



# **Evaluation of the Centres of Expertise**

## **FINAL REPORT**

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**Evaluation Branch  
Internal Audit and Evaluation Sector**

## ACKNOWLEDGEMENT

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## ACRONYMS

### Centres of expertise

ALC	Aboriginal Law Centre
CAILS	Constitutional, Administrative and International Law Section
CIPL	Centre for Information and Privacy Law
CLEL	Centre for Labour and Employment Law
CLS	Commercial Law Section
CoEPL	Centre of Expertise in Procurement Law
HRLS	Human Rights Law Section
OLAD	Official Languages Directorate

### Other acronyms

AAP	Aboriginal Affairs Portfolio
ATIA	<i>Access to Information Act</i>
ATIP	Access to Information and Privacy
BRLP	Business and Regulatory Law Portfolio
CAP	Central Agencies Portfolio
CBR	Canadian Bill of Rights
CBTL	Centre for Business and Technology Law
Charter	Canadian Charter of Rights and Freedoms
FIPP	Freedom of Information and Protection and Privacy
FTE	Full Time Equivalent
FY	Fiscal Year
GBA+	Gender-Based Analysis Plus
IFMS	Integrated Financial and Material System
IP	Intellectual Property
Justice	Department of Justice Canada
LSU	Legal Services Unit
NLS	National Litigation Sector
O&M	Operations and Maintenance
PA	<i>Privacy Act</i>
PLLSS	Public Law and Legislative Services Sector
PSPC	Public Services and Procurement Canada
SSC	Shared Services Canada



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# EXECUTIVE SUMMARY

## Introduction

The Evaluation of the Centres of Expertise (hereafter Centres) was part of the Department of Justice Canada's (hereafter Justice) Five-Year Departmental Evaluation Plan, and was conducted in accordance with the Treasury Board's *Policy on Results* (2016). The evaluation covered the fiscal years 2015-2016 to 2019-2020 and its main objectives were to assess the design and service delivery models of the eight Centres, to identify any challenges and common elements related to success, as well as good practices and lessons learned.

## Program Description

A total of eight Centres were examined as part of the evaluation, which fall under three Portfolios (Business and Regulatory Law Portfolio (BRLP), the Aboriginal Affairs Portfolio (AAP), and Central Agency Portfolio (CAP) and one Sector (Public Law and Legislative Services Sector) (PLLSS) (see Table 1). The types of work conducted by the eight Centres varies, but generally consists of some combination of the following: legal advice (including legal policy advice and litigation support), policy work, and knowledge management and outreach activities.

**Table 1: Centres included in the evaluation**

Centres	Portfolio/Sector
Centre for Labour and Employment Law (CLEL)	CAP
Commercial Law Section (CLS)	BRLP
Aboriginal Law Centre (ALC)	AAP
Centre of Information and Privacy Law (CIPL)	PLLSS
Constitutional, Administrative and International Law Section (CAILS)	PLLSS
Human Rights Law Section (HRLS)	PLLSS
Official Languages Directorate (OLAD)	PLLSS
Centre of Expertise in Procurement Law (CoEPL)	BRLP
Note: The Trade Law Bureau is Justice's ninth Centre. It has been excluded from the evaluation given the complexity of its joint structure with Global Affairs and current ongoing work.	

To provide their services, the Centres have established a set of protocols and processes that helps structure the distribution of work within the Centres and guide the interactions between the Centres and other Justice counsel (i.e., legal services units [LSUs], the National Litigation Sector [NLS], and other areas within Justice), as well as with client departments and agencies. Regardless of differences in design and service delivery models, all Centres share the common goal of providing timely, high-quality, and consistent legal advice.

## Relevance

The Centres continue to meet a demonstrated need within Justice. Stakeholders agreed that having access to centralized groups of experts within specific areas of the law was valuable. The Centres were found to collectively enhance the capacity of Justice to support client departments and agencies by providing expertise that would otherwise not be available. The Centres also supported the goal of

incorporating a whole-of-government perspective when addressing key legal issues, and ensuring that Justice speaks with one voice. In addition, ongoing or emerging government priorities were supported by the Centres through their contributions to policy development and legal advice, which was seen as beneficial to stakeholders. Overall, the number of hours logged for the Centres during the evaluation period remained fairly constant, which demonstrated a continued demand for their expertise. The vast majority of the work provided by the Centres was for legal advice, with all Centres having worked on a mix of low, medium and high risk and complexity files.

### Efficiency, Design and Service Delivery

Ensuring that the mandates of the Centres are widely known and understood by all stakeholders allows them to function according to their design and service delivery models. The evaluation found that the Centres have implemented activities to ensure that legal counsel within Justice, as well as client departments and agencies, are made aware of the services they can offer. However, there is a need to further increase the understanding and awareness of the Centres' mandates among stakeholders. This includes enhancing communication with respect to the type and extent of services provided by the Centres that would allow stakeholders to be more confident about when to engage with the Centres.

The Centres function through the establishment of their own protocols and processes that support ongoing activities and operations. Evaluation findings indicate that each set of protocols and processes offers its own benefits, such as:

- Supports awareness of who to engage (i.e., formal protocol and designated counsel);
- Facilitates consistency by having centralized groups of experts that incorporates a whole-of-government perspective (i.e., exclusive mandate);
- Develops knowledge of the client department and agency context (i.e., direct relationship with client departments and agencies and discretionary engagement with Centres, and designated counsel);
- Supports flexibility and knowledge transfer (i.e., discretionary engagement with Centres); and,
- Allows for continuity of service (i.e., designated counsel).

In addition to these successes, there are opportunities for the Centres to improve their overall functioning by ensuring that processes are clear and by promoting greater adherence to their specific protocols and processes. This can be achieved by establishing effective information and communication practices that will support stakeholder awareness of Centre services and the division of roles and responsibilities.

The structure of each Centre is unique given their individual governance, reporting, funding, and overall capacity. Although human resources levels of the Centres vary based on their mandate and work, several factors that supported effective functioning of the Centres included: maintaining a stable team, providing meaningful mentorship opportunities for legal counsel, and the inclusion of paralegals, where possible, to support the overall delivery of services. One challenge experienced by some Centres during the evaluation period was an expansion of their mandates and overall level of work, while maintaining the same level of human resources.

Evaluation findings indicated both strengths and challenges of the two funding models of Centres (A-Base and cost-recovery). There were challenges with both funding models in supporting the full range of activities being undertaken by the Centres, impacting legal counsel workloads. Depending on the

Centres' nature and level of work, likelihood of fluctuations in types of work over time, and the corresponding workload pressures, different funding models may work better for some Centres than others. Based on evidence from the evaluation, several Centres (i.e., CLEL, ALC, CIPL, HRLS, and CLS) were experiencing challenges in managing workload and in fully delivering on their mandates based on their current resource levels and funding models.

Another important aspect to the functioning of the Centres involves effective data management practices. The manner in which work is recorded within iCASE/LEX and the risk and complexity assigned to the files helps Centres proactively plan and identify issues and trends that are occurring. However, the evaluation found the amount of time recorded to various file types may not accurately reflect the work being conducted by the Centres. Given this, there is an opportunity to identify ways in which the tracking of time spent on different types of Centre activities could be improved.

### Effectiveness

The Centres were found to deliver high-quality legal advice, including legal policy advice, to their stakeholders. The Centres were also found to deliver timely legal advice, while recognizing that workload pressures may have an impact on the timeliness of the services provided. Legal advice provided to NLS was found to be meeting their needs, and was typically delivered in a timely manner, which was viewed as particularly important given the nature of work. For those Centres that engage in policy work, they were actively involved in a number of files involving Justice and other client departments and agencies that was highly valued. Finally, the Centres engaged in a range of knowledge management and outreach activities that were also valued by stakeholders. They indicated that they benefit greatly from these activities developed by the Centres and suggested that further products be made available, if feasible.

One of the central pillars of the vision of Justice is the development of client-centric strategic partnerships, which requires legal counsel to not only examine the legal issue at hand, but work to understand the client context, mitigate and manage risks, and work together to develop solutions. Evaluation findings confirm that the Centres collaborate in a positive and professional manner with their stakeholders and work towards the development of strategic partnerships by developing various mechanisms to share information (e.g., working groups, practice groups, regular meetings, etc.).

To further enhance the delivery of client-centric and strategic support, the evaluation points to a need to further expand opportunities for all key stakeholders to exchange information, to engage in strategic dialogue, and to support and expand stakeholder knowledge of cross-cutting issues and legal positions in specific areas of the law. Building a strong understanding of client department and agency priorities and operational realities will also assist in providing legal advice that is actionable. It is also important to build an understanding of the roles and responsibilities of all groups involved so that the appropriate groups are engaged at the right time in order to support consistent and efficient service delivery. Efforts to strengthen engagement activities will need to be balanced with resource levels and workloads, and reasonable in the context of the mandates and service delivery models of individual Centres.



## Recommendations

Based on these findings, the evaluation is proposing the following recommendations:

- Recommendation 1 - Mandates: Ensure that mandates are clear and effectively communicated to stakeholders through a coordinated approach.
- Recommendation 2 - Protocol and processes: Ensure adequate protocols and/or processes are in place to support effective and efficient Centre functioning and promote stakeholder awareness and adherence.
- Recommendation 3 - Resource levels and funding models: Review and adjust resource levels and/or funding models as necessary to ensure that Centres are able to fully deliver all aspects of their mandates.
- Recommendation 4 - Strategic partnerships: Enhance information sharing and engagement with stakeholders to best support strategic partnerships.
- Recommendation 5 - Data management: Ensure consistent recording of activities in LEX to better support departmental reporting and decision making.

# 1 INTRODUCTION

## 1.1 Purpose of the Evaluation

The Evaluation of the Centres of Expertise (hereafter Centres) was part of the Department of Justice Canada's (hereafter Justice) Five-Year Departmental Evaluation Plan, and was conducted in accordance with the Treasury Board's *Policy on Results* (2016). The primary purpose of this evaluation report is to provide an overview of the findings and recommendations for the eight Centres as a whole and their strategic role within Justice.

## 1.2 Evaluation Objectives and Scope

The evaluation included a broad assessment of the design and delivery of legal services by the eight Centres, including their mandates and service delivery models. It also examined the success of the implementation of the Centres and identified where opportunities exist to integrate good practices and lessons learned.

The evaluation included an assessment of eight Centres (see Table 2), and covered the fiscal years (FY) 2015-2016 to FY 2019-2020.<sup>1</sup> Based on consultations with senior managers within Justice, the evaluation included a more in-depth examination of four Centres: CLEL, CLS, ALC, and CIPL.

**Table 2: Eight Centres, by portfolio and sector**

Centres	Portfolio/Sector
Centre for Labour and Employment Law (CLEL)	CAP
Commercial Law Section (CLS)	BRLP
Aboriginal Law Centre (ALC)	AAP
Centre of Information and Privacy Law (CIPL)	PLLSS
Constitutional, Administrative and International Law Section (CAILS)	PLLSS
Human Rights Law Section (HRLS)	PLLSS
Official Languages Directorate (OLAD)	PLLSS
Centre of Expertise in Procurement Law (CoEPL)	BRLP

Note: The Trade Law Bureau is Justice's ninth Centre. It has been excluded from the evaluation given the complexity of its joint structure with Global Affairs and current ongoing work.

Various aspects of the service delivery models were explored from the initial request to the Centres, to the legal advice provided to the client, the follow-up activities from the Centres (e.g., knowledge sharing products and training), as well as the funding and staffing models. Policy related legal advice and activities provided by the Centres were also examined where relevant. In addition, the evaluation identified common elements related to success among the eight Centres. Good practices and lessons learned were also identified to provide a comprehensive perspective of what is working well, any challenges, and potential areas of improvement.

<sup>1</sup> The CoEPL and CLEL were established during FY 2017-2018; therefore, activities and data cover the previous three FYs (2017-2018 to 2019-2020).

## 2 OVERVIEW OF THE CENTRES OF EXPERTISE

### 2.1 Background of the Centres

Throughout the history of Justice, Centres have been established to adapt to the ever-evolving needs of the Department and to respond to client demand. As part of the legal advisory services function, the Centres are intended to provide integrated services, new ways of working, and a whole-of-Justice approach as part of the Department's vision. This single-window approach to service brings together talent to maximize expertise in a specific area of the law and provides consistent and effective legal advice to client departments and agencies.

There are different historical origins and timelines of the Centres, such as HRLS, OLAD, and CAILS, which have roots that span more than 30 years, while other Centres like ALC, CLS, and CIPL have been established in the more medium term. The two newest Centres, CoEPL and CLEL, were recently established in FY 2017-2018.<sup>2</sup>

While each Centre has a unique design and service delivery model, they all share the goal of providing a high-level of legal expertise in specific areas of the law. The fundamental rationale behind these Centres is that certain areas of the law can reasonably be expected to affect every client department and agency. For instance, regardless of their specific mandate, all client departments and agencies may face legal issues related to procurement and commercial activities, labour and employment, access to information and privacy, human rights, or official languages. All client departments and agencies must also operate within the parameters set by the Constitution, and they must consider Aboriginal law. Some Centres also offer expertise that supports the policy work that is directly undertaken by Justice or in collaboration with other federal partners as applicable. The Centres are therefore expected to provide a single-window approach to service, which brings together talent to maximize expertise in these areas of the law and to deliver services more efficiently and consistently.

### 2.2 Mandate and Areas of Expertise

Each Centre has a specific mandate, which outlines its areas of expertise and the types of services that it provides to its various stakeholders. It acts as a guide for when to engage with a Centre when it is determined that a need exists. Table 3 briefly describes the mandates and areas of expertise of the eight Centres, although it is important to emphasize that these descriptions are not exhaustive as a series of exceptions may apply in some cases.<sup>3</sup>

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<sup>2</sup> Centres may have existed in other forms prior to being established as the Centres they are now within Justice.

<sup>3</sup> CoEPL, CLEL, and OLAD have exceptions included within their mandates for specific client departments and agencies.

**Table 3: Mandate of the Centres**

Mandate	Areas of expertise
<p style="text-align: center;"><b>CLEL</b></p> <p>The Centre provides legal advice, including legal policy advice, related to labour and employment law directly to client departments and agencies on matters stemming from their deputy head's direct or delegated functions as employer. Its role relates to legal advice prior to the referral of a complaint or grievance for hearing or prior to the filing of an action. In addition, the CLEL provides litigation support as needed. It also focuses on providing whole-of-government expert legal advice by engaging in a variety of knowledge management and outreach activities, identifying issues and trends, cross government opinions, training, and presentation events for clients and Justice sectors.</p>	<ul style="list-style-type: none"> <li>• Legal issues related to the <i>Financial Administration Act and constituting statutes of separate agencies</i>, the <i>Canada Labour Code</i>, the <i>Public Service Employment Act</i>, the <i>Federal Public Sector Labour Relations Act</i>, and the <i>Public Servants Disclosure Protection Act</i>;</li> <li>• Delegated authorities and roles, and application of collective agreements; and,</li> <li>• Human rights in an employment context.</li> </ul>
<p style="text-align: center;"><b>CLS</b></p> <p>The Centre focuses on providing whole-of-government expert legal advice in corporate and commercial law, intellectual property (IP), information technology, and federal real property, including federal immovables. It also prepares professional development resources, such as guidance documents, practice tools, training events, informally collaborates with other Justice units on various files; and assists counsel on horizontal issues, as available resources allow.</p>	<ul style="list-style-type: none"> <li>• Corporate and commercial issues (e.g., contracts, transfer payments, commercial litigation, settlements);</li> <li>• Intellectual property and information technology; and,</li> <li>• Federal real property, including federal immovables.</li> </ul>
<p style="text-align: center;"><b>ALC</b></p> <p>The Centre focuses on providing whole-of-government expert legal advice related to the interpretation and application of Section 35 of the <i>Constitution Act, 1982</i> and Subsection 91(24) of the <i>Constitution Act, 1867</i>. It takes into consideration the intersection of Indigenous and international law and works on Indigenous legal policy files representing the most significant risks and opportunities to the federal government. Its mandate recently expanded to include the negotiation of administration of justice as part of self-governance agreements with Indigenous groups. The Centre also provides litigation support as needed and engages in a variety of knowledge management and outreach activities.</p>	<ul style="list-style-type: none"> <li>• Interpretation and application of Section 35 of the <i>Constitution Act, 1982</i> (Aboriginal and treaty rights, duty to consult and, if appropriate, accommodation); and,</li> <li>• Subsection 91(24) of the <i>Constitution Act, 1867</i>, which gives Parliament jurisdiction to make laws related to "Indians, and lands reserved for Indians."</li> </ul>
<p style="text-align: center;"><b>CIPL</b></p> <p>The Centre provides expertise related to the interpretation of the <i>Access to Information Act</i> (ATIA) and the <i>Privacy Act</i> (PA). It is responsible for supporting the Minister's statutory obligations under these two legislation, including legislative and regulatory reforms. In fulfilling this mandate, the CIPL is expected to provide legal advice on complex issues related to Access to Information and Privacy (ATIP) law, play an enhanced role in litigation support (i.e., assist in the development of the Attorney General of Canada's position in all litigation involving the ATIA and the PA), and provide a policy role with respect to ATIP law and policy reform. The Centre also promotes tools, training and supports practice groups, in addition to monitoring and reporting on trends in ATIP legal work.</p>	<ul style="list-style-type: none"> <li>• Interpretation of the ATIA;</li> <li>• Interpretation of the PA;</li> <li>• Interpretation of other Acts of Parliament as they relate to the ATIA and the PA; and,</li> <li>• Comparative interpretation of provincial Freedom of Information and Protection and Privacy (FIPP) legislation and of FIPP legislation in other countries.</li> </ul>
<p style="text-align: center;"><b>CAILS</b></p> <p>The Centre provides expertise in constitutional, administrative, Crown, public international, and international private law. Its work covers legal advice, including legal policy advice and litigation support, as well as policy development work involving international private law in four broad areas: international commercial law, judicial</p>	<ul style="list-style-type: none"> <li>• Constitutional law (e.g., the division of legislative powers);</li> <li>• Administrative law (e.g., the exercise of government powers);</li> </ul>

Mandate	Areas of expertise
<p>cooperation and enforcement of judgements, family law and child protection, and protection of property.</p>	<ul style="list-style-type: none"> <li>• Crown law (e.g. tort and contract, Crown agency status, prerogative, solicitor-client privilege);</li> <li>• Public international law (e.g., customary international law and treaties); and,</li> <li>• International private law (e.g., international commercial law, judicial cooperation, enforcement of judgments, and family and child protection).</li> </ul>
HRLS	
<p>The Centre provides specialized legal advice, including legal policy advice and litigation support, on matters related to the <i>Canadian Charter of Rights and Freedoms</i> (the Charter), the <i>Canadian Human Rights Act</i>, and the <i>Canadian Bill of Rights</i>, as well as Canada's international human rights obligations. It also has a unique role, with the Legislative Branch, in advising the Minister of Justice in the exercise of his statutory responsibilities to examine government bills and proposed regulations for consistency with the Charter and the <i>Canadian Bill of Rights</i>. The HRLS is also responsible for preparing Charter statements for government bills. A Charter statement is a document that identifies the provisions of a bill that may potentially affect rights and freedoms guaranteed by the Charter. The Minister of Justice has a statutory obligation to table in Parliament a Charter statement for every government bill introduced in the House of Commons or the Senate. In addition, the Centre covers a broad range of human rights policy issues, including matters relating to the <i>Canadian Human Rights Act</i>, such as mandatory retirement, hate speech, genetic discrimination, and religious accommodation. Finally, the Centre is responsible for international human rights law, primarily the domestic implications of treaty obligations, and responds to individual petitions to international bodies.</p>	<ul style="list-style-type: none"> <li>• Sections 1-15 and 24-33 of the <i>Canadian Charter of Rights and Freedoms</i>;</li> <li>• <i>Canadian Human Rights Act</i> and the <i>Canadian Bill of Rights</i>; and,</li> <li>• International human rights law.</li> </ul>
OLAD	
<p>The Centre provides legal advisory services with respect to language rights and policy, international Francophonie, and access to justice in official languages. Its work covers legal advice, including legal policy advice and litigation support, as well as policy development work involving official languages in accordance with the Canadian Constitution, the <i>Official Languages Act</i>, other legislation covering official language rights, and any other program or initiative related to official languages in Canada or the international Francophonie.</p>	<ul style="list-style-type: none"> <li>• Official languages law (federal, provincial and territorial);</li> <li>• Issues related to the access to justice in both official languages; and,</li> <li>• International Francophonie.</li> </ul>
CoEPL	
<p>The Centre provides procurement legal advice related to the process of acquiring goods, services or construction, generally related to the pre-contractual, contracting, or contract administration phases. It also provides legal advice in the context of litigation for claims and Judicial Review applications brought before the court as they relate to procurement; the conduct of procurement complaints before the Canadian International Trade Tribunal, excluding oral hearings; and legal advice in the context of Reviews and Investigations conducted by the Office of the Procurement Ombudsman, the Office of the Auditor General, the Parliamentary Budget Officer or other overseeing bodies.</p>	<ul style="list-style-type: none"> <li>• Procurement law, including all stages in the process of acquiring goods, services, or construction.</li> </ul>

## 2.3 Nature of Work

### 2.3.1 Types of Work

The Centres provide a range of services to client departments and agencies, legal services units (LSUs), National Litigation Sector (NLS), and other areas within Justice based on their specific mandates and service delivery models. The following are types of work the Centres may offer:



**Legal advice:** The most common element of the work undertaken by all Centres concerns the provision of legal advice. This legal advice may relate to specific cases or circumstances faced by a client department or agency (e.g., potential lawsuit, complaint, contractual issues, etc.). In addition to providing legal advice in general, Centres may also provide:

- **Legal policy advice:** Many Centres (ALC, CAILS, CIPL, CLEL, HRLS, and OLAD) provide legal policy advice in the context of policy support when a new policy or program is under development, or work related to a new regulatory or legislative initiative. This may involve, for example, legal policy advice in areas such as workplace harassment or violence, cross-cutting Indigenous issues (e.g., United Nations Declaration on the Rights of Indigenous Peoples, Section 35, etc.) or key human rights issues such as discrimination on the grounds of age, gender, or religion.
- **Litigation support:** Another important function of the Centres is to support legal counsel conducting litigation activities, by providing the expertise required to address specific legal issues. Some Centres, namely CoEPL and CAILS, also engage in some form of direct litigation activities, in accordance with their specific mandate. Finally, OLAD is responsible for coordinating the position of the Attorney General on all litigation issues involving official languages.



**Policy work:** Five of the Centres (ALC, OLAD, HRLS, CAILS, and CIPL) also engage in some form of policy work. This may include policy development related to government-wide initiatives (e.g., responses to the Truth and Reconciliation Committee's Calls to Action), legislative reforms led by Justice (e.g., amendments to the PA, or where Justice plays a central role along with other client departments or agencies (e.g., modernization of the *Official Languages Act*).



**Knowledge management and outreach activities:** As part of their ongoing activities and mandates, each Centre contributes to knowledge transfer and sharing of information. To maximize the benefits and impact of this work, the Centres develop various knowledge sharing products (new entries in Justipedia, newsletters, one-pagers, etc.) and engage in outreach activities (conferences, practice groups, training sessions, etc.).

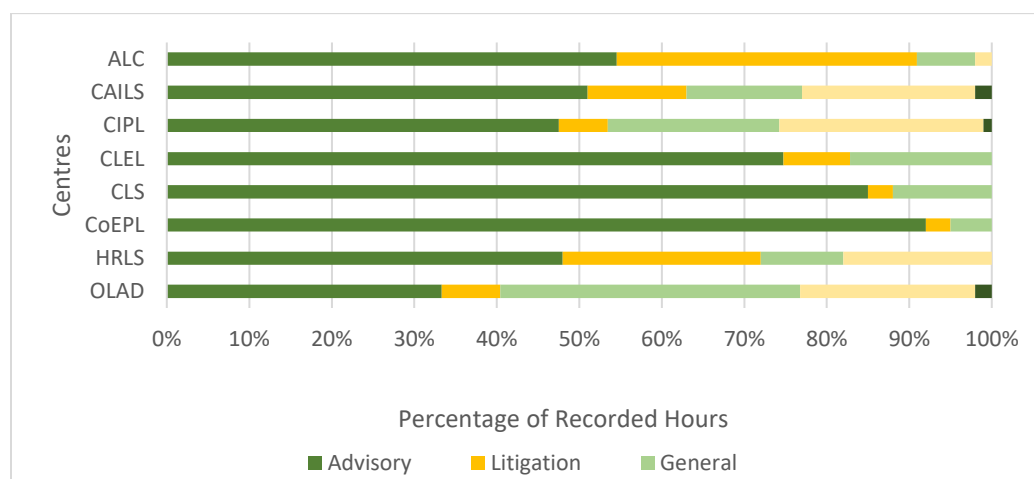
Figure 1 provides an overview of the percentage of time that the eight Centres dedicated to different types of work (excluding corporate files)<sup>4</sup> between FY 2015-2016 and FY 2019-2020. Note that the manner in which time is recorded in iCASE/LEX does not align exactly with the categories of work provided above. For instance, although litigation support may reflect a form of legal advice, it is coded separately in iCASE/LEX, and legal advice related to legislative work provided by Centres (which might be considered an aspect of legal policy advice) is recorded to legislative files in iCASE/LEX. However,

<sup>4</sup> Note that Figure 1 excludes time spent on corporate files (e.g., administrative, personal training, other 'non-legal' time), which was not included as part of this analysis.

Figure 1 provides a broad overview, in approximate terms, of the percentage of time that the Centres dedicated to different types of work.<sup>5</sup>

In general, the types of work for which Centre support is sought may vary based on their mandates and the specific areas of law covered. As illustrated in Figure 1, the mandates of CLEL, CLS, and CoEPL exclude policy work. As a result, their work is highly concentrated in providing legal advice. ALC and HRLS spend a greater proportion of their time in the context of litigation support, relative to other Centres. As for the general category, it is largely assigned to various knowledge sharing and outreach activities (e.g., training, publications, practice groups, etc.).

**Figure 1: Distribution of recorded hours, per type of service, FY 2015-2016 to FY 2019-2020**



Note: Data for CoEPL and CLEL cover three FYs, whereas the data for all other Centres over five FYs.

Notes:

I. CLEL and COEPL were not established until FY 2017-2018 and are therefore excluded from the first two FYs of the evaluation period.

II. The source of this data is iCASE/LEX.

While the overall trends reported in Figure 1 appear largely accurate, the evaluation confirmed that a number of challenges persist in monitoring the type of work undertaken by the Centres. The parameters of iCASE/LEX, the inconsistencies within and among the Centres in how hours were recorded, and gaps in file-related information provided by LSUs or other areas within Justice all contributed to some of the shortcomings in the accuracy of the data reported.<sup>6</sup>

<sup>5</sup> The National Timekeeping Protocol provides definitions on the following file types: (1) 'advisory' refers to recorded time spent responding to a request for advice, excludes advice provided on litigation and/or legislative/regulatory drafting activities; (2) 'litigation' refers to recorded time spent on matters relating to the conduct of litigation of any kind, with an anticipated or actual appearance before a court, tribunal or board. This type also comprises files opened for litigation support work; (3) 'general' refers to recorded time spent on non-legal matters; and, (4) 'legislative' and 'policy' refers to recorded time spent on legislative/regulatory activities, the development and implementation of policies, programs, special initiatives and projects in support of Justice mandate and objectives. This type also comprises files opened for drafting support work.

<sup>6</sup> Several Centres have identified that some aspects of their work might be under-represented as a result of coding issues in iCASE/LEX. For example, OLAD indicated that their policy and advisory work may have been under-represented in the data (being coded as general work instead). In addition, several Centres (ALC, CIPL, and HRLS) indicated that there may be an under-representation of policy work that may have been coded in other categories. Finally, CLS and CAILS suggested that there may have been some under-representation of the knowledge management activities, which should generally be coded under the general file, but may have been coded elsewhere.



### 2.3.2 Service Delivery Models

The Centres typically undertake a series of work processes when a request is received. The following phases outline these work processes from intake to the completion and dissemination of the legal advice (see Appendix A for each Centre's process maps). This description does not cover policy work, which follows standard policy development processes.

**Phase 1 - Request is made to the Centre:** When there is a need to seek legal advice from a Centre, requests can be made from various stakeholders, which may include legal counsel in LSUs, NLS or other areas within Justice as well as client departments or agencies. Requests can be made through a variety of ways but most commonly by email or telephone call. The one exception is CoEPL whereby a specific request form must be completed and submitted to a generic mailbox. Based on the specific service delivery model, requests can be submitted either to the management of the Centre or directly to legal counsel.

**Phase 2 - Request is reviewed and work is assigned:** Once a request is received, the information is reviewed to determine whether the request falls within the mandate of the Centre and clarifications may be sought as required. In cases where legal counsel received a request directly, they will often handle it themselves, although they may refer the file to a colleague or to management to assign as necessary. In cases where management receives the request, they will assign and allocate work to legal counsel within the Centre based on various factors such as expertise, availability, complexity of legal advice, timelines, etc.

**Phase 3 - Work processes for completing a request:** The work involved in responding to a request for legal advice varies, but may include: fact-finding (through a document review or discussions with the requester), legal research, consultations with colleagues and/or other areas of Justice, review of legal advice/work from stakeholders (e.g., LSUs), drafting legal advice, including legal transactions, and where appropriate a legal risk assessment or likelihood assessment.

**Phase 4 - Quality assurance:** Various quality assurance activities are used to support the consistency and high-quality legal advice provided. Particularly for more complex or higher risk files, the legal advice may be reviewed by senior counsel, management of the Centre, LSU heads or the Assistant Deputy Minister responsible for the Centre.

**Phase 5 - Communication, storage, and knowledge sharing:** Once completed, the legal advice is provided to the requesters (i.e., legal counsel in LSUs, NLS or other areas within Justice as well as client departments or agencies). Some legal advice is formal in nature; however, it is typically communicated more informally through an email, or verbally. In the latter case, a follow-up email or memo is normally sent to confirm what has been communicated verbally. The information is then stored within the Centre, and may also be saved in other tools such as Justipedia or LEX.

## 2.4 Structure of the Centres

The manner in which a Centre is organized provides a framework for how it operates. Among the eight Centres, each structure is unique given their individual governance, reporting, funding model, capacity, and location. The structure can have an impact on how stakeholders engage with the Centre, work is distributed, and how decisions are made; however, all Centres strive to achieve the same goal of providing timely, high-quality, and consistent legal advice.

The following highlights some of the key features that shape the organizational structure of each Centre:



**Portfolios and Sectors**

Four of the Centres (i.e., CAILS, HRLS, CIPL, and OLAD) fall under PLLSS, two of the Centres (i.e., CLEL and CoEPL) fall under the BRLP, while the ALC is located under AAP, and the CLEL is located under CAP.

**Co-location with LSUs**

Two Centres are co-located with a LSU. The CLEL is co-located with the LSU assigned to the Treasury Board Secretariat and the CoEPL is co-located with the LSU assigned to Public Services and Procurement Canada (PSPC) and Shared Services Canada (SSC). All other Centres operate without being co-located with a LSU.

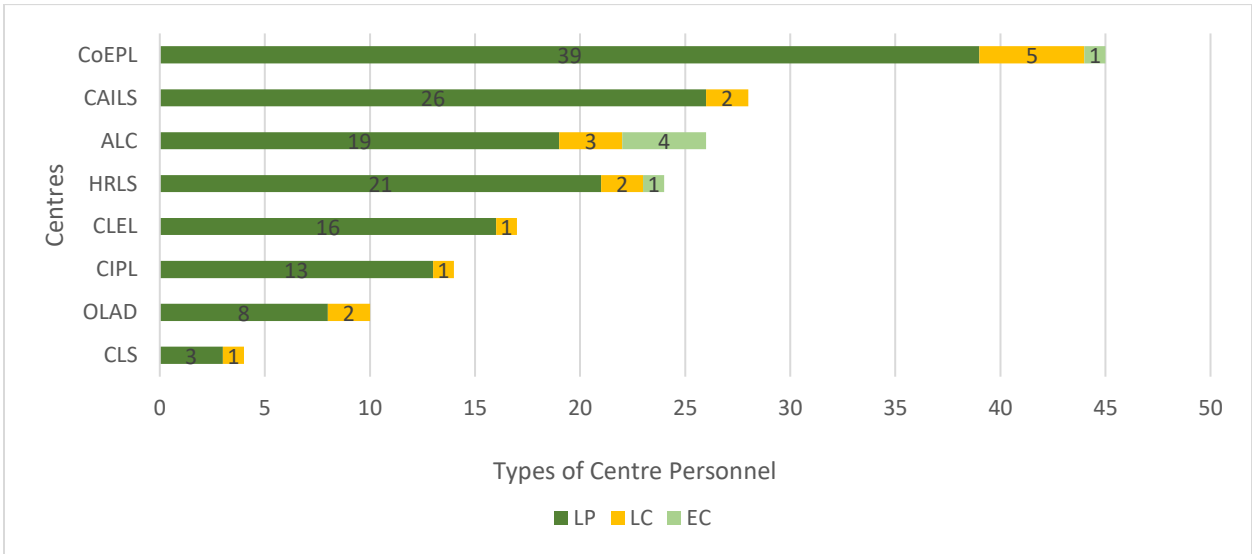
**Financial Models**

Two Centres (CLEL and CoEPL) operate with a cost-recovery funding model, while all other Centres operate with an A-Base funding model.

**Human Resources**

Centres vary in size, with CoEPL being the largest and CLS the smallest in FY 2019-2020 (see Figure 2). The staffing models and overall organization of personnel also differ among Centres with some organized based on type of work (i.e., advisory, litigation support, and/or policy), while others are based on areas of expertise, client department or agency portfolio, or other factors.

**Figure 2: Number of legal counsel and paralegals in the Centres FY 2019-2020**

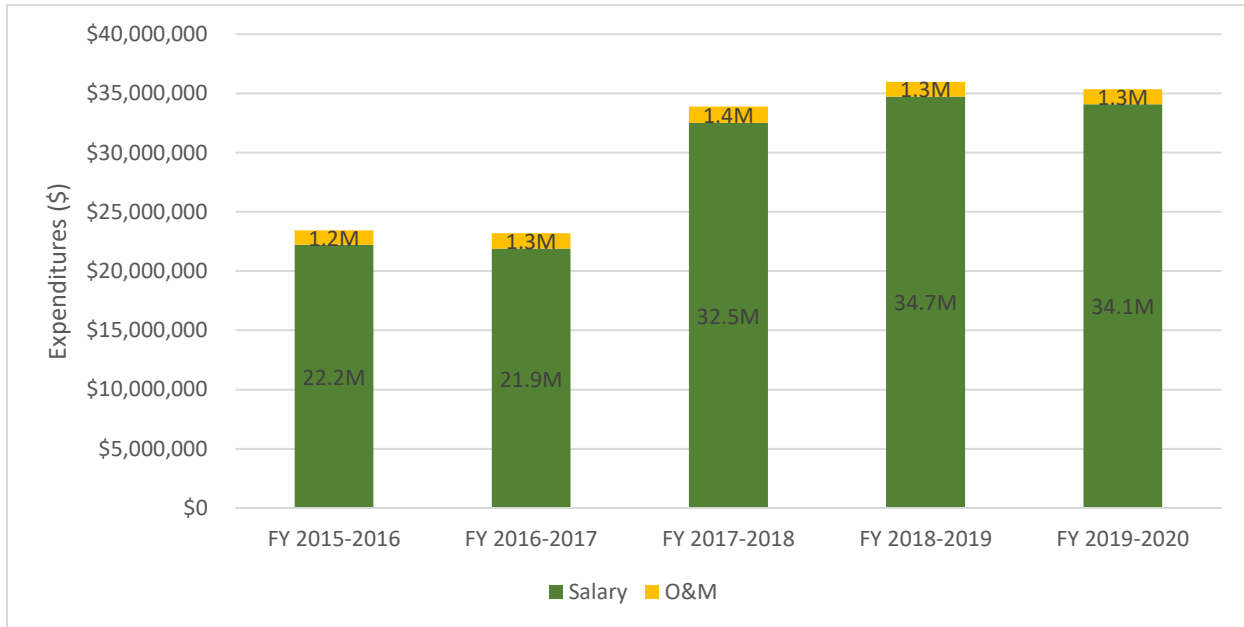


Notes:  
 I. Figure 2 includes LP, LC, and EC personnel only. Some Centres also have other administrative and support personnel who reflect a small portion of their overall full time equivalents (FTEs); however, they are not reflected here.  
 II. The source of this data is Integrated Financial Management System (IFMS)/PeopleSoft.

### 2.4.1 Financial Resources

During the period covered by the evaluation, the total amount of resources that Justice invested in the Centres has increased, in large part to accommodate for the creation of two new Centres in FY 2017-2018 (i.e., CoEPL and CLEL). Overall expenditures (salary and operations and maintenance [O&M]) have remained relatively stable over the last three FYs of the evaluation period. Figure 3 provides further details on the allocation of these resources. In FY 2019-2020, the total salaries for all Centres came to \$34.1 million, representing approximately 5.4% of what Justice spent that FY on personnel.<sup>7</sup>

**Figure 3: Total Centre expenditures, FY 2015-2016 to FY 2019-2020**



**Notes:**

- I. Expenditures represent direct operating costs for the Centres (i.e., internal services and other costs are excluded).
- II. Salary includes 20% Employee Benefit Plan rates.
- III. CLEL & COEPL were not established until FY 2017-2018 and are therefore excluded from the first two years of the evaluation period.
- IV. CoEPL O&M expenditures are not included in Figure 3 given CoEPL's O&M funds are centrally managed by PSPC LSU. Each FTE is allocated \$2,200 in O&M. However, specific expenditures for PSPC LSU and CoEPL are not tracked separately and, as such, cannot be represented here.
- V. The source of expenditures is from IFMS.

<sup>7</sup> The total amount spent by Justice on personnel comes from the GC InfoBase found at <https://www.tbs-sct.gc.ca/ems-sgd/edb-bdd/index-eng.html>

### 3 EVALUATION METHODOLOGY

To guide the evaluation, a methodology and evaluation matrix were developed that incorporated the flexibility of the Treasury Board's *Policy on Results* (2016). The scope of the evaluation focused on relevance and performance. The evaluation included seven main questions, as summarized below.

#### Relevance

1. Do the Centres continue to address a demonstrated need within Justice?

#### Effectiveness and Efficiency

2. What is the current design of each Centre and to what extent has each Centre been implemented according to plan?
3. How effective and efficient is the design and delivery of the Centres, including the mandate and service delivery model?
4. To what extent do the Centres work collaboratively to provide high-quality and consistent legal and policy advice?
5. How do the Centres contribute to Justice's Vision of client-centric strategic partnerships? Are there any areas of improvement?
6. Are there any opportunities (i.e., good practices or lessons learned) that could be implemented across other Centres to enhance their design or service delivery?
7. Are there common elements related to success among the Centres?

The evaluation included multiple data collection methods, including a document review, administrative data review, process mapping, key informant interviews, and focus groups. Each of these methods is described below.

#### 3.1 Document Review

The document review provided descriptive information on each Centre, as well as information that responds to evaluation questions. It covered the following documentation:

- Program documents: Key background documents provided by the Centres were reviewed. In some cases, it included internal data (e.g., training sessions, monitoring trends, and number of requests).
- Publicly available departmental and other government documents: The document review included publicly available documents, and relevant documents on federal priorities.
- Surveys: The Department of Justice Canada 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 was to obtain feedback on the degree to which Justice legal services respond to the needs of client departments and agencies. Qualitative feedback from Cycle III (2016-2019) were available for some of the Centres (i.e.,

CLEL and CoEPL). In addition, results from the Client Satisfaction Survey conducted by CoEPL were reviewed.

### 3.2 Administrative Data Review

The administrative data review was obtained from Justice’s Departmental Business Analytics System (i.e., Explore). Data was extracted from Explore’s Data Warehouse via Tableau, which includes data from iCASE, LEX, the IFMS, and the Human Resources Management System. The data were extracted between July 2020 and January 2021. The data review focused on files to which Centre timekeepers recorded time between FY 2015-2016 and FY 2019-2020. The data review considered both the number of actively managed files and hours recorded on those files by file type (excluding corporate files), client name, risk and complexity rating, and type of work conducted.

### 3.3 Process Mapping

To ensure that the evaluation was based on a complete and accurate understanding of the design and delivery of each of the Centres, an early data collection task included a process mapping exercise. An Evaluation Working Group representative for each Centre was asked to assist with identifying participants for the process mapping sessions. This exercise involved one three-hour in-person session with each Centre, with the goal of describing the flow of work, how processes were carried out, and where potential constraints existed or where improvements could be made.

### 3.4 Key Informant Interviews

Interviews were conducted with key informants representing the following groups: senior personnel from the Centres, other areas of Justice (i.e., LSUs, NLS, other Sectors or Portfolios as applicable), and representatives from client departments and agencies. The interviews with Centre legal counsel covered a broad range of questions regarding the relevance, design and delivery, effectiveness and efficiency of the Centres. Interviews were also conducted with users of the Centres, including those within Justice and other client departments and agencies who worked directly with the Centres. These interviews focused on the legal needs addressed by the Centres, the users experiences working with the Centres (e.g., when and how they engaged with the Centres), and questions related to the quality, consistency, and efficiency of the services received.

The evaluation included 60 small group interviews, involving 128 individuals. Table 4 provides further details on the distribution of key informants per Centre, with a further breakdown by stakeholder group provided in Table 7 in Appendix B).

**Table 4: Distribution of key informants interviewed per Centre**

Centres	Number of key informants interviewed
CLEL	21
CLS	16
ALC	17
CIPL	21
CAILS	12
HRLS	15
OLAD	15
CoEPL	11
<b>Total</b>	<b>128</b>

### 3.5 Focus Groups

Focus groups were conducted with legal counsel working in the Centres.<sup>8</sup> They centered on the strengths and limitations of the current mandate and work processes, as well as the quality of the support offered by the Centres. A total of 15 focus groups, involving 48 individuals, were held across the Centres (see Table 8 in Appendix B for a more detailed breakdown of number of participants per Centre).

### 3.6 Limitations, Challenges and Mitigation Strategies

The evaluation encountered a few limitations and challenges, with mitigation strategies implemented accordingly (see Table 5).

**Table 5: Summary of limitations, challenges, and mitigation strategies**

Limitation or Challenge	Mitigation Strategy
<p><b>Interviews and potential for bias</b></p> <ul style="list-style-type: none"> <li>• While a significant number of interviews and focus groups were held as part of this evaluation, they cover eight fairly unique Centres. As such, the number of stakeholders consulted under each category of each Centre remained limited.</li> <li>• There is a potential for bias due to the sampling approach, the voluntary nature of participation, self-reporting, and the possible desire to affect outcomes.</li> </ul>	<ul style="list-style-type: none"> <li>• To address this, multiple lines of evidence (e.g., Justice’s Client Feedback Survey, other relevant surveys, and administrative data) and triangulation were used to confirm results where possible.</li> <li>• Efforts were made to include a representative sample of participants, with diverse perspectives:               <ul style="list-style-type: none"> <li>○ Wide range of stakeholders (i.e., client departments and agencies, LSUs, NLS, other areas within Justice, and legal counsel within the Centres);</li> <li>○ Stakeholders who engaged with the Centres to varying degrees (i.e., large, medium and small users).</li> </ul> </li> </ul>
<p><b>Reliability and validity of administrative data captured in iCASE/LEX</b></p> <ul style="list-style-type: none"> <li>• The amount of time recorded to various file types may not accurately reflect the type of work being conducted. Several Centres noted that there may have been inconsistent recording in iCASE/LEX (i.e., some work may have been recorded to incorrect categories).</li> <li>• Due to some of the data entry and consistency issues encountered, it was challenging to obtain more detailed information in some areas, including:               <ul style="list-style-type: none"> <li>○ Risk and complexity of files were often not assessed and/or reflective of the risk and complexity of the file as a whole (rather than the work the Centre was doing on the file).</li> <li>○ For Centres who provided legal advice to LSUs, they were not always provided</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• This was addressed by holding working sessions with each Centre to fully assess any potential data management issues, and determine the best approach to appropriately represent the information in the reports.</li> </ul>

<sup>8</sup> Senior personnel from the Centres who already participated in interviews were excluded from the focus groups.

<p>with the file numbers for the legal advice they provided. In some cases, this resulted in Centres opening their own files to record their time, which could result in break in the link between the original file information (e.g., risk and complexity level, client department for whom the legal advice was provided, etc.) and the new file opened by the Centre.</p>	
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## 4 FINDINGS

This section of the report synthesizes the evaluation findings. The analysis is based on information that emerged from all lines of evidence. It explores the relevance of the Centres, the effectiveness and efficiency of their mandates, service delivery models, and structure, and the strategic partnerships that support the work of their client departments and agencies. The degree to which Centres work collaboratively to provide timely, high-quality and consistent legal advice and policy work is also examined. An overview of the findings from each of the eight Centres as well as process maps that provide a description of their overall processes can be found in Appendix A.

### 4.1 Relevance

The Centres continue to meet a demonstrated need within Justice. They fulfill a valued role by providing expert legal advice in specific areas of the law that incorporates a whole-of-government perspective.

#### 4.1.1 Continued Need of the Centres

The Centres continue to meet a demonstrated need within Justice. Key informants from all stakeholder groups<sup>9</sup> agreed that having access to centralized groups of experts in specific areas of the law was valuable. The concentration of knowledge within the eight Centres was regarded as fundamental to obtaining high-quality and efficient legal advice for the multitude of legal questions that can arise. Given the broad nature of the Centres’ practice areas, it was noted among legal counsel within the Centres and stakeholders that it would be challenging and time consuming to maintain such a high-degree of expertise in all applicable aspects of the law outside of these Centres; therefore, having these centralized groups of experts addressed this potential gap. In addition, accessing the Centres was seen as particularly important for client departments and agencies with smaller LSUs where legal counsel may not have significant experience in specific areas of the law.

The Centres were seen as particularly important in ensuring that a consistent approach was being undertaken given legal advice provided to one client department or agency may also be applicable to the whole-of-government. As such, stakeholders indicated that they had confidence that Justice is speaking with one voice and that there was alignment with the broader government perspective. The legal counsel within the Centres are also in a position to support other Justice counsel and act as a resource for them to discuss questions or ideas that may not require a formal legal opinion. Moreover,

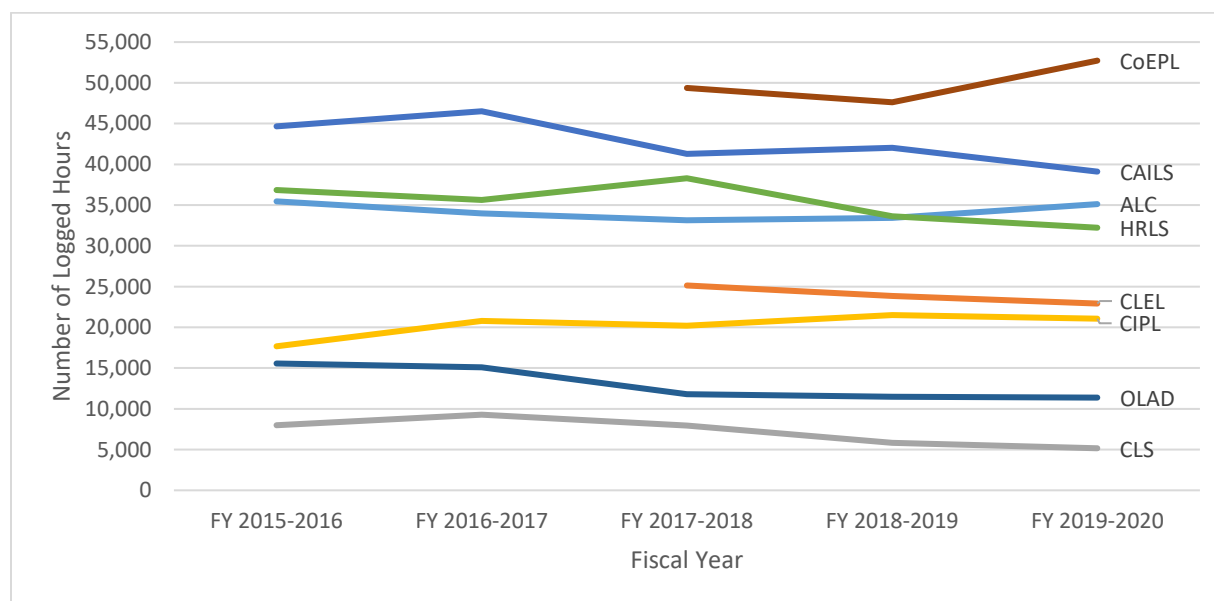
<sup>9</sup> In the Findings Section, the term “key informants” refers to those individuals consulted in interviews and focus groups for this evaluation. Several stakeholder groups were consulted, including legal counsel and management within the eight Centres, and representatives of LSUs, NLS, other areas within Justice, and client departments and agencies.

the Centres have the ability to analyze and monitor trends, which can contribute to greater consistency and improved knowledge sharing. Some Centres supported ongoing or emerging government priorities through their contributions to policy development or legal advice, such as strengthening relationships with Indigenous communities, supporting initiatives related to safe, inclusive and respectful workplaces, advancing Canada’s Digital Charter and enhancing powers for the Privacy Commissioner to establish a new set of online rights, or modernizing the *Official Languages Act*. Given this, key informants emphasized how beneficial it is to be able to engage with the Centres regarding these key initiatives.

#### 4.1.2 Ongoing Demand for Services

Evaluation findings confirm that there is an ongoing and continued demand for services offered by the Centres over the past five FYs. As shown in Figure 4, the number of logged hours for each Centre remained fairly constant over the evaluation period, demonstrating a continued demand for Centre work. Minor fluctuations in work over time appear to be largely related to overall Centre staffing and capacity levels. Although there is some variation across Centres, all Centres included work on a mix of low, medium, and high risk/complexity files.<sup>10,11</sup>

**Figure 4: Number of logged hours, per Centre, FY 2015-2016 to FY 2019-2020**



Note: The source of this data is iCASE/LEX.

<sup>10</sup> In order to more simply and concisely assess risk and complexity of files, a joint risk and complexity rating was used for this analysis. The joint risk-complexity rating scale was developed by the Justice Canada Business Analytics Centre. The scale reflects an amalgamation of the applicable risk and complexity ratings on files at the point in time when effort was recorded in the legal case management system to provide a more comprehensive framework for analysis (i.e., high, medium, low, too remote, and not yet evaluated). For more information, see [Risk Complexity \(RC\) Ratings](#).

<sup>11</sup> Note that the risk and complexity data is based on files that had a valid risk and complexity rating (i.e., low, medium, and high) and does not include files that were not assessed or not applicable. Also, risk and complexity ratings are assigned to the overall files by the file owners, which is not always the Centre.

## 4.2 Efficiency, Design, and Service Delivery

### 4.2.1 Clarity of Mandate

The mandates of the Centres are generally understood. However, there is a need for greater awareness and clarity with respect to the scope of services offered and guidance on when they should be engaged. There is an opportunity to explore a more centralized approach to defining and communicating these mandates to stakeholders to support a broader recognition and understanding of the Centres' mandates as a whole.

Ensuring that the mandates of the Centres are widely known and understood by those within Justice and among all stakeholders allows the Centres to function according to their design and service delivery models. In practical terms, this means that all legal counsel within the Centres should be clear about the precise scope of the mandate of their respective Centre, and of the other Centres they may need to collaborate with. This also requires that legal counsel in LSUs, the NLS, and other areas within Justice have an understanding about the types of services these Centres can be expected to offer, which in turn will ensure that the Centres are appropriately engaged. Client departments and agencies, while they may ultimately engage directly with some of these Centres, may also often rely on their LSU to guide them in their initial contact with many of the Centres.

Evaluation findings indicate that there is a basic overall knowledge among stakeholders with respect to the mandate of the Centres. Some of these Centres (e.g., HRLS, CAILS, and OLAD) have been operating in their current structure for a longer period of time, and are well established within Justice, which helps facilitate awareness of their mandates among stakeholders. Even for more newly established Centres (e.g., CoEPL and CLEL), their mandates are communicated through various means, such as memos, newsletters, presentations, and internal emails, which assisted in promoting a greater understanding of their services, protocols, and processes.

#### **Areas of Success**

Several factors have facilitated the awareness and understanding of the Centres' mandates among stakeholders as well as legal counsel within the Centres. These factors consist of:

- **Outreach activities:** Proactively engaging stakeholders through the distribution of memos, newsletters, and organizing various presentations and meetings (e.g., CLEL) helped to create awareness and a better understanding of the Centres' mandates.
- **Internal mentoring and support:** Providing peer mentoring and training to new legal counsel that join a Centre (e.g., CLEL, CoEPL and OLAD) ensured that all team members acquired relevant knowledge regarding the scope of services offered by the Centres.

#### **Challenges**

While evaluation findings indicate that stakeholders among the eight Centres have a general understanding and awareness of the mandates; some challenges do exist, including:

- **Lack of clarity:** Stakeholders indicated that, while they may be generally aware of the Centres' mandates in broad terms, the full scope of services remained somewhat unclear. This lack of clarity led stakeholders to sometimes engage with the Centres without knowing whether a request fell within the Centre's mandate or not. This was perceived to lead to inefficiencies in



the amount, timeliness, and appropriateness of requests received (e.g., questions sent to CIPL related to the application of solicitor-client privilege and Cabinet confidentiality outside the context of an ATIP request, etc.). In other instances, the lack of clarity resulted in hesitation to engage with the Centres at all. Other factors that led to difficulty in determining whether to engage with the Centres included:

- **Interconnected practice areas:** Depending on the request, there may be related practice areas that could link to the mandate of more than one Centre. This could occur, for example, with respect to procurement issues where questions may relate to the mandates of CLS or CoEPL, or between HRLS and CAILS for questions related to section 7 of the Charter (i.e., right to procedural fairness). In these circumstances, there may be uncertainty among stakeholders regarding who to contact when there is a legal question.
- **Expertise also existed outside the Centre:** In cases where it is discretionary to engage with a Centre, it may be difficult to determine who to engage when LSUs have the mandate to provide legal advice related to their client department or agency mandate (i.e., CLS providing expert legal advice in corporate law but Innovation, Science and Economic Development also advises on the *Canada Business Corporations Act*, as informed by client policy).
- **Need for greater awareness:** During the interviews, not all stakeholders from the eight Centres were aware of the specific mandate of the Centres, which was particularly evident in instances where the mandate of a Centre may have changed, for those legal counsel who do not regularly engage with a Centre, or for new legal counsel who joined a Centre.

★ **Opportunity for improvement:** While having a general understanding of the eight different mandates of the Centres was helpful, evaluation findings confirmed the need to strengthen that understanding. Throughout the interviews, stakeholders emphasized the importance of better communicating the type and extent of services provided, including examples of appropriate requests, so they can be more confident about when to engage with the Centres when a need is identified. In order to obtain information about Centre mandates, LSUs currently have access to Centre information that may be available in various formats and locations. The individual Centres, at this point, are providing information in silos, which does not allow legal counsel to build a detailed understanding of the services offered by each Centre.

To address this, a more coordinated or centralized approach could be adopted among the Centres in defining and communicating their mandates to stakeholders. There is an opportunity to respond to stakeholder needs by exploring various information management and outreach approaches, such as having a centralized location with key information about the Centres as well as outreach activities (e.g., information sessions), which would allow legal counsel to have open dialogue with the Centres to further build awareness and address any confusion.

#### ☑ **Good practices**

Ensuring there is a framework in place that supports knowledge development and raises awareness of the Centres' mandates among stakeholders and legal counsel within the Centres is seen as a key approach to understanding the type and extent of services that can be offered.

Outreach activities:

- The CLEL provides an example of exemplary outreach to its various stakeholders. When CLEL was established in FY 2017-2018, it was important to proactively engage with senior officials in client departments and agencies and LSUs to create an awareness of the Centre's mandate and the scope of services offered and regularly seek feedback. Over the past couple

FYs, management from CLEL have identified specific training needs from stakeholders and provided over 50 information/training sessions, and also identified emerging issues and trends in their area of expertise.

## 4.2.2 Service Delivery Models

Given their mandates, structures, and priorities, Centres have implemented their own unique service delivery models and processes to guide their work. All models offer some specific successes as well as challenges to the operation of the Centres. Irrespective of the particular model, having clear protocols and processes that were effectively communicated was helpful in enhancing opportunities for meaningful engagement and interactions among all key stakeholders.

Each of the Centres has their own set of protocols and processes that support their ongoing activities and operations. Although there are a number of similarities, there are also some differences in terms of the Centres' overall service delivery models. The sub-sections below describe several common aspects of these service delivery models, along with the degree to which the models are successful in helping Centres to complete their work, any challenges, opportunities for improvement, and/or good practices that have emerged from the overall experience of the eight Centres.

### 4.2.2.1 Formal Protocols

Four Centres (CIPL, CLEL, CoEPL, and OLAD) have established formal protocols that guide how their respective stakeholders should engage with them for the provision of legal advice (see box 4a of the process maps for these Centres in Appendix A). Although the content varies, these documents typically describe the vision and the precise mandate of the Centres and include some or all of the following details: the process to submit a request; the expected products; the distribution of roles and responsibilities; any exceptions to the mandate; the timekeeping guidelines; the file management process; and the Centre's service standards.

#### ***Areas of Success***

Although several Centres worked effectively without a formal protocol, and many stakeholders appreciated the flexibility of the informal approach, there was also support for the establishment of a formal protocol. Stakeholders identified the following benefit to having a formal protocol as part of the Centres' service delivery model:

- ***Supports awareness of how to engage with the Centres:*** Having a formal protocol in place was seen as an important mechanism of communicating and raising awareness of the Centres' mandates, roles and responsibilities, and processes in how to engage with the Centres to request legal advice. This can be particularly helpful for new legal counsel who join a Centre, or for those who may not regularly engage with a Centre as it helps guide their understanding of the types of services offered and of the service delivery model.

#### ***Challenges***

Although many aspects of having a formal protocol were seen as effective, evaluation findings indicate that some challenges exist, including:

- **Adherence to formal protocol:** Even though formal protocols have been established for CIPL, CLEL, CoEPL, and OLAD, there is evidence to suggest that some stakeholders are not always following established processes. This may occur for Centres with an exclusive mandate to deliver legal advisory services (i.e., CLEL, CoEPL, and OLAD), where client departments and agencies engage their LSUs for legal advice instead of the Centre. This can be attributed to a lack of awareness of the formal protocol or due to pre-existing relationships with legal counsel in LSUs. Similarly, the OLAD is responsible to coordinate the position of the Attorney General concerning any official language issues raised during litigation, but this process is not always followed by NLS legal counsel according to the protocol.
- **Clarity of formal protocol:** There is also a need to clarify the division of roles and responsibilities among some stakeholders working with CIPL, CLEL, CoEPL, and OLAD given it is not always clear who is responsible for certain tasks. For instance, in the case of the CLEL, the Centre shifted from having a shared role in litigation support to providing full litigation support in the majority of cases. While this was communicated to legal counsel identified in the NLS and relevant LSUs for awareness, some confusion remained among LSU, NLS, and Centre legal counsel over who is responsible for certain processes related to litigation files.

★ **Opportunity for improvement:** Promoting greater adherence to the formal protocols was identified by CIPL, CLEL, CoEPL and OLAD as one approach to improve the functioning of these Centres. To achieve this, clarifying roles and responsibilities (e.g., how ATIP designated counsel should be engaging with the CIPL) would be helpful. Other suggestions included providing additional information to stakeholders to clarify certain processes to support efficient Centre activities (e.g., clarifying the request form in the case of CoEPL; sending a memo from OLAD senior managers to NLS legal counsel regarding processes related to litigation; or clarifying the roles between LSU, NLS and CLEL legal counsel in matters of litigation).

#### 4.2.2.2 Exclusive Mandate

Three Centres (CLEL, CoEPL, and OLAD) have an exclusive mandate to provide legal advisory services in specific areas of the law. Therefore, when it is determined that there is a need for legal advice, these three Centres are the designated service providers on matters related to labour and employment, procurement and official languages law matters, barring specific exceptions for certain client departments and agencies (see box 3 of the process maps for these Centres in Appendix A).

##### **Areas of Success**

There are several benefits to having an exclusive mandate as part of the service delivery model, of CLEL, CoEPL and OLAD, such as:

- **Consistency:** An exclusive mandate was found to support the goal of ensuring an integrated and consistent approach is being undertaken in all matters related to labour and employment, procurement, and official languages law.
- **Whole-of-Justice perspective:** Having an exclusive mandate was noted as being valuable among legal counsel within the Centres in facilitating the development of whole-of-Justice perspectives given legal counsel are aware of all trends and issues arising that may have implications across client departments and agencies.
- **Centralized expertise:** An exclusive mandate helped to avoid having each LSU build and maintain the required expertise to adequately address issues related to labour and employment, procurement, and official languages law.

## Challenges

Although many aspects of having an exclusive mandate were seen as effective, evaluation findings indicate that some challenges exist, including:

- **Inefficient process:** Depending on the specific client department or agency, the expertise of LSU legal counsel, and the degree of risk and complexity of the legal question being asked, stakeholders working with the CLEL, CoEPL or OLAD may perceive engaging with the three Centres to be an unnecessary step. For instance, in the context of a low risk and complexity question, if an LSU is viewed as having enough expertise to deal with the legal issue themselves, engaging with the Centres for legal advice was, at times, viewed as resulting in delays.<sup>12</sup>
  - **Limits development of expertise among other legal counsel:** Having an exclusive mandate was noted as limiting the engagement of other Justice counsel in that particular area of the law. For example, knowing that legal questions related to official languages will be addressed by OLAD, LSU legal counsel tended to focus on other areas of practice and may disengage with official languages matters.
- ★ **Opportunity for improvement:** It may be possible to explore opportunities to engage or brief Justice counsel on legal advice provided to clients, where feasible, in the context of the exclusive mandate of the Centres.

### 4.2.2.3 Direct Relationship with Client Departments and Agencies

Three Centres (CLEL, CoEPL, and OLAD) directly provide legal advice to client departments and agencies in the areas of law covered by their mandates (see box 10 of the process maps for these Centres in Appendix A). When it is determined that there is a need for legal advice, a legal counsel from the LSU assigned to a client department or agency assists in making the initial request for legal advice, with the exception of CLEL where client departments and agencies typically contact the Centre directly. LSU counsel are kept informed at key stages of the legal advisory process; however, the interactions mainly occur between these Centres and the client departments and agencies. LSUs are generally provided with a degree of information on the files (e.g., being copied on the response or through briefings or other discussions, if required).

#### Areas of Success

There are several benefits to having a direct relationship with client departments and agencies as part of the service delivery model of CLEL, CoEPL and OLAD, such as:

- **Knowledge of client context.** This service delivery model allows the Centres to have an increased awareness of client departments' or agencies' organizational context and the current realities being faced. This knowledge provides the Centres legal counsel with the flexibility to tailor their approach to the specific circumstances of the client department or agency it supports and actively engage with them to support their decision-making processes (e.g., the Official Languages Law Team and the CLEL work directly with client departments and agencies to prepare and communicate legal advice, while keeping the LSU counsel informed). This is seen as particularly rewarding among legal counsel within these Centres as

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<sup>12</sup> Legal advice related to labour and employment law must be provided by excluded counsel, who are not always present in LSUs; therefore, it may not be feasible for LSUs to respond to low risk and complexity requests. Such requests are also a regular part of assessment in the Centre for purposes of monitoring cross-government trends/impacts and ensuring consistency.

it allows them to experience first-hand the contribution they are making. In the case of the Official Languages Law Team, it was indicated during interviews that they appreciated the opportunity to work directly with client departments and agencies.

- **Strong working relationships:** This service delivery model creates the opportunity for more open discussions with client departments and agencies, and allows trust to be built through these ongoing interactions. Client departments and agencies working with CLEL indicated that having direct access to legal counsel permitted greater engagement. The LSU counsel also noted being generally satisfied with the direct relationship between the Centres and client departments and agencies, particularly when they are kept sufficiently informed on large or complex files.

### **Challenges**

Although many aspects of having a direct relationship with client departments and agencies were seen as effective, evaluation findings indicate that some challenges exist, including:

- **Adherence to protocols:** Client departments and agencies and LSUs may not always adhere to protocol, as it appears that some LSUs continue to provide legal advice instead of engaging with the Centre (e.g., CoEPL). As such, legal counsel within the Centres may not be aware of all of the legal advice provided within their practice areas to ensure consistency and a whole-of-government approach.
- **Limits expertise:** The ability of legal counsel within LSUs to develop expertise and knowledge in these specific areas of the law is limited due to the Centres direct relationship with client departments and agencies. For example, LSU legal counsel are no longer developing expertise in labour and employment law due to CLEL's direct relationship with client departments and agencies.
- **Limits engagement:** Some LSUs perceived the current process as being largely transactional, with few opportunities to have meaningful engagement, and indicated that they would appreciate more meaningful involvement throughout the process of a request and after the legal advice is provided to client departments and agencies.

★ **Opportunity for improvement:** Clarifying the roles and responsibilities of LSUs, client departments and agencies, and the Centres and ensuring clear communication of these roles with stakeholders would improve adherence to protocol. As well, sharing information between Centres and LSUs on specific files, or supporting other strategic engagements would better inform legal counsel of issues being faced by client departments or agencies. For example, some LSU counsel and client departments and agencies may not be fully aware of or utilize opportunities to seek clarifications directly from the CoEPL, leading representatives from client departments and agencies to engage with LSU counsel to seek clarification or to ensure their understanding of the legal advice.

#### **4.2.2.4 Discretionary Engagement with Centres**

An exclusive mandate may not always be feasible or realistic, based on the area of the law and the degree to which the legal issues are embedded in the context of the day-to-day work of LSUs. Engaging with the ALC, CAILS, CIPL, CLS, and HRLS is at the discretion of legal counsel in LSUs, the NLS, and other areas within Justice (see box 3 of the process maps in Appendix A). As such, these stakeholders remain the lead on their files and engage with the Centres when it is determined that there is a need for legal advice. In this context, limited or no interaction is expected to occur between these Centres and client departments and agencies.

## Areas of Success

There are several benefits to having discretionary engagement as part of the service delivery model of ALC, CAILS, CIPL, CLS and HRLS, such as:

- **Supports flexibility:** Having the flexibility to engage with the Centres was noted as a strength for the ALC, CIPL and HRLS, given it provides LSUs with the opportunity to respond to requests and/or engage with the Centres for review of their legal opinions. This can help reduce the workload of the Centres and assist in meeting established timeframes, resulting in efficiencies. For instance, this was illustrated in the case of ATIP designated counsel who are able to respond to requests of lower risk and complexity and engage with the CIPL when requests are outside of their expertise, are of higher risk and complexity, or to review draft legal opinions. This is intended to reduce the workload of the CIPL legal counsel and to allow them to focus on addressing complex ATIA and PA issues and developing knowledge management products.
- **Knowledge transfer:** The ALC, CIPL, CLS, and HRLS all noted the value of legal counsel within LSUs being able to develop their own level of expertise in specific areas of the law and building their capacity. For example, if a LSU counsel has engaged with the HRLS on a number of occasions for a similar or reoccurring issue, that legal counsel may develop a draft of the legal advice themselves and send it to the HRLS for review.
- **Knowledge of client context:** LSU counsel generally have a strong working knowledge of the context and priorities of their client departments and agencies. For example, LSU counsel working with CAILS indicated that they are able to act as the link between the Centre and client department and agency to ensure that the legal advice fully considers the clients' specific context and realities.

## Challenges

Although many aspects of having discretionary engagement were seen as effective, evaluation findings indicate that some challenges exist, including:

- **Determining whether to engage the Centres:** Stakeholders working with the ALC, CIPL and CAILS noted that there are times when it is unclear whether the Centres should be contacted on certain files. In addition, stakeholders indicated that in some cases it becomes functionally mandatory to engage with the ALC, CIPL, and CAILS when it relates to specific work. For example, when developing policy with significant constitutional implications (e.g., CAILS), or when there are larger files that could be considered sensitive in nature.
- **Timing of engagement:** In some cases, there may be uncertainty about when to engage with the Centre, which can result in stakeholders reaching out quite late in the process (e.g., related to litigation or legal advice files for ALC), which may result in inefficiencies and delays in receiving legal advice.

★ **Opportunity for improvement:** Additional communication regarding the protocol and the roles and responsibilities of LSUs, client departments and agencies and the Centres was suggested by ALC and CIPL as one approach to improve the functioning of the Centres. Moreover, CAILS and CIPL noted that the Centres could also clarify when it would be beneficial to engage with the Centres, including specific examples of when it would be appropriate to consult with them on certain files.



#### 4.2.2.5 Designated Counsel

Three Centres (CIPL, CLEL, OLAD) assign each of its legal counsel to a client department or agency portfolio. This type of service delivery model provides stakeholders with the knowledge of who should specifically be engaged when it is determined that there is a need for legal advice. In the specific case of the CIPL, each LSU and NLS Region has an ATIP designated counsel who is responsible for the provision of legal advice in their unit, and who is paired with a CIPL counsel as well as with a back-up CIPL counsel. Therefore, when a legal question arises, ATIP designated counsel should receive the request first and if the request falls outside of the counsel's expertise, it is then sent to the CIPL counsel to be addressed.

#### **Areas of Success**

There are several benefits to having a designated counsel as part of the service delivery model of CIPL, CLEL and OLAD, such as:

- **Awareness of who to engage:** The process of who to engage at the CIPL, CLEL and OLAD is clear to stakeholders when a legal question arises, given that a contact list has been developed pairing stakeholders with designated counsel within these Centres. This, in turn, allows stakeholders the opportunity to build stronger working relationships with their designated counsel given their ongoing interactions.
- **Continuity of service:** Having a designated counsel increases their awareness if a similar question has already been addressed by the assigned client department or agency allowing for greater consistency. Also, if the designated counsel is on leave, legal counsel who are assigned as backups to the client department or agency portfolio are familiar enough with the issues being faced by the particular client department or agency to be able to provide support.
- **Knowledge of client context:** Having designated counsel allows for the development and concentration of expertise within the Centres. For example, this structure allows the OLAD and CLEL counsel to develop specific knowledge of the client departments or agencies, which results in practical legal advice that takes into consideration the client context.

#### **Challenges**

Although many aspects of having designated counsel were seen as effective, evaluation findings indicate that some challenges exist among some Centres, including:

- **Limits expertise:** In the case of OLAD, legal counsel within the Centre noted that working solely with their assigned client department or agency can limit their experience and knowledge to that specific client department or agency. This may cause an overspecialization in specific issues being faced by that client department or agency instead of being involved in a variety of different types of files.
- **Engagement of ATIP designated counsel in LSUs:** For CIPL, when ATIP designated counsel in LSUs are overworked, unavailable, or do not have the required experience for the position, the process can be inefficient. For example, if ATIP designated counsel in LSUs are unable to respond to lower complexity requests for these reasons, this may lead to having a greater reliance on legal counsel within the CIPL to respond to requests that should be handled by the ATIP designated counsel themselves.

★ **Opportunity for improvement:** In order to support broader learning experiences and interests, one suggestion from OLAD legal counsel was implementing a rotation for designated counsel among different client department and agency portfolios, where possible. In addition, there may

be an opportunity for the CIPL to conduct additional outreach to LSU managers and designated ATIP counsel to increase awareness of the roles and responsibilities of an ATIP designated counsel as well as guidelines that LSUs could consider when selecting ATIP designated counsel (e.g., through information sessions or a brief document).

#### ☑ **Good practices**

There are some identified strengths with the various protocols and processes implemented within the eight Centres, that have contributed to their successful functioning, including:

Formal protocol:

- Stakeholders emphasized the benefits of having a formal protocol in place, like in the case of OLAD, CoEPL, CLEL, and CIPL, as they were aware of with whom they should engage at the Centre, who the back-up legal counsel is on the file, and were provided with information regarding the mandate and roles and responsibilities. The protocol offered a clear structure that helped guide stakeholders when a need for legal advice was identified.

Designated counsel:

- Having designated counsel assigned to provide services for specific client departments and agencies was seen as contributing to continuity of service and building an understanding of client departments and agencies context and developing designated counsel expertise (e.g., CIPL). In addition, the OLAD has implemented a two-year rotation of legal counsel assigned to client departments and agencies so they can continue to broaden their experience, and avoid having an overspecialization. CLEL also regularly assesses client assignments based on workload, professional interest, and development in various areas. By implementing these processes, the Centres achieve a balance between maintaining a stable link with client departments and agencies, while also providing opportunities for the legal counsel to expand their experiences.

Quality assurance process:

- To ensure high-quality legal advice is provided to various stakeholders, all Centres have implemented quality assurance processes, to various extents, to support consistency and comprehensiveness (see box 12b of the process maps in Appendix A). Some examples include:
  - The CLEL has established a formal quality assurance process whereby senior counsel (i.e., LP03s) are responsible for coordinating requests for legal advice to legal counsel within the Centre and conducting a peer review of drafted legal advice. In addition, other legal counsel within the CLEL with experience in a particular area of law may also regularly perform a peer review of draft legal advice. Moreover, CLEL management may review specific opinions as well as all cross-government products.
  - The HRLS has implemented an effective quality assurance process, particularly for new or junior legal counsel, which ensures that draft legal advice is reviewed by a senior HRLS legal counsel and then HRLS management, typically for a period of six months. In addition, for all requests that involve matters with significant legal risk, a senior legal counsel or HRLS manager will review.

Despite the specific protocol or processes that all Centres have implemented to facilitate their functioning, one of the most important factors that needs to be considered is how information is communicated to each Centre's stakeholders (e.g., whether through a formal protocol or more informally). Another important factor is the degree of awareness stakeholders have with respect to



each Centre's mandate, roles, responsibilities, and processes. Establishing effective information and communication practices (e.g., through outreach activities like presentations, or training sessions) enables the Centres to create an awareness of the structure in which they operate and an understanding of the services they can provide.

### 4.2.3 Structure

The human resources and staffing models currently in place are functioning well and generally support day-to-day work processes of the Centres. Although both A-Base and cost-recovery funding models had some advantages, some challenges were identified. Several Centres had experienced changes in mandate that had impacted workload without any changes to Centres' A-Base resources, resulting in workload pressures. The cost-recovery model also resulted in challenges to adequately fund certain aspects of some Centres' mandates (e.g., billing for knowledge management activities and products distributed to multiple departments).

#### 4.2.3.1 Human Resources and Staffing Models

The evaluation focused on two dimensions of the structure of the Centres: human resources and staffing models and financial models.

##### ***Areas of Success***

Building and maintaining a team of experts in highly specialized areas of the law is an inherently challenging process. Finding legal counsel with the right skills and expertise, allowing them to acquire advanced knowledge as experts, and supporting their continuing progression remains a priority for all Centres. Evaluation findings indicate that the following factors support an effective internal structure:

- **Stability:** Maintaining stability within both the team and the management of the Centres was often mentioned during interviews as being a particularly important factor. Among other things, it greatly facilitates the process of integrating new legal counsel and maintaining the corporate knowledge and experience of the Centres.
- **Mentorship:** Mentorship opportunities are seen as being equally important. During interviews, legal counsel within the Centres repeatedly emphasized the benefits of creating formal and informal mentorship opportunities.
- **Paralegals:** Having the support of paralegals, whenever possible, was identified as a significant addition to the complement of legal counsel in the Centres. These individuals can provide support at various stages of the legal advisory work process, from the intake of new requests, to undertaking research activities, and supporting information management and knowledge sharing.

##### ***Challenges***

Although there are several factors that contribute to a successful internal structure, evaluation findings indicate some challenges, such as:

- **Recruitment and retention:** Having highly qualified personnel is important for Centres in order to provide expertise in the various areas of practice that fall within their mandates. Evaluation findings indicated that some Centres reported challenges in recruiting new legal

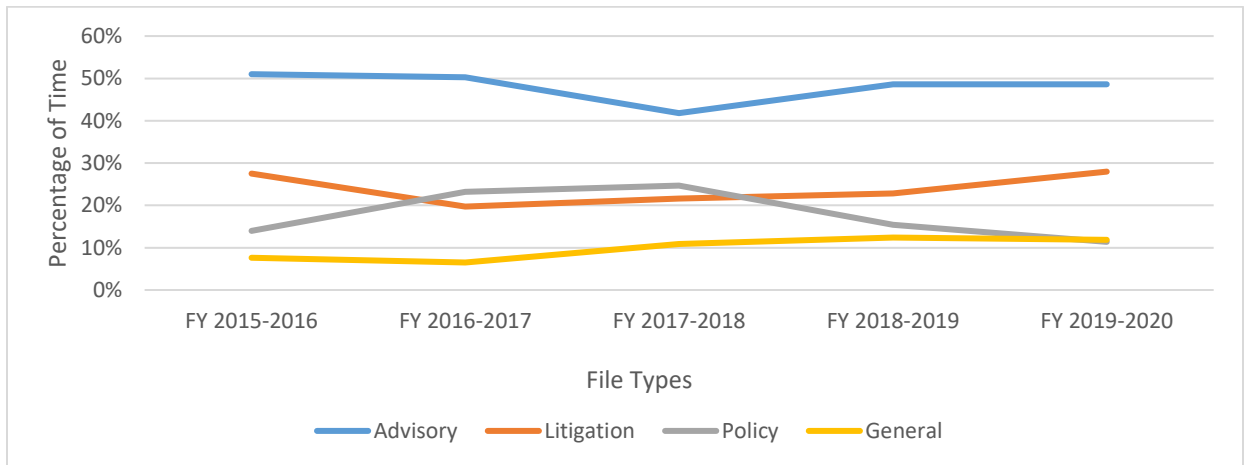
counsel, particularly individuals with existing expertise in particular areas of the law. When turnover occurs within the Centres, this can create pressure on other legal counsel to train and mentor new recruits who may not have the background to work independently, which could also impact work assignments. This was particularly evident when there were limited resources within a Centre with a broad mandate to fulfil. This, in turn, may limit the ability of these legal counsel to engage in knowledge management, professional development, or outreach activities. Some Centres also suggested that retention could be an issue given their size and structure. As legal counsel in the Centres become experts in their respective areas of the law, they may be faced with limited advancement opportunities, given that many Centres are relatively small units with limited positions at more senior levels.

- **Capacity:** Issues of capacity were also raised for several Centres. CLS is the smallest of the Centres with a total of approximately five FTEs in FY 2019-2020. Several stakeholders identified the reduction in the number of staff in the CLS practice areas (in particular in IP since the absorption of the IP Secretariat in the CLS) as an area of concern. This was seen as hindering the Centre's ability to fulfill its mandate, such as regularly producing new reference materials and updating tools and templates. In addition, some CLS counsel noted that there was uncertainty about the types of questions that the Centre could address because of the resource constraints. Furthermore, both recruitment and retention are thought to be impacted by the limited number of opportunities for advancement in the Centre, as there are few senior positions given its size and structure.

Evaluation findings also indicated that there was a need to divert internal resources within some Centres to address the influx of work associated with their newly expanded mandates. For instance, this has been the case for the ALC, which has experienced an increase in demand with respect to policy work (e.g., administration of justice negotiations and UNDRIP) stemming from the Minister of Justice's mandate letter as well as new ministerial priorities. Capacity issues were raised for HRLS as well, given the new obligation to develop Charter Statements upon the introduction of a new bill as part of their mandate. In addition, the CIPL has taken an increasingly larger role in policy work through their review of the PA.

Figure 5, 6 and 7 demonstrates some of the fluctuations in work experienced by the Centres. As can be seen, HRLS and CIPL have both experienced fluctuations in the level of policy work over time, with corresponding increases or decreases in other types of work, commonly advisory or general (including knowledge management) (see Figure 5 and 6). ALC has also experienced an increase in policy work over time, although ALC has indicated that some of this work may have been reflected as advisory in iCASE/LEX and will show as such in Figure 7. When there are fluctuations in one type of work that must be addressed within the same overall level of capacity for the Centres, the ability to fully support all other types of work can be impacted. This can make it challenging for Centres to adequately deliver on all aspects of their mandate.

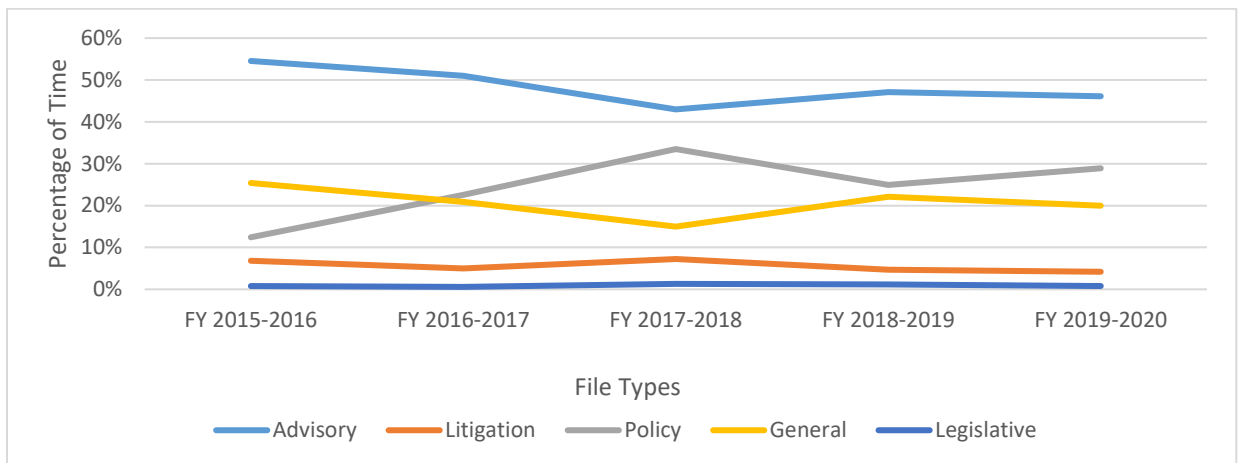
**Figure 5: HRLS percentage of hours logged by file type, FY 2015-2016 to FY 2019-2020**



**Notes:**

- I. Legislative work in Figure 5 (usually legal advice in the context of legislative work) accounts for 0.48% of the HRLS's time and has not been reflected in the analysis.
- II. The source of this data is iCASE/LEX.

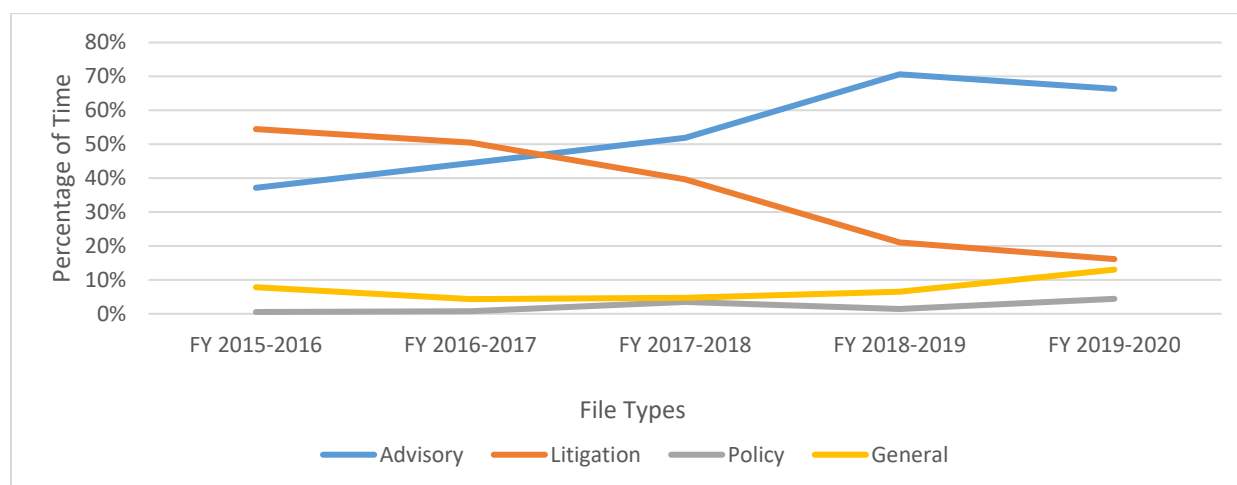
**Figure 6: CIPL percentage of hours logged by file type, FY 2015-2016 to FY 2019-2020**



**Notes:**

- I. Policy work may be underrepresented in Figure 6 due to variation in timekeeping practices among CIPL counsel. Depending on the individual file certain policy work may have been recorded to advisory or general categories.
- II. The source of this data is iCASE/LEX.

**Figure 7: ALC percentage of hours logged by file type, FY 2015- 2016 to FY 2019-2020**



**Notes:**

- I. Policy work may be underrepresented in Figure 7 due to variation in timekeeping practices among ALC counsel. Depending on the individual file certain policy work may have been recorded to the advisory category.
- II. Legislative work (usually legal advice in the context of legislative work) accounts for 0.2% of the ALC's time and has not been reflected in Figure 7.
- III. The source of this data is iCASE/LEX.

In summary, several Centres have experienced changes in mandate or fluctuations in various types of work over the last FY. Although these Centres are managing the increased demand for these new initiatives, this has created some additional pressure on internal resources, when there has been no corresponding adjustment in resources. Assessing the capacity of the Centres to adequately fulfill their mandates, particularly when there are additional demands placed on them would support the effective planning of overall human resources required to complete Centre work.

**☑ Good practices**

Several Centres engaged paralegals to support efficient distribution of work within the Centres and supported new or junior legal counsel through mentorship activities.

**Paralegals:**

- Paralegals from the CoEPL review the request form first to ensure that the issue falls within the mandate of the Centre. If so, they then determine if there are any gaps in information or points of clarification in the requests that should be addressed prior to the files being assigned to a CoEPL counsel. These measures have been implemented to support efficient processing of requests internally.
- CLEL also has a senior paralegal who assists by conducting research, knowledge sharing, organizing SharePoint with respect to issues and trends, and preparing summaries of key decisions for LSU heads.

**Mentoring and support:**

- To support legal counsel, the CLEL, CoEPL and OLAD have implemented peer mentoring processes that equip legal counsel with the tools needed to understand the Centre's mandate and the opportunity to learn first-hand from experienced senior counsel. For example, new legal counsel to CoEPL are paired with a senior counsel which allows them to have access to a senior member of the team who can guide them in understanding the

mandate, answer their questions, and act as a resource person. In addition, new legal counsel are provided with key information about the Centre when they arrive, such as documents that outline the mandate and roles and responsibilities.

#### **4.2.3.2 Financial Models**

Two Centres (CLEL and CoEPL) operate using a cost-recovery model. All other Centres operate with A-Base funding.

##### ***A-Base Funding***

Evaluation findings indicate that the Centres (i.e., ALC, HRLS, CIPL, CLS, and OLAD) operating with A-Base funding are satisfied with this model. More than anything else, it removes any potential disincentives on the part of client departments and agencies to authorize the engagement of the Centres. Moreover, legal counsel within the Centres operating with A-Base funding do not face restrictions based on a limited budget allocated by a client department or agency to complete their work.

Despite its advantages, this funding model also comes with limitations. During interviews, it was noted that A-Base allocations may not adequately cover the full range of activities undertaken by the Centres. A-Base funding makes it more challenging to manage sudden fluctuations in workload and any increase in resources to manage this workload can result in financial pressures for Justice. In particular, policy work is, at times, difficult to forecast, and may end up being only partially covered by the A-Base allocation. Finally, the allocation of resources may only leave limited opportunities to undertake knowledge sharing activities.

##### ***Cost-Recovery Model***

As of the final year of the evaluation period (FY 2019-2020), only CLEL and CoEPL operated using a cost-recovery model. The advantage of the cost-recovery model is its inherent ability to adapt to the demand placed on CLEL and CoEPL for legal advisory services provided to client departments or other areas of Justice (e.g., LSUs and NLS). If the model is operating as intended, it allows CLEL and CoEPL to grow or reduce its size to continuously adapt to the fluctuations on the demand for service. In addition, an increase in resources and salaries for CLEL and CoEPL generates additional revenues for Justice, as opposed to the other Centres for which an increase in resources constitutes a financial pressure.

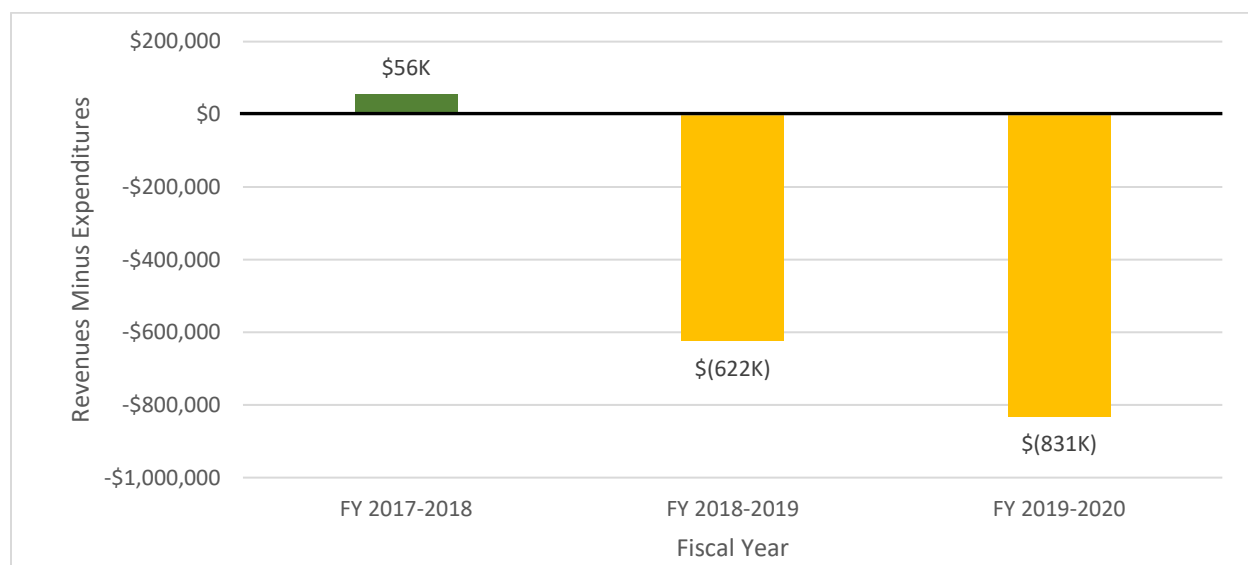
There are, however, limitations to this model:

First, since client departments and agencies have to pay for the services offered by a cost-recovery Centre, they may have reservations about the need to seek such services. This is particularly significant since both CLEL and CoEPL operating on a cost-recovery basis also have the exclusive mandate to deliver advice in the areas of the law covered by their mandate. During interviews, it was noted that some client departments and agencies may hesitate to seek legal advice as a result of the associated costs, or may first turn to their assigned LSU to obtain this legal advice, particularly when it involves legal issues that have low levels of complexity and risks. In addition, this may lead LSU legal counsel to request that an amount of time can be spent on any particular advice in order to reduce costs from a cost-recovery Centre. This can limit the ability of the Centre counsel to provide fulsome advice on this issue. Furthermore, the cost-recovery funding model was found to be

particularly inefficient when dealing with very simple, quick requests, and the administrative and reporting burden on the CLEL counsel can occasionally take longer than the provision of legal advice.

A second challenge is that the cost-recovery model operates on the assumption that all activities undertaken lend themselves to being cost-recovered. In practical terms, this is hardly the case. As noted during interviews, professional development activities required to maintain the expertise of the Centres as well as knowledge-sharing activities that Centres undertake to share with multiple clients are very difficult, if not impossible, to invoice. This issue was identified as a challenge for CLEL. As a result of multiple knowledge management activities that CLEL conducts that are of benefit to many clients, CLEL has experienced challenges in billing for these activities. However, as time goes by, CLEL has become increasingly proactive in anticipating issues and trends before they materialize, and working on matters that involve all client departments and agencies, which explains the trend identified in Figure 8 that CLEL hours are increasingly not being cost-recovered. As can be seen in Figure 8, expenditures have exceeded revenues for the past two FYs by approximately \$600,000 and \$800,000, respectively. The FY in which revenues exceeded expenditures is shown in green, while FYs in which expenditures exceeded revenues are shown in yellow. This revenue gap is absorbed by Justice, but is not likely sustainable in the long term if the gap continues to grow.

**Figure 8: CLEL difference between revenues and expenditures, FY 2017-2018 to FY 2019-2020**



Note: The source of this data is IFMS.

Evaluation findings indicated that both A-Base and cost-recovery funding models have strengths and weaknesses. Depending on the Centres' nature and level of work, likelihood of fluctuations in types of work over time and the corresponding workload pressures, different models may work better for some Centres than others. Based on evidence from the evaluation, several Centres (i.e., CLEL, ALC, CIPL, HRLS, and CLS) are experiencing challenges in managing workload and in fully delivering on their mandates under their current resource levels and funding models.

## 4.3 Effectiveness

### 4.3.1 Timeliness, Consistency, and Quality

The Centres deliver high-quality and consistent legal advice. Legal advice is generally timely, but can be impacted by the Centres' overall capacity and resources. The Centres conduct policy work, as applicable, and provide a range of knowledge sharing activities that are valued by stakeholders.

Ultimately, the Centres are expected to deliver high-quality, consistent and timely legal advice. They are also engaged in providing other forms of support that enhances the capacity of Justice and supports a whole-of-government approach to decision making. This sub-section summarizes the findings that emerged from the evaluation as to the extent to which the Centres are achieving these expected results, and any lessons learned that have emerged.

#### 4.3.1.1 Legal Advice

Providing legal advice, including legal policy advice, is at the very core of what the Centres do. The evaluation findings leave no doubt as to the capacity of the Centres to deliver high-quality legal advisory support. During the interviews, legal counsel from LSUs and other areas of Justice as well as representatives from client departments and agencies, emphasized the quality and consistency of the legal advice they were receiving from the Centres they consulted. Legal counsel from the Centres were described as committed, passionate about their areas of law, and engaged in responding to the needs of their clients. Also, all Centres have implemented quality control processes that support their work, and some Centres also solicit feedback from stakeholders (other legal counsel or client departments and agencies) to further enhance this process.

While stakeholders noted all Centres provided high-quality, consistent, and generally timely legal advice, several factors that facilitated or impacted the Centres' capacity to deliver this legal advice were identified:

- Some Centres (e.g., ALC and CLS) are addressing legal issues that pertain to emerging areas of the law (e.g., Aboriginal law or new technologies). This places greater emphasis on the need to closely monitor recent developments, and navigate the uncertainties that come from addressing legal questions where limited case law has been established.
- During the interviews, both legal counsel in LSUs and representatives from client departments and agencies noted, at times, the need for concise and practical legal advice that considers departmental context (e.g., OLAD, CIPL, ALC, and CoEPL). Overall, the Centres are performing well in that regard, but there is an ongoing need to work together collaboratively to achieve this goal.
- Workload pressures and overall Centre capacity occasionally impacted the timeliness of the legal advice being provided (e.g., HRLS, CIPL, and CLEL). In these situations, the Centres negotiated the timelines as necessary or have provided preliminary legal advice when required (e.g., CAILS).
- There have been rare instances when the timeliness, consistency and quality of legal advice was found to vary slightly based on the experience and expertise of legal counsel within the Centres (e.g., CLEL and CAILS). The Centres often have a quality assurance process in place where senior counsel review drafted legal advice to ensure a quality product is provided.

#### **4.3.1.2 Litigation Support**

Legal counsel from the NLS who were consulted as part of this evaluation were highly satisfied with the quality of the legal advice they were obtaining from all of the Centres. They viewed the legal advice as meeting their needs, and as being delivered in a timely manner, which in litigation settings, is a particularly critical dimension.

A few suggestions were put forth to improve the effectiveness of the provision of legal advice related to litigation support, such as clarifying the roles and responsibilities between the Centre (i.e., OLAD) and the NLS, as well as guidance on instances when it would be beneficial to engage with the Centre on litigation files (i.e., ALC). The NLS suggested that litigation support could, at times, be strengthened with a more practical orientation related to the litigation file (e.g., CAILS). In addition, during the interviews, the absence of processes to systematically manage differences of opinions between legal counsel in the Centres and those in the NLS was noted as a challenge. While these occurrences are ultimately addressed as they occur, it was mentioned that a more systemic approach to deal with these differences of opinion would be helpful.

#### **4.3.1.3 Policy Work**

The Centres that are engaged in policy work (i.e., ALC, HRLS, CAILS, CIPL, and OLAD) are actively involved in a number of policy files involving Justice and other client departments and agencies. During the interviews, the quality of the policy work provided by these Centres was noted. Also, some Centres (e.g., ALC, HRLS) have legal counsel involved in both legal advice and policy work, which provides an opportunity for these legal counsel to enhance their understanding of the potential challenges that policy work may entail.

For the Centres themselves, engaging in policy work has proven challenging at times. For some of the Centres, such as the ALC, this is still a relatively new area of involvement, and they are still refining how best to manage resources dedicated to this work and determining how best to engage the relevant strategic partners and stakeholders. For other Centres, for instance HRLS or CIPL, they have seen a significant increase in the demand for policy work, or significant fluctuations in the level of policy work over time, which again raises difficulties in managing resources dedicated to this work.

Given that the volume of policy work may fluctuate, it is not always feasible for these legal counsel to work exclusively on policy work. Some Centres (i.e., HRLS, ALC and CIPL) have legal counsel who provide legal advice to client departments and agencies and who also conduct policy work. On occasion, it may be unclear to stakeholders whether issues raised on a policy file may represent a policy position or a particular legal issue that should be addressed. As such, it is important to be clear about the role in which the legal counsel is acting on in a particular file.

#### **4.3.1.4 Knowledge Management and Outreach Activities**

Ensuring that there is knowledge transfer and sharing of information on emerging trends and issues allows Centres to increase awareness of developments in certain practice areas of law and continue to build expertise of legal counsel within Justice and among stakeholders. Evaluation findings indicate that stakeholders are satisfied with the knowledge management and outreach activities provided by the Centres. Whether it takes the form of training, practice groups, newsletters, or bulletins, legal counsel emphasized how these products and activities align with their needs and are valuable in guiding their work (see box 16, 17, or 18 of the process maps in Appendix A).



## Areas of Success

There are several benefits to having the Centres develop and conduct outreach with stakeholders, such as:

- **Supporting awareness and networking opportunities:** Stakeholders who were able to attend various training activities held by the Centres, like annual conferences or practice groups, found them to increase their awareness of the Centres' services and provided them with the opportunity to network and build relationships. Many stakeholders also highlighted the quality of these training activities. For instance, the CLS hosted a Commercial Law Day that covered a wide variety of topics related to practice areas, provided the ability for legal counsel to form relationships with one another, which received positive feedback from attendees.
- **Knowledge transfer:** The various knowledge products (e.g., newsletters, one-pagers, bulletins, etc.) developed and shared by the Centres were found to keep stakeholders informed of emerging issues and trends along with cross-cutting issues. For example, CLEL developed a list of labour and employment law issues, which permitted a trend analysis by type of issue and client department and agency over time. This allowed CLEL to plan forward and be proactive by anticipating future issues.

## Challenges

Although many aspects to having the Centres develop and conduct outreach with stakeholders were seen as effective, evaluation findings indicate that some challenges exist, including:

- **Information sharing and awareness of training:** Stakeholders indicated that they do not always receive knowledge products consistently from the Centres and are not consistently informed about training or events being offered.
- **Limited resources:** Legal counsel within the Centres noted that there are occasions when the volume of knowledge products and training opportunities have decreased due to limited resources and workload pressures with handling high volumes of legal requests.

★ **Opportunity for improvement:** To increase awareness of knowledge management and outreach activities of the Centres, stakeholders suggested that it would be helpful to send out more regular reminders about upcoming training activities and when new knowledge products have been developed and posted on Justipedia. In addition, owing to the utility of the Centres' knowledge products to stakeholder work, it was noted that it would be beneficial to receive even more knowledge products, including summaries of recent jurisprudence and key developments in areas of the law. There are also opportunities to explore the feasibility and options of providing additional knowledge management and outreach activities by legal counsel within the Centres given the value placed on them by stakeholders.

### **Good practice**

Having a knowledge management and outreach framework in place within the Centres to support knowledge transfer and raise awareness among stakeholders was identified as a strength. Some examples of knowledge management and outreach activities achieved by the Centre during the evaluation period, include:

- ALC produced its newsletter and bulletins about the impact of COVID-19 on Indigenous consultations and court operations, and summaries of legal trends.

- CAILS provided training activities such as the annual conference that attracted legal counsel from across the country and Justice, as well as other training sessions offered over the course of the year on specific topics.
- CoEPL organized training (general and file-specific), prepared bulletins and one- or two-pagers on key procurement law topics, and maintained information on Justipedia relating to key Canadian International Trade Tribunal and appeal court decisions.

#### **4.3.1.5 Gender- Based Analysis Plus (GBA+) Considerations**

The evaluation provided an opportunity to explore the extent to which the Centres have integrated a GBA+ lens in their work. In accordance with the Treasury Board Secretariat's *Directive on Results*, managers within the federal government must consider all relevant identity dimensions in the development, management, and reporting of their activities and programs. This is to ensure that access to programs and their associated benefits are available to all of the intended individuals, regardless of their identity (defined in the largest possible sense).

Several Centres (e.g., OLAD, ALC, and CLEL) confirmed that these considerations are raised as relevant, as they undertake their advisory or policy work. The Centres consider the various groups that may be affected in developing a legal position, or a policy direction adopted by the client department or agency. In particular, it was noted that the work of the Truth and Reconciliation Commission of Canada and of the National Inquiry into Missing and Murdered Indigenous Women and Girls have emphasized the need to consider systemic bias and discrimination affecting Indigenous communities. A number of Centres have undertaken specific training and awareness activities to raise the awareness of their team members around GBA+ considerations. Also, some of the Centres have assigned a team member to focus more specifically on GBA+ and support other team members as required.

#### **4.3.2 Collaboration and Strategic Partnerships**

All Centres have developed collaborative working relationships with their stakeholders. There are opportunities to enhance strategic partnerships through proactive information sharing, development of positions on cross-cutting issues, and improving collaboration between Centres and LSUs to ensure a shared understanding of the legal advice provided to client departments and agencies that integrates the client context.

##### **4.3.2.1 Collaboration and Strategic Partnerships**

One of the central pillars of the vision of Justice is client-centric strategic partnerships. At its core, this pillar calls on Justice to provide strategic legal advice that helps client departments and agencies to achieve results for Canadians. This, in turn, requires counsel to not only examine the legal issue at hand, but work to understand the client context, mitigate and manage risks, and work together to develop solutions. This is increasingly important in a climate where legal work is highly complex and crosscutting, placing the client-centric approach at the forefront of Justice delivering effective legal services that respond to Government and client departments and agency priorities (<https://dmteam.justice.gc.ca/eng/priorities/vision/strat2.html>).

## Areas of Success

Overall, evaluation findings confirm that the Centres collaborate in a positive and professional manner with their stakeholders and work towards the development of strategic partnerships, which are highly valued. Figure 9 highlights an array of terms used by stakeholders during the key informant interviews to describe the positive impact the collaboration and strategic partnership they have experienced with the Centres.

**Figure 9: Stakeholders descriptions of the positive impact of collaborating and establishing strategic partnerships with the Centres**



Justice has proposed five principles that contribute to a client-centric relationships (see Table 6). Key findings from the evaluation that describe how the Centres demonstrate these principles through their work are described as follows.

**Table 6: Five client-centric principles**

Client-Centric Principles	Examples from the Centres
<b>1. Clients make decisions that are informed by legal risk</b>	
<p><i>Client departments and agencies typically have public accountability and decision-making authority. Justice provides legal services that help clients explore options to achieve outcomes while managing, minimizing or eliminating legal and other risks that they face.</i></p>	<ul style="list-style-type: none"> <li>• LSUs and other areas of Justice noted that the Centres worked closely with their stakeholders and developed strategies, assessed impacts, and provided options when needed (e.g., CAILS, HRLS).</li> <li>• The Centres also brought together various perspectives, which helped to inform stakeholder decision-making processes and supported finding the best solutions. For example, the case of CIPL</li> </ul>

	<p>counsel who worked closely with ATIP designated counsel and representatives from the client department and agency to ensure the legal advice considered the client's context.</p>
<p><b>2. Collaboration</b></p>	
<p><i>Open and ongoing dialogue across various perspectives promotes consistency in the Government's legal position along with the best possible outcomes for the client department and Canadians.</i></p>	<ul style="list-style-type: none"> <li>• There was a willingness among the Centres to engage with their stakeholders (including client departments and agencies, LSUs, NLS and other areas of Justice) and have open discussions regarding specific files. This was achieved through various mechanisms such as regular meetings, ongoing briefings, targeted training, and discussions of trends and issues.</li> <li>• This allowed the Centres to open the lines of communication, answer any questions, and provide clarification, which ultimately presented the opportunity to foster strong working relationships.</li> </ul>
<p><b>3. Transparency</b></p>	
<p><i>As the trusted legal advisor, Justice helps to foster a deeper understanding of legal issues and processes through open communication. In working with Justice, client departments are forthcoming with objectives and facts as they evolve.</i></p>	<ul style="list-style-type: none"> <li>• The Centres proactively shared information with their stakeholders and provided the necessary background and context to effectively respond to a request (e.g., CLEL when working directly with client departments and agencies).</li> <li>• The Centres were able to develop a deeper understanding of the client department and agency context, which helped counsel to build trust as the stakeholders' legal services provider. This could occur through direct contact with client departments and agencies, or through collaborations between the Centres and other areas of Justice (e.g., CLS and NLS legal counsel).</li> <li>• The Centres were also able to adapt to the different types of requests and kept LSUs informed (where applicable), while providing them with the opportunity to include insights based on their understanding of the client departments or agencies context (e.g., OLAD sharing information on client files with LSUs).</li> </ul>
<p><b>4. Proactive service</b></p>	
<p><i>Justice anticipates client department needs through engagement with clients, being aware of developments that impact client business, and greater use of data collection and analysis. Feedback received helps the relationship to evolve.</i></p>	<ul style="list-style-type: none"> <li>• Due to the nature of their mandates, Centres demonstrated an awareness of other relevant cases in Justice that could have a potential impact on the request at hand.</li> <li>• The Centres were also able to respond to emerging trends and share information with relevant stakeholders, such as the CIPL who created a team of counsel to respond to questions related to information and privacy in light of the COVID-19 pandemic or the CLEL who shared information</li> </ul>

	across client departments and agencies related to cannabis, COVID-19, harassment and violence.
<b>5. Alignment</b>	
<i>Processes, tools and resources are aligned so that Justice and clients are moving in step with each other and with appropriate tools to get the job done.</i>	<ul style="list-style-type: none"> <li>• The Centres were aligned with their stakeholders through the development of networks within the area of practice and building connections with those individuals.</li> <li>• The Centres built consensus on approaches, while working jointly on projects, like in the case of ALC with respect to administration of justice agreements. LSUs also highlighted that the HRLS counsel provided legal advice that is practical for client departments and agencies.</li> </ul>

**☑ Good practices**

The development of mechanisms (e.g., working groups, regular meetings, joint discussions, etc.) to share information on various topics of interest with relevant stakeholders was identified as a strength. Some examples of collaborative activities achieved by the Centres during the evaluation period, include:

- CLS attended meetings with client departments and agencies organized by the LSUs to foster collaboration, which created a space to have open discussions.
- HRLS helped NLS counsel determine how the litigation strategy was going to unfold, the type of evidence to be brought forward regarding Charter questions, and awareness of other relevant cases in Justice that could have an impact on the litigation outcome.
- CLEL established regular meetings with client departments and agencies, often in person, and shared information on trends or upcoming issues to consider.
- ALC established working groups (e.g., Equitable Compensation, Recognition of Indigenous Rights and Self-Determination).
- CAILS counsel worked together on large litigation files that involved several client departments or agencies and organized a weekly teleconference that included key counsel who were involved on the file to keep everyone informed.

**Challenges**

Although examples of good collaboration with stakeholders were identified throughout the evaluation, opportunities to enhance strategic engagement with stakeholders (client departments and agencies, LSUs, NLS, and other areas of Justice) were suggested.

- **Cross-cutting issues and legal positions in specific areas of the law:** Proactive communication and information sharing across all partners (e.g., Centres, client departments, LSUs, NLS, other areas of Justice) can be key factors in supporting strategic engagement with client departments and agencies as well as with Justice partners. Stakeholders identified how the proactive development of clear policies and positions in certain areas of the law (e.g., Indigenous law) would assist in supporting a consistent and strategic approach to client engagement across Justice. Where direction is not clear, the approach can be fragmented and inconsistent. It should be noted, however, that the ability to develop broader knowledge

management tools and documents to support greater strategic approaches to knowledge management can be impacted by a number of factors, including Centres' overall capacity.

- **Information sharing practices and engagement:** When providing advice to client departments and agencies, there is a need to balance consistency in the application of legal advice across the federal government with the need to consider specific priorities and operating contexts of individual client departments. The ability of Centres to build a strong understanding of the context in which client departments and agencies operate is a determining factor in ensuring that the expertise they provide is actionable. Building this understanding can be done through direct interactions with client departments and agencies or in collaboration with LSUs.

Among Centres who work directly with client departments and agencies (CLEL, OLAD, and COEPL), there was, at times, a request for greater involvement on the part of the LSUs. Depending on the legal issue at hand, this could involve discussions between the Centre, LSU, and client department or agency, or sharing information more regularly with LSUs (copying LSUs on responses, periodic meetings to provide file updates, etc.). In addition, when Centres work directly with LSUs, there were occasions when the legal advice was more theoretical and less grounded in the practical or operational realities of the client department or agency (e.g., CAILS, ALC, and CIPL). When differences of opinion regarding final advice to be provided to the client arose, it was noted that there was a lack of clarity with respect to how to resolve the issue, in the absence of a formalized processes (e.g., CIPL and ALC).

- **Clarity of processes and roles and responsibilities:** In order to provide timely, consistent advice for clients, it is important for Justice partners to work together efficiently to provide legal advice. One challenge can be the late engagement of Centres on legal files (e.g., litigation and advisory), which can hinder key discussions and agreement on a direction for a file taking place at an early stage. In addition, some lack of clarity with respect to the roles and responsibilities between the Centres, LSU, NLS, and other areas of Justice was noted among some of the Centres (e.g., ALC, CLEL, CIPL), which could hinder the development of quality advice delivered to clients in a timely fashion.

★ **Opportunity for Improvement:** To continue building on what has been achieved thus far, stakeholders suggest the Centres provide guidance on roles and responsibilities; engage legal counsel in LSUs (even for the Centres that have exclusive mandates in the areas of the law covered by their mandate) and the NLS in broader discussions around emerging trends and strategic discussions as applicable. Additional knowledge management and outreach activities could also help create space for strategic discussions and increased information sharing. However, Centres have a lack of time and resources to significantly expand their engagement activities, which will require further discussions among all key stakeholders to determine what is feasible within the current parameters that guide the work of the Centres.



## 5 CONCLUSIONS AND RECOMMENDATIONS

The Centres fulfil an important function within Justice. Having centralized expertise in widely applicable areas of the law responds to the ongoing needs of federal departments and agencies. There is a continuous need for legal advice, litigation support, policy work, and knowledge sharing activities that the Centres undertake. It would not be possible for each LSU or litigation group to maintain the required level of expertise in all areas of the law covered by the Centres.

The Centres provide high-quality legal advice and, as applicable, policy work, offering a consistent approach to addressing issues related to their respective areas of the law. There is ongoing demand for the expertise provided by legal counsel in all of the Centres and knowledge products are highly valued by stakeholders. In order to accomplish their work, Centres have to share information on their mandates and establish procedures to work collaboratively with stakeholders, which may include client departments, LSUs, NLS and other areas of Justice. While Centres effectively carry out their mandates and deliver effective services to their clients, some areas for improvement to continue to support effective and efficient work were identified.

To support the ongoing work of the Centres, the evaluation includes the following recommendations:

### **Recommendation 1 – Mandates: Ensure that mandates are clear and effectively communicated to stakeholders through a coordinated approach.**

Evaluation findings indicate that there is a basic overall knowledge among stakeholders (LSUs, other areas of Justice, client departments) about the mandate of the Centres; however, findings confirm the need to strengthen that understanding. Throughout interviews, legal counsel in LSUs and litigators emphasized the importance of better communicating the type and extent of services provided, so that they can be more confident about when to engage with each Centre. The evaluation points to a need for a more coordinated approach for achieving this goal.

### **Recommendation 2 – Protocols and processes: Ensure adequate protocols and/or processes are in place to support effective and efficient Centre functioning and promote stakeholder awareness and adherence.**

All Centres have established processes that frame how they undertake all their activities, and particularly the provision of legal advice, which is their predominant function. Overall, these processes are functioning well, and having a formal document or protocol to clearly articulate and communicate how each Centre operates appears beneficial. However, evaluation findings indicate that there could be greater clarity of processes in some cases. Furthermore, even when clear protocols have been established, stakeholders do not always follow established processes. Lack of clarity or inconsistent application of protocols can impact Centres' ability to provide consistent advice in a timely fashion.

### **Recommendation 3 – Resource levels and funding models: Review and adjust resource levels and/or funding models as necessary to ensure that Centres are able to fully deliver all aspects of their mandates.**

Several Centres have experienced expansions to their mandate and overall level of work during the period of the evaluation, while maintaining generally the same level of resources. As examples: ALC's mandate has expanded to include policy development; CIPL has experienced an increase in policy work over the last several years; and, HRLS has a new mandate to develop Charter Statements. CLS

is limited in the level of support that they can provide to their stakeholders given their current level of resources. All of these Centres function with an A-base funding model which has remained relatively stable over time.

Among the two Centres that have a cost recovery model, CoEPL is currently able to maintain sufficient revenue to cover the costs of the services they provide. However, CLEL has experienced challenges with the cost-recovery model due to the nature of their work, in that revenues are insufficient to cover costs due to some of the work that CLEL does for multiple clients or internally for Justice. While these costs are currently being covered internally by Justice, the current model is not sustainable.

Centres' current resource levels and funding models should be reviewed to propose solutions that will support the Centres to deliver on their mandates. Given the unique nature of the work and the design of each of the Centres, it is possible that different approaches may be taken, which may include several options, such as development of business cases or other funding model or resource proposals.

**Recommendation 4 – Strategic partnerships: Enhance information sharing and engagement with stakeholders to best support strategic partnerships.**

Ultimately, the Centres are expected to provide quality, consistent, and timely support to the whole-of-government, and evaluation findings indicate that this goal is largely met. There is a widely shared appreciation for the contribution that the Centres make through their legal advice, litigation support, policy work, and knowledge sharing activities.

Evaluation findings confirm that the Centres collaborate in a positive and professional manner and have developed collaborative working relationships with their stakeholders, including client departments, LSUs, NLS, and other areas of Justice. Centres demonstrate their commitment to the five client-centric principles through the work that they do to share knowledge and information with their partners and stakeholders within Justice and in client departments, and examples of good practices used by the Centres to enhance these partnerships were observed.

To further enhance the delivery of client-centric and strategic support, the evaluation points to a need for further expand opportunities for all key stakeholders to exchange information, engage in strategic dialogue, and to support and expand stakeholder knowledge of cross-cutting issues and legal positions in specific areas of the law. It is also important to build an understanding of the roles and responsibilities of all groups involved so that the right groups are engaged at the right time in order to support consistent and efficient service delivery. While the evaluation found support for these goals, there are also limitations concerning the capacity of the Centres to add further demands on their team members, which points to a need to prioritize what may be most beneficial at this point in time.

**Recommendation 5 – Data management: Ensure consistent recording of activities in LEX to better support departmental reporting and decision making.**

The parameters of LEX, the inconsistencies within and among the Centres in how hours are recorded, and gaps in file-related information provided by LSUs or other sectors of Justice (i.e., Centres not being provided with file numbers for the files to which they are contributing) can all have an impact on the ability to accurately record Centre work in LEX. Discussions with Centres suggested that there were inconsistencies in recording within Centres in terms of how file information was recorded, and reporting practices commonly differed from one Centre to another as well. As such, the degree to



which Centres can report on their activities in an accurate and reliable manner in order to monitor trends and make decisions related to workload and capacity is less than optimal.

For example, some Centres reported that the general category in LEX may have been over-represented and should have been coded more accurately as other types of work (e.g., advisory) or that policy work may have been miscoded and under-represented in the data. In addition, Centres are not always provided with the file number for work they are doing with the LSUs. As a result, they may need to open their own files to record the time, which is not consistent with Justice file management procedures, and makes it difficult to link the files to the original work and the department for which the work is done. Supporting the ability to accurately link Centre work to the correct files, and promoting consistent recording practices within the Centres as well as developing some consistency in recording of information across Centres would provide an opportunity to accurately track activities and monitor trends to support better decision making.

## **APPENDIX A: ONE PAGE SUMMARY REPORTS & PROCESS MAPS**

### **ONE PAGE SUMMARY REPORTS AND PROCESS MAPS**

# Centre for Labour and Employment Law

## Central Agencies Portfolio



17  
FTEs

FY 2019-2020



Financial Model

Cost-  
Recovery  
Funding  
Model



71,888  
Hours  
Logged

FYs 2017-2020

### OVERVIEW OF THE CENTRE

The Centre for Labour and Employment Law (the CLEL) was established as a centre of expertise (hereafter Centre) within Justice in 2014, with significant expansion in 2017.

The CLEL has the exclusive mandate to provide legal advice, including legal policy advice, related to labour and employment law directly to client departments and agencies on matters stemming from their deputy head's direct or delegated functions as employer (barring some exceptions). The CLEL's role relates to legal advice prior to the referral of a complaint or grievance for hearing or prior to the filing of an action and the provision of litigation support as needed. It also engages in a variety of knowledge management activities.

The CLEL can be engaged by client departments and agencies, the National Litigation Sector (NLS)/Treasury Board Secretariat Legal Services Unit (LSU), and other areas within Justice to provide services (see Table 1).

**Table 1: Types of Services**

- |  |
|--|
| ○ Legal advice, including legal policy advice and litigation support |
| ○ Knowledge management and outreach activities                       |

### WHAT WAS FOUND

#### Areas of Success:

- **Structure of Centre.** The benefits of the CLEL's staff model and team structure include more efficient distribution of work among counsel and the development and sharing of expertise between counsel. The review of legal products by team leads, senior counsel, and management ensures greater consistency and quality of legal advice. Each CLEL counsel is assigned to specific client departments or agencies, which provides the opportunity to develop a deeper understanding of the client department or agency's operational context, and the ability to establish strong working relationships.

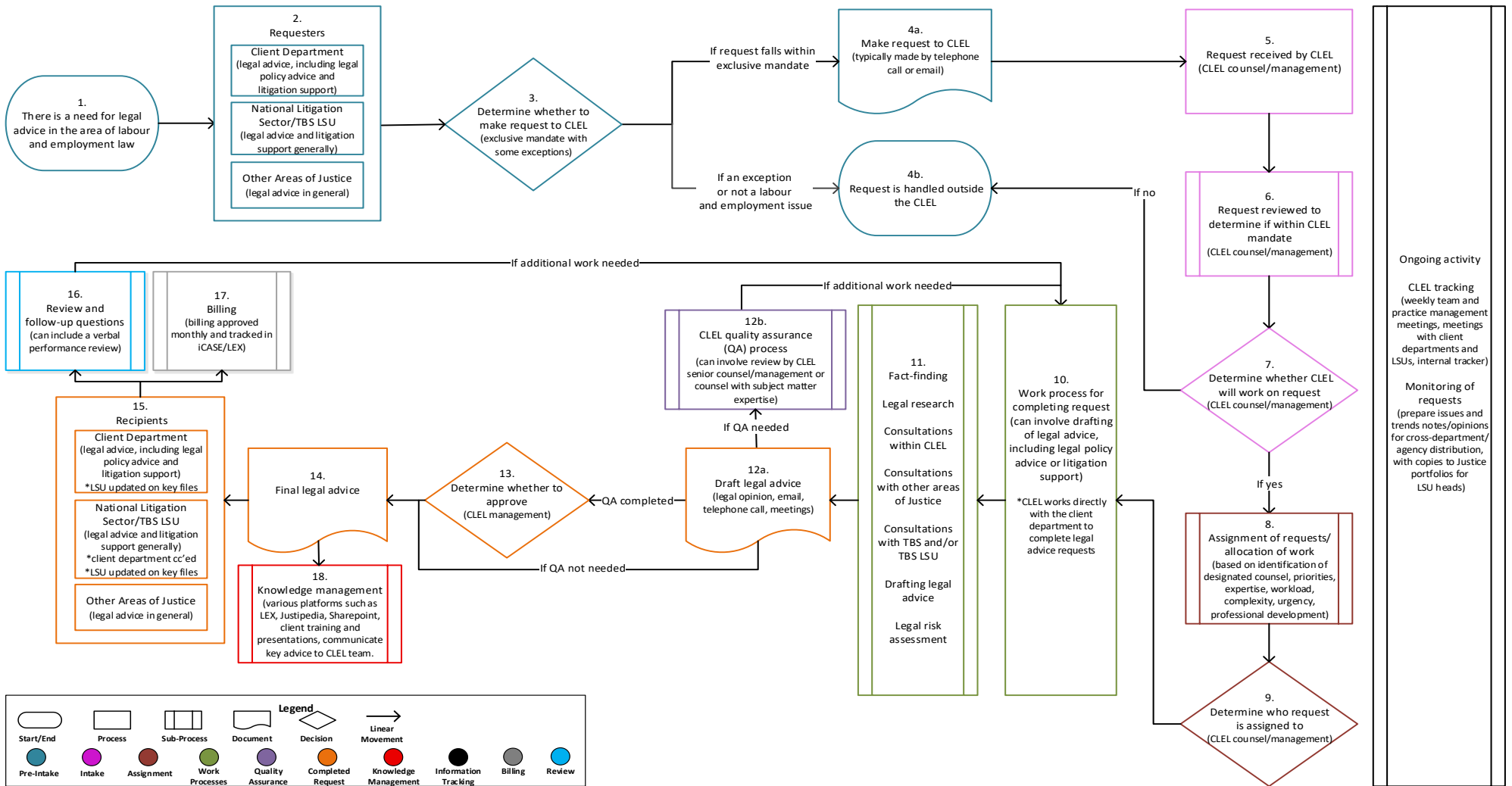
- **Collaboration.** The CLEL collaborates with its stakeholders by proactively building strong working relationships through various outreach activities. Having the CLEL counsel assigned to client department and agency portfolios creates a network of counsel across the federal government that supports information sharing and continuity of service.

- **Knowledge management.** The CLEL regularly monitors issues and trends, proactively shares various knowledge products, and provides training to its stakeholders. The knowledge products help ensure consistency in approach across the federal government and can be used to anticipate or mitigate risks.

#### Opportunities for Improvement:

- **Clarification of mandate.** Further work is required to clarify the mandate of the CLEL, particularly with respect to the type and extent of services that the Centre provides. Increased information sharing and providing examples of appropriate requests would be beneficial.
- **Protocols and processes.** There is room for improvement with respect to adherence to the protocol among some client departments and LSUs. Additional clarification may be required regarding the role of LSUs, the CLEL and NLS on litigation files.
- **Funding model.** Challenges related to CLEL's cost-recovery funding model are associated with knowledge management products that are shared with multiple client departments and agencies. There may also be confusion about the model given most Centres have A-base funding. These challenges are reflected in a trend of operating losses, which questions the viability of the CLEL being funded by cost-recovery.
- **Strategic partnerships.** There is an opportunity to enhance strategic partnerships through continued communication with LSUs to promote greater involvement and awareness of ongoing work, particularly on large or complex files.

## Centre for Labour and Employment Law: Process Map for Legal Advice (Including Legal Policy Advice and Litigation Support)



## Commercial Law Section

### Business and Regulatory Law Portfolio



5  
FTEs

FY 2019-2020



Financial Model

A-Base  
Funding  
Model



36,193  
Hours  
Logged

FYs 2015-2020

#### OVERVIEW OF THE CENTRE

The Commercial Law Section (the CLS) was established as a centre of expertise (hereafter Centre) within Justice during fiscal year 2011-2012. It was created to enhance Justice's ability to address complex commercial law issues and to strengthen and coordinate the services being offered to client departments and agencies.

The mandate of the CLS is to provide whole-of-government expert legal advice in the following areas of expertise: corporate and commercial, intellectual property, information technology, and federal real property, including federal immovables. The Centre also engages in knowledge management and outreach activities (e.g., developing guidance documents, practice tools and organizing training events), collaborates informally with other areas of Justice, and assists counsel on horizontal issues.

The CLS can be engaged by legal service units, the National Litigation Sector, and other areas within Justice to provide services when a need exists (see Table 1).

**Table 1: Types of Services**

o Legal advice, including litigation support
o Knowledge management and outreach activities

#### WHAT WAS FOUND

##### Areas of Success:

- **Protocols and processes.** The informal and discretionary nature of the CLS were found to be effective aspects of the Centre's service delivery model. These protocols and processes provide flexibility to stakeholders to engage with the Centre as needed.
- **Knowledge management - quality.** The quality of knowledge products that the CLS shares (e.g. guides and templates) and the training it offers are seen as valuable. The information that is provided responds to stakeholder needs by increasing their awareness of the latest

developments in the various practice areas of the Centre.

- **Collaboration.** The CLS effectively collaborates with a network of Justice colleagues and regularly engages its stakeholders by attending meetings and proactively sharing information. This has allowed the CLS to establish a community of practice and the ability to integrate a whole-of-Justice perspective on emerging issues.

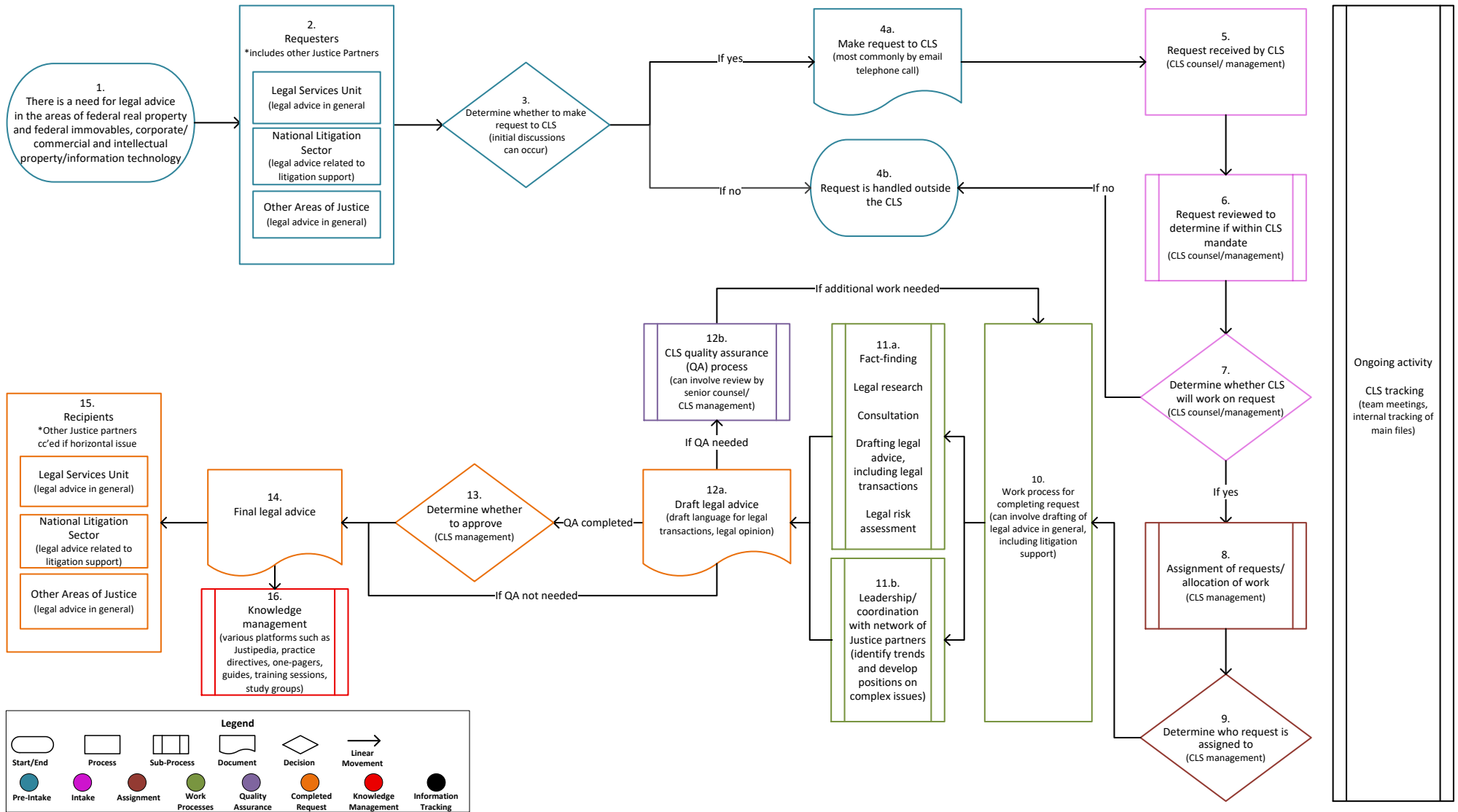
##### Opportunities for Improvement:

- **Clarification of mandate.** There is a lack of clarity regarding the mandate of the CLS. Increased communication about the type and extent of services that the CLS provides and outreach in the form of presentations and information sessions would be beneficial, where possible, given the limited resource capacity of the Centre.
- **Structure of the Centre.** The CLS has a limited capacity, which creates challenges with workload allocation, coverage, and career advancement.
- **Knowledge management - coverage.** Although the knowledge products developed by the Centre are highly valued, there are opportunities to provide additional guidance on whole-of-government issues and positions in various CLS practice areas, as well as ensuring periodic updates of templates and tools. The capacity to provide additional strategic knowledge products and outreach activities may be limited by the current resource levels of the CLS.

##### \*Update on the Centre for Business and Technology Law (CBTL):

- During the evaluation period, the CLS was in the process of transitioning to the CBTL. While the impacts of these changes were outside of the evaluation scope due to timing, the transition to the CBTL is expected to include changes to expanding the mandate and result in process improvements.

## Commercial Law Section: Process Map for Legal Advice (Including Litigation Support)



## Aboriginal Law Centre Aboriginal Affairs Portfolio



36  
FTEs

FY 2019-2020



Financial Model

A-Base  
Funding  
Model



171,000  
Hours  
Logged

FYs 2015-2020

### OVERVIEW OF THE CENTRE

The Aboriginal Law Centre (the ALC) was established as a centre of expertise (hereafter Centre) within Justice during fiscal year 2012-2013.

The mandate of the ALC is to provide whole-of-government expert legal advice related to the interpretation and application of Section 35 of the *Constitution Act, 1982* and Subsection 91(24) of the *Constitution Act, 1867*. The ALC also takes into consideration the intersection of Indigenous and international law and works on Indigenous legal policy files. The ALC's mandate recently expanded to include the negotiation of administration of justice as part of self-governance agreements with Indigenous groups.

The ALC can be engaged by client departments and agencies, legal service units, the National Litigation Sector, and other areas within Justice to provide services when a need exists (see Table 1).

**Table 1: Types of Services**

○ Legal advice, including legal policy advice and litigation support
○ Policy work
○ Knowledge management and outreach activities

The Centre is organized into two teams, one dedicated to providing legal advice and another dedicated to policy work. It is discretionary to engage with the ALC when it is determined that there is a need.

### WHAT WAS FOUND

#### Areas of Success:

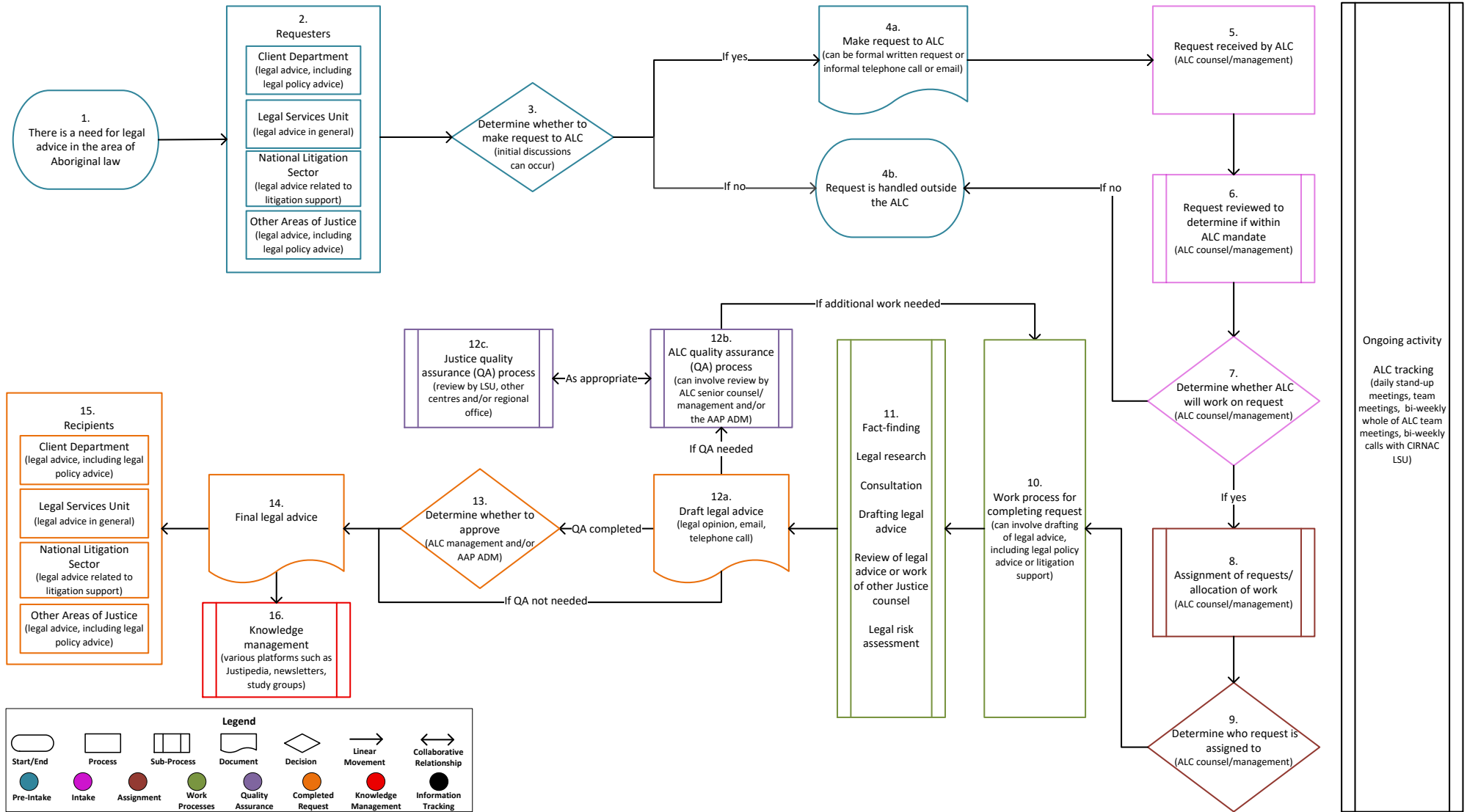
- **Protocols and processes - discretionary nature of engagement.** The informal and discretionary nature of the ALC were found to be effective aspects of the ALC's service delivery model. These protocols and processes provide flexibility to stakeholders to engage with the Centre as needed.

- **Knowledge management.** The quality of knowledge products that the ALC shares and the training it offers are seen as valuable to counsel and client departments and agencies. The information that is provided responds to stakeholder needs by increasing their awareness of the latest legal trends and whole-of-government perspectives in Aboriginal law and allows for more proactive planning.
- **Collaboration.** Where channels for engagement with stakeholders have been established, they are helpful, appreciated, and support the provision of high-quality legal services.

#### Opportunities for Improvement:

- **Awareness of mandate.** There is a need for greater awareness and clarity, particularly with respect to litigation support and policy work. The ALC could consider developing a guideline that would outline the type and extent of services the Centre provides and disseminate this information more broadly.
- **Protocols and processes - clarification.** While the informal work processes were found to generally work well, there are opportunities to clarify the intake process, and the ALC's roles and responsibilities, particularly with respect to litigation support.
- **Structure of the Centre.** Maintaining a high-degree of expertise in the Centre can be difficult, if new recruits do not have the necessary knowledge. Mentorship of junior counsel is seen as a key mechanism in maintaining expertise within the Centre, but can be challenging to maintain with limited resources. Enhanced engagement between the two ALC teams would increase awareness of issues that have implication for both teams.
- **Strategic partnerships.** There are opportunities for the ALC to increase strategic engagement by sharing relevant information more proactively and broadly among its partners, and developing clear positions on issues that cut across numerous client departments and agencies.

## Aboriginal Law Centre: Process Map for Legal Advice (Including Legal Policy Advice and Litigation Support)





# Centre for Information and Privacy Law

## Public Law and Legislative Services Sector



**16  
FTEs**

FY 2019-2020



Financial Model

**A-Base  
Funding  
Model**



**101,233  
Hours  
Logged**

FYs 2015-2020

### OVERVIEW OF THE CENTRE

The Centre for Information and Privacy Law (the CIPL) was established as a centre of expertise (hereafter Centre) on April 1, 2014 (formerly ILAP).

The mandate of the CIPL ensures that Justice's position concerning the interpretation of the *Access to Information Act* (ATIA) and the *Privacy Act* (PA) are established in a coordinated and coherent manner that complies with the intent and the letter of these two Acts. The Centre is responsible for supporting the Minister's statutory obligations under the ATIA and the PA, including legislative and regulatory reforms. The CIPL is expected to provide legal policy advice and engage in policy reform on complex issues related to Access to Information and Privacy (ATIP) law and play an enhanced role in litigation support. One of the CIPL's central roles is to collaborate with designated ATIP counsel to respond to ATIP legal work.

The CIPL can be engaged by legal service units, the National Litigation Sector, and other areas within Justice to provide services when a need exists (see Table 1).

Table 1: Types of Services
○ Legal advice, including legal policy advice and litigation support
○ Policy work
○ Knowledge management and outreach activities

### WHAT WAS FOUND

#### Areas of Success:

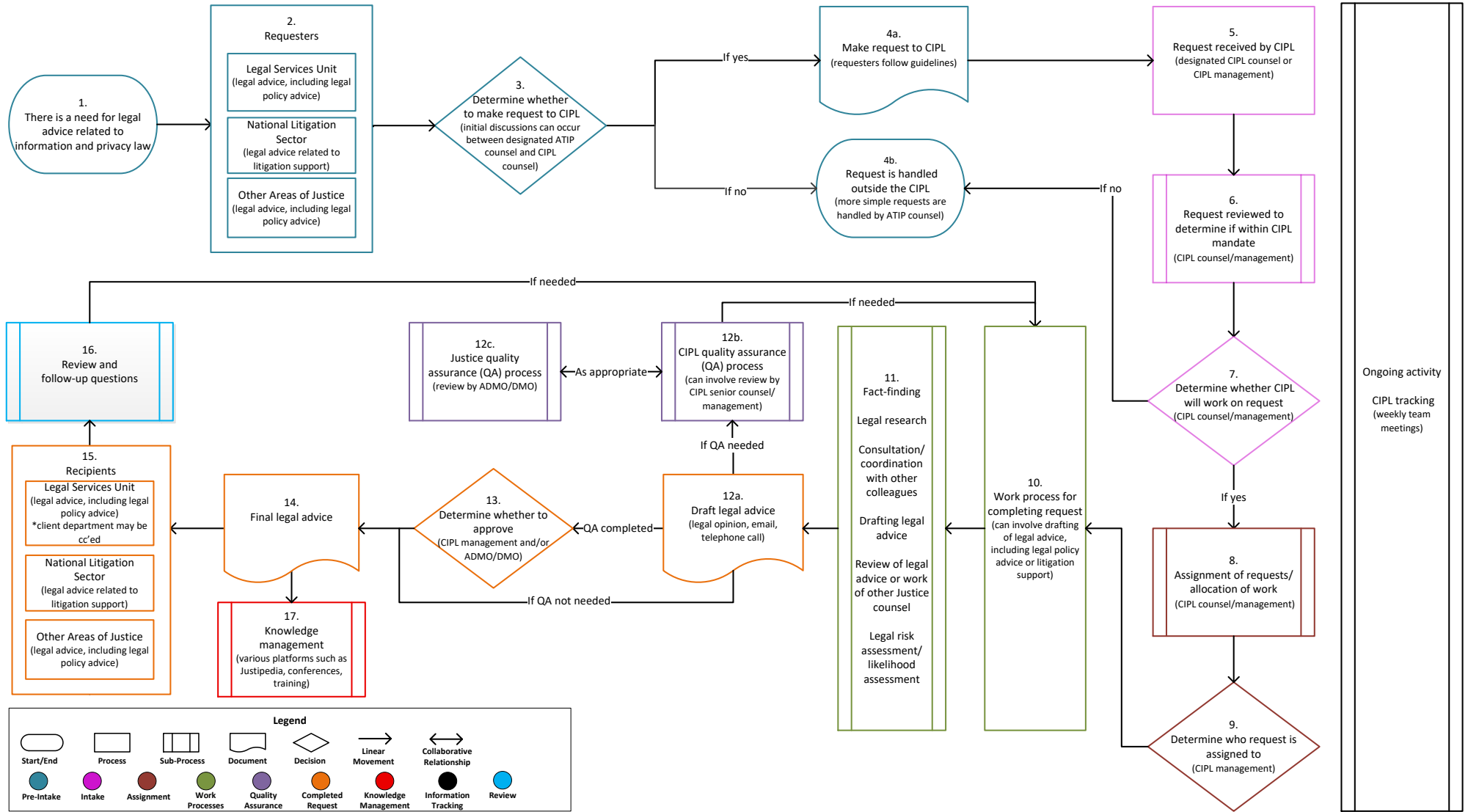
- **Structure of the Centre - work assignments.** Each CIPL counsel is assigned to a specific client department or agency portfolio, which allows for a deeper understanding of the client department or agencies operational context, knowledge of previous legal advice provided, and the ability to establish strong working relationships with ATIP designated counsel.

- **Collaboration.** The CIPL effectively collaborates with its stakeholders by fostering positive and professional relationships. Having ATIP designated counsel has allowed the Centre to create a network and a community of practice in the area of information and privacy law.
- **Knowledge management.** The CIPL engages in knowledge sharing by providing monthly newsletters, organizing practice group meetings for ATIP designated counsel, and offering training and events. This helps respond to stakeholder needs by increasing awareness of the latest legal trends and whole-of-government perspectives in information and privacy law.

#### Opportunities for Improvement:

- **Clarification of mandate.** There is a lack of clarity regarding the mandate of the CIPL, which can lead to issues with respect to stakeholder engagement with the Centre. It would be beneficial to increase the awareness of the type and extent of services of the CIPL through increased information sharing and outreach.
- **Protocol and processes.** The effectiveness of the CIPL's protocol is impacted when some LSU counsel send requests directly to the CIPL instead of through their ATIP designated counsel or when the CIPL receives requests from ATIP designated counsel that are of lower complexity. Additional communication of the protocol and the role and responsibilities should be clarified.
- **Structure of the Centre - capacity.** Given the increased scope of the CIPL's mandate related to policy work, some capacity challenges were identified. Increased support would allow the CIPL counsel additional time to focus on the provision of legal advisory services and knowledge management and outreach activities.
- **Strategic partnerships.** There are opportunities to enhance strategic engagement between CIPL and its partners through greater clarification of the roles and responsibilities and more proactive information sharing practices.

## Centre for Information and Privacy Law: Process Map for Legal Advice (Including Legal Policy Advice and Litigation Support)



## Constitutional, Administrative and International Law Section

### Public Law and Legislative Services Sector



32  
FTEs

FY 2019-2020



Financial Model

A-Base  
Funding  
Model



213,626  
Hours  
Logged

FYs 2015-2020

#### OVERVIEW OF THE CENTRE

The Constitutional, Administrative and International Law Section (the CAILS) was established as a centre of expertise (hereafter Centre) within Justice during 2015.

The mandate of the CAILS is to provide its stakeholders with a centralized group of experts in constitutional, administrative, Crown, public international, and international private law. The work of the Centre covers legal advice, including legal policy advice, and litigation support, as well as policy development work involving international private law in four broad areas: international commercial law, judicial cooperation and enforcement of judgements, family law and child protection, and protection of property. In addition, the Centre also provides knowledge management and other outreach activities, such as legal training and conference and practice groups.

The CAILS can be engaged by legal service units, the National Litigation Sector, and other areas within Justice to provide services when a need exists (see Table 1).

**Table 1: Types of Services**

○ Legal advice, including legal policy advice and litigation support
○ Policy work
○ Knowledge management and outreach activities

The Centre is organized into specific groupings of counsel based on the Centre's practice areas, for instance some counsel work primarily on international private law matters, public international law matters, or constitutional law matters. It is discretionary to engage with the CAILS when it is determined that there is a need.

#### WHAT WAS FOUND

##### Areas of Success:

- **Protocol and processes – nature of engagement.** The informal and discretionary nature of the CAILS were found to be effective

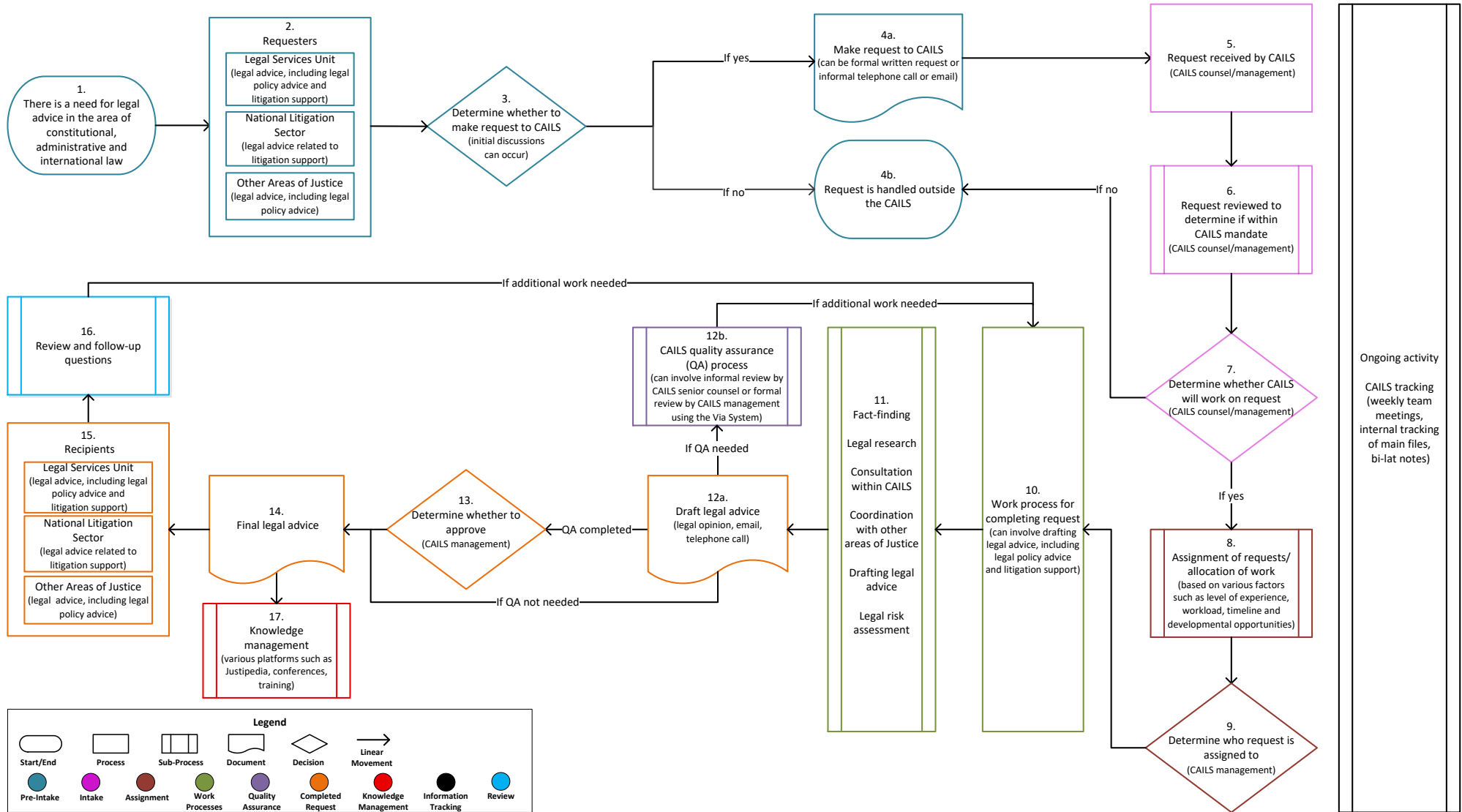
aspects of the Centre's service delivery model. These protocols and processes provide flexibility to stakeholders to engage with the Centre as needed.

- **Structure of the Centre.** The flexible team model within CAILS and the culture of collaboration within the Centre contribute to its effectiveness. The structure and operation of the Centre are seen to have several benefits, including flexibility in work allocation and allowing for development of knowledge across multiple practice areas of the CAILS.
- **Knowledge management.** The training that is provided by the CAILS, particularly their annual conference, is highly valued and sought after by counsel from across Justice.
- **Engagement and collaboration.** The CAILS effectively collaborates with its stakeholders. Factors that help facilitate these relationships include proactive communication and effective information sharing practices.

##### Opportunities for Improvement:

- **Clarity of mandate.** Further work is required to increase the awareness of the CAILS mandate, particularly with respect to the type and extent of services the Centre provides. Improved communication and outreach would be beneficial, specifically for those counsel who do not regularly engage with the Centre or who are new to Justice.
- **Protocols and processes – clarification regarding requests.** It would be beneficial to clarify the type of information that should be included within a request to CAILS, as well as developing guidelines on the level of complexity and nature of requests that should be sent to the Centre.
- **Strategic partnerships.** There are opportunities for the CAILS to increase strategic engagement through additional consultation with stakeholders prior to finalization of the legal advice.

## Constitutional, Administrative and International Law Section: Process Map for Legal Advice (Including Legal Policy Advice and Litigation Support)



## Human Rights Law Section

### Public Law and Legislative Services Sector



**27  
FTEs**

FY 2019-2020



Financial Model

**A-Base  
Funding  
Model**



**176,630  
Hours  
Logged**

FYs 2015-2020

#### OVERVIEW OF THE CENTRE

The Human Rights Law Section (the HRLS) is a long-standing centre of expertise (hereafter Centre) in Justice. The scope and nature of the areas of practice and services provided by the HRLS have remained largely unchanged over the last ten years.

The HRLS provides specialized legal advice, including legal policy advice and litigation support, on matters related to the *Canadian Charter of Rights and Freedoms* (the Charter), the *Canadian Human Rights Act*, and the *Canadian Bill of Rights* (CBR), as well as Canada's international human rights obligations. The Centre has a unique role, with the Legislative Branch, in advising the Minister of Justice in the exercise of his statutory responsibilities to examine government bills and proposed regulations for consistency with the Charter and the CBR.

The HRLS can be engaged by legal service units, the National Litigation Sector, and other areas within Justice to provide services when a need exists (see Table 1).

**Table 1: Types of Services**

○ Legal advice, including legal policy advice and litigation support
○ Policy work
○ Knowledge management and outreach activities

#### WHAT WAS FOUND

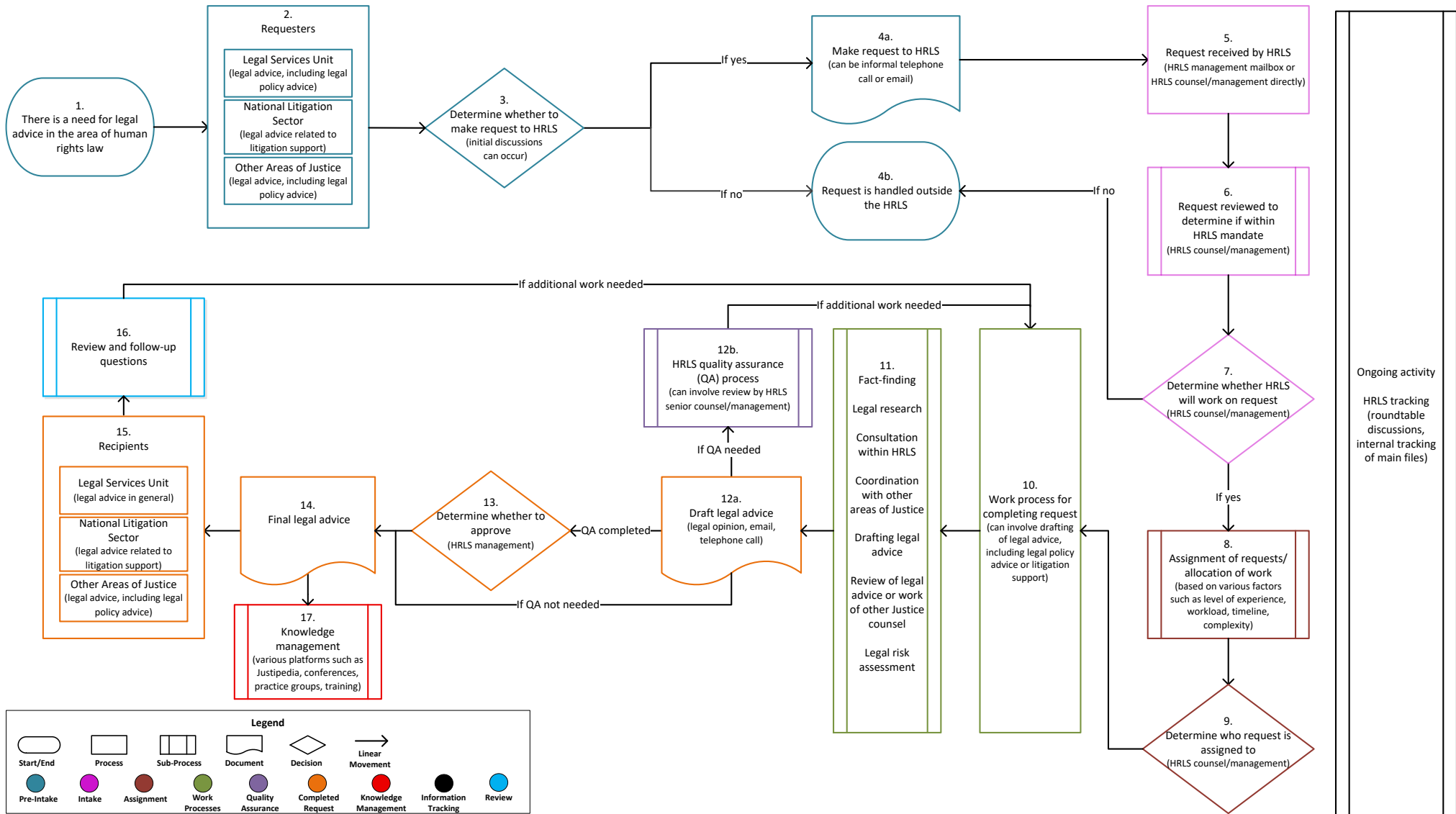
##### Areas of Success:

- **Protocols and processes.** The informal and discretionary nature of the HRLS were found to be effective aspects of the Centre's service delivery model. These protocols and processes provide flexibility to stakeholders to engage with the Centre as needed.
- **Structure of the Centre.** The flexible team model within the HRLS has established supportive and collaborative working relationships among counsel and management. The Centre has implemented an effective quality assurance

process, particularly for new or junior counsel, which allows counsel to build their expertise while being informally mentored by senior counsel.

- **Engagement and collaboration.** The HRLS effectively collaborates with its stakeholders to provide practical legal advice grounded in the client departments and agencies realities. Factors that help facilitate this collaboration include having an open dialogue regarding expectations of the request (e.g., timelines), responding to questions, and proactively sharing information.
  - **Knowledge management.** The quality of knowledge products that the HRLS shares and the training it offers are seen as valuable, particularly with respect to its practice groups. The information that is provided increases awareness of the latest legal trends and provides whole-of-government perspectives in human rights law.
- Opportunities for Improvement:**
- **Awareness of mandate.** There is a need to increase the awareness of the HRLS' mandate, particularly with respect to specific areas of expertise the Centre handles in comparison to other Centres with similar practice areas. While requests are easily redirected between Centres, there is an opportunity for broader communication of information regarding the type and extent of services offered along with examples of appropriate requests.
  - **Structure of the Centre - capacity.** The HRLS has experienced some challenges with turnover in the last few fiscal years, as well as some additional demands on resources due to the expansion of their mandate to include Charter statements, which did not receive additional funding. Furthermore, overall demand for policy work has also fluctuated over time, resulting in the need for some HRLS counsel to shift the nature of their work periodically (between legal advice and policy work) depending on demand.

## Human Rights Law Section: Process Map for Legal Advice (Including Legal Policy Advice and Litigation Support)



Ongoing activity  
HRLS tracking (roundtable discussions, internal tracking of main files)



## Official Languages Directorate

### Public Law and Legislative Services Sector



15  
FTEs

FY 2019-2020



Financial Model

A-Base  
Funding  
Model



65,324  
Hours  
Logged

FYs 2015-2020

#### OVERVIEW OF THE CENTRE

The Official Languages Directorate (the OLAD) was established as a centre of expertise (hereafter Centre) within Justice during 2013.

The mandate of the OLAD is to provide centralized legal advisory services with respect to language rights and policy, international Francophonie, and access to justice in official languages (barring some exceptions). The work of the OLAD covers legal advice, including legal policy advice and litigation support, as well as policy development work involving official languages in accordance with the Canadian Constitution, the *Official Languages Act*, other legislation covering official language rights, and any other program or initiative related to official languages in Canada or the international Francophonie.

Since November 2015, as a result of the Legal Services Review, Justice has assigned the OLAD's Official Languages Law Team the exclusive mandate for preparing all legal advice related to official languages law. As a result, no other area within Justice is to provide legal advice or opinions in these matters.

The OLAD can be engaged by legal service units on behalf of the client department or agencies, the National Litigation Sector, and other areas within Justice to provide services (see Table 1).

**Table 1: Types of Services**

○ Legal advice, including legal policy advice and litigation support
○ Policy work
○ Knowledge management and outreach activities

The OLAD is divided into two groups: the Official Languages Law Team that focuses on the provision of legal advice, and the Justice in Official Languages Team that conducts legal policy work related to access to justice in both official languages. Work is assigned based on client departments and agencies portfolios and LSUs.

#### WHAT WAS FOUND

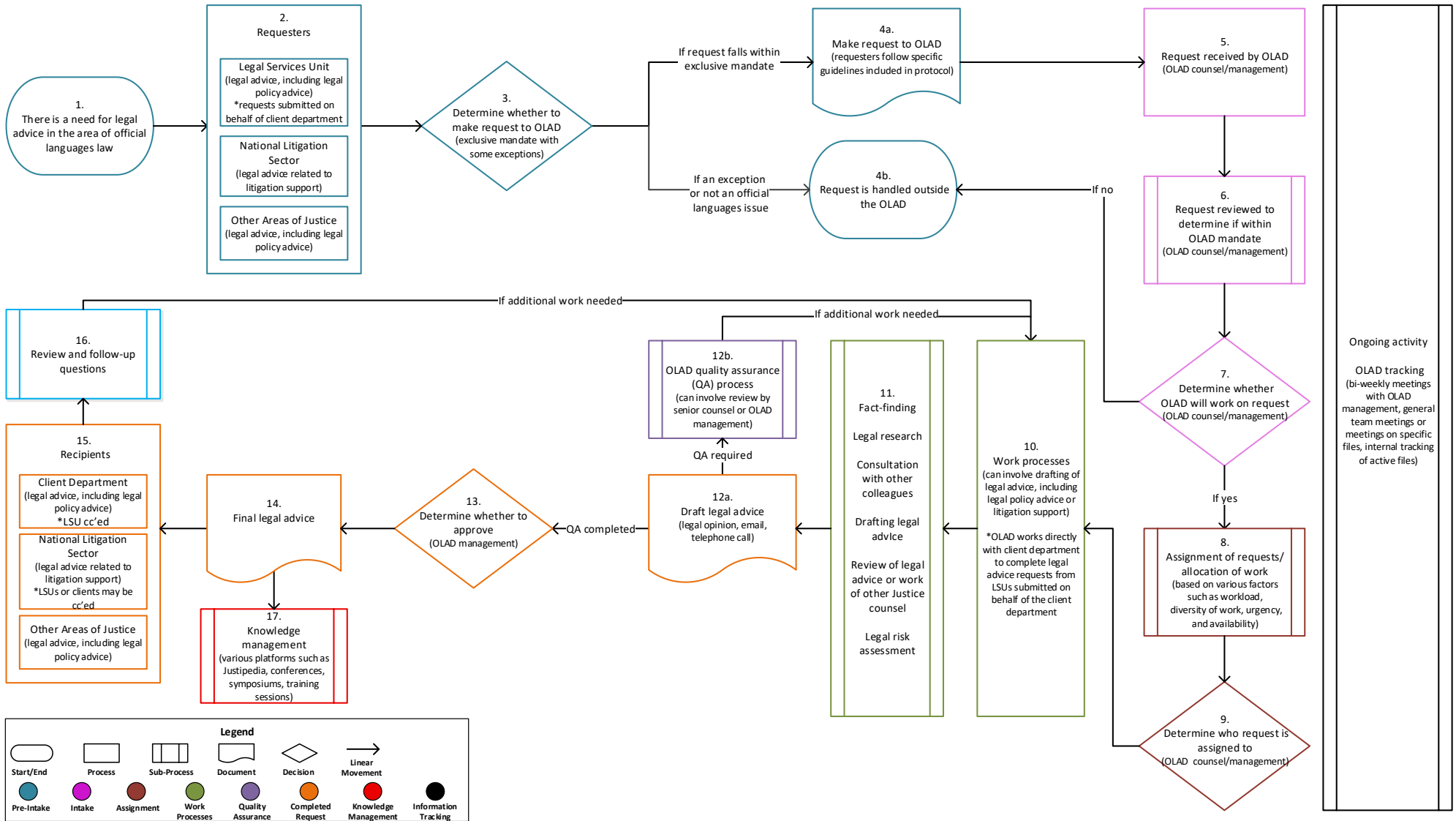
##### Areas of Success:

- **Structure of the Centre – work assignments.** Each OLAD counsel is assigned to a specific client department or agency portfolio. This provides the opportunity to develop a deeper understanding of the client department or agencies operational context, knowledge of previous legal advice provided, and the ability to establish strong working relationships.
- **Knowledge management.** The knowledge products that the OLAD shares and the training it offers are valuable to its stakeholders. The information that is provided responds to stakeholder needs by increasing their awareness of the latest trends and whole-of-government perspectives in official languages law.
- **Collaboration.** The OLAD collaborates with several client departments and agencies on a number of government-wide initiatives. It also collaborates closely with internal and external stakeholders involved in official languages.

##### Opportunities for Improvement:

- **Clarity of mandate.** Further work is required to clarify the mandate of the OLAD, particularly with respect to the type and extent of services that the Centre provides. Increased information sharing would be beneficial, particularly with those counsel who are not regularly involved in files involving official language considerations.
- **Protocol and processes.** Results suggest that some legal advice continues to be provided by counsel in LSUs, when such legal advice should be provided by the OLAD. Also, some Justice counsel involved in litigation do not follow the protocol in court proceedings involving official languages law matters. Ensuring that all counsel are aware of and adhere to the protocol would better support the work of the OLAD.

## Official Languages Directorate: Process Map for Legal Advice (Including Legal Policy Advice and Litigation Support)





# Centre of Expertise in Procurement Law

## Business Regulatory Law Portfolio



45  
FTEs

FY 2019-2020



Financial Model

Cost-  
Recovery  
Funding  
Model



149,708  
Hours  
Logged

FYs 2017-2020

### OVERVIEW OF THE CENTRE

The Centre of Expertise in Procurement Law (the CoEPL) was established as a centre of expertise (hereafter Centre) within Justice effective April 1, 2017.

The CoEPL has the exclusive mandate to provide procurement legal advice related to the process of acquiring goods, services or construction, generally related to the pre-contractual, contracting, or contract administration phases (barring some exceptions). The Centre also provides legal advice in the context of litigation for claims and Judicial Review applications brought before the court as they relate to procurement; the conduct of procurement complaints before the Canadian International Trade Tribunal, excluding oral hearings; and legal advice in the context of reviews and investigations conducted by the Office of the Procurement Ombudsman, the Office of the Auditor General, the Parliamentary Budget Officer or other overseeing bodies. As a result, no other area within Justice is to provide legal advice or opinions in procurement law matters.

The CoEPL is co-located with the PSPC and SSC legal services units (LSU). The Centre can be engaged by LSUs on behalf of the client department or agency or the National Litigation Sector to provide services (see Table 1).

**Table 1: Types of Services**

o Legal advice, including litigation support
o Litigation
o Knowledge management and outreach activities

### WHAT WAS FOUND

#### Areas of Success:

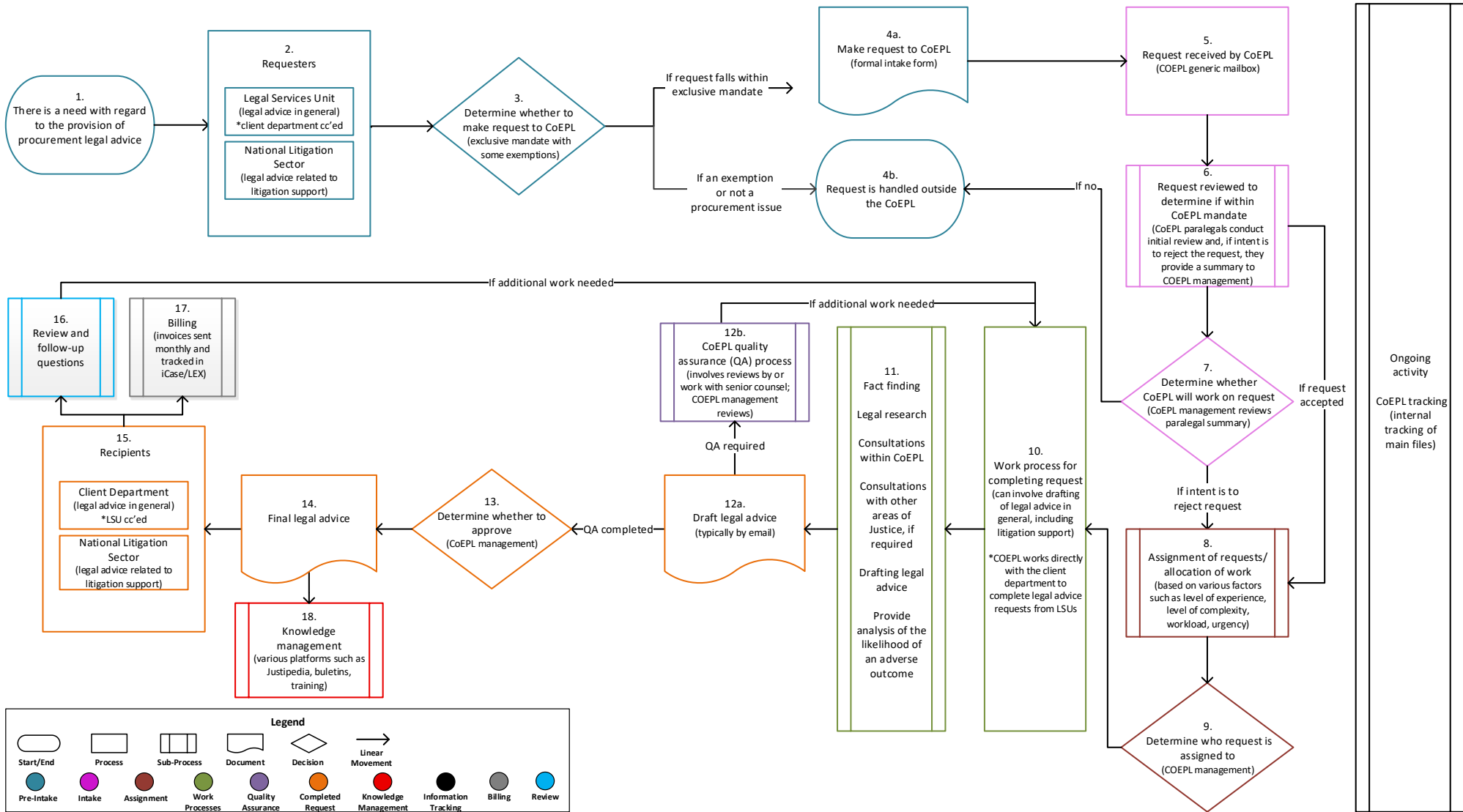
- **Knowledge management.** The quality of knowledge products that the CoEPL shares and the training it offers are seen as relevant and useful to LSU counsel and client departments and agencies.

- **Structure of the Centre – capacity and work assignments.** The overall structure of the CoEPL including the processes for managing requests, assigning work, and effective inclusion of paralegals, is working well. Staffing levels within the Centre have been relatively stable over time and capacity has been sufficient to manage work requirements.

#### Opportunities for Improvement:

- **Clarification of mandate.** Further work is required to clarify and support awareness of the mandate of the CoEPL, particularly with respect to the type and extent of services that the Centre provides.
- **Protocol and processes.** Although the protocol and processes provide structure in how to engage with the Centre, there is an opportunity to review the required request form and simplify the information to increase efficiency as well as review the follow-up processes subsequent to dissemination of legal advice. There is also some room for improvement with respect to adherence to the protocol to ensure that CoEPL counsel are providing all procurement legal advice (unless covered by an exception).
- **Strategic partnerships.** While having the CoEPL produce all legal advice related to procurement law offers benefits, there is a desire to ensure that legal counsel from LSUs be more meaningfully engaged with the Centre to ensure a shared understanding of the legal advice provided. Both LSU counsel, and representatives from client departments and agencies, also see potential benefits in having the CoEPL counsel involved in follow-up discussions on the legal advice provided, or other related issues that may not be of a strictly legal nature, but that directly affect the procurement activities undertaken.

## Centre of Expertise in Procurement Law: Process Map for Legal Advice (Including Litigation Support)



## APPENDIX B: KEY INFORMANT AND FOCUS GROUP INTERVIEW

**Table 7: Distribution of key informants interviewed**

	Centres	Other areas within Justice	Client departments	Total <sup>13</sup>
CLEL	6	8	7	21
CLS	3	13	0	16
ALC	5	9	3	17
CIPL	5	15	1	21
CAILS	3	9	0	12
HRLS	3	9	3	15
OLAD	3	8	4	15
CoEPL	2	5	4	11
<b>Total</b>	<b>30</b>	<b>76</b>	<b>22</b>	<b>128</b>

**Table 8: Distribution of focus group participants**

Centre	Number of focus group participants
CLEL	8
CLS	5
ALC	6
CIPL	9
CAILS	5
HRLS	6
OLAD	5
CoEPL	4
<b>Total</b>	<b>48</b>

<sup>13</sup> Although some considerations were given to the overall size and scope of the mandates of each Centre, in general, a greater number of interviews were conducted with the four Centres that were selected for more in-depth examination (ALC, CLEL, CIPL, and CLS). The CLS did not have as many interviews due to the smaller size of the Centre at the time of the evaluation (approximately 5 FTEs).