

Law Society *of British Columbia*

Bencher Meeting: Minutes

Date: Friday, February 2, 2024

Present: Jeevyn Dhaliwal, KC, President
Brook Greenberg, KC, 1st Vice-President
Lindsay R. LeBlanc, KC, 2nd Vice-President
Simran Bains
Paul Barnett
Aleem Bharmal, KC
Tanya Chamberlain
Nikki L. Charlton
Jennifer Chow, KC
Christina J. Cook
Cheryl D'Sa, KC
Tim Delaney
Brian Dybwad
Ravi R. Hira, KC
Sasha Hobbs
James A.S. Legh
Benjamin D. Levine
Dr. Jan Lindsay
Jaspreet Singh Malik
Jay Michi
Georges Rivard
Michèle Ross
Gurminder Sandhu, KC
Thomas L. Spraggs
Barbara Stanley, KC
James Struthers
Natasha Tony
Michael F. Welsh, KC
Kevin B. Westell
Gaynor C. Yeung
Jonathan Yuen

Absent: Tim Delaney
Thomas L. Spraggs

Staff present:	Don Avison, KC	Claire Marchant
	Avalon Bourne	Fiona McFarlane
	Barbara Buchanan, KC	Jeanette McPhee
	Natasha Dookie	Michael Mulhern
	Su Forbes, KC	Doug Munro
	Vicki George	Rashmi Nair
	Katrina Harry, KC	Mimi Odkhuu
	Kerryn Holt	Maryanne Prohl
	Jeffrey Hoskins, KC	Michelle Robertson
	Aara Johnson	Gregory Sexton
	Amanda Kerr	Lesley Small
	Alison Kirby	Arrie Sturdivant
	Julie Lee	Christine Tam
	Michael Lucas, KC	Adam Whitcombe, KC
	Alison Luke	Leanne Wood
	David MacLean	Vinnie Yuen

Guests:	Dom Bautista	Executive Director, Amici Curiae Friendship Society & ED of Law Courts Center
	Nicola Bodnarchuk	President Guest
	Mark Bodnarchuk	President Guest
	Ian Burns	Digital Reporter, The Lawyer's Daily
	Sebastien Chern	Federation of Asian Canadian Lawyers BC
	Dr. Cristie Ford	Professor, Peter A. Allard School of Law
	Ray Dhaliwal	President Guest
	Indira Dhaliwal	President Guest
	Shanna Gu	Federation of Asian Canadian Lawyers BC
		Lawyers Assistance Program of BC
	Freya Kodar	Dean of Law, University of Victoria
	Barbara Korenkiewicz	President Guest
	Derek LaCroix, KC	Executive Director, Lawyers Assistance Program of BC
	Valerie LeBlanc	Director of Professional Development, CBABC
	Jamie Maclaren, KC	Executive Director, Access Pro Bono Society of BC
		Lawyers Assistance Program of BC
Mark Meredith	Treasurer and Board Member, Mediate BC Society	
Joven Narwal, KC	Member, Law Society of BC	
Caroline Nevin	CEO, Courthouse Libraries BC	

Tina Parbhakar	Strategic Coordinator, A2JBC and co-founder of South Asian Legal Clinic of BC
Carleen Thomas	Elder, Tsleil-Waututh Nation
Ron Usher	General Counsel and Practice Advisor, The Society of Notaries Public of British Columbia
Adam Ueland	Executive Committee Member, Trial Lawyers Association of BC
Lana Walker	Assistant Dean of Law, Thompson Rivers University
Sarah Westwood, KC	Life Bencher, Law Society of BC
Linda Russell	CEO, Continuing Legal Education Society of BC
Karen St. Aubin	Acting CEO & Director of Membership & Education, Trial Lawyers Association of BC
Fiona Wong	President, Federation of Asian Canadian Lawyers, BC

Oath of Office

1. Indigenous Welcome

Carleen Thomas, a member of the Tsleil-Waututh Nation, introduced herself to Benchers and welcomed them to the meeting and to the ancestral lands of the Tsleil-Waututh people. Ms. Thomas spoke about her ancestral history and how during colonizing times, the language and names of her people were stolen, which is why it is so important for her to acknowledge and recognize the members of her family. She spoke about the history of Indigenous peoples in Canada, and the impact of colonization on Indigenous peoples, as well as the work that still needs to be done in terms of truth and reconciliation. Ms. Thomas also spoke about the need to help educate each other, so that these changes can come about more easily and more quickly, so that the next generation does not have to continuously fight for recognition of their rights.

2. Administer Oaths of Office

The Honourable Chief Justice Christopher E. Hinkson administered oaths of office (in the form set out in Rule 1-3) to President Jeevyn Dhaliwal, KC, First Vice-President Brook Greenberg, KC, and Second Vice-President Lindsay R. LeBlanc, KC and all the Benchers whose terms began on January 1, 2024.

Chief Justice Hinkson congratulated all of the Benchers and spoke about the important role Benchers play in service to the public and to the legal profession in protecting and upholding the rule of law. He spoke about the fundamental importance of the independence of the judiciary and of the profession and wished Benchers and the Law Society success in protecting it.

Consent Agenda

3. Minutes of December 8, 2023, meeting (regular session)

The minutes of the meeting held on December 8, 2023 were approved unanimously and by consent as circulated.

4. Minutes of December 8, 2023, meeting (*in camera* session)

The minutes of the *in camera* meeting held on December 8, 2023 were approved unanimously and by consent as circulated.

5. KC Nomination Advisory Committee Appointment

President Jeevyn Dhaliwal, KC and First Vice-President Brook Greenberg, KC recused themselves from this item.

The following resolution was passed unanimously and by consent:

BE IT RESOLVED the Benchers appoint President Jeevyn Dhaliwal, KC and First Vice-President Brook Greenberg, KC as the Law Society's representatives on the 2024 KC Appointments Advisory Committee.

6. Retired Member Fee Waiver Request

The following resolution was passed unanimously and by consent:

BE IT RESOLVED the Benchers approve the retired member's request for a waiver of the retired member fee for 2024 and the retired fees for the rest of the lawyer's life.

Reports

7. President's Welcome and Report

President Jeevyn Dhaliwal, KC welcomed Benchers, staff, and guests to the first Bencher meeting of 2024.

She confirmed that no conflicts of interest had been declared, aside from the recusal of Mr. Greenberg and herself from Item 5.

Ms. Dhaliwal began her report by speaking about the desire of Benchers to serve the greater good on behalf of the public. She spoke about the honour of serving her communities as the Law Society's first South-Asian President, and she encouraged all Benchers to think about their communities when fulfilling their obligations as Benchers. Ms. Dhaliwal committed to doing her best in serving as President and in working together with Benchers to govern the Law Society within its mandate of protecting the public interest. She thanked Benchers for their support over the first few weeks of her presidency.

Ms. Dhaliwal updated Benchers on the opening of the South Asian Legal Clinic of BC. She indicated that she had invited Tina Parbhakar, Strategic Coordinator, A2JBC and co-founder of South Asian Legal Clinic of BC to the Bencher meeting to speak about the work of the Legal Clinic.

Ms. Dhaliwal spoke about Access to Justice Week, which would be taking place from February 5 to 9. She encouraged Benchers to participate in the numerous events that were being planned, and highlighted the Making Waves initiative in Bella Coola, which has helped increase access to legal support in remote, primarily Indigenous, communities.

Ms. Dhaliwal then spoke about Black History Month, the theme of which this year is Black Excellence, a heritage to celebrate, a future to build, and invited Natasha Tony to speak about her experiences and some of the events that would be taking place over the course of February.

Natasha Tony spoke about her experience as a Black Canadian, as well as her experience working with the Black Screen Office and as a labour relations specialist building inclusive practices into film and television. She also spoke about the *Employment Equity Act* Review Task Force and its report on a *Transformative Framework to Achieve and Sustain Employment Equity*, authored by Professor Adelle Blackett, which recommended that Black workers should constitute a separate employment equity group for the purposes of the *Employment Equity Act* framework. Ms. Tony also recommended some documentaries that demonstrated Black excellence within the Canadian film industry, including *BLK: An Origin Story* and *Black Life: Untold Stories*. She also encouraged Benchers to attend a preview of Rick DuPree's documentary, *Seattle Black Panthers Fight for Justice and Freedom*, which would be screened on February 6 at the Rio Theatre.

8. CEO's Report

Don Avison, KC began his report by welcoming all Benchers to the meeting. He introduced the new Benchers to the senior staff present at the meeting.

Mr. Avison provided an update on the current status of the single legal regulator initiative and the recent meeting with the Attorney General, at which Ms. Dhaliwal, First Vice-President Brook Greenberg, KC, Second Vice-President Lindsay R. LeBlanc, KC, and Michèle Ross were also in attendance. He indicated that further information would be provided *in camera* and Benchers would be joined by senior representatives from the Ministry for that session. He further indicated that the Law Society had retained counsel to help consider options in response to the draft single legal regulator legislation, and that he was of the view that the public and the profession should be aware that these discussions are taking place.

Mr. Avison then provided an update regarding a meeting organized by the Canadian Bar Association BC Branch with Arif Virani, KC, Minister of Justice and Attorney General of Canada, along with representatives from the Canadian Association of Black Lawyers, South Asian Bar Association, Federation of Asian Canadian Lawyers, and the Trial Lawyers Association. The primary focus of the discussion was on encouraging an increase in applications for federal judicial appointments, and Mr. Avison indicated that the Law Society would be

providing some video content to help facilitate a greater understanding of the applicable processes and the public interest need to widen the pool of potential applicants.

Mr. Avison spoke about the Law Society's recent public communications regarding disciplinary matters. He indicated that he was of the view that there may be the need for some amendments to the Law Society's Rules with respect to disclosure and transparency related to interim suspensions, resignations in the face of disciplinary matters, and other similar kinds of circumstances. He also indicated that serving the public interest requires that the public understand the nature of different disciplinary matters.

Mr. Avison informed Benchers that nearly all of the profession had completed the Indigenous Cultural Awareness program, and that he was of the view that a number of those who had not yet recorded completion of the program had likely completed but not recorded their completion.

Benchers discussed the meeting with Minister Virani and what was being done to encourage visible minorities to apply for federal judicial appointments. Mr. Avison advised that this was one of the specific issues discussed at the meeting, and representatives from a number of equity seeking groups were in attendance. He indicated that he was working with some of these groups to incorporate their input into the video content the Law Society was preparing. Mr. Avison also encouraged Benchers to look to their communities and support those who wished to put forward an application.

9. Briefing by the Law Society's Member of the Federation Council

Brook Greenberg, KC provided a brief overview of the written report he provided for Benchers' information, which included an overview of the recent Federation meeting. He indicated that the next Federation Council meeting would take place on March 12, 2024.

Benchers discussed Mr. Greenberg's report, particularly the establishment of the Good Character Working Group. Mr. Greenberg advised that the Working Group would be looking into the different aspects of the good character requirement, the policy rationale, and how it should be structured to ensure that it does not have unintended or disproportionate effects on traditionally under-represented groups. He also spoke about the impacts of the good character requirement on discussions regarding the single legal regulator initiative, as this could affect the ability to have a national standard.

Guest Presentations

10. Update on the Lawyers Assistance Program

Ms. Dhaliwal welcomed and introduced Derek LaCroix, KC, Executive Director of the Lawyers Assistance Program of BC (LAPBC), along with two LAPBC volunteers to the meeting.

Mr. LaCroix presented on the work of LAPBC and reviewed its structure and key components. He spoke about the *National Study on the Health and Wellness Determinants of Legal Professionals in Canada* and reviewed some of the findings and recommendations. Mr. LaCroix spoke about the services provided by LAPBC and the importance of lawyers seeking help when needed.

Two LAPBC volunteers spoke about their experiences with addiction and mental health and their involvement with LAPBC and the importance of its programs in supporting and assisting lawyers suffering from mental health and addiction challenges.

11. Access to Justice Presentation

Ms. Dhaliwal welcomed and introduced Tina Parbhakar, Strategic Coordinator, Access to Justice and co-founder of the South Asian Legal Clinic of BC to the meeting.

Tina Parbhakar spoke about the recent opening of the South Asian Legal Clinic of BC, which will provide unbundled legal services, alongside summary advice and legal education services. She spoke about the South Asian legal community and the importance of collaboration to address access to justice barriers facing the most vulnerable within the community. She also spoke about the work of Access to Justice BC, as well as the work of Benchers and the Law Society in trying to address these barriers. She concluded her remarks with a call to action to shift to an individual mindset regarding what can be offered to those seeking justice, to strengthen the legal community as a whole through engagement with diverse communities, and to continue to lead in relation to transformations already underway to build a well-being centred legal system.

Discussion/Decision

12. Exploring Access to Justice Priorities for 2024

Claire Marchant, Director, Policy and Practice introduced the item and provided some background regarding the access to justice priorities for 2024. She reviewed with Benchers a number of access to justice initiatives already underway at the Law Society, as well as what the profession has already been doing in this area. Ms. Marchant referenced the importance of

continuing to seek out further opportunities to improve access to justice in the province, keeping in mind the role of the regulator and the areas in which the Law Society is positioned to create the most positive change.

Ms. Dhaliwal invited past members of the Access to Justice Advisory Committee to make some remarks, which focused on what the Law Society and the profession have done to help address access to justice barriers, including pro bono work, the use of triage hubs, and the permitting of alternative business models and multi-disciplinary structures; and importance of ensuring that the public interest was at the forefront of all of these different initiatives.

Benchers then engaged in discussions regarding the role of the Law Society in addressing access to justice issues, with the discussions focused on providing more information and resources to the public about what services exist, developing an information hub that is accessible to all in partnership with other organizations, and engaging in a policy review of the requirements for contingency fee agreements and examining the harms that can and have been caused with regard to Indigenous peoples.

Benchers then engaged in discussions regarding what, if anything, the Law Society should be doing to make policy makers and the public aware of what the profession does to support access to justice initiatives, with the discussions focused on increasing awareness of the access to justice work lawyers are currently doing and the initiatives the Law Society has adopted to provide greater access to justice and legal services, and reaching out to high schools to provide information and resources to help improve public knowledge of the rule of law.

Benchers then engaged in discussions regarding the position the Law Society should advance on access-related issues when engaging the provincial government and entities like the government's Standing Committee on Finance, with the discussions focused on advocating that PST charged on the provision of legal fees must be entirely allocated to support legal aid and exploring additional ways for the profession to give back to help increase legal aid and pro bono services.

Benchers then engaged in discussions regarding what access to justice issues the Law Society should prioritize, including advocating for judicial vacancies to be filled and for judicial diversity to continue to improve in order to better reflect the diverse population of the province and liaising with the courts to ensure that the delivery of virtual court services continues to help increase access for those across the province.

Mr. Avison indicated that these discussions would provide guidance in terms of what would be prioritized and brought back to Benchers for greater consideration at future meetings.

Updates

Before reviewing the updates, Mr. Avison informed Benchers that a prosecutor was attacked outside of the Vancouver Law Courts. He indicated that he was deeply concerned about the incident, and that further information would be provided once available.

13. Lawyers Indemnity Fund: Program Report for 2023

This item was rescheduled to a future meeting.

For Information

14. External Appointment: Law Foundation of BC

There was no discussion on this item.

15. 2024 Schedule of Bencher and Executive Committee Meetings

There was no discussion on this item.

16. 2025 Schedule of Bencher and Executive Committee Meetings

There was no discussion on this item.

The Benchers then commenced the *in camera* portion of the meeting.

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