SLSS	Specialized Legislative Services Section
TLSP	Tax Law Services Portfolio
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples

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EXECUTIVE SUMMARY

Introduction

The Evaluation of Advisory Services was part of the Department of Justice Canada (Justice Canada)'s 2021-22 to 2025-26 Integrated Audit and Evaluation Plan, and it was conducted in accordance with the Treasury Board's *Policy on Results* (2016). The evaluation examined the continued relevance, design and delivery, effectiveness, and efficiency of advisory services. Specifically, it focused on advisory activities undertaken by the Legal Services Units (LSU), the National Litigation Sector (NLS), the Privy Council Office Legal Services Sector (PCO LSS), and the Specialized Legislative Services Section (SLSS) in the Legislative Services Branch (LSB).

Program Description

Providing advisory services is a core function of Justice Canada, recognized in the *Department of Justice Act*. These services support federal departments and agencies in pursuing their respective mandates in accordance with the rule of law. Advisory services may take the form of a conversation, a meeting, an email, a short memo, or a lengthier and more formal legal opinion relating to a proposed program or policy, an interdepartmental initiative, a legislative project, a proposed contract or agreement, a potential or an actual litigation matter, or any other scenarios where legal insights may be needed. The role also extends to providing training and other general information that may increase the general awareness and understanding of legal risks and legal considerations among the personnel of client departments and agencies.

Findings

Relevance

During the period covered by the evaluation, the need for advisory support increased in volume and complexity, due in part to the impact of the COVID-19 pandemic, and an ambitious set of government initiatives and priorities. Advisory work had to be completed within tight deadlines, and client departments and agencies were experiencing an increased need for support due to the significant turnover among their respective personnel.

Justice Canada was able to adapt to this shifting environment and to provide the advisory services required by its client departments and agencies. Advisory groups shifted to a remote work environment and found ways to do this while upholding all the security requirements associated with the nature of advisory files. Advisory teams assigned to some of the client departments and agencies were also expanded. The number of legal counsel and other professionals in all advisory groups grew by an overall 20% during the evaluation period.

Design and Delivery

Overall, Justice Canada has succeeded in maintaining strong advisory teams through sustained efforts to recruit legal professionals. The growth in the demand for advisory services has resulted in increased pressure on human resources, and concerns related to work-life balance and sustainability of the current pace of work. The evaluation identified some key considerations to support the delivery of advisory services.

An important consideration in maintaining strong advisory teams is the effective integration of paralegals. In addition to providing direct assistance to advisory work (e.g. through initial research), paralegals can support the knowledge management process by maintaining and populating knowledge repositories. Justice Canada has taken steps to expand the engagement of paralegals over the evaluation period.

The integration of new technologies, particularly those based on artificial intelligence, is also key to ensure that Justice Canada can effectively meet the increasing demand for advisory work. Over the evaluation period, Justice Canada has initiated a process to facilitate the integration of AI technologies. In the context of advisory services, this is expected to enhance the efficiency of document searches and analyses, and to streamline the drafting process.

The current knowledge management tools used by Justice Canada, notably LEX and Justipedia, are not systematically meeting the needs of those providing advisory work. In the case of Justipedia, the key challenge comes from its varying level of use among all advisory groups. In the absence of consistent and sustained efforts to maintain the quality of the input, it is unlikely that this tool will achieve department-wide results.

The planning process related to advisory services remains challenging, as the range of issues that the government will face cannot be fully predicted. In addition, currently collected data does not adequately support management decision-making and planning processes. Some practices that facilitate planning include the integration of the heads of advisory groups in the management structures of client departments and agencies, and the early engagement of Justice Canada by clients.

The assignment and coordination of files are decentralized processes, allowing each advisory group to determine the most efficient approach. Some challenges exist in coordinating advisory work on larger files involving several departments or agencies. There is no process or framework that currently ensures that, when multiple departments and agencies are collaborating on a file, the assigned advisory groups are coordinating their work.

Finally, the current performance data collected in relation to advisory services do not meet the full range of information needs of Justice Canada or the client departments and agencies. This is an ongoing challenge that has a direct impact on the ability to plan and monitor the delivery of advisory services.

Effectiveness and Efficiency

During the evaluation period, Justice Canada continued to deliver high-quality advisory services that met the needs of its client departments and agencies, despite some challenges related to the timeliness and consistency of the advice provided. Justice Canada has succeeded in being a strategic partner that enables its client departments and agencies to successfully pursue their mandate and priorities.

While the measurement of efficiency in the legal profession continues to be challenging, client departments and agencies consider that they get good value for money from advisory services. Practices that support the efficient use of advisory services include having a clear process in place with client departments and agencies to manage access to legal counsel and to prioritize files, and ensuring that existing advice is readily available to client representatives.

Recommendations

Based on the evaluation findings described in this report, the evaluation offers the following four recommendations:

- Performance data: Improve performance data on the use of advisory resources to support strategic planning and ongoing management.

- Knowledge Management: Strengthen the use of departmental knowledge management tools and leverage new technologies, to enable a strategic knowledge transfer approach and avoid duplication of work.

- Coordination of Advisory Services: Establish mechanisms to ensure effective coordination between advisory groups, particularly for interdepartmental files.

- Workload management: To better balance workload and improve work-life balance, (1) identify tools that would better support counsel in their work and (2) explore ways to optimize work distribution among available resources.

1 INTRODUCTION

1.1 Purpose of the Evaluation

This report presents the findings and recommendations for the Evaluation of Advisory Services. The Evaluation was undertaken as part of the Department of Justice Canada's (Justice Canada) 2021-22 to 2025-26 Integrated Audit and Evaluation Plan and was conducted in accordance with the Treasury Board's *Policy on Results* (2016).

1.2 Evaluation Scope

The evaluation covered a period of five fiscal years (FY) from 2019-20 to 2023-24. Its scope was determined based on a review of available information as well as consultations with senior officials regarding key issues and topics related to advisory services.

The evaluation examined the continued relevance, design and delivery, effectiveness, and efficiency of advisory services. Specifically, it focused on all advisory activities undertaken by the Legal Services Units (LSU), the National Litigation Sector (NLS), the Privy Council Office Legal Services Sector (PCO LSS), and the Specialized Legislative Services Section (SLSS) in the Legislative Services Branch (LSB).

The evaluation provided an opportunity to explore and document the broader environment in which advisory services are provided, including the impact of the COVID-19 pandemic on the nature and the delivery of these services. It also assessed the current processes in place to plan, deliver, monitor, and manage advisory services, including any insights from the literature on the management of legal services. In assessing the quality of advisory services, the perspectives of both legal professionals from Justice Canada and their client departments and agencies were considered. Finally, the evaluation explored the issue of efficiency, including the value for money that client departments and agencies are expected to receive.

2 OVERVIEW OF ADVISORY SERVICES

2.1 Mandate and Structure

Providing advisory services has always been a core function of Justice Canada. This role is formally recognized in the *Department of Justice Act*, where the Minister of Justice is assigned as the legal advisor to the cabinet and, in their capacity as Attorney General of Canada, as the legal advisor to all federal departments and agencies. The fact that this advisory function has been so entrenched in the department is an important consideration. This evaluation is not about assessing a time-bound program. It is about evaluating a key responsibility with an extended history.

While the nature of legal advice is straightforward (it is the provision of advice on legal matters), the forms it takes, and the range of matters that it may cover, are wide and complex. Legal advice can take the form of a conversation, a meeting, an email, a short memo, or a lengthier and more formal legal opinion. It can relate to a proposed program or policy, an interdepartmental initiative, a legislative project, a proposed contract or agreement, a potential or an actual litigation matter, or any other scenarios where legal insights may assist federal departments or agencies in upholding their mandate and advance their priorities in accordance with the rule of law. The role also extends to providing training and other general information (not related to a specific matter) that may increase the general awareness and understanding of legal risks and legal considerations among the personnel of client departments and agencies.

Legal counsel lead the provision of advisory services, and they are assisted by paralegals, other Justice Canada employees, and at times, legal agents. At the time of the evaluation (2024-25), approximately 1,000 legal counsel and 300 other professionals[1] from the Department of Justice, were engaged in the provision of these services.

The following teams are predominantly involved in the provision of advisory services:

- Legal Services Units: Grouped under five portfolios[2], the LSUs provide direct services to all federal departments and agencies. As such, members of the LSUs interact directly with client representatives and address any legal issues related to their specific mandate. Legal counsel in LSUs tend to be generalists who operate within specialized environments shaped by the mandate of their assigned client departments or agencies.
- National Litigation Sector (NLS): The NLS provides advisory services in areas pursuant to section 38 of the *Canada Evidence Act*, the *Extradition Act* and the *Mutual Legal Assistance in Criminal Matters Act,* and reviews applications submitted to the Minister of Justice under section 696.1 of the *Criminal Code* from those who believe that they have been wrongly convicted. In addition, each regional office of the NLS includes legal counsel and other professionals who focus on the provision of advisory services to federal departments and agencies on litigation files, or on a range of operational needs (e.g., Federal real property, negotiations pursuant to an act respecting First Nations, Inuit and Metis children, etc.). The International Assistance Group reviews and coordinates all extradition and mutual legal

[1] Source: Integrated Financial and Material System (IFMS)

[2] The Indigenous Rights and Relations Portfolio (IRRP), The Public Safety, Defence and Immigration Portfolio (PSDI), the Tax Law Services Portfolio (TLP), The Business and Regulatory Law Portfolio (BRLP), and the Central Agencies Portfolio (CAP).

assistance requests made either by or to Canada. The International Assistance Group provides advice on policy and law reform to other parts of the Department and to other government departments.

- Privy Council Office Legal Services Sector (PCO LSS): The PCO LSS provides legal advisory services to the Privy Council Office (PCO) and its portfolio ministers, in support of whole-of-government decision-making. This includes advising PCO on the operation of the Cabinet decision-making system as well as on a wide range of program, policy, legislative, and litigation activities. The PCO LSS also supports the Clerk of the Privy Council as custodian of confidences and in the exercise of the Clerk's statutory duties in the context of judicial or quasi-judicial proceedings, and pursuant to requests for access to confidences of the King's Privy Council.
- Specialized Legislative Services Section (SLSS): Located in the Legislative Services Branch (LSB), in the Public Law and Legislative Services Branch, the SLSS offers a wide range of advisory services on legal aspects of legislation and regulation-making authority, including those related to the drafting and interpretation of bills and regulations. This includes advice on statutory interpretation, incorporation by reference, regulatory power, harmonization of federal legislation with the private law of the provinces and territories, where applicable, and on issues requiring comparative analysis of private law.

Also supporting the provision of advisory services are the various Centres of Expertise in areas of law that find broad applications throughout the federal government, such as labour and employment law, commercial and procurement law, privacy law, official languages, or Indigenous rights. With the exception of the Centre of Labour and Employment Law, which provides advice directly to client departments and agencies, the Centres of Expertise provide specialized advisory services to other justice professionals, as required. These were evaluated in 2021 and findings from that assessment were considered in the current evaluation of advisory services.[3]

In delivering advisory services, Justice Canada is committed to service standards that focus on timeliness, responsiveness, and usefulness. Each of these dimensions is addressed in this evaluation.

2.2 Human and Financial Resources[4]

Human Resources

Over the evaluation period, the total number of full-time equivalents (FTEs) assigned to the groups covered by the evaluation grew from 1,083 to 1,299. This is an increase of 20% or 216 new FTEs.

As illustrated in Figure 1, the largest group offering advisory services is composed of legal counsel (LP), and their number grew by 18% over the evaluation period, representing 133 new FTEs. The group of legal counsel in management functions (LC) increased by 24%, representing 25 new FTEs. As for the category EC, which is mostly composed of paralegals, their number varied, but the overall increase over the evaluation period was 37%, representing 23 new FTEs. The remaining FTEs are composed of individuals in various administrative and management functions who support the provision of advisory services.

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[3] Justice Canada. (2021). *Evaluation of the Centres of Expertise: Final Report*. Available at: https://www.justice.gc.ca/eng/rp-pr/cp-pm/eval/rep-rap/2021/coe-cde/index.html.

[4] The information contained in that section excludes the use of legal agents. The use of legal agents is further discussed in sub-section 4.4 of this report.

Figure 1: Number of Justice Canada FTEs, FY 2019-20 to FY 2023-24
(Source: PeopleSoft/IFMS)

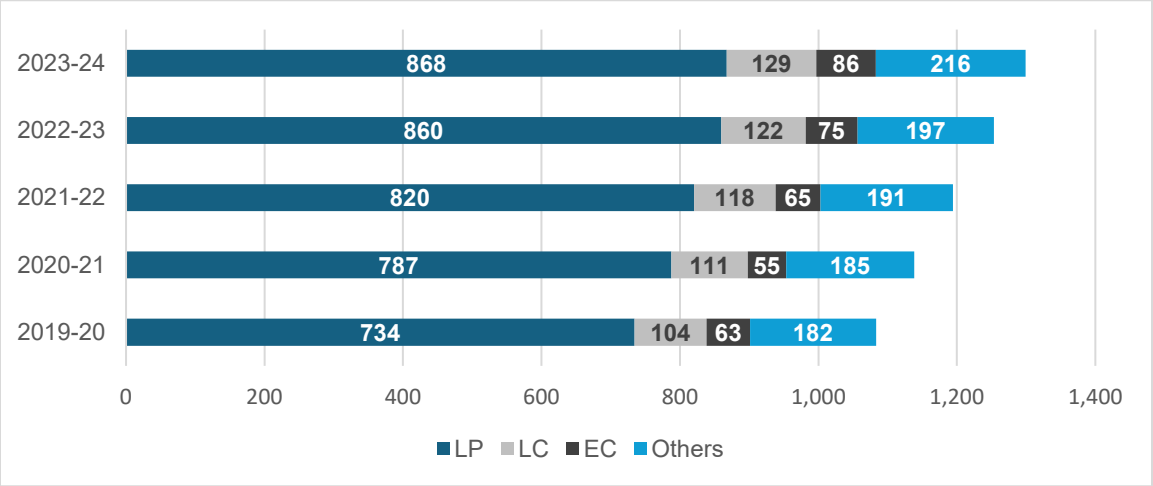


Table 1 includes the distribution of FTEs among all the advisory groups covered by the evaluation, at the portfolio and other sectors level. All groups experienced an increase in the number of their FTEs, including the BRLP (36 new FTEs, increase of 10%), the PSDI (40 new FTEs, increase of 21%), the IRRP (25 new FTEs, increase of 20%), the TLSP (20 new FTEs, increase of 46%), and the NLS (69 new FTEs, increase of 25%).

Table 1: Distribution of Justice Canada FTEs per Advisory Group, FY 2019-20 to FY 2023-24
(Source: PeopleSoft/IFMS)

Advisory group	2019-20	2020-21	2021-22	2022-23	2023-24
BRLP	373.0	395.8	402.1	408.3	409.1
CAP	54.7	58.4	57.6	64.5	61.8
NLS	270.0	284.1	299.5	319.7	338.5
IRRP	125.6	124.4	129.7	136.4	150.4
PCO LSS*	2.4	11.9	12.7	15.9	18.0
PSDI	189.5	193.9	211.1	228.5	229.4
SLSS	25.0	26.4	36.5	33.3	29.0
TLSP**	43.0	43.5	44.6	46.6	62.8
Total	1,083.1	1,138.4	1,193.9	1,253.3	1,299.0

*PCO LSS was created in 2019 and FTEs were transitioned from PCO to the Department of Justice over the following years.
**Increase in Advisory FTEs for TLSP in 2023-24 was driven by the remapping of a cost centre from Litigation Services to Advisory Services.

Financial Resources

Table 2 presents the expenditures incurred by Justice Canada for the provision of advisory services. Over the evaluation period, it went from almost $209 million to a bit over $251 million, a 20% increase that represents $43 million. These costs are almost exclusively assigned to salaries and benefits (95%

or more), and reflect the trends described in relation to FTEs. The remaining cost covers the operational spending.

Since Justice Canada provides advisory services on a cost-recovery basis, a portion of these expenditures are covered by client departments and agencies, while the remaining is covered by Justice Canada (through its A-base funding).

The Treasury Board Secretariat sets the rates that Justice Canada charges to its client departments and agencies for advisory services. This is included in memoranda of understanding (MOU) that Justice Canada signs with each client department and agency, which cover all legal services (advisory, litigation, and legislative).

Table 2: Distribution of Expenditures per Advisory Group, FY 2019-20 to FY 2023-24 ($'000)
(Source: IFMS)

Advisory group	2019-20	2020-21	2021-22	2022-23	2023-24
BRLP	76,847	79,750	81,590	81,393	81,610
CAP	12,546	13,106	13,065	14,405	13,967
IRRP	22,719	22,424	23,918	24,840	27,984
NLS	45,607	46,818	50,927	53,882	59,651
PCO LSS*	627	2,601	2,804	3,600	3,883
PSDI	36,668	37,869	41,439	43,886	45,557
SLSS	5,096	4,954	7,111	6,133	5,865
TLSP**	8,773	8,681	9,219	9,396	12,867
Total	208,883	216,203	230,072	237,535	251,385

*PCO LSS was created in 2019 and FTEs were transitioned from PCO to the Department of Justice over the following years.
**Increase in Advisory FTEs for TLSP in 2023-24 was driven by the remapping of a cost centre from Litigation Services to Advisory Services.

3 EVALUATION METHODOLOGY

The evaluation was guided by an evaluation matrix (evaluation questions, indicators, and data sources), which was developed through the evaluation scoping and design process. Appendix A contains the list of evaluation questions.

An Evaluation Working Group (EWG) composed of Justice Canada representatives from the various groups delivering advisory services included in this evaluation (see subsection 2.1) provided advice during the design and implementation of the evaluation. The EWG coordinated access to documents and data, and provided feedback on evaluation products (i.e., the evaluation questions, preliminary findings and the draft evaluation report).

Multiple lines of evidence were used to address the evaluation questions: a review of documents; a review of administrative data; a literature and environmental scan, key informant interviews; and an electronic survey of justice professionals. A detailed description of the methodology can be found in Appendix B.

Table 3: Lines of Evidence

Line of Evidence	Description
Document Review	The document review included a review of Program documents, publicly available departmental and other government documents, and Justice Canada's Client Feedback Surveys.
Administrative Data Review	The administrative data review included information obtained through Justice Canada's Departmental Business Analytics System (i.e., Explore) and the Integrated Financial and Material System.
Literature Review and Environmental Scan	The literature review and environmental scan was undertaken to gather insights on trends and issues related to the efficient and effective delivery of legal advisory services in the public and private legal sectors.
Key Informant Interviews	A total of 76 Key Informant Interviews were conducted, including 38 interviews with Justice Canada representatives and 36 with representatives from client departments and agencies. A total of 90 individuals were interviewed.
Electronic Survey	The electronic survey was sent to 1,468 Justice Canada individuals that were involved in the provision of advisory services. A total of 457 individuals completed the survey questionnaire for a response rate of 31%.

3.1 Consideration of GBA Plus and Diversity and Inclusion

In accordance with the *Policy on Results*, the evaluation included considerations related to Gender-based Analysis (GBA) Plus. In particular, the evaluation issues and questions, and the data collection process, explored issues related to the quality of the work environment, the support provided to Justice

Canada professionals involved in delivering advisory services, and any barrier that may have limited the ability of individuals to undertake their roles and responsibilities.

3.2 Constraints, Limitations and Mitigation

Table 4 describes the main limitations related to the methodology, along with the mitigation strategies that were implemented. Overall, the evaluation process did not encounter constraints or limitations that prevented its ability to adequately address all evaluation issues and questions.

Table 4: Summary of Limitations, Challenges and Mitigation Strategies

Line of Evidence	Limitation or Challenge	Mitigation Strategy
Electronic survey	The main limitation encountered as part of this evaluation related to the sampling procedure for the survey. This sampling procedure may have introduced bias, particularly as a result of the fact that participation in these data collection activities was voluntary.	This risk was mitigated by taking a census approach (i.e., inviting all counsel and other professionals within the targeted categories to participate). While this approach could not eliminate all forms of bias (most notably, self-selection bias among those who choose to complete the survey), it removed the possibility of introducing bias at the sample development stage.
Key informant interviews and electronic survey	The key informant interviews and the electronic survey also had the possibility of introducing self-reported response bias and strategic response bias. Self-reported response bias occurs when individuals are reporting on their own activities and so may want to portray themselves in the best light. Strategic response bias occurs when the participants answer questions with the desire to affect outcomes.	This risk was mitigated by using multiple lines of evidence, including objective sources of data, such as documents and administrative data, to arrive at the overall evaluation conclusions.
Literature review and environmental scan	There is limited literature on the management of legal services, including legal advisory services, particularly those relevant to a government setting.	This risk was mitigated by ensuring that the analysis of the relevant articles and documents included was combined with interviews with scholars who had published them. This allowed for insights more specific to legal services delivered in a government environment to be further explored.

4 EVALUATION FINDINGS

4.1 Relevance of Advisory Services

4.1.1 The Demand for Advisory Services is Steadily Increasing

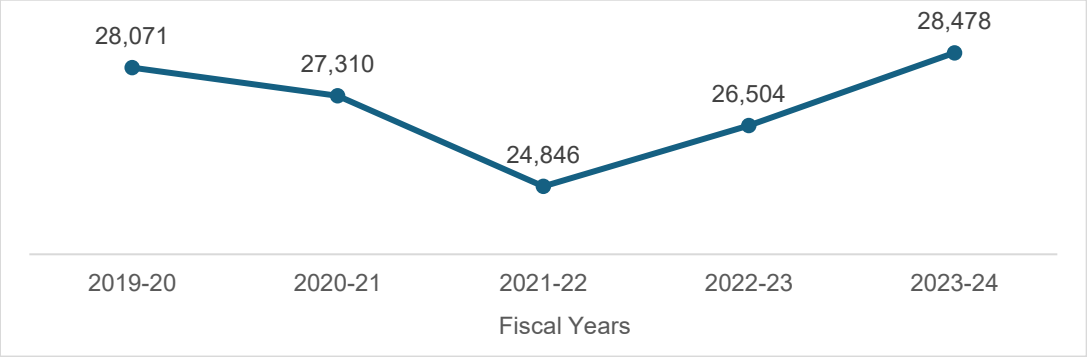
The demand for advisory services increased in volume and complexity during the evaluation period, due in part to the impact of the COVID-19 pandemic, and an ambitious set of government initiatives and priorities.

The nature, volume, and complexity of initiatives undertaken by the federal government largely shape the demand for advisory services. As such, these services are constantly adapting to the approach adopted by the federal government to manage federal programs and activities, advance new initiatives and priorities, and respond to changes in the national and international contexts. From a practical perspective, advisory services function is an essential component of the process that enables the federal government to carry out its mandate.

During the five years covered by the evaluation, the federal government had to respond to the COVID-19 pandemic, which created extraordinary pressures. This period was also described as particularly ambitious with multiple priorities identified in mandate letters provided to each minister, including complex interdepartmental or national initiatives related to climate change, reconciliation, and gender equity, among others.

The available data reflects the significant impact that the COVID-19 pandemic had on the demand for advisory services. As illustrated in Figure 2, the number of active advisory files dropped significantly in 2021-22. This was a result of several projects and initiatives that had to be paused due to the pandemic. The number of active files increased steadily after 2021-22. This trend was experienced by all the groups offering advisory services and has continued since.

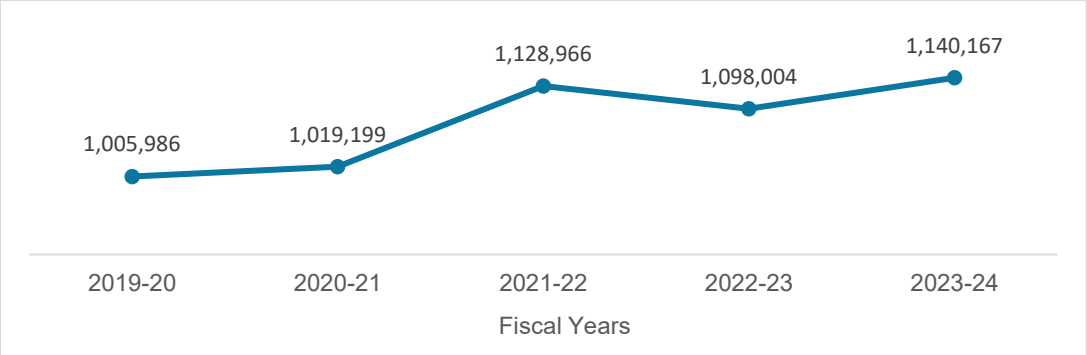
Figure 2: Number of Active Files, Advisory Services, FY 2019-20 to FY 2023-24
(Source: LEX)



The 2021-22 drop in the number of active files did not translate into a reduced demand for advisory services. As illustrated in Figure 3, the recorded hours for advisory services experienced a sudden increase in 2021-22, and that demand stayed high for the remaining of the period covered by the evaluation. This illustrates the fact that advisory teams were mobilized to help departments and

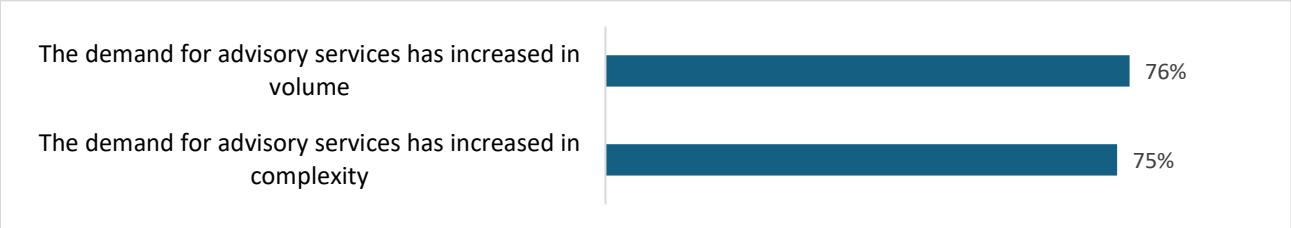
agencies respond to the multitude of challenges triggered by the pandemic, and the subsequent efforts to resume work on all the files that had been dormant during its peak.

Figure 3: Recorded Hours for Advisory Services, FY 2019-20 to FY 2023-24
(Source: LEX)



In their responses to the survey conducted as part of this evaluation, legal counsel and other Justice professionals echoed these sentiments. As indicated in Figure 4, three quarters of the respondents indicated that the volume and the complexity of the demand for advisory services increased over the period covered by the evaluation.

Figure 4: Percentage of Survey Respondents who Agreed or Strongly Agreed with the Selected Statements on the Demand for Advisory Services
Source: Evaluation survey of justice professionals (2025)



When asked to further elaborate on the drivers behind the rise in volume and complexity of advisory files, survey respondents pointed to the heightened expectations of client departments and agencies for quick turnaround on an increasing number of files, particularly in supporting their responses to the pandemic. Significant turnover among client personnel also increased the need for advisory support. Survey respondents also noted several government initiatives, notably the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) Act*, which raised a number of new legal issues.

4.1.2 Justice Canada Adapted to Changes in Demand, but Still Faces Challenges

Justice Canada responded well to the increased and more complex demand for advisory services, but its ability to address demand in times of crisis also created new expectations from client departments and agencies.

Justice Canada was able to adapt to the shifting environment experienced during the period covered by the evaluation, and to provide the advisory services required by its client departments and agencies. This adaptation was multifaceted and came with challenges.

From an operational perspective, this meant shifting to a remote work environment and finding ways to do this while upholding all the security requirements associated with the nature of advisory files. In addition, the urgency of the measures adopted to combat the pandemic required greater support from legal counsel, including after normal business hours and weekends, and a faster provision of the advice. Justice Canada delivered on all these fronts and, during interviews, client representatives expressed a high level of appreciation for the commitment of legal teams to go above and beyond to ensure that they were adequately supported. However, as emphasized by Justice Canada interviewees, this pace may have created expectations that would not be sustainable in the long run. During some of the most intensive periods linked to the pandemic, legal teams worked around the clock, which affected both the professional and personal lives of those involved.

The sustained pressure to deliver advisory services almost in real time forced legal counsel to produce less fulsome advice. This approach necessarily carries some risks that clients must work with. Interviews indicate that client departments and agencies understand this trade-off, but legal counsel emphasized that this practice should not become the norm, as it weakens the body of advisory work over time.

From an organizational perspective, this also meant expanding the advisory teams assigned to some of the client departments and agencies. This process, based on the cost-recovery model in place, required coordinated efforts on the part of Justice Canada and the client departments and agencies. This coordination is essential to adequately plan for the expected demand for advisory services and, as applicable, secure the additional financial resources required by the client departments and agencies to cover these legal costs. This also enables Justice Canada to hire legal counsel or other professionals who can provide these services, as needed. As indicated in Figure 1 and Table 1, the number of legal counsel and other professionals in all advisory groups grew by an overall 20% during the evaluation period.

4.2 Design and Delivery of Advisory Services

The design and delivery structure of advisory services rests on a vast institutional experience, and it has been incrementally adapted and adjusted as required. While there are department-level parameters that guide the delivery of all advisory services, the management of these services remains fairly decentralized within each LSU and other Justice Canada groups offering advisory services. Among other things, this flexibility has allowed each group to consider the specific environment in which it operates, particularly in response to the nature and scope of the mandate of their respective client departments and agencies. The following subsections explore the key components of this design and delivery structure.

4.2.1 Human Resources Require Ongoing Attention

Justice Canada has succeeded in maintaining strong advisory teams. A number of issues, particularly in relation to workload and work-life balance require careful attention. Maintaining strong capacity also requires the effective integration of paralegals.

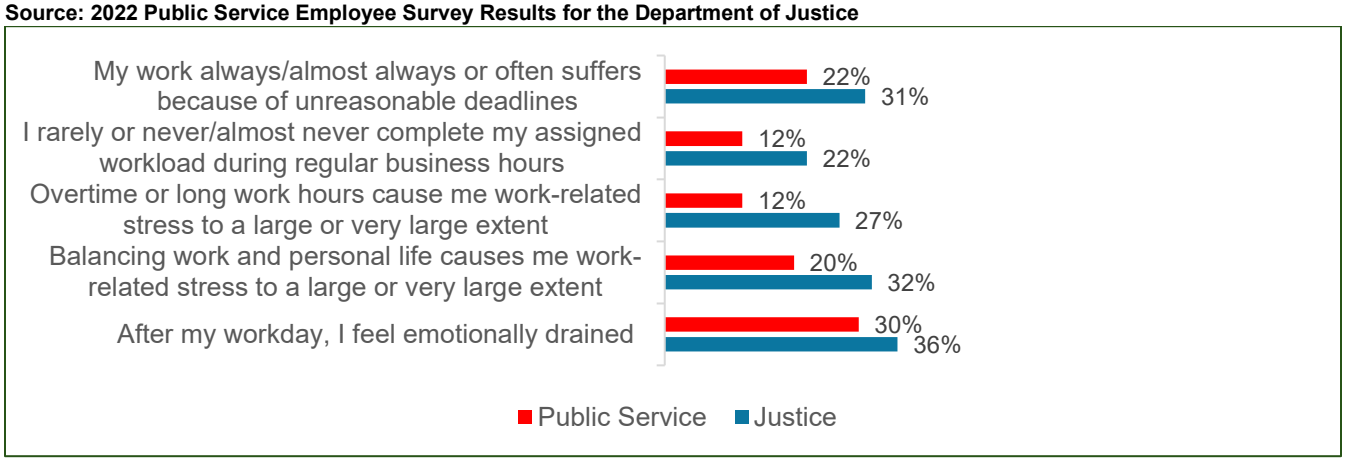
Working Environment

The legal profession (including both the private and public sectors) has historically struggled to provide a working environment that is conducive to a healthy and sustainable work-life balance. As noted by one author, "articles and books have highlighted lawyers' struggles with unhappiness and mental health and addiction issues," which are increasingly recognized by employers.[5] These ongoing issues, in turn, affect the quality of the work done and diversity across the legal industry.[6]

As a federal department, Justice Canada is committed to providing an environment that supports work-life balance, and it is actively recruiting members of Employment Equity designated groups[7] to ensure diversity in the workplace.
The Public Service Employee Survey that the federal government conducts on a cyclical basis provides insights on the overall employment experience of federal employees. It assists in identifying strength and areas of concern, as applicable. The most recent survey results cover the year 2022. As they relate to Justice Canada, the results point to a number of positive trends around overall satisfaction with work, the respect and inclusiveness experienced in the workplace, and the strong support provided by management. For instance, when asked to rate the statement "overall, I like my job", 83% of Justice Canada respondents said they strongly or somewhat agree with the statement.

As indicated in Figure 5, however, some of the documented challenges typically associated with the legal profession surface again in those results, particularly when Justice Canada employees (including, but not limited to legal professionals) are compared to all employees of the federal public service. With a third of Justice Canada employees indicating that they struggle to achieve work-life balance and feel emotionally drained after their workday, workload-related issues remain an area of concern.

Figure 5: Comparison of Justice Canada Employees and Public Service Employees on Employment-Related Characteristics
Source: 2022 Public Service Employee Survey Results for the Department of Justice



[5] Reich, J. F. (2020). *Capitalizing on Healthy Lawyers: The Business Case for Law Firms to Promote and Prioritize Lawyer Well-Being*. Charles Widger School of Law, Villanova University. https://digitalcommons.law.villanova.edu/vlr/vol65/iss2/3/.

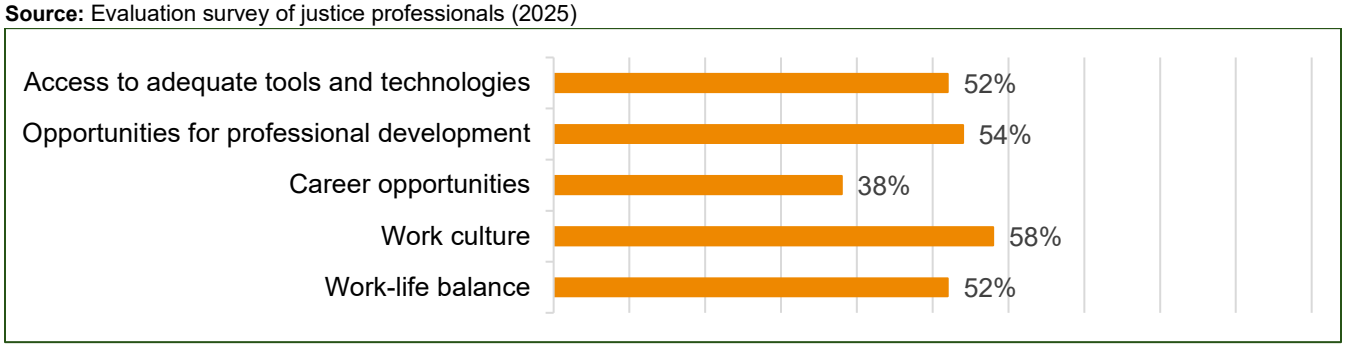
[6] Linna Jr, D. W. (2020). *Evaluating Legal Services: The Need for a Quality Movement and Standard Measures of Quality and Value*. https://www.legaltechlever.com/wp-content/uploads/sites/151/2020/03/Linna-Evaluating-Legal-Services-Quality-Value-2020-03-12.pdf.

[7] The Employment Equity designated groups are visible minorities, persons with disabilities, Indigenous peoples, and women (https://www.justice.gc.ca/eng/abt-apd/recru/work-travail.html).

These trends are even more pronounced among legal counsel in LP positions, particularly those in more senior positions. For instance, close to half of the respondents in senior legal counsel positions (LP-03 to LP-05) indicated that they were emotionally drained after their workday, and that they were challenged when it came to balancing work and personal life. More than 40% of respondents in that group were regularly unable to complete their workload during regular working hours.

The survey conducted as part of this evaluation adds complementary perspectives on the overall work environment experienced by Justice Canada professionals who specifically provide advisory services. As indicated in Figure 6, just over half of survey respondents indicated that they were satisfied or very satisfied with some of the key components of their work, such as the tools and technologies they have access to, professional development opportunities, the work culture and the work-life balance. The level of satisfaction with career opportunities was lower.

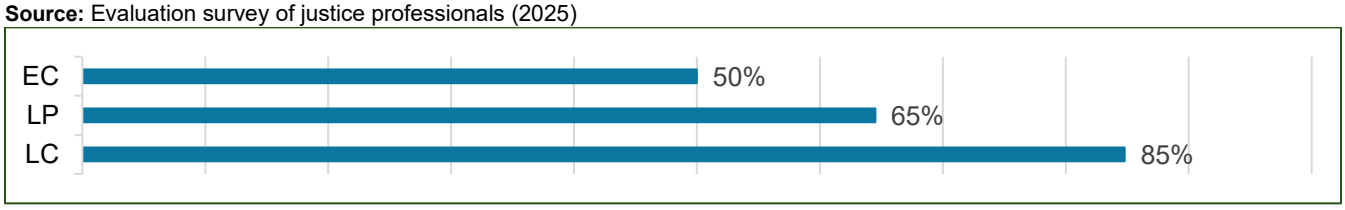
Figure 6: Percentage of Survey Respondents who Are Satisfied or Very Satisfied with the Selected Aspects of their Employment
Source: Evaluation survey of justice professionals (2025)



Looking at the various groups of survey respondents (EC, LP, LC), 46% of respondents in the LC category (in legal management positions) indicated that they were unsatisfied or very unsatisfied with their work-life balance. Consequently, Justice Canada's commitment to fostering an environment that is conducive to work-life balance has yet to be fully realized, certainly in relation to those providing advisory services.

Sustained efforts are made internally within Justice Canada to provide adequate support to members of advisory teams. Figure 8 illustrates that LC respondents are the most satisfied with the internal support they are provided with.

Figure 7: Percentage of Survey Respondents who Are Satisfied or Very Satisfied with the Support that their Unit or Group Provides when Involved in Advisory Services
Source: Evaluation survey of justice professionals (2025)



During interviews, client representatives acknowledged the pressures that are placed on advisory teams and expressed concerns about the sustainability of the current pace of work. Some interviewees recognized that their expectations were not always reasonable, but they reflected the position they were facing in delivering on their respective mandates.

Maintaining strong capacity

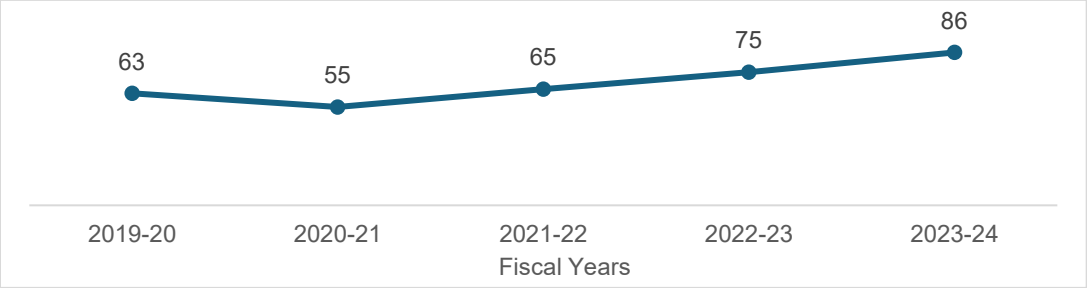
Overall, Justice Canada has been in a position to maintain strong advisory teams. During interviews, client representatives expressed a high level of confidence as to the expertise, capacity and ability of Justice Canada to provide the legal teams that are needed.

This outcome, however, requires sustained efforts on the part of managers within each group providing advisory services. As noted by Justice Canada representatives, recruiting legal counsel, paralegals or other justice professionals is an ongoing challenge due to factors such as the pointed expertise sought, the security clearance associated with the positions, the location of the work, or the rising competition from provincial and municipal governments, as well as from the private sector.

An important consideration in maintaining strong advisory teams is the integration of paralegals. In a study published in 2016, Shephard noted that "in no sector is the role of the professional and the paraprofessional being more openly debated than in the legal services sector".[8] Shephard added that integrating paralegals is an essential component of managing change in the legal profession. To achieve this, however, Shephard argued that certain conditions had to be met, including an organizational culture that welcomes paralegals and the appropriate support structure that can "identify and manage the risks associated with their increased involvement".[9]

Over the past ten years, Justice Canada has taken steps to expand the engagement of paralegals. Among other things, it established the Paralegal Services Centre in 2015, and initiated work on a National Paralegal Strategy in 2016, which was formally approved in 2020. This strategy aims to enhance access to paralegals across all Justice business lines, including advisory services. As illustrated in Figure 8, the number of EC positions (which are mostly paralegals) assigned to advisory work has increased during the evaluation period.

Figure 8: EC FTEs Coded to Advisory Services, FY 2019-20 to FY 2023-24
(Source: IFMS)



During interviews, both Justice Canada and client representatives emphasized the key role that paralegals play, and the need to further integrate them. In addition to providing direct assistance to advisory work (through initial research, for instance), paralegals can support the knowledge management process by maintaining and populating Justipedia[10] or other knowledge repositories.

[8] Shephard, C. (2016). *Strategies for managing change and the use of paraprofessionals: A cross-sector study for the benefit of post-LETR providers of legal services*. Northern Ireland Legal Quarterly. https://nilq.qub.ac.uk/index.php/nilq/article/view/98.

[9] Ibid.

[10] Justipedia is the departmental legal knowledge management system, and contains legal opinions and other legal products.

Some client departments and agencies are also increasing their use of paralegal resources to help with legal matters, typically litigation files, but also advisory or legislative files. These paralegals are not Justice Canada employees, but rather employees of each department or agency. They regularly interact and collaborate with paralegals from Justice Canada.

4.2.2 The Integration of New Technologies is a Key Component for the Sustainability of Advisory Work

The integration of new technologies, particularly those based on artificial intelligence is a key component of a sustainable strategy for Justice Canada to effectively meet the increasing demand for advisory work.

A prevalent topic addressed in the literature on the management of legal services is the effective integration of new technologies, particularly those related to artificial intelligence (AI). In 2016, during a roundtable organized by the Organisation for Economic Co-operation and Development (OECD), McGinnis argued that machine intelligence is bound to be "the most important question facing the legal profession."[11] More recently, Linna Jr. noted that those in the legal profession who embrace technology will be in a position to focus on value-added work, being released from the repetitive work that technology can effectively undertake:

> "The best lawyers and legal-services organizations will figure out how to make the most of automation to provide humans the opportunity to focus on tasks where they can add the greatest value. This transition will require lawyers to find new ways to add value, going well beyond just doing the same things better, faster, and cheaper."[12]

While the value of new technologies is well established, so is the resistance to it in the legal profession: "Unfortunately, resistance to changing a lawyer's behaviour is also apparent, such as the acceptance and adoption of AI capabilities in legal service provision, specifically, in the realms of legal advisory, legal operations, legal technology, and consulting" (Reid et al., 2023).[13]

With the steady upward trend in the volume and the complexity of advisory files, the ability of Justice Canada to meet the demand and the expectations of client departments and agencies will be contingent, in part, on its capacity to effectively integrate new technologies. As noted during interviews, Justice Canada cannot solely rely on adding more legal counsel and other professionals, and it must take full advantage of the opportunities provided by new technologies.

Over the evaluation period, Justice Canada initiated a process to facilitate the integration of AI technologies. In particular, it began the implementation of a unified platform (called Otto, currently in its pilot phase) that enables the streamlined deployment of data-driven AI tools and analytics solutions

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[11] OECD. (2016). *Summary of discussion of the roundtable on disruptive innovation in legal services.* https://www.oecd.org/competition/disruptive-innovations-in-legal-services.htm.

[12] Linna Jr, D. W. (2020). *Evaluating Legal Services: The Need for a Quality Movement and Standard Measures of Quality and Value*. https://www.legaltechlever.com/wp-content/uploads/sites/151/2020/03/Linna-Evaluating-Legal-Services-Quality-Value-2020-03-12.pdf.

[13] Reid, I., Bamford, D., & O'Neil, R. (2023, August). *An empirical investigation into customers perception of UK legal services and operations*. Manchester Metropolitan University. https://e-space.mmu.ac.uk/632451/3/Paper-%20An%20empirical%20investigation%20into%20customers%20perception%20of%20UK%20legal%20services%20and%20operations%20%281%29.pdf.

across the department. In the context of advisory services, this tool is expected to enhance the efficiency of document searches and analyses, and to streamline the drafting process.

4.2.3 Knowledge Management Remains Difficult

The current knowledge management tools used by Justice Canada, notably Justipedia, are not systematically meeting the needs of those providing advisory work. As a result, some groups have initiated their own knowledge management strategy.

Limited Range of Tools

The two department-wide knowledge management tools currently available at Justice Canada are LEX and Justipedia. LEX is a mandatory tool that serves as a case management system (covering every file worked on). On the other hand, Justipedia is an optional tool that was expected to provide a single repository for legal opinions and other legal documents produced by Justice Canada employees that can be organized and searched to facilitate knowledge transfer and avoid the duplication of work. These tools are used to some extent and appreciated by some legal counsel and other professionals working on advisory services. However, in the case of Justipedia, it has not been widely adopted, and it is not generally perceived as adequately meeting the needs of those involved in advisory services.

The key challenge with Justipedia appears to come from the varying level of use among all advisory groups. Essentially, each unit or group decides the extent to which it uploads its work products into Justipedia, and like any other repository, the quality of the outputs is almost entirely determined by the quality of the inputs. In the absence of consistent and sustained efforts to maintain the quality of the input into Justipedia, it is unlikely that this tool will achieve department-wide results, but it may continue to serve the needs of some units or groups.

Isolated Initiatives

In this context, some advisory groups initiated their own knowledge management strategy. They created digital workspaces that they organize to reflect the nature of their specific work. These are used to centralize key documents that may be of assistance to new team members, to share some of the advisory products and, in some cases, some components of these digital spaces are shared with clients to allow them to access advisory information.

During interviews, client representatives expressed a desire to directly access some legal advisory products, without having to turn to LSU to ask for them. They indicated that having direct access to some of the simpler or more foundational advice would facilitate the sharing of this information within their department or agency.

4.2.4 Planning Remains a Challenging Task

Systematically planning advisory services includes a certain degree of uncertainty, as the range of issues that the government will face cannot be fully predicted. Practices that facilitate this process include the integration of the heads of advisory groups in the management structures of client departments and agencies, and the early engagement of Justice Canada by clients, particularly for more complex files. There is also a need to collect data that can better support management decision-making and planning processes.

Justice Canada and its client departments and agencies have several processes in place to support the planning of legal services. This planning serves to assess and forecast the demand for legal services, including advisory services, in order to ensure that Justice Canada has the capacity to meet the demand, and that client departments and agencies can manage the financial resources required to cover the costs associated with these services. The planning process also serves to confirm how both parties will interact and manage the ongoing demand for advisory services.

Planning with Limited Insights

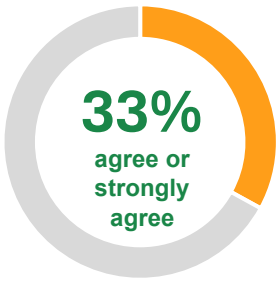
In planning for advisory services, Justice Canada and client departments and agencies deal with a certain degree of uncertainty. This comes from the fact that the federal government is constantly initiating programs and activities to respond to emerging needs, or to better address existing ones. Just as the operations of the federal government are constantly in flux, so is the demand for advisory services. In addition, events such as the pandemic, or international tensions, cannot be systematically forecasted, let alone the appropriate responses to these events.

While client departments and agencies main contact is typically the LSU assigned to them, they may also require the assistance of Centres of Expertise, the Specialized Legislative Services Section, or NLS' regional offices[14]. This can cause challenges around the planning of services. During interviews, client representatives noted that it was challenging at times to understand the division of roles and responsibilities within Justice Canada, and under which conditions or circumstances the various advisory groups were solicited. Some client representatives expressed the desire to access training or information that would allow them to better understand these various dimensions.

[14] In the case of NLS' Northern Regional Office, the office also serves as the main legal unit for some northern federal organizations such as the Canadian Northern Economic Development Agency and Polar Knowledge Canada.

These challenges were also reflected in the survey of justice professionals. As indicated in Figure 10, only a third of the respondents expressed strong confidence that their respective group had the capacity to plan for the expected demand for advisory services.

Figure 9: My group has the capacity to plan the expected demand for advisory services.
Source: Evaluation survey of justice professionals (2025)



While a level of uncertainty will always remain the current data on the actual use of advisory services is falling short of providing the type of information that could meaningfully support the planning process. In particular, client representatives noted that the data they currently receive is too generic to provide actionable insights and, as such, it can be difficult to trace back how advisory services were used, and why certain trends emerged, in order to leverage such information to plan for future services. For instance, it is difficult for a client to understand how Justice Canada resources were deployed in relation to a specific file. The data that clients receive is aggregated at a level that does not support file-level analysis.

Processes in Place

The foundational component of the current planning process for advisory services is the Memorandum of Understanding (MOU) that each client department or agency signs on a cyclical basis with Justice Canada. This document covers all legal services, namely advisory, litigation and legislative services, and establishes the respective roles and responsibilities of each party, along with the expected deliverables and results, the service standards that should be met, and other operational considerations (i.e., fee structure, invoicing, payments, etc.). A joint planning process is established, and Justice provides a yearly forecast of legal costs. Throughout the implementation of the MOU, parties may review and adjust the forecasting and associated costs to reflect new considerations. Each department or agency determines the process it wishes to use to negotiate the MOU, including the extent to which senior officials from the department or agency are involved.

At a more operational level, the short to medium-term planning of advisory services largely results from the ongoing discussions between each LSU and their assigned client department or agency or between the NLS Regional Offices and their clients. This dialogue allows both parties to establish a shared understanding of the trends in the demand for advisory services and the extent to which the initial planning must be revisited.

Factors Conducive to Effective Planning

During interviews, representatives from client departments and agencies emphasized the pivotal role that heads of LSUs play in supporting the ongoing planning of advisory services. Having the LSU heads directly engaged in the senior management structures of client departments and agencies is seen as a best practice that ensures ongoing communications on priorities and pressure points. While maintaining their independence as Justice Canada employees, the heads of LSUs are considered full members of the executive teams of the clients they serve. This facilitates the dialogue and the sharing of critical information on upcoming activities, priorities and initiatives, and it also allows Justice Canada to discuss the need to prioritize files as required. The extent to which this integration of the LSU heads into senior management structures is done varies among client departments and agencies.

Similarly, waiting for legal issues to emerge in relation to a file before engaging Justice legal counsel can make it far more difficult to address these issues, as opposed to having early consultations with legal counsel to support a full understanding of the legal considerations of a proposed approach, strategy or initiative. This early engagement of Justice Canada allows legal counsel to assess the complexity of an emerging file, determine the extent to which support will be required from other Justice Canada groups (e.g., Centres of Expertise), and ensure that required resources are available to provide timely support.

4.2.5 Assignment and Coordination of Files Are Working Well

The assignment and coordination of files are processes that are decentralized, allowing each advisory group to determine the most efficient approach. Overall, these tasks are working well, and there are supporting best practices.

Assigning Advisory Files

The management of advisory services is decentralized and this is reflected in the process used for assigning files. Each advisory group has established its own process for determining who works on which files (e.g. based on workload, expertise, learning opportunities, equity considerations). Overall, evaluation findings indicate that this approach is working well, and the following practices are seen as helpful:

- Ensuring that, to the extent possible, there is only one entry point for requesting advisory support. Instead of having clients directly contact a legal professional within LSUs or NLS Regional Offices with whom they may have already worked with, all requests are reviewed by management, who assigns the appropriate level of expertise to the file.
- Using more complex files to provide mentoring opportunities, by ensuring that the more junior counsel have occasions to work with more senior counsel.
- Establishing processes to facilitate exchanges among legal counsel and other professionals within a same unit to discuss and share experiences related to files that are complex and/or address emerging legal question.
- Establishing a procedure for requests made to Centres of Expertise or other Justice Canada groups as required, to maximize the contribution of these other groups and avoid duplication of efforts.

Over half (57%) of the respondents to a survey conducted as part of this evaluation agreed or strongly agreed that, based on their nature and complexity, advisory files are allocated to the appropriate team members. Interestingly, 15% of those in legal counsel positions (LP) disagreed or strongly disagreed with that statement, while 3% of those in legal management positions (LC) had the same opinion. While the latter group arguably has a broader perspective on this issue, there may be a need to ensure that the allocation process is clearly communicated to all team members.

Client departments and agencies have limited knowledge of the process used to assign files, but during their interviews, they expressed confidence that this process was done efficiently. Some noted that they would feel comfortable reaching out to the head of the advisory group if they had concerns around the assignment of files, but this had not proven necessary.

The Coordination of Advisory Work

The coordination of advisory work across the multitude of units and groups within the department is a colossal undertaking, but a critical one if Justice Canada is to "speak with one voice". As noted during interviews, this is particularly important and relevant considering the increasing number of interdepartmental or government-wide initiatives that are being launched, which require multiple departments and agencies to collaborate and coordinate their actions. During the evaluation period and as noted in subsection 4.1 on the relevance of advisory services, these broader initiatives covered a wide range of issues, such as climate change, reconciliation, or gender equity.

Within each advisory service group, several processes have been established to ensure that there is consistency in the advice provided and the way it is provided. To this end, certain protocols (checklists, templates, etc.) and processes (regular team meetings, peer review of draft advice from new members, etc.) are used to varying degrees. There are also processes in place for the engagement of other groups, such as the Centres of Expertise.

One area that is raising more challenges is the coordination of the advisory work on larger files involving several departments or agencies. Because of the decentralized nature of the management of advisory services, there is no process or framework that currently ensures coordination when multiple departments and agencies are collaborating on a file. It is up to the units involved to determine how to collaborate. In addition, in some cases, the division of responsibilities for advisory services between LSUs and NLS regional offices lacks clarity. As further discussed in section 4.3 of this report, these potential gaps in coordination are creating challenges in ensuring the consistency of advice on larger, interdepartmental files.

4.2.6 Performance Data Are Falling Short

> The current performance data collected in relation to advisory services does not meet the full range of information needs of Justice Canada or the client departments and agencies. This is an ongoing challenge that affects the legal profession as a whole, and it has a direct impact on the ability to plan and monitor the delivery of advisory services.

Current Approach

At the time of the evaluation, the department-wide performance data for advisory services was the information provided by LEX, and the results from the cyclical client feedback survey undertaken by Justice Canada that covers all legal services (advisory, litigation, and legislative).

This data does not meet all of the information needs of Justice Canada, nor those of the client departments and agencies. During interviews, representatives from both groups expressed frustrations with the lack of helpful data to support the planning and monitoring of advisory services. For instance, client representatives noted that the information as currently provided is not actionable, and it does not allow for any assessment or monitoring of how the work on advisory files unfolded. The way the data is structured and presented, and the lack of consistency over time are some of the limitations of this data.

The cyclical client feedback survey does provide some insights (some of which are used in subsection 4.3 of this report), but it is limited in scope. It gathers opinions on specific interactions with Justice

Canada on specific files and does not provide a broader perspective as to the extent to which Justice Canada is adequately supporting the department or agency as a whole in pursuing its mandate and priorities.

The Challenge of Gathering Meaningful Data

The literature on the management of legal services indicates that it remains difficult for the legal profession to gather meaningful performance data. There is an expectation that quantitative data can and should be collected to monitor and track the performance of legal services. However, the nature of legal services requires a nuanced approach. Simply tracking the number of files that are worked on, or the number of hours worked on a file provides some insights, but it does not account for several factors, such as the complexity of a file, the number of stakeholders involved, the division of work among several groups, or the evolution of the file over time. In his study of the management of legal services, Linna Jr. notes:

> "Where we have data, we lack standards for the quality and value of the underlying tasks and outcomes. Where we have standards, they are almost exclusively normative (based upon the judgement and opinions of lawyers), not empirical (evidence-based; determined by observable impact on outcomes)."[15]

Ultimately, the goal is to gather a combination of quantitative and qualitative data that can provide evidence of the effectiveness and efficiency of the legal services provided. As noted by Linna Jr., the analysis of this data should be based on established and evidence-based standards to allow for consistent ratings, something that remains difficult. In fact, there is no consensus in the literature on what these evidence-based standards should be. Justice Canada, in collaboration with client departments and agencies, could identify standards that would be applicable to the unique environment in which they operate.

There are currently no set standards against which it is possible to assess the current performance data collected, and the performance of advisory services remains largely based on the opinions of client departments and agencies. While that latter perspective is essential, it does not allow for a systematic assessment of the efficiency of the structures, processes, and other management procedures used in each group providing advisory services.

4.3 Effectiveness of Advisory Services

4.3.1 There Is a High Level of Satisfaction with the Services Provided

During the period covered by the evaluation, Justice Canada continued to deliver high-quality advisory services that meet the needs of its client departments and agencies. Some challenges around the timeliness and consistency of some of the advice provided were identified, but these are not widespread issues. The new legal risk framework is among the best practices that support the quality of service.

[15] Linna Jr, D. W. (2020). *Evaluating Legal Services: The Need for a Quality Movement and Standard Measures of Quality and Value*. https://www.legaltechlever.com/wp-content/uploads/sites/151/2020/03/Linna-Evaluating-Legal-Services-Quality-Value-2020-03-12.pdf.

Overall Perspective of Client Departments and Agencies

Justice Canada has a long history of providing high quality advisory services, and evaluation findings confirm that this trend has continued during the period covered by the evaluation.

Justice Canada uses a scale of 1 to 10 to assess various dimensions of quality, using 8.0 as the target level, and considering anything beyond 8.4 as surpassing the target with its cyclical client feedback survey. As illustrated in Figure 10, going back to 2006 and covering the period up to 2022, survey results indicate that Justice Canada has met, and has now exceeded the target level, with an overall level of satisfaction with advisory services standing at 8.6.

Figure 10: Satisfaction with the Overall Quality of Advisory Services (2006 to 2022)

Source: Justice Canada Legal Services Client Feedback Survey, 2022



To provide a more detailed picture of client satisfaction, the client feedback survey considers 14 dimensions of quality that cover accessibility/responsiveness, legal risk management, timeliness, and usefulness. On all 14 of these dimensions as applied to advisory services, the latest survey results indicate that Justice Canada has met or exceeded the 8.0 target. Figure 11 includes a selection of these dimensions that are particularly relevant for this evaluation. While Justice Canada met its target on all selected dimensions, the lowest results were related to keeping clients informed and the timeliness of services.

Figure 11: Satisfaction with Selected Dimensions of the Quality of Advisory Services (2020-2022)

Source: Justice Canada Legal Services Client Feedback Survey, 2022



In open-ended answers one respondent noted that they "have always found legal advisory services to be extremely valuable and of high quality," while another noted that Justice Canada had an "excellent client service mentality, very dedicated to providing helpful and enabling legal services while providing frank and neutral advice on legal risks." The concerns expressed in these open-ended responses related to the workload of legal counsel and their ability to meet all the needs of the clients.[16]

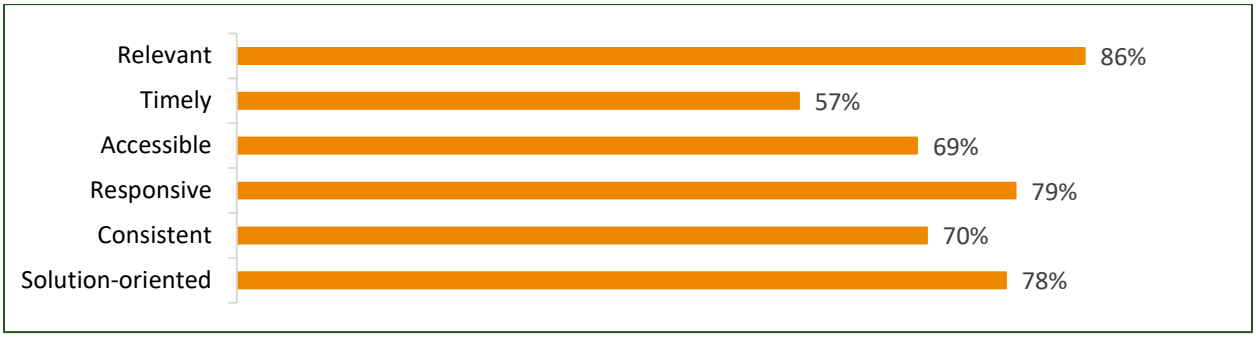
During interviews conducted as part of this evaluation, client representatives echoed these sentiments. They emphasized the commitment of legal counsel and other professionals, their high level of expertise, and their capacity to appreciate their clients' mandate, priorities, and challenges. As one client representative put it: "We could not function without that team, and we certainly couldn't function at the high level that we are without them. There's always room for improvement but my overall sentiment is how incredibly exceptional the advisory services are that we receive."

Overall Perspective of Justice Canada Professionals

Justice Canada professionals are generally confident to their ability to deliver high quality services. As illustrated in Figure 12, survey respondents expressed a high level of confidence on key dimensions of quality, with lower results on their ability to provide timely advice. On that latter point, respondents from the legal management group (LC) expressed greater confidence (64%) in their ability to deliver timely services.

Figure 12: Percentage of Survey Respondents who Indicated that they Were Confident or Very Confident in their Ability to Meet Selected Dimensions of Quality

Source: Evaluation survey of justice professionals (2025)



Potential Areas of Improvement

Timeliness of advice

The ability of advisory teams to deliver timely advice is, at times, challenging. Some of the concerns relating to the current workload of advisory teams that were expressed in the Justice Canada client feedback survey also emerged during interviews with client representatives. This, in turn, has contributed to some of these issues with the timeliness of advice. Survey results indicate that timeliness is not a widespread concern, and because each client department or agency operates in its own environment, the experience does vary. However, some of the client representatives consulted as part of this evaluation were unsatisfied with the timeliness of at least some of the advice they were provided with.

[16] Justice Canada. (2022). *Legal Services Client Feedback Survey: Survey Results – Cycle IV (2020-2022)*, p. 8-9. Available at https://www.justice.gc.ca/eng/rp-pr/cp-pm/dpr-rr/2022/sur/index.html.

Coordination of the work

Another key concern that emerged during client interviews related to the consistency of advice. As noted in subsection 4.2.4, Justice Canada does not have a systematic process in place for coordinating the work involving multiple departments and agencies. Client representatives described some cases where various advisory groups were seemingly providing divergent opinions to client departments or agencies involved in an interdepartmental initiative. However, as noted in interviews with legal counsel, client departments and agencies may not be having a shared understanding of the legal risks involved in a file and may not articulate their needs for legal advice in a consistent manner, leading to what may appear to be divergent opinions.

In the end, and consistent with the decentralized nature of the management of advisory services, each case is unique. The extent of the coordination on a file is determined by the approach that the various legal teams and their clients decide to pursue. As such, nothing prevents the coordination from occurring, but no systematic process ensures that it will.

Key Factors Supporting High Quality Service

Key factors that generally support the delivery of high-quality advisory services include:

- Supporting clients in asking the right legal questions: It cannot be assumed that client departments and agencies have the capacity to articulate their legal needs. Findings from the survey of Justice Canada professionals conducted as part of this evaluation indicate that 31% of respondents disagreed with the statement that clients "are generally in a position to come up with a clear articulation of their legal needs." During interviews, both Justice Canada representatives and their clients emphasized that asking the right legal questions is a skill to be acquired, particularly for those with no legal background. With the turnover in staff, there is a need for Justice Canada to pursue its training activities to build, enhance or maintain the capacity of client departments and agencies to articulate their needs.
- Finding balance in the provision of legal advice and legal policy advice: The line between legal and legal policy advice can be blurred at times, and some client representatives noted that some of the advice they receive appears to be covering both, making it difficult to differentiate the two. This is not a widespread issue and as such, the best practice consists of ensuring that the advice is limited to legal considerations, that leave clients with the decisions on the best course of action to pursue. In order to ensure the delivery of high-quality advisory services and strategic partnerships, finding the right balance between the provision of legal advice and legal policy advice is key.
- The new Legal Risk Framework: In June 2024, Justice Canada implemented a new Legal Risk Framework that includes, among other things, a new legal risk spectrum that is used to assess the level of risk applicable. At the time of this evaluation, the new framework was still being implemented, but positive views were expressed. Legal counsel and client representatives who commented on the new framework indicated that it is improving the communication of risks, and it is supporting the consistency of legal advice. Ensuring that this department-wide tool is effectively implemented and used appears is important.
- Taking full advantage of emerging technologies: As noted in subsection 4.1.3, the continued integration of new technologies, particularly data-driven AI tools, and analytics solutions, is an ongoing process that contributes to the quality of the advisory work. Legal professionals who responded to the survey conducted as part of this evaluation expressed the desire to enhance

the use of these new technologies to better manage existing knowledge, and to support stronger collaborations.

4.3.2 Justice Canada Is Acting as a Strategic Partner

Justice Canada has succeeded in being a strategic partner that enables its client departments and agencies to successfully pursue their mandate and priorities. As such, the notion of quality of service extends beyond individual files to cover the ongoing support that Justice Canada can provide.

A goal of this evaluation was to extend the assessment of quality beyond the transactional dimension of delivering a service in response to a request. It is important to ensure the quality of each advice provided. Beyond that, Justice Canada is also committed to being an ongoing strategic partner to its client departments and agencies, offering consistent support that ultimately enables them to successfully deliver on their respective mandates and priorities.

As noted in the preceding subsection, Justice Canada's cyclical client feedback survey confirms the overall quality of advisory services provided in response to specific requests. The survey questionnaire is distributed to individuals who requested legal services during the selected period and their insights cover the more transactional dimension of service delivery.

In the context of this evaluation, interviews with senior managers of client departments and agencies were used to broaden the perspective and see if, overall, Justice Canada was playing this strategic role of being an enabling partner. Evaluation findings indicate that this objective is largely achieved. As one senior manager noted, the key to this partnership is the sustained collaboration over time that allows for the partnership to be effective:

> "We really do have a great strategic partnership. It's ongoing and iterative because the issues are ongoing and iterative. If we are going to do this right, if we are going to do this properly, we need to do this in partnership with our legal services. We can't do this alone and then bring them in, it just doesn't work."

Based on opinions provided by both Justice Canada representatives in leadership positions and senior managers from client departments and agencies, the predominant factor driving a strategic partnership is the systemic engagement of Justice Canada throughout the decision-making process. By engaging early and engaging throughout, open and frank conversations can occur, and Justice Canada can provide independent advice that is grounded in an in-depth understanding of the parameters and overarching goals within which the client must operate.

As also noted during interviews, realizing this vision of partnership does require resources on both sides. The leadership of Justice Canada advisory groups must be systematically engaged in dialogues with the client's senior managers, and the advisory teams must be capable of engaging through the lifespan of those strategic files. Consequently, when asked about factors that may impede strategic partnerships, interviewees from Justice Canada and client departments and agencies pointed to a lack of resources, or timeframes that are too short to allow for the proper considerations of legal issues.

4.4 Efficiency of Advisory Services

4.4.1 The Ongoing Challenge of Measuring the Efficiency of Legal Services

While the measurement of efficiency in the legal profession continues to be challenging, client departments and agencies consider that they do get good value for money, and some best practices can be followed to support an efficient use of legal resources.

Measuring the efficiency of the provision of legal services remains difficult, and those who have studied this topic concede that the profession continues to struggle with this issue. As noted by Linna Jr.:

> "The legal industry has not undergone a quality movement and lacks standard measures of legal services quality and value. Whereas medicine long ago embraced evidence-based practice and empiricism, law muddles along, deferring to lawyers' untested, loosely conceived, normative standards for practice. As a result, existing data about legal-services delivery is of questionable quality, and we lack standard metrics to evaluate this data and any applications developed with it."[17]

According to the literature, pursuing an evidence-based approach to measuring efficiency would require clear output metrics (e.g., accuracy of the opinion provided, absence of errors, etc.), process metrics (e.g., checklists based on service standards), and input metrics (e.g., quality of personnel assigned, use of paralegals and other professionals, etc.). The most difficult aspect of proceeding with this approach is the establishment and the acceptance of these sets of metrics, and the time and resources required to properly document them. This task becomes particularly challenging when implemented in a legal team of the size and of the diversity of Justice Canada. This is even more compounded by the decentralized nature of Justice Canada's legal management structure.

Both private and public legal services have typically relied on billable hours to measure and monitor the deployment of resources, but as noted by Reich:

> "Billable hours as a benchmark of productivity is counterintuitive, as "the behavior that maximizes hours is antithetical to true productivity." While "[p]roductivity [generally] is the 'relative measure of the efficiency of a person in converting inputs into useful outputs,'" the general benchmark of lawyer productivity—the total time spent on a task without regard to the quality or utility of the work product—is a measure of anything but productivity."[18]

In addition, Semple concludes that the "lack of reliable value information hobbles the legal profession's aspiration to provide strong and ever-increasing value to clients and society".[19]

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[17] Linna Jr, D. W. (2020). *Evaluating Legal Services: The Need for a Quality Movement and Standard Measures of Quality and Value*. https://www.legaltechlever.com/wp-content/uploads/sites/151/2020/03/Linna-Evaluating-Legal-Services-Quality-Value-2020-03-12.pdf.

[18] Reich, J. F. (2020). *Capitalizing on Healthy Lawyers: The Business Case for Law Firms to Promote and Prioritize Lawyer Well-Being*. Charles Widger School of Law, Villanova University. https://digitalcommons.law.villanova.edu/vlr/vol65/iss2/3/.

[19] Semple, N. (2018). Measuring Legal Service Value. https://www.canlii.org.

4.4.2 Client Departments and Agencies Consider that they Are Getting Good Value for Money

Keeping these limitations in mind, the evaluation gathered the views of client departments and agencies on what they perceive to be the value for money for advisory services as currently delivered, and to identify factors that may support the efficient use of legal resources.

Overall, there is a clear sentiment among clients that they are receiving good value for money. “Definitively”, “without a doubt” or “absolutely” were some of the terms used by client representatives to describe the overall perspective on the value for money proposition. As one senior manager from a client department noted, “it’s hard to put a price tag on it”, referring to the range of benefits that come from having an assigned team of Justice Canada legal counsel who offers specialized expertise, in-depth knowledge of the client department, and who protects the interest of the Crown, “from the Crown’s perspective”.

Key factors that contribute to the efficient use of legal resources (some of which have already been mentioned in subsection 4.2 of the report on the design and delivery of services) include:

- Having a clear process in place with client departments and agencies to control access to legal counsel (e.g. one entry point) to ensure that files are assigned to the appropriate level of expertise.
- Having a process in place to support the prioritization of files.
- Maintaining a strong team of senior legal counsel who use their previous experience to avoid duplication of work and efforts.
- Maximizing the use of paralegals.
- Striking the right balance in sufficiently involving legal counsel throughout the lifespan of a file, while being selective in the range of activities they are engaged in.
- Ensuring that existing advice is readily available to client representatives.

The evaluation also examined the use of legal agents, particularly from the efficiency perspective, as the costs of these lawyers are covered by client departments and agencies. The data indicates that, during the period covered by the evaluation, only a fraction of advisory files involved legal agents, representing approximately 3% of the total budget for advisory services.

Finally, and as noted in subsection 4.2, there is a desire on the part of client departments and agencies to access better financial information and data on the level of effort on advisory files, to further enhance the forecasting and planning of financial resources to be allocated to advisory services.

5 CONCLUSIONS AND RECOMMENDATIONS

5.1 Conclusions

Justice Canada has consistently delivered high quality advisory services that allow federal departments and agencies to pursue their mandates and priorities. Findings from this evaluation confirm that the department continued to do so during the period covered by the evaluation, even as it dealt with the disruptive impact of the COVID-19 pandemic. The advisory support that Justice Canada provides to clients is seen as an essential component of the decision-making process of departments and agencies to ensure that they fully appreciate legal risks and other legal considerations in their ongoing activities and operations. Beyond the quality of services achieved at a transactional level, Justice Canada is seen as a strategic partner that enables its client departments and agencies to pursue their respective mandate and priorities.

There are challenges that must be addressed to ensure the sustainability of high quality advisory services. Despite an increase in human resources during the evaluation period, advisory groups continue to struggle to meet the ever-growing volume and complexity of demands for advisory services. Justice Canada's goal of offering a working environment that is conducive to work-life balance is being challenged, and concerns remain on the ability of the various advisory groups to recruit and ensure the right levels of expertise required to sustain the quality of service. In addition, the evaluation points to the need to pursue the integration of technologies, to grow the participation of paralegals where appropriate and feasible, and to improve the quality of performance data to better support the work of Justice professionals who provide advisory services.

Both Justice Canada and its client departments and agencies have established processes to support the ongoing management of advisory services. The MOUs signed between Justice Canada and its clients provide an overall framework for the provision of advisory services. Ongoing collaborations provide client departments and agencies with the opportunity to share their upcoming priorities and initiatives, or emerging legal issues, and for Justice Canada to relay any concerns regarding its capacity to meet the demand, or any other challenges that may arise. The integration of the heads of advisory groups into the senior management structures of client departments and agencies is seen as critical to sustain the ongoing dialogue and planning of advisory support.

Ultimately, while Justice Canada has some department-wide parameters in place, the management of advisory services remains largely decentralized within each advisory group and, as such, its critical to share best practices. It is also essential that some of the department-wide initiatives, such as the implementation of the Otto pilot project on AI, the new Legal Risk Framework, or any initiative on improving knowledge management are successfully implemented throughout the department. The various advisory teams must also strengthen their capacity to systematically collaborate on interdepartmental or government-wide initiatives.

5.2 Recommendations

During the period covered by the evaluation, the demand for advisory services has grown in volume and complexity and resulted in increased pressure on human resources. The evaluation identified several areas where increased efficiency would support the long-term sustainability of the provision of advisory services.

It should be noted that the environment in which advisory services are provided varies significantly across the Department, and that measures that work for one advisory group might not work as well for another. The unique characteristics of the various groups involved in advisory services should be taken into account when department-wide strategies are explored. In this context, the establishment of working groups could be considered when addressing the evaluation recommendations. Establishing working groups could also enable the sharing of good practices and lessons learned from the isolated initiatives that were put in place by various advisory groups across the Department.

The evaluation includes the following recommendations:

Recommendation 1 - Performance data: Improve performance data on the use of advisory resources to support strategic planning and ongoing management.

Recommendation 2 - Knowledge Management: Strengthen the use of departmental knowledge management tools and leverage new technologies, to enable a strategic knowledge transfer approach and avoid duplication of work.

Recommendation 3 - Coordination of Advisory Services: Establish mechanisms to ensure effective coordination between advisory groups, particularly for interdepartmental files.

Recommendation 4 - Workload management: To better balance workload and improve work-life balance, (1) identify tools that would better support counsel in their work and (2) explore ways to optimize work distribution among available resources.

Appendix A: Evaluation Issues and Questions

Relevance

1.1 How have the needs for legal advisory services evolved among federal departments and agencies during the evaluation period (2019-20 to 2023-24)?

- What have been the key changes in the policy, programming, and legislative environment in which Justice has been operating?
- What has been the impact of the COVID-19 pandemic on the demand for legal advisory services and the delivery of these services?

1.2 How have legal advisory services adapted to changes in the demand for service?

Design and Delivery

2.1 To what extent is Justice effectively and efficiently managing the planning, delivery, and monitoring of the provision of legal advisory services?

2.2 What best practices and lessons learned (within Justice and from the private law practice or from other jurisdictions) can support the effective and efficient delivery of legal advisory services?

Effectiveness: Service Excellence

3.1 To what extent Is Justice delivering legal advisory services that are relevant, timely, accessible, responsive consistent, and solution-oriented?

3.2 To what extent is Justice establishing, maintaining, and strengthening strategic partnerships to client departments and agencies?

3.3 How successful is Justice in recruiting, supporting, and retaining the legal professionals involved in the delivery of legal advisory services?

3.4 To what extent is Justice enabling agile responses in its delivery of legal advisory services?

Efficiency

4.1 To what extent are legal advisory services providing value-added to clients?

- What has Justice implemented to support an efficient delivery of its legal advisory services?
- What additional practices could Justice consider to enhance the efficiency of its legal advisory services?

Appendix B: Evaluation Methodology

Document Review

The document review was initiated during the design phase of the evaluation, and continued throughout the evaluation process, as additional information became available. It provided descriptive information on the various processes and tools that support the delivery of advisory services. The range of documents consulted included:

- Program documents: Key background documents related to the management structure and provision of advisory services from each portfolio/sector, (e.g., drafting guides, reference materials) and relevant departmental initiatives (e.g., service standard modernization, new legal risk framework, etc.).
- Publicly available departmental and other government documents: Departmental documents were reviewed (e.g., previous evaluations of advisory services, grouped by portfolios, audit reports), along with relevant documents on federal priorities (e.g., Departmental Plans, mandate letters, etc.).
- Survey: Justice Canada's Client Feedback Survey is administered by the Corporate Planning, Reporting, and Risk Division as part of its overall performance management agenda. The purpose of the Survey is to obtain feedback on the degree to which Justice Canada legal services, including advisory services, respond to the needs of client departments and agencies. Results from the Cycle IV (2020-2022) were available at the time of the evaluation.

Administrative Data Review

The administrative data review included information obtained from Justice Canada's Departmental Business Analytics System (i.e., Explore). Data was extracted from Explore's Data Warehouse via Tableau, which included data from LEX, and the IFMS. The data review focused on files to which Justice Canada employees recorded time between FY 2019-20 and FY 2023-24. The data review considered the number of hours that employees recorded by file type, client name, activity, and risk and complexity rating.

Literature Review and Environmental Scan

A literature review and environmental scan was undertaken to gather insights on trends and issues related to the efficient and effective delivery of legal advisory services in the public and private legal sectors. It explored approaches, models, best practices, and measurement strategies from other organizations.

Key Informant Interviews

Semi-structured interviews with key informants contributed to the in-depth understanding of advisory services. A total of 76 interviews were conducted involving 90 individuals. A total of 38 interviews were conducted with Justice Canada representatives, including senior managers at the portfolio level, legal counsel and managers from LSUs, the NLS, the SLSS, and Centres of Expertise. A total of 36 interviews were conducted with representatives from client departments and agencies. Finally, two

interviews were conducted with scholars who have published on the management of legal services (in both the private and public sectors). Appendix C provides further details on the range of individuals consulted through interviews.

Electronic Survey

A survey of Justice Canada professionals (legal counsel, paralegals, and other employees) involved in the provision of advisory services was conducted online. The purpose of the survey was to gather insights from counsel directly involved in service delivery on the different aspects covered by this evaluation. A sample of 1,468 individuals from the different sectors and portfolio received an invitation to participate in the survey. The process included an initial invitation from Justice Canada, followed by an email that contained an individualized link to access the online survey questionnaire. In total, three reminders were sent to those individuals in the sample who had not responded to the survey. All communications, including the survey questionnaires, were available in both official languages. A total of 457 individuals completed the survey questionnaire for a response rate of 31%.

Appendix C: Details on Key Informant Interviews

The following table includes the distribution of key informants for the purpose of the interviews.

Table 5: Distribution of Key Informants Interviewed

Categories	Number of Interviews	Number of interviewees
Legal Services Units	31	37
Other Justice Canada representatives (NLS, SLSS, others)	7	12
Client departments and agencies	36	39
Academia	2	2
Total	76	90

Representatives from Departmental LSUs were assigned to the following departments and agencies:

- Agriculture and Agri-Food Canada
- Canada Border Services Agency
- Crown-Indigenous Relations and Northern Affairs Canada
- Competition Bureau Canada
- Canada Revenue Agency
- Correctional Service Canada
- Communications Security Establishment Canada
- Canadian Heritage
- Canadian Security Intelligence Service
- Department of Finance Canada
- Department of Fisheries and Oceans Canada
- Department of National Defence
- Employment and Social Development Canada
- Environment and Climate Change Canada
- Global Affairs Canada
- Health Canada
- Immigration, Refugees and Citizenship Canada
- National Research Council Canada
- Office of the Superintendent of Financial Institutions
- Public Safety Canada
- Public Services and Procurement Canada
- Public Service Commission of Canada
- Shared Services Canada
- Royal Canadian Mounted Police
- Treasury Board of Canada Secretariat

Representatives from client departments and agencies included:

- Agriculture and Agri-Food Canada
- Canada Border Services Agency
- Canadian Food Inspection Agency
- Crown-Indigenous Relations and Northern Affairs Canada

- Competition Bureau Canada
- Canada Revenue Agency
- Canadian Heritage
- Correctional Service Canada
- Communications Security Establishment Canada
- Canadian Security Intelligence Service
- Department of Finance Canada
- Department of Fisheries and Oceans Canada
- Department of National Defence
- Environment and Climate Change Canada
- Global Affairs Canada
- Impact Assessment Agency of Canada
- Indigenous Services Canada
- Innovation, Science and Economic Development Canada
- National Research Council Canada
- Office of the Superintendent of Financial Institutions
- Parole Board of Canada
- Privy Council Office
- Public Services and Procurement Canada
- Public Service Commission of Canada
- Shared Services Canada
- Treasury Board of Canada Secretariat
- Transport Canada