Examples of Regulatory Objectives for the Legal Profession (Updated March 2, 2019)

Laurel S. Terry

Available at: https://works.bepress.com/laurel_terry/89/
### Nova Scotia Barristers’ Society [the regulator]¹

1. Protect those who use legal services.
2. Promote the rule of law and the public interest in the justice system.
3. Promote access to legal services and the justice system.
4. Establish required standards for professional responsibility and competence in the delivery of legal services.
5. Promote diversity, inclusion, substantive equality and freedom from discrimination in the delivery of legal services and the justice system.
6. Regulate in a manner that is proactive, principled and proportionate.

### The Terry-Mark-Gordon Recommendations²

1. Protection of clients;
2. Protection of the public interest;
3. Promoting public understanding of the legal system and respect for the rule of law;
4. Supporting the rule of law and ensuring lawyer independence sufficient to allow for a robust rule of law culture;
5. Increasing access to justice (including clients’ willingness and ability to access lawyers’ services);
6. Promoting lawyers’ compliance with professional principles (including competent and professional delivery of services);
7. Ensuring that lawyer regulation is consistent with principles of “good regulation.”

### ABA Model Regulatory Objectives for the Provision of Legal Services (2016)³

<table>
<thead>
<tr>
<th>Objective</th>
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<tbody>
<tr>
<td>A. Protection of the public</td>
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<tr>
<td>B. Advancement of the administration of justice and the rule of law</td>
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<tr>
<td>C. Meaningful access to justice and information about the law, legal issues, and the civil and criminal justice systems</td>
</tr>
<tr>
<td>D. Transparency regarding the nature and scope of legal services to be provided, the credentials of those who provide them, and the availability of regulatory protections</td>
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<tr>
<td>E. Delivery of affordable and accessible legal services</td>
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<tr>
<td>F. Efficient, competent, and ethical delivery of legal services</td>
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<tr>
<td>G. Protection of privileged and confidential information</td>
</tr>
<tr>
<td>H. Independence of professional judgment</td>
</tr>
<tr>
<td>I. Accessible civil remedies for negligence and breach of other duties owed, disciplinary sanctions for misconduct, and advancement of appropriate preventive or wellness programs</td>
</tr>
<tr>
<td>J. Diversity and inclusion among legal services providers and freedom from discrimination for those receiving legal services and in the justice system</td>
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</table>

### UK 2007 Legal Services Act, Sec. 1(1)⁴

1. In this Act a reference to “the regulatory objectives” is a reference to the objectives of—
   1. Protecting and promoting the public interest;
   2. Supporting the constitutional principle of the rule of law;
   3. Improving access to justice;
   4. Protecting and promoting the interests of consumers;
   5. Promoting competition in the provision of services within subsection (2);
   6. Encouraging an independent, strong, diverse and effective legal profession;
   7. Increasing public understanding of the citizen's legal rights and duties;
   8. Promoting and maintaining adherence to the professional principles.

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* Please email Penn State Dickinson Law Professor Laurel Terry at LTerry@psu.edu if you aware of additional U.S. examples.


SELECTED EXAMPLES OF REGULATORY OBJECTIVES
Prepared by Prof. Laurel Terry, Penn State Dickinson Law (LTerry@psu.edu), p. 2

Colorado

In regulating the practice of law in Colorado in the public interest, the Court’s objectives include:

1. Increasing public understanding of and confidence in the rule of law, the administration of justice and each individual’s legal rights and duties;

2. Ensuring compliance with essential eligibility requirements, rules of professional conduct and other rules in a manner that is fair, efficient, effective, targeted and proportionate;

3. Enhancing client protection and promoting consumer confidence through Attorney Regulation Counsel, the Attorneys Fund for Client Protection, inventory counsel services, the regulation of non-lawyers engaged in providing legal services, and other proactive programs;

4. Assisting providers of legal services in maintaining competence and professionalism through continuing legal education; Attorney Regulation Counsel professionalism, ethics and trust account schools; and other proactive programs;

5. Helping lawyers throughout the stages of their careers successfully navigate the practice of law and thus better serve their clients, through COLAP, CAMP and other proactive programs;

6. Promoting access to justice and consumer choice in the availability and affordability of competent legal services;

7. Safeguarding the rule of law and ensuring judicial and legal service providers’ independence sufficient to allow for a robust system of justice;

8. Promoting diversity, inclusion, equality and freedom from discrimination in the delivery of legal services and the administration of justice; and


Illinois

Regulatory Objectives for the Provision of Legal Services of the Supreme Court of Illinois

A. Protection of the public

B. Advancement of the administration of justice and the rule of law

C. Meaningful access to justice and information about the law, legal issues, and the civil and criminal justice systems

D. Transparency regarding the nature and scope of legal services to be provided, the credentials of those who provide them, and the availability of regulatory protections

E. Delivery of affordable and accessible legal services

F. Efficient, competent, and ethical delivery of legal services

G. Protection of privileged and confidential information

H. Independence of professional judgment

I. Accessible civil remedies for negligence and breach of other duties owed, and disciplinary sanctions for misconduct

J. Diversity and inclusion among legal services providers and freedom from discrimination for those receiving legal services and in the justice system

Adopted by the Supreme Court November Term 2017

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5 Preamble to Chapters 18 to 20, Rules Governing the Practice of Law, Colorado Supreme Court (Adopted April 7, 2016), https://perma.cc/2XG7-LV6H.

<table>
<thead>
<tr>
<th>Legal services providers must be regulated in the public interest. In regulating the practice of law in Washington, the Washington Supreme Court's objectives include:</th>
</tr>
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<tbody>
<tr>
<td>(a) protection of the public;</td>
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<td>(b) advancement of the administration of justice and the rule of law;</td>
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<td>(c) meaningful access to justice and information about the law, legal issues, and the civil and criminal justice systems;</td>
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<tr>
<td>(d) transparency regarding the nature and scope of legal services to be provided, the credentials of those who provide them, and the availability of regulatory protections;</td>
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<td>(e) delivery of affordable and accessible legal services;</td>
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<td>(f) efficient, competent, and ethical delivery of legal services;</td>
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<td>(h) independence of professional judgment;</td>
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<td>(i) Accessible civil remedies for negligence and breach of other duties owed, disciplinary sanctions for misconduct, and advancement of appropriate preventive or wellness programs;</td>
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<td>(j) Diversity and inclusion among legal services providers and freedom from discrimination for those receiving legal services and in the justice system.</td>
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### COMPARING OUR RECOMMENDED OBJECTIVES WITH EXISTING AND DRAFT REGULATORY OBJECTIVES

<table>
<thead>
<tr>
<th>Our Recommended Objective</th>
<th>Related Concepts in Draft or Existing Objectives</th>
<th>Variations and Observations</th>
</tr>
</thead>
</table>
| 1. Protection of clients  | • U.K. § 1(1)(d)\(^{284}\)  
• Scotland § 1(b)(i)\(^{285}\)  
• New Zealand § 3(1)(a)–(b)\(^{286}\)  
• Nova Scotia § 33\(^{287}\)  
• Draft Australia s 1.1.3(c)\(^{288}\)  
• Draft India § 3(d)\(^{289}\)  
• Draft Ireland § 9(4)(c)\(^{290}\) | Some objectives refer to “consumers” and some refer to “clients.”\(^{291}\)  
Some include in a single objective “protecting” and “promoting” the interests of consumers.\(^{292}\) We have separated these in Recommended Objectives 1 and 5. Some do not refer explicitly to clients but presumably include this idea when referring to public interest.\(^{293}\) |
### 2. Protection of the public interest

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<td></td>
<td>▪ U.K. § 1(1)(a)²⁹⁴</td>
<td>Most cite protection of the public interest, but Australia simply cites protection of the public.³¹²</td>
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<td></td>
<td>▪ Scotland § 1(b)(ii)²⁹⁵</td>
<td>Some refer to the “best interests” of the public and some add the word “generally” after stating protection of the public interest.³¹³</td>
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<td>▪ New Zealand § 3(1)(b)²⁹⁶</td>
<td>Some say protecting and promoting, others do not.³¹⁴</td>
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<td></td>
<td>▪ Alberta § 49(c)²⁹⁷</td>
<td>Scotland has distinct objectives for supporting the interests of justice and protecting-promoting public interest.³¹⁵</td>
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<td></td>
<td>▪ British Columbia § 3(a)²⁹⁸</td>
<td>This key concept was omitted from the original U.K. bill.³¹⁶</td>
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<td>▪ Manitoba § (3)(1)²⁹⁹</td>
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<td>▪ New Brunswick § 5(a)³⁰⁰</td>
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<td></td>
<td>▪ Newfoundland and Labrador § 18(1)(1)³⁰¹</td>
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<td>▪ Northwest Territories § 22(a)³⁰²</td>
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<td>▪ Nova Scotia § 33³⁰³</td>
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<td></td>
<td>▪ Ontario § 4.2(3)³⁰⁴</td>
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<td>▪ Prince Edward Island § 4(a)³⁰⁵</td>
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<td>▪ Quebec § 12³⁰⁶</td>
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<td>▪ Saskatchewan § 3.1(a)³⁰⁷</td>
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<td>▪ Yukon § 3(a)³⁰⁸</td>
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<td>▪ Draft Australia s 1.1.3(c)³⁰⁹</td>
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<td>▪ Draft India § 3(a)³¹⁰</td>
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<td></td>
<td>▪ Draft Ireland § 9(4)(a)³¹¹</td>
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²⁹⁶. Cf. Lawyers and Conveyancers Act 2006, pt. 1, § 3(1)(b) (N.Z.). This section refers to maintaining confidence in the provision of legal services, which might mean something different than protection of the public interest.
²⁹⁷. Legal Profession Act, R.S.A. 2000, c. L-8, pt. 3, § 49(c) (Can.).
²⁹⁸. Legal Profession Act, S.B.C. 1998, c. 9, pt. 1, § 3(a) (Can.).
³⁰². Legal Profession Act, R.S.N.W.T. 1998, c. L-2, pt. 3, § 22(a) (Can.).
³⁰³. Legal Profession Act, S.N.S. 2004, c. 28, pt. 3, § 33 (Can.).
³⁰⁴. Law Society Act, R.S.O. 1990, c. L.8, pt. 1, § 4.2(3) (Can.).
³⁰⁶. An Act Respecting the Barreau du Québec, R.S.Q., c. B-1, § 12 (Can.).
³⁰⁸. Legal Profession Act, R.S.Y. 2002, c. 134, pt. 1, § 3(a) (Can.).
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| 3. Promoting public understanding of the legal system and respect for the rule of law | - U.K. § 1(1)(b) <sup>317</sup>  
- Scotland § 1(a)(i) <sup>318</sup>  
- Ontario § 4.2(1) <sup>319</sup>  
- Draft India § 3(b), (g) <sup>320</sup>  
- Draft Ireland § 9(4)(b) <sup>321</sup> | U.K. § 1(1)(b) and others refer to supporting the “constitutional” principle of the rule of law and § 1(1)(g) asks for increased public understanding of citizens’ rights and duties. <sup>322</sup> India § 3(g) similarly focuses on public knowledge. <sup>323</sup> Ireland refers to supporting the proper and effective administration of justice. <sup>324</sup> |

<sup>309. [Draft] Legal Professional National Law 2011, ch 1, pt 1, s 1.1.3(c) (Austl.).</sup>  
<sup>310. [Draft] Legal Practitioners Act, 2010, § 3(a) (India).</sup>  
<sup>311. Legal Services Regulation Bill 2011 (Act No. 58/2011), pt. 2, § 9(4)(a) (Ir.).</sup>  
<sup>312. Compare Legal Services Act, 2007, c. 29, § 1(1)(a) (U.K.), with [Draft] Legal Professional National Law 2011, ch 1, pt 1, s 1.1.3(c) (Austl.).</sup>  
<sup>313. See, e.g., Legal Profession Act, R.S.A. 2000, c. L-8, pt. 3, § 49(c) (Can.) (“is incompatible with the best interests of the public”); Legal Services (Scotland) Act, 2010, (A.S.P. 16), § 1(b)(ii) (“the public interest generally”).</sup>  
<sup>315. See Legal Services (Scotland) Act, 2010, (A.S.P. 16), § 1(a)(i), (b)(ii).</sup>  
<sup>316. See supra note 68 and accompanying text.</sup>  
<sup>317. Legal Services Act, 2007, c. 29, § 1(1)(b), (g) (U.K.).</sup>  
<sup>318. Legal Services (Scotland) Act, 2010, (A.S.P. 16), § 1(a)(i).</sup>  
<sup>320. [Draft] Legal Practitioners Act, 2010, § 3(b), (g) (India).</sup>  
<sup>322. See Legal Services Act, 2007, c. 29, § 1(1)(b), (g) (U.K.) (“increasing public understanding of the citizen’s legal rights and duties”).</sup>  
<sup>323. [Draft] Legal Practitioners Act, 2010, § 3(b), (g) (India) (“creating legal awareness amongst the general public and to make the consumers of the legal profession well informed of their legal rights and duties”).</sup>  
<sup>324. Legal Services Regulation Bill 2011 (Act No. 58/2011), pt. 2, § 9(4)(b) (Ir.).</sup>
4. Ensuring lawyer independence sufficient to allow for a robust “rule of law” culture

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<td>▪ U.K. § 1(1)(b)</td>
<td>The concept of lawyer independence appears often but in varied settings. Several jurisdictions refer to lawyer independence; some of these same jurisdictions have separate objectives regarding the rule of law.(^{336}) Regarding independence, the United Kingdom says “ensuring an independent, strong, diverse, and effective legal profession.”(^{337}) Others refer to “varied” rather than “diverse” and some omit this term.(^{338}) India adds language that lawyers have ethical obligations and a strong sense of duty toward tribunals.(^{339}) Many Canadian provinces refer in the same paragraph to “independence, integrity, and honor.”(^{340}) The Australian objective combines independence with a reference to co-regulatory systems.(^{341}) Our recommendation combines these concepts so that it is clear that lawyer independence is not a self-serving value, but is directly related to maintaining a robust rule of law.</td>
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<td></td>
<td>▪ Scotland § 1(a)(i), 1(d)</td>
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<td>▪ Denmark Bylaw 1(^{327})</td>
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<td></td>
<td>▪ British Columbia § 3(a)(ii)</td>
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<td></td>
<td>▪ Manitoba § 3(1)(^{329})</td>
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<td></td>
<td>▪ New Brunswick § 5(c)(^{330})</td>
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<td>▪ Prince Edward Island § 4(c)(^{331})</td>
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<td>▪ Yukon § 3(a)(2)(^{332})</td>
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<td>▪ Draft Australia 1.1.3(f)(^{333})</td>
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<td>▪ Draft India § 3(f)(^{334})</td>
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<td>▪ Draft Ireland § 9(4)(e)(^{335})</td>
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\(^{325}\) Legal Services Act, 2007, c. 29, § 1(1)(b), (e) (U.K.).

\(^{326}\) Legal Services (Scotland) Act, 2010, (A.S.P. 16), § 1(a)(i), 1(d).

\(^{327}\) Bylaws of the Danish Bar and Law Society, supra note 123, at bylaw 1 (“to guard the independence and integrity of lawyers”).

\(^{328}\) Legal Profession Act, S.B.C. 1998, c. 9, pt. 1, § 3(a)(iii) (Can.).

\(^{329}\) Legal Profession Act, C.C.S.M., c. L107, pt. 2, § 3(1) (Can.).

\(^{330}\) Law Society Act, S.N.B. 1996, c. 89, pt. 2, § 5(c) (Can.).

\(^{331}\) Legal Profession Act, S.P.E.I. 1992, c. L-6.1, pt. 2, § 4(c) (Can.).

\(^{332}\) Legal Profession Act, R.S.Y. 2002, c. 134, pt. 1, § 3(a)(2) (Can.).

\(^{333}\) [Draft] Legal Profession National Law 2011, ch 1, pt 1, s 1.1.3(f) (Austl.).
There is some language variability. The United Kingdom says “improving public access” whereas Scotland says “promoting public access.” Australia speaks of empowering clients to make informed choices about the services and costs.

We believe that “competition” is best thought of as an instrumental goal designed to increase access rather than as a stand-alone objective. We have added language to explain that access includes concepts of ability and willingness, which would include cost and other issues. There is some variability among those jurisdictions that list competition as a stand-alone objective. India, for example, states that competition must be for the goal of improving the quality of service.

334. [Draft] Legal Practitioners Act, 2010, § 3(f) (India).
336. See, e.g., Legal Services (Scotland) Act, 2010, (A.S.P. 16), § 1(a)(i), 1(d); see also Recommended Objective 3, supra, for citations to objectives with “rule of law” language.
337. Legal Services Act, 2007, c. 29, § 1(1)(b), (e) (U.K.).
338. See, e.g., Legal Services (Scotland) Act, 2010, (A.S.P. 16), § 1(d) (“promoting an independent, strong, varied and effective legal profession”).
339. [Draft] Legal Practitioners Act, 2010, ch. 3(f) (India).
341. [Draft] Legal Profession National Law 2011, ch 1, pt 1, s 1.1.3(f) (Austl.).
343. Legal Services (Scotland) Act, 2010, (A.S.P. 16), § 1(c)(i).
344. Law Society Act, R.S.O. 1990, c. L.8, pt. 1, § 4.2(2) (Can.).
345. [Draft] Legal Profession National Law 2011, ch 1, pt 1, s 1.1.3(e) (Austl.).
346. [Draft] Legal Practitioners Act, 2010, § 3(c) (India).
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| 6. Promoting lawyers’ compliance with professional principles (including competent and professional service) | ▪ U.K. § 1(1)(h) 353  
▪ Scotland § 1(f) 354  
▪ Denmark Bylaw 1 355  
▪ British Columbia § 3(a)(iii) 356  
▪ Manitoba § 3(2)(a) 357  
▪ New Brunswick § 5(d) 358  
▪ Nova Scotia §§ 4(2)(b), 33 359  
▪ Prince Edward Island § 4(b) 360  
▪ Saskatchewan § 3.1(c) 361  
▪ Yukon § 3(a)(iii) 362  
▪ Draft Australia s 1.1.3(b) 363  
▪ Draft India § 3(h) 364  
▪ Draft Ireland § 9(4)(f) 365 | There is variability in the way this concept is conveyed. The United Kingdom and Scotland refer to professional principles and then list them in a separate section. 366 
Australia does not refer to professional principles, but identifies competency and maintaining high ethical and professional standards. 367 
Denmark refers to discharging the duties and obligations of lawyers. 368 
Some refer to the professional responsibility of lawyers. 369 |

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349. [Draft] Legal Practitioners Act, 2010, § 3(e) (India).
352. [Draft] Legal Profession National Law 2011, ch 1, pt 1, s 1.1.3(e) (Austl.).
356. Legal Profession Act, S.B.C. 1998, c. 9, pt. 1, § 3(a)(iii) (Can.).
357. Legal Profession Act, C.C.S.M., c. L107, pt. 2, § 3(2)(a) (Can.).
361. Legal Profession Act, 1990, S.S. 1990, c. L-10.1, pt. 2, § 3.1(c) (Can.).
362. Legal Profession Act, R.S.Y. 2002, c. 134, pt. 1, § 3(a)(iii) (Can.).
363. [Draft] Legal Profession National Law 2011, ch 1, pt 1, s 1.1.3(b) (Austl.).
364. [Draft] Legal Practitioners Act, 2010, § 3(h) (India).
367. [Draft] Legal Profession National Law 2011, ch 1, pt 1, s 1.1.3(b) (Austl.).
369. See, e.g., Legal Profession Act, C.C.S.M., c. L107, pt. 2, § 3(2)(a) (Can.).
7. Ensuring that lawyer regulation is consistent with principles of “good regulation”

<table>
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<tr>
<td></td>
<td>▪ Ontario § 4.2(4)–(5)</td>
<td>Most jurisdictions do not include these types of principles. Australia and Ontario list regulatory principles but express them differently.</td>
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<td></td>
<td>▪ Draft Australia s 1.1.3(a), (e)</td>
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</table>

370. Law Society Act, R.S.O. 1990, c. L.8, pt. 1, § 4.2(4)–(5) (Can.).
371. [Draft] Legal Profession National Law 2011, ch 1, pt 1, s 1.1.3(a), (e) (Austl.).
372. See generally infra Appendix 2.
373. See [Draft] Legal Profession National Law 2011, ch 1, pt 1, s 1.1.3(e) (Austl.); Law Society Act, R.S.O. 1990, c. L.8, pt. 1, § 4.2 (4)–(5) (Can.). Both Australia and Ontario refer to proportionality. Australia also refers to national consistency and regulation that is efficient, effective, targeted & proportionate, whereas Ontario refers to timely, open and efficient regulation. Id.; see also supra note 103 (citing the Manitoba, Ontario, and Nova Scotia laws that apply to multiple professions, including the legal profession).
(1) In this Act a reference to “the regulatory objectives” is a reference to the objectives of—

(a) protecting and promoting the public interest;
(b) supporting the constitutional principle of the rule of law;
(c) improving access to justice;
(d) protecting and promoting the interests of consumers;
(e) promoting competition in the provision of services within subsection (2) [referring to authorized persons];
(f) encouraging an independent, strong, diverse and effective legal profession;
(g) increasing public understanding of the citizen’s legal rights and duties;
(h) promoting and maintaining adherence to the professional principles.

Scotland


1 Regulatory Objectives
For the purposes of this Act, the regulatory objectives are the objectives of—

(a) supporting—
   (i) the constitutional principle of the rule of law,
   (ii) the interests of justice,
(b) protecting and promoting—
   (i) the interests of consumers,
   (ii) the public interest generally,
(c) promoting—
   (i) access to justice,

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competition in the provision of legal services,
(d) promoting an independent, strong, varied and effective legal profession,
(e) encouraging equal opportunities (as defined in Section L2 of Part II of Schedule 5 to the Scotland Act 1998) within the legal profession,
(f) promoting and maintaining adherence to the professional principles.

New Zealand

Lawyers and Conveyancers Act 2006, pt. 1, § 3(1)(a)–(c).

3 Purposes
(1) The purposes of this Act are—
(a) to maintain public confidence in the provision of legal services and conveyancing services:
(b) to protect the consumers of legal services and conveyancing services:
(c) to recognise the status of the legal profession and to establish the new profession of conveyancing practitioner.

Denmark

Bylaws of the Danish Bar and Law Society

Objects and registered office
Bylaw 1

The objects for which the Danish Bar and Law Society is established are
to guard the independence and integrity of lawyers;
to ensure and enforce the discharge of the duties and obligations of lawyers;
to maintain the professional skills of lawyers; and
to work for the benefit of the Danish legal community.

### Alberta\(^{378}\)

<table>
<thead>
<tr>
<th>Conduct of Members</th>
<th>Interpretation</th>
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<tbody>
<tr>
<td>49(1) For the purposes of this Act, any conduct of a member, arising from incompetence or otherwise, that</td>
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<tr>
<td>(a) is incompatible with the best interests of the public or of the members of the Society, or</td>
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<td>(b) tends to harm the standing of the legal profession generally, is conduct deserving of sanction, whether or not that conduct relates to the member’s practice as a barrister and solicitor and whether or not that conduct occurs in Alberta.</td>
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### British Columbia\(^ {379}\)

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<th>Public interest paramount</th>
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<tr>
<td>3 It is the object and duty of the society</td>
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<td>(a) to uphold and protect the public interest in the administration of justice by</td>
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<tr>
<td>(i) preserving and protecting the rights and freedoms of all persons,</td>
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<tr>
<td>(ii) ensuring the independence, integrity and honour of its members, and</td>
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<tr>
<td>(iii) establishing standards for the education, professional responsibility and competence of its members and applicants for membership, and</td>
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<tr>
<td>(b) subject to paragraph (a),</td>
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<tr>
<td>(i) to regulate the practice of law, and</td>
</tr>
<tr>
<td>(ii) to uphold and protect the interests of its members.</td>
</tr>
</tbody>
</table>

### Manitoba\(^ {380}\)

<table>
<thead>
<tr>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>3(1) The purpose of the society is to uphold and protect the public interest in the delivery of legal services with competence, integrity and independence.</td>
</tr>
<tr>
<td>Duties</td>
</tr>
<tr>
<td>3(2) In pursuing its purpose, the society must</td>
</tr>
</tbody>
</table>

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(a) establish standards for the education, professional responsibility and competence of persons practising or seeking the right to practise law in Manitoba; and
(b) regulate the practice of law in Manitoba.

**New Brunswick**


5 It is the object and duty of the Society
(a) to uphold and protect the public interest in the administration of justice,
(b) to preserve and protect the rights and freedoms of all persons,
(c) to ensure the independence, integrity and honor of its members,
(d) to establish standards for the education, professional responsibility and competence of its members and applicants for membership,
(e) to regulate the legal profession, and
(f) subject to paragraphs (a) to (d), to uphold and protect the interests of its members.

**Newfoundland and Labrador**


Powers of benchers
18. (1.1) The benchers have the authority to regulate the practice of law and the legal profession in the public interest.

**Northwest Territories**


PART III DISCIPLINE
INTERPRETATION
Definitions 22. In this Part, “conduct unbecoming a barrister and solicitor or student-at-law” means any act or conduct that, in the judgment of a Sole Inquirer or Committee of Inquiry, or the Court of Appeal, as the case may be,
(a) is such as to be harmful to the best interests of the public or the members of the Society, or
(b) tends to harm the standing of the legal profession generally[.]
<table>
<thead>
<tr>
<th>Purpose of Society</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 (1) The purpose of the Society is to uphold and protect the public interest in the practice of law.</td>
</tr>
<tr>
<td>(2) In pursuing its purpose, the Society shall</td>
</tr>
<tr>
<td>(a) establish standards for the qualifications of those seeking the privilege of membership in the Society;</td>
</tr>
<tr>
<td>(b) establish standards for the professional responsibility and competence of members in the Society;</td>
</tr>
<tr>
<td>(c) regulate the practice of law in the Province; and</td>
</tr>
<tr>
<td>(d) seek to improve the administration of justice in the Province by</td>
</tr>
<tr>
<td>(i) regularly consulting with organizations and communities in the Province having an interest in the Society’s purpose, including, but not limited to, organizations and communities reflecting the economic, ethnic, racial, sexual and linguistic diversity of the Province, and</td>
</tr>
<tr>
<td>(ii) engaging in such other relevant activities as approved by the Council.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Protection of public and integrity of profession</th>
</tr>
</thead>
<tbody>
<tr>
<td>33 The purpose of Sections 34 to 53 [regarding the Complaints Investigation Committee] is to protect the public and preserve the integrity of the legal profession by</td>
</tr>
<tr>
<td>(a) promoting the competent and ethical practice of law by the members of the Society;</td>
</tr>
<tr>
<td>(b) resolving complaints of professional misconduct, conduct unbecoming a lawyer, professional incompetence and incapacity;</td>
</tr>
<tr>
<td>(c) providing for the protection of clients’ interests through the appointment of receivers and custodians in appropriate circumstances;</td>
</tr>
<tr>
<td>(d) addressing the circumstances of members of the Society requiring assistance in the practice of law, and in handling or avoiding personal, emotional, medical or substance abuse problems; and</td>
</tr>
<tr>
<td>(e) providing relief to individual clients of members of the Society and promoting the rehabilitation of members.</td>
</tr>
</tbody>
</table>

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### Nunavut


**PART III, DISCIPLINE**

**Conduct unbecoming**

[22] (2) Any act or conduct that in the judgment of a Sole Inquirer or a Committee of Inquiry or the Court of Appeal, as the case may be,

(a) is such as to be harmful to the best interests of the public or the members of the Society, or

(b) tends to harm the standing of the legal profession generally, is conduct unbecoming a barrister and solicitor or a student-at-law within the meaning of this section.

---

### Ontario


**Function of the Society**

4.1 It is a function of the Society to ensure that,

(a) all persons who practise law in Ontario or provide legal services in Ontario meet standards of learning, professional competence and professional conduct that are appropriate for the legal services they provide; and

(b) the standards of learning, professional competence and professional conduct for the provision of a particular legal service in a particular area of law apply equally to persons who practise law in Ontario and persons who provide legal services in Ontario.

**Principles to be applied by the Society**

4.2 In carrying out its functions, duties and powers under this Act, the Society shall have regard to the following principles:

1. The Society has a duty to maintain and advance the cause of justice and the rule of law.

2. The Society has a duty to act so as to facilitate access to justice for the people of Ontario.

3. The Society has a duty to protect the public interest.

4. The Society has a duty to act in a timely, open and efficient manner.

5. Standards of learning, professional competence and professional conduct for licensees and restrictions on who may provide particular legal services should be proportionate to the significance of the regulatory objectives sought to be realized.

---


4. The objects of the society are

(a) to uphold and protect the public interest in the administration of justice;

(b) to establish standards for the education, professional responsibility and competence of its members and applicants for membership;

(c) to ensure the independence, integrity and honour of the society and its members;

(d) to regulate the practice of law; and

(e) to uphold and protect the interests of its members.

12. The function of the Office shall be to see that each order ensures the protection of the public. For that purpose, the Office may, in particular, in collaboration with each order, monitor the operation of the various mechanisms established within the order pursuant to this Code and, where applicable, the Act constituting the professional order.

Duty of society

3.1 In the exercise of its powers and the discharge of its responsibilities, it is the duty of the society, at all times:

(a) to act in the public interest;

(b) to regulate the profession and to govern the members in accordance with this Act and the rules; and

(c) to protect the public by assuring the integrity, knowledge, skill, proficiency and competence of members.
Duty of the society

3 It is the object and duty of the society
(a) to uphold and protect the public interest in the administration of justice by

(i) preserving and protecting the rights and freedoms of all persons,
(ii) ensuring the independence, integrity and honour of its members, and
(iii) establishing standards for the education, professional responsibility and competence of its members and applicants for membership, and
(b) subject to paragraph (a),

(i) to regulate the practice of law, and
(ii) to uphold and protect the interest of its members.

REGULATORY OBJECTIVES THAT HAVE BEEN DRAFTED BUT NOT YET ENACTED

(IN REVERSE ALPHABETICAL ORDER)

Ireland

9 (4) The Authority shall, in performing its functions of the regulation of the provision of legal services under this Act, have regard to the objectives of—

(a) protecting and promoting the public interest,
(b) supporting the proper and effective administration of justice,
(c) protecting and promoting the interests of consumers relating to the provision of legal services,
(d) promoting competition in the provision of legal services in the State,
(e) encouraging an independent, strong and effective legal profession, and
(f) promoting and maintaining adherence to the professional principles specified in subsection (5).

India

[Draft] Legal Practitioners (Regulations and Maintenance of Standards in Professions, Protecting the Interest of Clients and Promoting the Rule of Law) Act, Government of India, Ministry of Law and Justice, Department of Legal Affairs.

3. The Regulatory objectives. – (1) In this Act a reference to “the regulatory objectives” is a reference to the objectives of—

(a) protecting and promoting the public interest;
(b) supporting the constitutional principle of the rule of law;
(c) improving access to justice;
(d) protecting and promoting the interests of the clients of the legal practitioners;
(e) promoting healthy competition amongst the legal practitioners for improving the quality of service;
(f) encouraging an independent, strong, diverse and effective legal profession with ethical obligations and with a strong sense of duty towards the courts and tribunals where they appear;
(g) creating legal awareness amongst the general public and to make the consumers of the legal profession well informed of their legal rights and duties;
(h) promoting and maintaining adherence to the professional principles.

Australia


The objectives of this Law are to promote the administration of justice and an efficient and effective Australian legal profession, by:

(a) providing and promoting national consistency in the law applying to the Australian legal profession; and
(b) ensuring lawyers are competent and maintain high ethical and professional standards in the provision of legal services; and
(c) enhancing the protection of clients of law practices and the protection of the public generally; and
(d) empowering clients of law practices to make informed choices about the services they access and the costs involved; and

(e) promoting regulation of the legal profession that is efficient, effective, targeted and proportionate; and

(f) providing a co-regulatory framework within which an appropriate level of independence of the legal profession from the executive arm of government is maintained.
ADOPTING REGULATORY OBJECTIVES FOR THE LEGAL PROFESSION

Laurel S. Terry,* Steve Mark,** & Tahlia Gordon***

In 2007, the United Kingdom adopted a new law called the Legal Services Act. This Act radically changed certain aspects of U.K. lawyer regulation. Section 1 of that Act identified eight “regulatory objectives” that provide the basis for the regulation of the legal profession. The United Kingdom is not the only jurisdiction that has identified regulatory objectives. A number of Canadian provinces, for example, have provisions that are tantamount to regulatory objectives. Australia is also in the process of developing such objectives and routinely uses “purpose statements” when enacting legal profession regulation. However, many countries—including the United States—have not explicitly identified regulatory objectives and do not use purpose statements.

This Article analyzes various regulatory objectives that have been adopted or proposed. It places the use of regulatory objectives and purpose statements in lawyer regulation in a broader context by describing some of the recent profession-specific and non-profession-specific regulatory reform initiatives. The Article recommends that jurisdictions that have not yet adopted regulatory objectives for the legal profession do so. Finally, the Article concludes by offering recommended regulatory objective concepts for jurisdictions to consider.

* Harvey A. Feldman Distinguished Faculty Scholar and Professor of Law, Penn State Dickinson School of Law. The author would like to thank the many people who assisted with this Article. First, she would like to thank Gail Partin, Mark Podvia, and Geoff Weyl for research assistance. Second, she would like to thank Bruce Green, Russ Pearce, and Sherri Levine for putting together such a stimulating program, and the Fordham colloquium participants for their useful feedback and comments. She would also like to thank Lise-Lotte Skovsager Gümoes from Denmark and the many Canadians who generously provided help with this project, including Don Thompson, Alan Treleaven, Allan Fineblit, Marilyn Billinkoff, Marc Richard, Brenda Grimes, Darrel Pink, Linda Whitford, Barbra Bailey, Susan Jones, Malcolm Heins, Elliot Spears, Sophia Sperdakos, and Lynn Daffe. She also thanks colleagues who provided her with a comparative perspective, including Dubravka Aksamovic, John Flood, Jonathan Goldsmith, Martin Gramatikov, Arnaldur Hjartarson, Martin Henssler, Jay Krishnan, Manoj Kumar, Freddy Mnyongani, Ramon Mullerat, Alexander Muranov, Maria Elvira Mendez Pinedo, Kaviraj Singh, Seow Hon Tan, Micaela Thorstrom, Mfon Ekong Usoro, and Limor Zer-gutman. Finally, she would like to thank Steve Mark and Tahlia Gordon for being such a pleasure to work with.

** Legal Services Commissioner of New South Wales, Australia.

*** Research and Projects Manager, Office of the Legal Services Commissioner of New South Wales, Australia.
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