



Agenda

Benchers

Date: Friday, February 3, 2023
Time: **9:00 am – Call to Order**

Location: Hybrid: Bencher Room, 9th Floor, Law Society Building & Zoom

Recording: *Benchers, staff and guests should be aware that a digital audio and video recording will be made at this Benchers meeting to ensure an accurate record of the proceedings. Any private chat messages sent will be visible in the transcript that is produced following the meeting.*

VIRTUAL MEETING DETAILS

The Bencher Meeting is taking place as a hybrid meeting. If you would like to attend the meeting as a virtual attendee, please email BencherRelations@lsbc.org

OATH OF OFFICE:

The Honourable Chief Justice Robert J. Bauman, will administer an oath of office (in the form set out in Rule 1-3) to President Christopher A. McPherson, KC, First Vice-President Jeevyn Dhaliwal, KC and Second Vice-President Brook Greenberg, KC, and to newly elected Bencher Tim Delaney (individually).

1	Administer Oaths of Office
2	Indigenous Welcome

RECOGNITION

3	Presentation of Law Society Indigenous Scholarship Co-recipient
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CONSENT AGENDA:

Any Bencher may request that a consent agenda item be moved to the regular agenda by notifying the President or the Manager, Governance & Board Relations prior to the meeting.



Agenda

4	Minutes of December 2, 2022 meeting (regular session)	
5	Minutes of December 2, 2022 meeting (<i>in camera</i> session)	
6	Rule Amendments: Tribunal Chair Role	
7	External Appointment: Legal Aid BC	
REPORTS		
8	President's Welcome and Report	Christopher A. McPherson, KC
9	CEO's Report	Don Avison, KC
DISCUSSION/DECISION		
10	Fourth Recommendation Report of the Mental Health Task Force	Brook Greenberg, KC
FOR INFORMATION		
11	2024 Bencher and Executive Committee Meeting Dates	
12	Minute of Approval for Appointment of Tribunal Chair	
13	External Appointment: Law Foundation of BC	
<i>IN CAMERA</i>		
14	Other Business	



Minutes

Benchers

Date: Friday, December 02, 2022

Present:

Lisa Hamilton KC, President	Geoffrey McDonald
Christopher McPherson, KC, 1 st Vice-President	Jacqueline McQueen, KC
Jeevyn Dhaliwal, KC, 2 nd Vice-President	Paul Pearson
Paul Barnett	Georges Rivard
Kim Carter	Michèle Ross
Tanya Chamberlain	Gurminder Sandhu
Jennifer Chow, KC	Thomas L. Spraggs
Cheryl S. D'Sa	Barbara Stanley, KC
Lisa Dumbrell	Natasha Tony
Brian Dybwad	Michael Welsh, KC
Brook Greenberg, KC	Kevin B. Westell
Katrina Harry	Sarah Westwood
Sasha Hobbs	Guangbin Yan
Lindsay R. LeBlanc	Gaynor C. Yeung
Dr. Jan Lindsay	

Unable to Attend: Steven McKoen, KC

Kelly H. Russ

Staff:

Don Avison, KC
Avalon Bourne
Barbara Buchanan, KC
Jennifer Chan
Lance Cooke
Natasha Dookie
Su Forbes, KC
Andrea Hilland, KC
Kerryn Holt
Jeffrey Hoskins, KC
Alison Kirby

Michael Lucas, KC
Alison Luke
Claire Marchant
Jeanette McPhee
Cary Ann Moore
Michael Mulhern
Doug Munro
Michelle Robertson
Lesley Small
Adam Whitcombe, KC

Guests:	Dom Bautista	Executive Director & Managing Editor, Law Courts Center
	Aleem Bharmal, KC	President, Canadian Bar Association, BC Branch
	Ian Burns	Digital Reporter, The Lawyer's Daily
	Barbara Carmichael, KC	A/ Deputy Attorney General
	Christina Cook	Aboriginal Lawyers Forum
	Tim Delaney	2023 Bencher-Elect
	Dr. Cristie Ford	Professor, Peter A. Allard School of Law
	Derek LaCroix, KC	Executive Director, Lawyers Assistance Program of B.C.
	Jamie Maclaren, KC	Executive Director, Access Pro Bono Society of BC
	Mark Meredith	Treasurer and Board Member, Mediate BC
	Dr. Val Napoleon	Interim Dean of Law, University of Victoria
	Josh Paterson	Executive Director, Law Foundation of BC
	Ngai Pindell	Dean of Law, Peter A. Allard School of Law
	Brenda Rose	Representative, Courthouse Libraries BC
	Linda Russell	CEO, Continuing Legal Education Society of BC
	Kerry Simmons, KC	Executive Director, Canadian Bar Association, BC Branch
	Ron Usher	General Counsel and Practice Advisor, The Society of Notaries Public of British Columbia
	Lana Walker	Assistant Dean, Thompson Rivers University

CONSENT AGENDA

1. Minutes of November 4, 2022, meeting (regular session)

The minutes of the meeting held on November 4, 2022 were approved unanimously and by consent as circulated.

2. Minutes of November 4, 2022, meeting (*in camera* session)

The minutes of the *In Camera* meeting held on November 4, 2022 were approved unanimously and by consent as circulated.

3. External Appointment: Land Title and Survey Authority

The following resolution was passed unanimously and by consent:

BE IT RESOLVED the Benchers approve putting forward all three eligible candidates as the Law Society nominees for consideration by the LTSA for appointment for a three-year term commencing April 1, 2023.

4. Recommendation to Adopt Changes to the Statement of Investment Policies and Procedures (SIPP)

The following resolution was passed unanimously and by consent:

BE IT RESOLVED to adopt the attached ‘Statement of Investment Policies and Procedures’ which replaces Appendix 1 - Investment Guidelines of the Bencher Governance Policies.

5. Rule Amendments: Superior Courts Clerkship Program

The following resolution was passed unanimously and by consent:

BE IT RESOLVED to amend the Law Society Rules as follows:

1. In Rule 1,

(a) the following definition is added:

“clerkship term” means the period during which a law clerk is employed to work for a judge, not including any period of vacation or leave of absence;

(b) the definition of “law clerk” is rescinded and the following substituted:

“law clerk” means a law clerk employed to work for a judge appointed under section 96 of the *Constitution Act, 1867*, or a judge of the Supreme Court of

Canada, the Federal Court, the Federal Court of Appeal or the Tax Court of Canada;

2. ***Rule 2-51 (2) is amended by striking “articled student or applicant” and substituting “articled student, law clerk or applicant”.***
3. ***Rule 2-59 (4) is rescinded and the following substituted:***
 - (4) Except in the case of an application made under Rule 2-63 (1) [*Law clerks*], the articling term must not be reduced by more than 5 months under any other rule or the combined effect of any rules.
4. ***Rule 2-63 is rescinded and the following substituted:***
 - (1) An articled student who has been employed as a law clerk may apply in writing to the Executive Director for a reduction in the articling term by an amount of time equal to the time served as a law clerk.
 - (3) An application under subrule (1) must be accompanied by
 - (a) a written report on the student’s character and competence from the judge to whom the articled student clerked, and
 - (b) other documents or information that the Credentials Committee may reasonably require.
 - (4) A law clerk may apply for call and admission under Rule 2-77 [*First call and admission*] without enrolment in the admission program or completion of the articling term provided the law clerk otherwise qualifies for call and admission under Rule 2-76.
5. ***Rule 2-72 (2) to (7) is rescinded and the following substituted:***
 - (2) The Credentials Committee may direct that a student be given priority in selection of the training course session that the student wishes to attend if the student is or will be
 - (a) articling outside the Lower Mainland,
 - (b) articling as the only student in a firm, or
 - (c) employed as a law clerk.
 - (3) Before registering in the training course,
 - (a) an articled student or applicant, other than a law clerk, must make application for enrolment under Rule 2-54 (1) [*Enrolment in the admission program*], and

- (b) a law clerk must deliver to the Executive Director written confirmation from the applicable court of the law clerk's acceptance as a law clerk.
- (4) To register in a training course session, an articled student, law clerk or applicant must
 - (a) pay to the Society the fee for the training course specified in Schedule 1, and
 - (b) deliver to the Executive Director
 - (i) an application for training course registration, and
 - (ii) in the case of an articled student, the principal's consent to the training course session chosen.
- (5) The Executive Director must deliver to each student who was registered in a training course session and to each student's principal, if applicable, a transcript stating whether the student passed or failed the training course.
- (7) An articled student or law clerk may apply in writing to the Credentials Committee for exemption from all or a portion of the training course, and the Committee may, in its discretion, grant all or part of the exemption applied for with or without conditions, if the student or law clerk has
 - (a) successfully completed a bar admission course in another Canadian jurisdiction, or
 - (b) engaged in the active practice of law in a common law jurisdiction outside Canada for at least 5 full years.

6. Rule 2-74 is amended as follows:

- (a) **by striking "an articled student" wherever it occurs and substituting "a student";**
- (b) **by rescinding subrule (9) (b) and substituting the following:**
 - (b) each such student's principal, if applicable.

7. Rule 2-76 (1) (a) is rescinded and the following substituted:

- (1) To qualify for call and admission, an applicant who is an articled student or a law clerk must complete the following satisfactorily:
 - (a) in the case of an articled student, the articling term;
 - (a.1) in the case of a law clerk who is not enrolled in the admission program, a clerkship term of not less than 9 months;

8. ***Rule 2-77 is rescinded and the following substituted:***

- 2-77** (1) An articulated student or law clerk who applies for call and admission must deliver to the Executive Director
- (a) the following in the prescribed form:
 - (i) a petition for call and admission;
 - (ii) in the case of an articulated student,
 - (A) a declaration of the principal,
 - (B) a declaration of the applicant, and
 - (C) a joint report of the principal and the applicant certifying completion of their obligations under the articling agreement;
 - (iii) in the case of a law clerk who is not enrolled in the admission program,
 - (A) an application for call and admission,
 - (B) proof of academic qualification as required of applicants for enrolment under Rule 2-54 (2) [*Enrolment in the admission program*], and
 - (C) a written report on the law clerk's character and competence from the judge to whom the law clerk clerked;
 - (v) a completed questionnaire;
 - (vi) written consent for the release of relevant information to the Society,
 - (b) a professional liability indemnity application or exemption form,
 - (c) the following fees:
 - (i) the applicable call and admission fee specified in Schedule 1;
 - (ii) the prorated practice fee specified in Schedule 2;
 - (iii) the prorated annual indemnity fee specified in Schedule 2, unless exempt under Rule 3-43 [*Exemption from professional liability indemnification*], and
 - (d) any other information and documents required by the Act or these rules that the Credentials Committee or the Benchers may request.
- (2) An articulated student or law clerk may apply under this rule at any time.
- (3) If an articulated student or law clerk fails to meet the requirements of this rule, including the delivery of all documents specified, the Executive Director must summarily
- (a) reject the application for call and admission, and
 - (b) in the case of an articulated student, terminate the student's enrolment.

- (4) When the Credentials Committee has initiated a review under Rule 5-19 *[Initiating a review]* of a hearing panel's decision to enrol an articulated student, the articulated student is not eligible for call and admission until the review board has issued a final decision on the review or the Committee withdraws the review.

9. Schedule 1, part F is amended by adding the following item:

- 1.1 Without enrolment in admission program (Rule 2-77 (1) (c))..... 525.00

REQUIRES 2/3 MAJORITY OF BENCHERS PRESENT

REPORTS

6. President's Report

President Lisa Hamilton, KC confirmed that no conflicts of interest had been declared.

Ms. Hamilton began her report by congratulating the Benchers that were elected to the 2023 Executive Committee and thanked all those who put forward their names. She informed Benchers that as the election for the appointed Bencher position on the Executive Committee had resulted in a tie, another election would be held the following week.

Ms. Hamilton provided an update on the annual presidential transition, and the work being done to prepare Christopher McPherson, KC for his term as 2023 President. She indicated that Mr. McPherson would be joining Don Avison, KC, Katrina Harry, and herself at a meeting with the Attorney General on Monday.

Ms. Hamilton then spoke about her time as a Bencher, and the changes she had witnessed over the past seven years. She also spoke about the dedication of Benchers and staff towards the protection of the public and ensuring that the Law Society continues to find more inclusive and equitable approaches to serving the public interest.

Ms. Hamilton spoke about her time as President of the Law Society and highlighted a number of the Law Society's accomplishments over the past few years, including the work of the Truth and Reconciliation Advisory Committee and the Indigenous Engagement in Regulatory Matters Task Force; the voluntary retention of Harry Cayton to conduct a review of the Law Society's governance model to ensure that it meets the needs of the Law Society's mandate; the review of discipline processes to ensure a prompt, fair, and equitable approach; the work of the Mental Health Task Force to address mental health stigma through an alternative processes program; the striking of the Trust Review Task Force to respond to the recommendations of the Cullen Commission; and the work of the Access to Justice Advisory Committee to increase non-

adversarial options for families going through the justice system. Ms. Hamilton also spoke about her lived experiences with family law and with navigating the challenges of the justice system, and expressed her view that more work needs to be done to make the justice system more accessible for families.

Ms. Hamilton then spoke about the Ministry's intention to establish a single legal regulator, which has been a significant area of focus for Benchers and staff. She spoke about the importance of the Innovation Sandbox, and the work that participants have done to increase access, and that attention was still needed on this initiative. Ms. Hamilton spoke about the importance of addressing access to justice barriers, and she indicated that she was of the view that this would take a joint, collaborative effort between the Law Society, government, other organizations, and the profession. Ms. Hamilton indicated that she was in favour of the establishment of a single legal regulator, assuming that the independence of the profession and of the regulator was maintained, but she expressed her concerns regarding the belief that the establishment of a single legal regulator would be able to address all access to justice issues. She spoke about the need to not lose sight of the importance of considering all of the ways access to justice can be addressed, including through the obtaining of better data regarding barriers, more funding for legal aid and counselling services, and tax incentives for mediation and parenting coordination. She also spoke about the work the Law Society has already done to increase access to justice, including through the Innovation Sandbox, and expressed her support for considering licensing paralegals based on a competency-based approach, rather than limiting scope of practice.

7. CEO's Report

Don Avison, KC began his report by welcoming Dr. Val Napoleon, Interim Dean of Law, University of Victoria and Ngai Pindell, Dean of Law, Peter A. Allard School of Law to the meeting. He congratulated the first graduating class of the Indigenous Law program at the University of Victoria.

Mr. Avison then provided an overview of recent changes within the provincial government. David Eby, KC was sworn into office as Premier on November 18, and Mr. Avison indicated that there would likely be cabinet changes over the coming days. He indicated that an update would be provided to Benchers following the changes. He then spoke about the number of potential items on the legislative agenda, including the intention to establish a single legal regulator and matters relating to the recommendations of the Cullen Commission. Mr. Avison indicated that further information would be available following the meeting with the Attorney General on the coming Monday.

Mr. Avison then spoke about the upcoming meeting of the Federation of Canadian Law Societies also taking place on the coming Monday. He indicated that it would be Brook Greenberg, KC's

first meeting as the Law Society's representative on Federation Council, and that he and Ms. Hamilton would be providing an update regarding the Ministry's intention to establish a single legal regulator.

Mr. Avison provided a brief overview of the Law Society of Ontario's recent convocation meeting, at which a proposal was approved, providing for a limited scope of practice license enabling paralegals to offer some family law legal services. He indicated that the Law Society was already conducting some exploration of this option through the Innovation Sandbox, but further consideration would be needed as to how licensing would work in a regulatory environment.

Mr. Avison spoke about the National Well-Being Study and the recent report of findings from the national survey conducted by Université de Sherbrooke and the Federation to gather data regarding the mental health and well-being of legal professionals in Canada. Mr. Avison indicated that copies of the report were available, and that recommendations would be communicated publicly over the course of the coming weeks. Mr. Avison indicated that he was of the view that the Law Society was well positioned to respond to the recommendations due to the work of the Mental Health Task Force; however, he also spoke about the consideration of the challenges identified in the report.

Mr. Avison then presented on the current status of the Law Society's Strategic Plan. He indicated that quite a bit of progress has been made on the plan's objectives, and provided an overview of the work being done for each of the initiatives supporting the objectives of the plan.

Mr. Avison concluded his report with some updates regarding Law Society operations and staff, including new additions, departures, and retirements. He also provided an overview of the recent town hall held with staff regarding the Ministry's intention to establish a single legal regulator. Mr. Avison indicated that the level of turnout and engagement was quite high, and that these town halls would continue over the coming months.

DISCUSSION/DECISION

9. Bencher, Committee and Tribunal Compensation Review

Christopher McPherson, KC, Jeevyn Dhaliwal, KC, Brook Greenberg, KC, and the appointed Benchers recused themselves from this item.

Mr. Avison provided an introduction to the item and reviewed the three recommendations for consideration, including increasing the honorarium paid to the President, increasing the per diems paid to the appointed Benchers, and providing additional compensation to appointed Benchers for time spent preparing for meetings. He provided some background regarding the

compensation provided to the President, Vice-Presidents, and appointed Benchers and then provided an overview of the report from Watson Advisors, the consultants retained to conduct a review of the Law Society's compensation. Mr. Avison then reviewed each of the recommendations from the report in detail, as well as the rationale for the proposed changes.

Ms. Hamilton indicated that the intent would be to review compensation every two years.

The following resolution was passed unanimously:

BE IT RESOLVED that the Bencher compensation policies be amended to provide:

1. The President's honorarium is \$120,000 for 2023 and shall continue to be adjusted annually based on the CPI Index for British Columbia.
2. The per diem for Appointed Benchers is \$450 and the half-day amount is \$225; and
3. The per diem for meeting preparation for Appointed Benchers is half the per diem amount for each meeting.

8. Unmet and Underserved Legal Needs

Lisa Dumbrell, Chair of the Access to Justice Advisory Committee, reviewed with Benchers the recommendation from the Access to Justice Advisory Committee regarding the exploration of the establishment of triage hubs to assist the public in obtaining information, guidance, and preliminary advice.

Benchers were generally in support of the recommendation and engaged in discussions with focus on the importance of collaborating with other organizations who may have existing models in place, including the Law Foundation; the value of the Law Society taking on a leadership role to help bring together the different services being provided in this space; and obtaining intersectional data to better determine barriers to accessing the current supports.

The following resolution was passed unanimously:

BE IT RESOLVED that in order to

- improve the collection of data about the extent and nature of the needs of individuals relating to the access to legal services,
- improve the take-up of existing low (or lower)-cost legal services and improve timely and appropriate referrals to needed services, and

- gather information about legal needs that will inform decisions on other initiatives to improve access to the delivery of legal services,

the Law Society will, through consultation with other justice-system stakeholders and the government, explore how to establish “triage hubs” through which people facing a problem that may include a legal element can obtain information, guidance and preliminary advice.

10. Finance & Audit Committee: 2022 Enterprise Risk Management Plan – Update

Jeevyn Dhaliwal, KC, Chair of the Finance and Audit Committee introduced the item. Mr. Avison then gave a presentation on the Law Society’s 2022 Enterprise Risk Management Plan with support from Jeanette McPhee. Mr. Avison summarized the Law Society’s major strategic risks and informed Benchers that the potential risk related to non-compliance of legal obligations was removed from the plan and replaced with the potential risk related to the transition to a single legal regulator. He indicated that while this risk had been removed from the plan, it would still be monitored to ensure compliance. Mr. Avison then reviewed each risk in detail, discussing the context, mitigating factors, potential impacts, and risk action plan if applicable. He also reviewed how the risks linked to the goals of the strategic plan.

Benchers discussed the difference between mitigation strategies and action plans. Ms. McPhee clarified that mitigation strategies refer to what the Law Society is currently doing, and the action plans refer to new or planned initiatives.

11. Single Legal Regulator

Ms. Hamilton updated Benchers on the current status regarding the Ministry’s intention to establish a single legal regulator. She indicated that the Law Society’s response to the Ministry’s Intentions Paper had been submitted, and a meeting was scheduled with the Attorney General for Monday of the following week. Ms. Hamilton then provided a detailed overview of responses submitted by other organizations and individuals, including the Law Society of Manitoba, the Law Society of Saskatchewan, the Society of Notaries Public of BC, the BC Paralegal Association, the CBABC, the Victoria Bar Association, the Federation of Asian Canadian Lawyers, and a number of law firms and other organizations and individuals. She also spoke about the frequent commonalities between the Law Society’s submission and other submissions.

Ms. Hamilton informed Benchers that all those who put forward submissions had expressed interest in being involved and engaged in this process with the Ministry. She also indicated that there was agreement across the submissions regarding the importance of increasing access to justice and working together in a collaborative manner. Ms. Hamilton expressed that she was of the view that the public required increased access to justice now, and that any potential litigation arising out of the move towards a single legal regulator would distract from this goal.

Mr. Avison indicated that a number of organizations submitted directly to the Ministry, and the Law Society had not received copies.

UPDATES

12. Report on Outstanding Hearing & Review Decisions

Christopher McPherson, KC, as Tribunal Chair, provided an update on outstanding hearing and review decisions and thanked Benchers for their efforts to get decisions in on time, as timeliness is important to the public and those involved in proceedings.

FOR INFORMATION

13. Year-end Advisory Committee Reports

There was no discussion on this item.

14. External Appointments: Law Foundation of BC

There was no discussion on this item.

15. External Appointment: CBABC Provincial Council

There was no discussion on this item.

16. Three Month Bencher Calendar – December 2022 to February 2023

There was no discussion on this item.

Final Remarks

Mr. Avison and Mr. McPherson paid tribute to outgoing President Hamilton and thanked her for her dedication, commitment, and significant contributions to the Law Society over the past year. Ms. Hamilton thanked Mr. Avison and Mr. McPherson for their kind words, and then welcomed Mr. McPherson as President for 2023 and presented him with the President's pin.

The Benchers then commenced the *In Camera* portion of the meeting.

AB
2023-01-23



Memo

To: Benchers
From: Executive Committee
Date: January 24, 2023
Subject: **Rule Amendments: Tribunal Chair Role**

Background

1. In July 2022, the Benchers resolved to amend the Law Society Rules to provide for the appointment of an independent Tribunal Chair. Accordingly, the Benchers approved amendments to Rule 5-1.3 and the definition of “Tribunal Chair” in September 2022.
2. The independent Tribunal Chair is the leader and administrative head of the Tribunal, responsible for appointing hearing panels and review boards, acting as a mentor to adjudicators, and performing other regulatory duties previously undertaken by the President or Executive Director. The Tribunal Chair also serves as the Tribunal’s primary motions adjudicator and may occasionally chair a hearing panel or review board.
3. As the Tribunal Chair is now independent (not a Bencher), amendments to the Rule 1 definition for “motions adjudicator” and to Rule 5-16(2) regarding the chair of a review board are required.

Drafting Notes

4. The proposed amendments are straightforward. Clean and Redlined versions of the proposed amendments are attached.
5. As a lawyer, the Tribunal Chair is eligible to chair a hearing panel under Rule 5-2(3). However, an amendment is proposed to that subrule to confirm such eligibility. An amendment to Rule 5-16(2) is included to enable the Tribunal Chair to sit as chair of a review board.

Decision

6. A recommended resolution is attached.

LAW SOCIETY RULES

Definitions

1 In these rules, unless the context indicates otherwise:

“**motions adjudicator**” means the Tribunal Chair or a lawyer Bencher designated by the Tribunal Chair to decide a matter or conduct a pre-hearing or pre-review conference under these rules;

Appointment of hearing panel

5-2 (3) A panel must

(a) be chaired by the Tribunal Chair or by another lawyer, and

Review boards

5-16 (2) A review board must be chaired by a Bencher who is a lawyer or by the Tribunal Chair.

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(a) be chaired by the Tribunal Chair or by another lawyer, and

Review boards

5-16 (2) A review board must be chaired by a Bencher who is a lawyer or by the Tribunal Chair.

TRIBUNAL CHAIR ROLE**RESOLUTION:**

BE IT RESOLVED to amend the Law Society Rules as follows:

1. *In Rule 1, the definition of “motions adjudicator” is rescinded and the following substituted:*

“**motions adjudicator**” means the Tribunal Chair or a lawyer Bencher designated by the Tribunal Chair to decide a matter or conduct a pre-hearing or pre-review conference under these rules;

2. *Rule 5-2 (3) (a) is rescinded and the following substituted:*

(3) A panel must

(a) be chaired by the Tribunal Chair or by another lawyer, and

3. *Rule 5-16 (2) is rescinded and the following substituted:*

(2) A review board must be chaired by a Bencher who is a lawyer or by the Tribunal Chair.

REQUIRES 2/3 MAJORITY OF BENCHERS PRESENT



CEO Report

February 3, 2023

Prepared for: Benchers

Prepared by: Don Avison, KC

1. Meeting of Law Society CEOs and Deputy CEOs from British Columbia, Alberta, Saskatchewan and Manitoba

The first in-person meeting of this group since January of 2020 took place at the LSBC's Vancouver office on January 13, 2023. The discussions included a broad range of matters but the central theme focused on potential areas of collaboration. It was agreed that, where possible, it would be prudent for the western provinces to work together on areas of common interest. An early area of attention will focus on development of entry to practice competency profiles that will help to inform discussions by our respective committees and Bencher tables.

2. March Meetings of the Federation

The Federation of Law Societies of Canada Spring Business Meetings will take place in Quebec City from March 12-14. The discussions are likely to include further consideration of the National Study on the Health and Wellness Determinants of Legal Professionals in Canada followed by separate forums for presidents/vice-presidents and for CEOs and senior staff.

I will be attending with Jeevyn Dhaliwal, KC, Brook Greenberg, KC, our council member, and Deputy Executive Director, Adam Whitcombe, KC.

3. Single Legal Regulator and Meeting with Attorney General Niki Sharma, KC

Discussions on the proposed development and implementation of a single legal regulator continue and we are informed that government remains committed to tabling enabling legislation in the latter part of 2023.

A meeting to discuss the SLR, and other matters of interest, with the new Attorney General will be taking place in Victoria on February 8, 2023. Christopher McPherson, KC, Jeevyn Dhaliwal, KC, Adam Whitcombe, KC, and I will attend on behalf of the Law Society.

4. Report of the Indigenous Engagement in Regulatory Matters Task Force

The Indigenous Engagement in Regulatory Matters Task Force (IERM) has prepared a report and recommendations based on extensive work and consultation by the Task Force. Before providing the report to the Benchers for discussion and decision, the Task Force has reached out to the Tsilhqot'in Nation for input into the report. As the Task Force has indicated in the report, the Law Society needs to continue its efforts to make amends with the Tsilhqot'in Nation for the outcome of the *Bronstein* decision having caused disappointment, grief, and anguish amongst the Tsilhqot'in people and we are hopeful that the input will further our efforts.

We expect that the final report will come to the Benchers at the April meeting.

5. CBABC Access to Justice Webinar

During this year's Access to Justice Week the CBABC will be holding a webinar on "Access to Justice: Whose Job is it Anyway?". The Panel, moderated by Kerry Simmons, KC, will include Assistant Deputy Minister Paul Craven, CBABC Past President Clare Jennings, BC Paralegal Association President Elizabeth Kollias, Law Society President Christopher McPherson, KC and Mark Iyengar of the Federation of Asian Canadian Lawyers. A link to further information on the session can be found here: [The Canadian Bar Association: Access to Justice: Whose Job is it Anyway? \(cbapd.org\)](http://cbapd.org)

Don Avison, KC
Chief Executive Officer

The Law Society
of British Columbia



Fourth Recommendation Report of the Mental Health Task Force

Brook Greenberg, KC (Chair)
Cheryl D'Sa
Phil Dwyer
Honourable Madam Justice Nitya Iyer
Derek LaCroix, KC
Christopher McPherson, KC
Kendra Milne
Honourable Judge Patricia Stark

Date: January 25, 2023

Prepared for: Benchers

Prepared by: Policy and Planning Department and the Mental Health Task Force

Purpose: For Decision

I. Purpose

1. The purpose of this report is to present the Benchers with three recommendations proposed by the Mental Health Task Force.

II. Proposed Resolution

2. The Mental Health Task Force recommends the following resolution:

BE IT RESOLVED that the Benchers approve the three recommendations contained in the Mental Health Task Force’s Fourth Recommendation Report:

Recommendation 1: The Law Society should enhance the support available to lawyers who, for reasons that may be related to health issues, do not respond to Law Society communications by creating a roster of pro bono support counsel to assist with the resolution of “failure to respond” matters and should evaluate the effectiveness of the roster over a two year pilot project.

Recommendation 2: The Law Society should develop or adopt expert systems tools to broaden the means by which licensees and applicants are aware of, and have access to, appropriate support, resources and referrals for mental health and substance use issues.

Recommendation 3: The Law Society should host a mental health forum to facilitate discussions within the legal community regarding the findings and recommendations of the *National Study on the Psychological Health Determinants of Legal Professionals in Canada* (the “National Study”).¹

III. Background

3. The primary objective of the Mental Health Task Force (the “Task Force”), created in 2018, is to identify ways to reduce stigma and to undertake an integrated review of the Law Society’s regulatory approaches to mental health issues in order to better support

¹ Cadieux, N. et. al, (2022). Research report: [Towards a Healthy and Sustainable Practice of Law in Canada. National Study on the Psychological Health Determinants of Legal Professionals in Canada](#), Phase I. Université de Sherbrooke (October 2022) A [supplemental recommendations report](#) was issued in December 2022. Data was collected from 7,300 legal professionals through a survey developed by researchers at the Université de Sherbrooke, in collaboration with the CBA and the Federation of Law Societies. This research, the first of its kind to explore the psychological health of Canadian legal professionals, reveals concerning levels of mental health and substance use issues within the profession and identifies the need for more support and resources, as well as key strategies for improving legal professionals’ health outcomes.

lawyers in fulfilling their professional responsibilities, including duties to their clients. Through the development, approval and implementation of the Task Force’s 21 past recommendations, the Law Society has introduced a variety of initiatives that have positioned BC as a leader among legal regulators in this evolving area of policy development.²

4. Over the course of 2022, the Task Force discussed and debated three further recommendations that are aimed at addressing the primary issues assigned to the Task Force to study. The Task Force had planned to combine these proposals with recommendations relating to its review of the National Study in a final report to the Benchers. However, due to the delay in the release of the National Study and the overall breadth of those findings, such a review is not anticipated to be completed in the immediate future. The Task Force therefore determined it should not delay presenting the Benchers with the three recommendations contained in this report.

IV. Discussion

5. The description and evaluation of each of the recommended initiatives presented in this report represents a summary of the more detailed policy analysis undertaken by the Task Force in developing its recommendations.³ As the public interest must be foremost among any evaluation criteria when the Law Society considers a policy option, this aspect of the analysis is emphasized. Consideration is also given to the proposals’ implications for licensees, equity, diversity and inclusion and organizational costs, as appropriate.

Recommendation 1: Support counsel roster for failure to respond matters

The Law Society should enhance the support available to lawyers who, for reasons that may be related to health issues, do not respond to Law Society communications by creating a roster of pro bono support counsel to assist with the resolution of “failure to respond” matters and should evaluate the effectiveness of the roster over a two year pilot project.

² See the [First Interim Report](#) of the Mental Health Task Force (October 2018), Second Interim Report of the Mental Health Task Force (January 2020) and [Recommendation on the Development of an Alternative Discipline Process](#) (September 2021). The status of these recommendations is summarized in an [implementation report](#).

³ The Law Society’s recent governance review recommended Benchers receive concise policy papers. See Harry Cayton, [Report of a Governance Review of the Law Society of British Columbia](#) (2021) at 7.7.2.

Issue being addressed

6. A lawyer’s duty to reply to communications from the Law Society is a fundamental component of the effective regulation of the profession. The absence of prompt, candid, and complete replies from licensees impedes the Law Society’s ability to fulfill its public interest mandate by compromising the efficiency and effectiveness of investigations into complaints and subsequent disciplinary steps, and has the potential to erode public confidence in self-regulation. The responsibility to provide timely, substantive replies to communications from the regulator is thus emphasized in both the Law Society Rules and the *BC Code*. Repeated failures to respond to the Law Society can, and do, lead to disciplinary action against the lawyer, including administrative suspension.

7. Reasons as to why lawyers do not respond to the Law Society include procrastination, broader practice management issues or an unwillingness to abide by the authority of the regulator. A review of recent data indicates that in some circumstances, health issues, including depression and anxiety, contribute to communication lapses and that very few of these licensees retain counsel to represent them during the investigation and disciplinary stages of their matter.⁴

8. Fear, misapprehensions about the regulatory process, perceived stigma or concerns about confidentiality likely prevent some lawyers that are experiencing mental health or substance use issues from taking the necessary steps to contact the Law Society, even in circumstances where they recognize the benefits of resolving their matter. Anecdotal information suggests that communications from the Law Society can cause some lawyers, who despite meeting their duties to their clients, to “freeze” or otherwise find themselves unable to respond to the regulator when they are party to a complaint, particularly if they lack the assistance of counsel.

9. For these reasons, the Task Force recommends developing a pilot program through which a roster of independent, pro bono “support counsel” is created, who would be available to offer additional assistance in responding to Law Society communications to licensees experiencing health issues. Support counsel would ideally be experienced lawyers who could assist licensees with initiating contact with the Law Society and taking steps to address their obligation to respond. The Task Force believes that, for some lawyers, this support-based approach may be a more effective means of achieving the public interest

⁴ In the past decade, between seven and 12 percent of lawyers facing disciplinary action for their failure to respond to the Law Society expressly indicated that health issues were a reason for their lack of communication. Due to stigma and confidentiality concerns, this data may underrepresent the actual number of failure to respond matters arising from a health issue. Some lawyers may also be unaware that a health issue creates barriers to effective communication.

goal of obtaining engagement and cooperation with the Law Society's processes than traditional disciplinary responses.⁵

Purpose and operation of recommendation

10. Under the proposed model, support counsel would be included on the roster on the basis of their experience with both the Law Society's processes and mental health issues. Counsel's role would be restricted to assisting a licensee with resolving the failure to respond matter, and would not include advice on the substantive aspects of an underlying complaint investigation, unless the lawyer and counsel made such arrangements separately. In an effort to bolster both the appearance and actual independence of the roster, support counsel would provide these services on a pro bono basis. To avoid creating barriers to accessing support, it is proposed that providing medical evidence of a mental health issue is not required to utilize the roster.
11. Lawyers involved in a complaints investigation would be provided with information about access to the roster, including assurances that their discussions with support counsel are not shared with the Law Society without the lawyer's consent. In some cases, it may be appropriate for support counsel to proactively reach out to the subject lawyer and offer assistance rather than waiting for the licensee to initiate contact with the roster.⁶ This approach ensures that individuals who find themselves unable to take the preliminary step of contacting counsel nevertheless have an opportunity to benefit from this new resource. If, however, a lawyer does not wish to accept the offer of pro bono support, there is no obligation to do so.
12. Staff would oversee the creation of the roster, the training of its members and the development of appropriate policies. The effectiveness of the roster would be evaluated over the course of a two year pilot project and include an assessment of the impact of support counsel on the timely resolution of failure to respond matters. This data would be incorporated in a report to the Benchers regarding the outcomes of the pilot project and recommendations pertaining to the future of the roster.

⁵ Although the prospect of an administrative suspension or other regulatory consequences may encourage cooperation, threats of sanction can also be unproductive or even counterproductive in instances where licensees are experiencing significant anxiety that has contributed to their lack of responsiveness.

⁶ A rule change is required to enable Law Society staff to disclose information to support counsel providing services through the roster. To protect the confidentiality of complaints, it is proposed that information sharing is restricted to the failure to respond matter to ensure that details about the underlying complaint and the lawyer's professional conduct record are not disclosed. A full privacy analysis of this initiative has not yet been conducted.

Policy and operational considerations

13. Section 3 of the *Legal Profession Act* (“LPA”) establishes that the protection of the public interest can be achieved in a variety of ways, including assisting lawyers in fulfilling their professional responsibilities. The proposed support counsel roster fulfills this aspect of the Law Society’s mandate.
14. The ability to communicate effectively with licensees is essential to the integrity of the Law Society’s processes. Protracted efforts to contact unresponsive licensees shifts the focus away from the underlying complaint and alleged misconduct and impedes the Law Society’s ability to progress with an investigation. In contrast, the creation of additional support options for lawyers experiencing health issues is intended to assist the Law Society in achieving its public interest objectives through the more effective resolution of complaints. The recommended approach also has the potential to break a cycle in which a licensee who feels unable to respond to the Law Society is faced with intensified efforts from staff to engage them, which may exacerbate barriers to communication and, in turn, create additional regulatory consequences for the licensee that need not be incurred.
15. Data and studies reviewed by the Task Force indicate that perceived stigma and apprehensions about confidentiality can prevent licensees from providing personal health information directly to a regulatory body. The proposed program addresses these barriers by creating an intermediary — a support counsel — to whom the licensee can provide the necessary information and obtain privileged advice about responding to the Law Society. The Task Force anticipates this type of assistance to be more effective in resolving failures to respond than will additional outreach from staff. Enabling support counsel to contact lawyers proactively also increases the likelihood of engaging individuals that find themselves unable to take the initial step of reaching out to counsel on their own. Assumptions about support counsel contributing to the more effective resolution of failure to respond matters will be tested and evaluated utilizing data collected during the pilot project.
16. To address potential concerns regarding the roster’s impact on the confidentiality of the investigation process, and the public’s perception of the Law Society creating a program designed to assist lawyers in responding to complaints, key features of the pilot project would include limiting information sharing with counsel to the narrow issue of failure to respond and circumscribing the type of assistance support counsel may provide. It is not proposed, for example, that the Law Society develop a more expansive program whereby a respondent lawyer may access pro bono counsel for a broader range of disciplinary matters.
17. To ensure the profession and the public have an understanding of how the recommended approach aligns with the Law Society’s mandate, a communications strategy may be

required to emphasize the public interest benefits of the roster, including the more timely resolution of failure to respond issues that currently impede the progress of investigations.

18. Based on the proposed pro bono model the budgetary implications of the pilot project are anticipated to be approximately \$5,000. These costs are largely attributed to expenses associated with administrative oversight of the roster and providing support counsel with appropriate training.

Recommendation 2: Expert systems

The Law Society should develop or adopt expert systems tools to broaden the means by which licensees and applicants are aware of, and have access to, appropriate support, resources and referrals for mental health and substance use issues.

Issue being addressed

19. Lack of awareness of, and access to, mental health resources has been identified as a barrier to improving the mental health of legal professionals. The Task Force examined how “expert systems” could be utilized to improve licensees’ awareness of, and access to, such resources and has consulted with experts in this area about how such systems might be adapted to achieve these objectives.

Purpose and operation of recommendation

20. As technology-based tools, expert systems help solve complex problems by emulating the decision-making ability of human experts.⁷ Because they use reasoning rather than relying on procedural code, a number of platforms have been developed that enable those without specialized technical skills to create expert systems tools that can be applied in a variety of contexts, including the legal sector.⁸
21. There are numerous advantages associated with the convenience, availability, expediency and anonymity of using this type of technology. Expert systems tools can be utilized at any time and from almost any location, built relatively quickly and inexpensively and made available to a broad user base. Expert systems are therefore a cost-effective way for the

⁷ An expert system comprises three components: a knowledge base, an inference engine and a user interface. The knowledge base, which is developed through the collection of information from human experts, is linked to an inference engine that operates on the basis of conditional logic by applying a series of “if-then” type rules that assess what course of action a human expert might take when provided with a particular set of facts or data. This information is linked to the user interface, typically a desktop or mobile app.

⁸The BC Civil Resolution Tribunal’s [Solutions Explorer](#) is an expert system that assists in resolving legal disputes.

Law Society to expand the accessibility of health-related supports by providing additional means for connecting legal professionals with resources. Because their use does not require human interaction, expert systems may also be helpful in overcoming stigma and confidentiality concerns that may otherwise prevent some lawyers and articulated students from inquiring about support and referral services directly from Law Society staff, health professionals or others.

22. To further the Law Society's efforts to remove barriers to the use of existing health and wellness resources, the Task Force recommends developing or adopting expert systems tools to supplement the important work of Practice Advisors and those that offer clinical and peer support. This work should be commenced in an expedient fashion, in collaboration with health and technology experts and staff in the Practice Advice department. Once implemented, staff would monitor the level of engagement with the expert systems tools, develop criteria against which to measure their success and make continuous improvements, as necessary.
23. Although the Task Force is still in the early phases of its review and analysis of the results of the National Study, it is noted that the data indicates that almost half of legal professionals who have felt the need to seek professional help for psychological health problems have not done so, and identifies numerous barriers that limit the ability of legal professionals to access support. To address these challenges, the National Study highlights the importance of improving the capacity of legal professionals to seek help when they need it and recommends that law societies, in particular, take steps to facilitate the promotion of, and better access to, resources and support.⁹ Expert systems have the capability to assist the Law Society in achieving these objectives.

Policy and operational considerations

24. Greater access to, and use of, appropriate supports places licensees in a stronger position to maintain required standards of client service and reduces the likelihood that these issues could be a contributing factor to conduct issues and other negative outcomes. To achieve these benefits, practitioners must be aware of the available services in order to take steps to seek help when they need it. Employing new technologies to combine and distribute information about mental health and substance use resources falls within the scope of the Law Society's public interest mandate and aligns with the work of the Practice Advice department by assisting licensees and applicants to navigate health issues affecting their practice.

⁹ National Study Research Report at p. 55 and Recommendation Report at 6.1 and 6.2 (*supra* note 1).

25. In addition to increasing the number of licensees who access support, the Task Force posits that the free, anonymous and highly accessible nature of expert systems tools will also encourage individuals to take early action to address psychological health concerns and, in doing so, reduce the duration and severity of issues that may contribute to negative outcomes for lawyers, articled students and the public.
26. The costs associated with introducing expert systems will depend on several factors, including the complexity of the tools and whether the desired functionality can be achieved through the modification of an existing platform. If a policy decision is made, in principle, to utilize expert systems tools, staff will commence a review of options that includes an assessment of implementation costs. This preliminary work is not anticipated to generate new costs for the Law Society.

Recommendation 3: Mental health forum

The Law Society should host a mental health forum to facilitate discussions within the legal community regarding the findings and recommendations of the *National Study on the Psychological Health Determinants of Legal Professionals in Canada*.

Issue being addressed

27. In the course of its work, the Task Force has witnessed a considerable degree of interest from the legal community in learning more about the issues underlying its mandate, as evidenced by the high level of engagement when opportunities are provided to discuss mental health and substance use issues. The recent publication of the National Study, which has been widely reported, creates an opportunity for legal regulators to enhance the profession's understanding of, and encourage dialogue about, the Study's findings and recommendations. An online forum, which has proved a successful approach in disseminating information and facilitating discussion in the past, is an opportune mechanism to increase awareness, reduce stigma and promote positive change in relation to the issues identified in the National Study.

Purpose and operation of recommendation

28. Until very recently, there has been limited data with respect to the psychological health of Canadian lawyers, leading to considerable reliance on US studies and reports. However, with the release of the findings of Phase 1 of the National Study, a large body of evidence regarding the prevalence of, and risk factors contributing to, mental health and substance use issues among Canadian legal professionals is now available.

29. The publication of the National Study creates an opportunity for the legal community to discuss this new data and some of the recommended approaches to addressing the issues identified. Building on the success of its first mental health forum in 2021 that brought together more than one thousand participants to discuss strategies for improving mental health within the legal profession, the Task Force concluded that it should recommend that the Law Society organize a second forum, in partnership with the Continuing Legal Education Society of BC, to facilitate an information-sharing and solutions-oriented discussion regarding the National Study's findings and recommendations. To encourage participation, it is proposed that the event is conducted virtually and is open to all licensees, legal organizations and the public.
30. The forum would aim to achieve four objectives, namely: (1) to provide a platform to share information about the findings of the National Study regarding the prevalence of mental health and substance use issues among Canadian legal professionals, including the differential impact on various populations within the profession; (2) to highlight the key recommendations emerging from the Study; (3) to generate ideas and mobilize support among a range of stakeholders to target unhealthy professional cultures and practices, and; (4) to reduce stigma by facilitating open dialogue about these issues.
31. The National Study data (the review of which will be the primary focus of the next phase of the Task Force's work) confirms high levels of psychological distress, burnout, depression, anxiety, suicidal ideation and substance use among Canadian lawyers and establishes a strong linkage between these health issues and the rigours of, and culture and practices associated with, the practice of law. The findings also reveal concerning statistics with respect to the intersection between mental health issues and certain demographic profiles, particularly lawyers in the early years of practice and those from equity-seeking groups, and highlight the barriers that prevent a significant proportion of those legal professionals experiencing health issues from seeking support.
32. The National Study also presents a number of recommendations that are variously directed at legal regulators, professional associations, employee assistance programs, legal employers, law schools and individual lawyers. Bringing these groups together through a forum to encourage dialogue about this new data would be a helpful first step in addressing the issues and themes highlighted in the National Study. As the regulator of the profession, the Law Society is well-positioned to lead this type of discussion.

Policy and operational considerations

33. The relationship between lawyer wellness and the protection of the public was a key impetus for the National Study, as law societies increasingly recognize the relevance of significant levels of mental health and substance use within the profession to their public

interest mandates. Actions that support the health of licensees assist lawyers in being better able to meet their professional responsibilities, achieve positive results for their clients and contribute to the justice system. The findings of the National Study also indicate that mental health issues and psychological distress impact lawyers' commitment to, and intention to leave, the profession, which has implications for the diversity of the profession, access to justice and the effective functioning of the legal system.

34. Although there have been significant improvements in the understanding of how and why health issues affect so many legal professionals, measuring the prevalence of poor mental health and identifying contributing factors is not the end point. Providing an opportunity to share information and encourage dialogue about the National Study's findings is a critical next step in the iterative process of addressing these issues. The proposed event would also provide a platform for raising awareness of the intersectionality between mental health issues and equity, diversity and inclusion and to advance the Law Society's strategic objectives in this regard.
35. Informed by the experience of the Law Society's previous mental health forum, it is anticipated that the development and delivery of the proposed online event can be achieved utilizing existing staff and financial resources.

V. Recap: Task Force Recommendations

36. Based on the materials presented in its Fourth Recommendation Report, the Task Force advances three recommendations for the Benchers' consideration:

Recommendation 1: The Law Society should enhance the support available to lawyers that, for reasons that may be related to health issues, do not respond to Law Society communications by creating a roster of pro bono support counsel to assist with the resolution of failure to respond matters and evaluating the effectiveness of the roster over a two year pilot project.

Recommendation 2: The Law Society should develop or adopt expert systems tools to broaden the means by which lawyers and articulated students are aware of, and have access to, appropriate support, resources and referrals for mental health and substance use issues.

Recommendation 3: The Law Society should host a mental health forum to facilitate discussions within the legal community regarding the findings and recommendations of the *National Study on the Psychological Health Determinants of Legal Professionals in Canada*.

VI. Conclusion

37. With the issuance of its Fourth Recommendation Report, the Task Force advances three additional strategies for enhancing the protection of the public and improving health outcomes for lawyers in BC. If approved by the Benchers, these initiatives will be operationalized over the course of the coming year by the respective program areas and subject to ongoing monitoring and evaluation, as described in this report.

Regulatory Impact Assessment

The Law Society
of British Columbia



Title of Report:	Fourth Recommendation Report of the Mental Health Task Force
Committee:	Mental Health Task Force
<p><i>The intent of the Regulatory Impact Checklist is to provide Benchers with a high level evaluation on the impact of the policy recommendations being recommended. The “Comments” box included with each question can direct Benchers on where to find further analysis of the issues, such as the relevant pages of a Policy Analysis, Policy Report or other materials prepared by staff at the Committee level. It can also provide additional context to an answer, where required.</i></p>	

A. Impact on the Public

A.1 Public Interest	
A.1.1 What aspects of the public interest are impacted or advanced through the recommendation?	<input type="checkbox"/> Access to Justice <input checked="" type="checkbox"/> Improved regulation of the practice of law <input type="checkbox"/> Protection or advancement of the Rule of Law <input checked="" type="checkbox"/> Addressing an area of identifiable risk to the public and/or justice system
A.1.2 How will the public benefit from the recommendation?	<p>Comments:</p> <p>Recommendation 1:</p> <ul style="list-style-type: none"> Expand the set of available tools to encourage licensees' cooperation and engagement with the Law Society's investigative and disciplinary processes in circumstances where a health issue may otherwise impede communications. Promote the more timely and effective resolution of complaints. <p>Recommendation 2:</p> <ul style="list-style-type: none"> Provide licensees with greater access to resources and supports in order to place them in a stronger position to maintain required standards of client service and reduce the likelihood that mental health

	<p>issues could be a contributing factor to conduct issues and other negative outcomes.</p> <ul style="list-style-type: none"> Encourage licensees to take early action to address psychological health concerns and, in doing so, reduce the duration and severity of issues that may contribute to negative outcomes for the public. <p>Recommendation 3:</p> <ul style="list-style-type: none"> Raise awareness, reduce stigma and provide an opportunity to discuss and develop strategies to address mental health issues affecting legal professionals and, in doing so, assist licensees in being better able to meet their professional responsibilities, achieve positive results for their clients and contribute to the justice system. 	
A.1.3 Does the recommendation have any other regulatory impacts that will affect the public?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	Comments:
A.2 Reconciliation with Indigenous Peoples		
A.2.1 Does the recommendation extend to addressing reconciliation with Indigenous Peoples?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	Comments:
A.3 Equity, Diversity and Inclusion		
A.3.1 Does the recommendation impact the equitable treatment of diverse individuals?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Comments:</p> <p>Recommendation 1 and 2 seek to improve the manner in which the Law Society's regulatory framework and educational supports assist licensees with mental health-related disabilities.</p> <p>Recommendation 3 includes a focus on the data from the National Well-Being Study relating to the intersectionality between mental health issues and equity, diversity and inclusion and assists the Law Society in advancing its strategic objectives in this area.</p>
A.4 Transparency and Disclosure		
A.4.1 Does the recommendation impact current levels of transparency and disclosure?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	Comments:

B. External Impacts

B.1 Licensee Interest		
B.1.1 Does the recommendation impact the administrative burdens or overhead costs on lawyers?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	Comments:
B.1.2 Does the recommendation impact licensee perception of the Law Society?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Comments:</p> <p>The recommendations reflect the Law Society's ongoing commitment to meeting its strategic goal to support and promote mental and physical health by introducing additional measures to</p>

		address the high prevalence of health issues experienced legal professionals.
B.2 Public Relations		
B.2.1 Does the recommendation impact the public perception of the legal profession generally?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Comments: The recommendations are likely to enhance public awareness about the significant levels of mental health and substance use within the profession and improve understandings as to how assisting lawyers experiencing these issues is in the public interest.
B.2.2 Does the recommendation impact the public perception of the Law Society?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Comments: The recommendations are likely to improve public perceptions of the Law Society as the proposed initiatives represent the introduction of proactive educational and regulatory measures that improve the manner in which the Law Society fulfills its public interest objectives.
B.3 Government Relations		
B.3.1 Does the recommendation impact the government perception of the legal profession?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	Comments:
B.3.2 Does the recommendation impact government perception of the Law Society?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Comments: The recommendations are likely to improve the government's perception of the Law Society as the proposed initiatives represent the introduction of proactive educational and regulatory measures that aim to improve the manner in which the Law Society fulfills its statutory mandate under s.3 of the <i>LPA</i> .
B.4 Privacy Impact Assessment		
B.4.1 Does the recommendation include the collection, use or disclosure of personal information?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	Comments:
B.4.2 Was a Privacy Risk Assessment completed?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	Comments: If Recommendation 1 (support counsel roster) is approved by the Benchers, in principle, a privacy impact assessment may be required prior to the necessary amendments to the Law Society Rules.

C. Internal (Organizational) Impacts

C.1 Legal		
C.1.1 Does the recommendation meet legal requirements, statutory or otherwise?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Comments: If approved by the Benchers, Recommendation 1 (support counsel roster) will require an amendment to the Law Society Rules to permit the sharing of information about complaints with

		support counsel. Similar amendments were recently approved by the Benchers to permit the sharing of information about complaints with the designated representative of a licensee's firm.
C.1.2 Does the recommendation impact outstanding legal issues or litigation?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	Comments:
C.2 Law Society Programs		
C.2.1 Does the recommendation impact the current operations of Law Society programs, either by adding to the scope of work or significantly altering the current scope of work?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Comments</p> <p>Recommendation 1 will require administrative oversight and ongoing evaluation by the Professional Regulation department over the course of the two year pilot project.</p> <p>Recommendation 2 will require additional work by the Practice Advice department to explore the development or adoption of different types of expert systems tools.</p> <p>Recommendation 3 will require additional work by the Communications and Policy department in developing the content of the mental health forum and promoting the event to the profession.</p>
C.3 Costs		
C.3.1 Does the recommendation increase operational costs?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Comments:</p> <p>Approximately \$5,000 will be required to establish the support counsel roster and provide training, as detailed in Recommendation 1.</p> <p>The first phase of the development or adoption of expert systems (Recommendation 2), and hosting an online mental health forum (Recommendation 2) are not anticipated to increase operational costs.</p>
C.3.2 Does the recommendation require additional staff or significant staff time?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<p>Comments:</p> <p>Implementing each of the three recommendations will require the allocation of additional staff time across the Practice Advice, Policy, Professional Regulation and Communications departments.</p>



2024 Bencher & Executive Committee Meetings

Executive Committee	Bencher	Other Dates
Thursday, January 18 Hybrid	Friday, February 2 Hybrid	Jan 1: New Year's Day Jan 31: New Bencher Orientation Feb 2: Welcome/Farewell Dinner Feb 10: Lunar New Year TBA: CBABC Provincial Council Meeting TBA: CBA Annual General Meeting Feb 19: Family Day
Thursday, February 22 Virtual	Friday, March 8 Virtual	Mar 11 (sundown)-Apr 9 (sundown): Ramadan Mar 18-28: Spring Break Mar 29-Apr 1: Easter
Thursday, April 11 Virtual	Friday, April 26 Hybrid	Apr 9 (sundown)-10 (sundown) Eid April 13: Vaisakhi
Thursday, May 16 Hybrid	Friday, May 31 Virtual	May 20: Victoria Day <i>June 5: AGM (tentative date)</i>
Thursday, June 20 Virtual	Saturday, July 6 Hybrid	June 21: National Indigenous Peoples Day July 1: Canada Day <i>July 4-6: LSBC Bencher Retreat (tentative date)</i> TBA: LSA Retreat TBA: Federation Council Meeting Aug 5: BC Day TBA: IILACE Conference
Thursday, September 5 Hybrid	Friday, September 20 Virtual	Sept 2: Labour Day Sept 30: Truth and Reconciliation Day Oct 2 (sundown)-4 (sundown): Rosh Hashanah Oct 11 (sundown)-12 (sundown): Yom Kippur
Thursday, October 17 Virtual	Friday, November 1 Virtual	Oct 14: Thanksgiving Day Nov 1: Diwali TBA: IBA Annual Conference Nov 11: Remembrance Day Nov 15: Bencher By-Election TBA: Federation Fall Meetings
Thursday, November 21 Hybrid	Friday, December 6 Hybrid	Dec 25: Christmas Day Dec 26: Boxing Day Dec 25(sundown)-Jan 2 (sundown): Hanukkah Dec 26-Jan 1: Kwanzaa



Minute of Approval

Benchers

Date: Monday, December 12, 2022

Bencher Approval: Appointment of the Tribunal Chair

Background

At the September 2022 Bencher meeting, Benchers approved amendments to Rule 5-1.3 providing for the appointment of a Tribunal Chair who is not a Bencher or a member of the Discipline, Credentials or Practice Standards Committees. The amendments came into effect on January 1, 2023.

A panel consisting of the 2022 President, First Vice-President and Second Vice-President reviewed applications following the position posting being available on the Law Society website and an eBrief announcement.

President Lisa Hamilton, KC, First Vice-President Christopher McPherson, KC and Second Vice-President Jeevyn Dhaliwal, KC proposed the following resolution:

BE IT RESOLVED that Herman Van Ommen, KC is appointed as Tribunal Chair in accordance with Rule 5-1.3 commencing January 1, 2023.

Approval by email

In accordance with s. 6(3) of the *Legal Profession Act*, a motion assented to in writing by at least 75% of the Benchers has the same effect as a resolution passed at a regularly convened meeting of the Benchers.

By email confirmed on December 12, 2022, 75 % of Benchers approved the resolution.



January 20, 2023

Sent via email

Josh Paterson
Law Foundation of British Columbia
1340 - 605 Robson Street
Vancouver, BC V6B 5J3

**Christopher A.
McPherson, KC**
President

Dear Josh Paterson:

**Re: Appointment to the Board of Governors of the Law Foundation of
British Columbia**

I am pleased to confirm that the Law Society of BC's Executive Committee has appointed Leah Mack (Victoria County) to the Law Foundation's Board of Governors for a term commencing January 20, 2023 and concluding December 31, 2025.

I am confident that the Law Foundation and its important work will be well-served by the contributions of Leah Mack.

Yours truly,

Christopher A. McPherson, KC
President, Law Society of BC

c. Mary Childs
Chair, Law Foundation of BC

Don Avison, KC
Executive Director/Chief Executive Officer, Law Society of BC