



NOVA SCOTIA  
BARRISTERS' SOCIETY

## MEMORANDUM TO COUNCIL

**From:** Law Office Management Standards Committee

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**Date:** December 12, 2025

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**Subject:** Recommended amendments to LOMS #6 – Equity and Diversity

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**For:** Approval

Introduction

Information

### Recommendation/Motion:

The Committee recommends that Law Office Management Standard #6 – Equity and Diversity, be amended to strengthen lawyers' and law firms' commitment to equity and diversity as outlined in the Ruck Report and the NSBS 2024-2026 Strategic Plan.

### Executive Summary:

For quite some time, the Committee has been focused on strengthening the current Equity & Diversity practice standard. Overall, it was felt that the current standard provides a good base, its language (with a focus on “best practices” and limited references to legislation and the Code of Professional Conduct) could be more robust and comprehensive.

The early stages of this work predates the introduction of the Ruck Report and the NSBS 2024-2026 Strategic Plan, but the end result is all the more timely – not to mention the recent advent of so-called regulated professions “neutrality” legislation in Canada. From the outset, the editing process has been informed by significant contributions from key individuals like Marla Brown, NSBS Director of Equity and Access and Angela Simmonds, former MLA and Diversity, Equity & Inclusion consultant.

First, the proposed new title brings *Inclusion* and *Accessibility* to the forefront. The revised text also brings to the forefront the notion of treating individuals with “dignity and respect”, foundational underpinnings of Nova Scotia's *Human Rights Act*. Other notable additions to the text include deletions of terms like “best practices” thought to be too vague and perhaps encouraging a minimalist view of obligations, and instead focuses on respecting the intent of the legislation (i.e. the “spirit and the letter”).

The proposed edits focus on the fact that lawyers and law firms “must have” policies related to EDIA. The prescriptive language is not new. This is not a far departure from the existing language, which already speaks to the fact that “lawyers and law firms....must have a proportionate and principled written policy” with respect to EDIA. The proposed new wording also highlights the fact that not everything can or should be contained in a single policy, and introduces the plural, “policies”.

Finally, the revised text introduces specific reference to protection against reprisals, something taken directly from the NSBS Code of Professional Conduct (at 6.3-4) and from Recommendation 8 of the Ruck Report which specifically references reprisal as breaches of professional ethics. The Committee felt the need to bring protection against reprisal to the forefront as opposed to buried in the commentary or footnotes.

Equity Committees were called upon to provide feedback, which can be summarized as follows:

- The singular “policy” should give way to plural “policies” in recognition of the fact that firms change and grow. This suggestion was adopted.
- There was some concern around removing the terms “best practices” as it may unintentionally weaken the standard, but in fact the LOMS Committee thought the opposite. In the LOMSC’s view, “best practices” is too vague and can often lead organizations to look for an industry minimum, hence the suggestion to incorporate reference to “the spirit and the letter” of the law.
- Below-the-line additional resources should include the Ruck Report and the 2024 Articling Survey Results. Both resources have been added.

Jane Willwerth, Equity & Access Advisor, also contributed to the edits by refreshing all the links to the below-the-line resources and provided new ones.

This is not a new standard, but given the subject-matter and its timeliness in light of the Ruck Report and the 2024-2026 NSBS Strategic Plan, the LOMS Committee believes it should be put forth for membership consultation prior to Council moving for its adoption.

A side-by-side presentation of the old and proposed new standard are attached.

**Exhibits/Appendices:**

Equity and Diversity Standard proposed revisions – side by side (December, 2025)