

# Coverage Information



500 – 845 Cambie Street, Vancouver, BC, V6B 4Z9  
t 604.669.2533 | BC toll-free 1.800.903.5300  
LIF 604.682.8911 | f 604.682.5842  
TTY 604.443.5700  
Email [indemnity@lif.ca](mailto:indemnity@lif.ca) | [www.lif.ca](http://www.lif.ca)

## Pro Bono Legal Services

This information sheet explains the coverage available under the BC Lawyers Professional Liability Indemnification Policy (the “Policy”) to you if you provide pro bono legal services within the scope of your licence to practice law. It is intended only as a guide. The wording of the Policy governs any claim or potential claim.

Although the Policy provides coverage for both pro bono services and approved or “sanctioned” services, there are other terms and conditions in the Policy that may limit that coverage.

### Coverage for pro bono services

Pro bono services are defined in the Rules as “the practice of law not performed for or in the expectation of a fee, gain or reward.” All licensees in good standing, whether they pay the indemnity fee or not, are permitted to provide pro bono services **within the scope of their licence**.

If you are practising and pay the indemnity fee, you will enjoy coverage under the Policy for all pro bono services. If you qualify for the part-time discount, you do not need to include any of the hours spent engaged in sanctioned pro bono services in your calculation of hours for the part-time discount.

If you are retired, non-practising, or practising and have claimed an exemption from the indemnity fee, you will only have coverage for approved (“sanctioned”) pro bono services provided through a sanctioned pro bono services program. This extended indemnity coverage does not broaden what you are permitted to do as a non-practising or retired licensee. For example, only a practising licensee may act as a notary public or commissioner for taking affidavits. Also, you remain responsible for ensuring that you are providing pro bono services within your area of expertise, not acting in a conflict of interest, and maintaining your good standing with the Law Society.

## Limits of liability

If you have paid the indemnity fee, or have not paid the fee but are only providing sanctioned pro bono services to *individuals*, the limits of liability are that of the Policy: \$1 million per error, and a \$2 million annual aggregate.

If you have not paid the indemnity fee and are providing sanctioned services to a charity or not-for-profit organization, the per error and annual aggregate limits of liability are \$250,000.

## Approved pro bono programs

An organization can apply to the Law Society to have a program approved so its volunteer licensees who are providing sanctioned pro bono services, but have not paid the indemnity fee, will have coverage extended to them under the Policy. Although there is no coverage for the organization offering the program, or its directors, officers or employees, in order for the approved program to be and remain sanctioned, the organization is responsible for:

- managing risk reduction policies;
- determining a client's financial means and evaluating other eligibility for pro bono assistance;
- maintaining a record of the engagement; and
- ensuring the licensee is in good standing with the Law Society.

If you are interested in more information about sanctioned programs, including program contact information, please consult the “Approved Programs” section of Access Pro Bono’s website at [Support for Volunteer Lawyers | Access Pro Bono](#)<sup>1</sup>.

## “Sanctioned” pro bono services

Pro bono services are sanctioned if they are:

- approved by the Law Society (approved services for individuals are different from those approved for a charity or not-for-profit organization);
- provided to an eligible client;
- provided solely through an approved or sanctioned pro bono services program; and
- not for the benefit of a person or organization previously known to you, including a family member, friend or acquaintance.

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<sup>1</sup> [www.accessprobono.ca/volunteers/support-volunteer-lawyers](http://www.accessprobono.ca/volunteers/support-volunteer-lawyers)

### ***Approved pro bono services provided to an individual***

Services in these areas of law have been approved by the Law Society as sanctioned pro bono services provided to an individual:

- contract (includes consumer law)
- constitutional Law
- criminal (includes criminal defence, *Young Offenders Act*, criminal injury and victim assistance)
- defamation
- debts & collections (includes foreclosures, builders liens)
- employment law (includes employment insurance, harassment)
- family & child law (includes divorce, child welfare, adoptions)
- health, disability & social assistance (includes mental health and adult guardianship, workers compensation, income maintenance)
- human rights (includes police complaints, prisoners' rights)
- immigration
- taxation & GST
- insolvency / bankruptcy
- insurance
- housing
- pension & benefits (includes CPP/OAP/BC Benefits)
- torts / negligence
- wills & estates
- registration or incorporation of a society or not-for-profit organization
- compliance with the Societies Act
- other: professional service complaints, name changes, notarizing or taking affidavits

**unless** they relate in any fashion to:

- estate (tax) planning or trusts set up for tax purposes<sup>2</sup>
- environmental Law
- Indigenous land or other Indigenous property claims, but not including a disposition of an individual Certificate of Possession or NETI (No Evidence of Title Issued) registration
- defence or prosecution of class or representative actions

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<sup>2</sup> Includes services relating to tax driven wealth management plans, but not tax advice incidental to advising on simple wills and estates.

### ***Sanctioned pro bono services provided to a charity or not-for-profit organization***

Services in these areas of law have been approved by the Law Society as sanctioned pro bono services provided to an organization:

- obtaining charitable status
- registration or incorporation of a society or not-for-profit organization
- compliance with the *Societies Act*, or amending a constitution or bylaws
- general employment contracts<sup>3</sup>

**unless** they relate in any fashion to:

- a contentious legal issue
- a commercial lease
- commercial lending
- conveyancing

### ***The consequences of a paid claim are waived***

Generally, when an indemnity payment is made on your behalf, for example to satisfy a settlement or judgment, a number of consequences follow:

- you pay a deductible of \$5,000 (first paid claim) or \$10,000 (subsequent paid claims reported within three years of the report date of the first paid claim);
- you are surcharged \$1,000 annually for five years, when you apply to renew your Practice Certificate, although the surcharge won't exceed the amount paid in indemnity; and
- you lose eligibility for the part-time discount.

These consequences are waived when the claim arises out of your provision of sanctioned pro bono services through a sanctioned pro bono program.

## **Lawyers Indemnity Fund**

Please contact the Lawyers Indemnity Fund with any questions regarding the Policy generally, or coverage for pro bono services: [Contact us by types of inquiries | LIF<sup>4</sup>](#).

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<sup>3</sup> For example, legal advice about an employment contract in contemplation of termination would be excluded as relating to a contentious legal issue.

<sup>4</sup> [www.lif.ca/about-us/our-people/contact-us-by-types-of-inquiries/](http://www.lif.ca/about-us/our-people/contact-us-by-types-of-inquiries/)