



# **Management Response and Action Plan**

## **Litigation Branch Evaluation**

**Department of Justice Canada**

**MANAGEMENT RESPONSE AND ACTION PLAN**

**PROJECT TITLE:       Litigation Branch Evaluation**

**RESPONSIBILITY CENTRE:       Litigation Branch**

<b>Conclusions</b>	<b>Recommendation</b>	<b>Management Response</b>	<b>Action Plan</b>	<b>Responsible Manager (Title)</b>	<b>Planned Completion Date</b>
<p><u>Communication and Collaboration</u></p> <p>Although the evaluation found that consultations between Litigation Branch counsel and DLSUs occur regularly, results from the Litigation Branch survey and key informant interviews indicate some room for improvement in the relationship between the Litigation Branch and at least some DLSUs. In some cases, potential benefits could be achieved through greater involvement of DLSUs in the litigation work carried out by the Branch.</p> <p>With respect to class actions files, some key informants pointed to a need for clarification of roles and responsibilities and an improvement in communications and coordination between the Litigation Branch and the regional offices.</p>	<p>That the Litigation Branch apply litigation project management principles to clarify, at the outset of any litigation proceeding, the tasks and responsibilities of each team member, appropriately tailored to each unique file.</p>	<p>Agreed.</p>	<p>The Department's legal project management principles will be applied at the outset of litigation proceedings and the Litigation Branch will liaise with the Department's Legal Project Management Leader.</p>	<p>ADAG (Litigation)</p>	<p>31 March 2016</p>
<p><u>Training</u></p> <p>The evaluation concluded that the Litigation Branch considers training a priority and that varied training opportunities are offered by the Branch. However, the evaluation identified some gaps in the training opportunities available, particularly with respect to in-court skills for junior counsel.</p>	<p>That the Litigation Branch determine if there are ways of improving opportunities to meet the training needs of its counsel.</p>	<p>Agreed.</p>	<p>The ADAG Litigation and the Litigation Branch will work with Regional Directors General, the Professional Development Directorate and other stakeholders to survey the training needs of litigation counsel within the Department of Justice nationally, the training opportunities currently available, the best practices and lessons learned, in order to provide a better overview of how best to cost effectively meet litigation training needs over the coming years.</p>	<p>ADAG (Litigation)</p>	<p>31 December 2016</p>

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<p><u>Use of the National eDiscovery and Litigation Support Services</u></p> <p>The National eDiscovery and Litigation Support Services were established to respond to increasing eDiscovery needs. Many managers and senior counsel noted that the Group’s support services and evidence management team have helped the Branch deal with increasing document review requirements. However, evaluation findings indicate that the Group is underutilized and that Branch counsel lack awareness of the potential for the Group to assist them.</p>	<p>That the Litigation Branch determine how the National eDiscovery and Litigation Support Services can best be used to support both the Branch and the legal services portfolios more broadly.</p>	<p>Agreed.</p> <p>Legal Services Review implementation targets have overtaken the activities described in the evaluation, which began before the Legal Services Review commitments were made. Legal Services Review commitments are to be concluded by March 31, 2017.</p>	<p>The Litigation Branch will continue to pursue its 3-year implementation targets within the Legal Services Review, to increase the use of electronic document processing and review tools, supported by the National eDiscovery and Litigation Support Services team.</p> <p>eDiscovery targets within Legal Services Review are being met: increased use of the tools is occurring, cost avoidance and savings are being documented, and national training is being undertaken.</p>	<p>ADAG (Litigation)</p>	<p>31 March 2017</p>
<p><u>Compliance with Legal Risk Assessment Protocols</u></p> <p>The evaluation found that the Litigation Branch makes important contributions to LRM on most files. In addition, there is a high level of satisfaction among clients as well as Litigation Branch and DLSU representatives with Branch contributions to the identification, assessment, communication, mitigation and management of legal risks.</p> <p>However, evaluation results point to some potential issues with compliance with iCase reporting requirements related to risk assessment and with implementation of the new LRM framework, especially with respect to advisory files.</p>	<p>That the Litigation Branch improve compliance with legal risk assessment protocols.</p>	<p>Agreed.</p>	<p>Enhance quality of compliance with iCase reporting requirements, including the new LRM framework, through training and ongoing monitoring.</p> <p>Since the evaluation was initiated, Legal Services Review commitments regarding 1400 hours of client work have been implemented and iCase reporting compliance has been fully addressed in the Litigation Branch.</p> <p>Within the units with mixed litigation and advisory files – the National Security Group and the International Assistance Group – implementation of the Department’s new Legal Risk Management Grid is being undertaken, as for all advisory groups within Justice.</p>	<p>ADAG (Litigation)</p>	<p>31 March 2016</p>

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<p><u>Compliance with the iCase timekeeping protocol</u></p> <p>The evaluation experienced difficulty in assessing the efficiency of Litigation Branch services. The evaluation noted a concern that various units of the Branch may be underreporting their hours in iCase. Additionally, the evaluation found that a considerable number of counsel and paralegal hours are recorded to corporate files (i.e., non-legal work for the Department), making it difficult to determine if resources are deployed to best effect.</p>	<p>That the Litigation Branch refine and ensure compliance with the iCase timekeeping protocol, so that Branch efficiency can more easily be assessed.</p>	<p>Agreed.</p>	<p>Ensure that files in which time is kept have the appropriate profile in iCase and that the completeness, accuracy, and timeliness of timekeeping is monitored annually, recognizing that unit managers track and manage data compliance monthly.</p>	<p>ADAG (Litigation)</p>	<p>30 September 2015</p>