

The Law Society  
of British Columbia



16

# 2016 REPORT ON PERFORMANCE

[lawsociety.bc.ca](http://lawsociety.bc.ca)



PROTECTING THE PUBLIC INTEREST

## Our Mandate

THE LAW SOCIETY OF BRITISH COLUMBIA REGULATES THE LEGAL PROFESSION IN BC, PROTECTING THE PUBLIC INTEREST IN THE ADMINISTRATION OF JUSTICE BY SETTING AND ENFORCING STANDARDS OF PROFESSIONAL CONDUCT FOR LAWYERS. WE ENSURE THE PUBLIC IS WELL SERVED BY LEGAL PROFESSIONALS WHO ARE HONOURABLE, COMPETENT AND INDEPENDENT. WE ALSO BRING A VOICE TO ISSUES AFFECTING THE JUSTICE SYSTEM AND THE DELIVERY OF LEGAL SERVICES.



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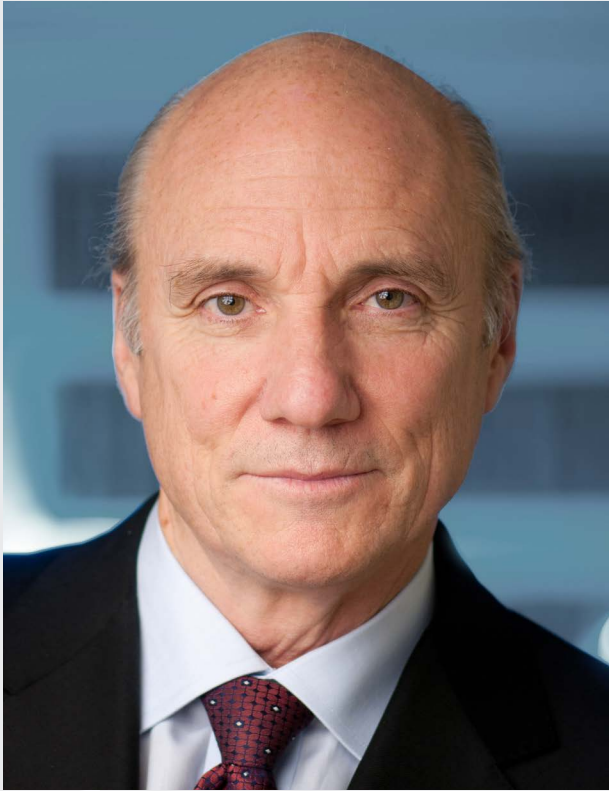
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## President's Message



*This work, both provincially and nationally, cannot be accomplished without the hearts and minds of the legal profession, and I encourage all members to add their voice to this effort.*

Please allow me to remind my colleagues that one of the great challenges our justice system faces, and consequently our profession must confront is finding its place and its voice in understanding and addressing the deep cultural scars left on our Indigenous communities in the wake of residential schools.

In 2016 the Law Society struck the Truth and Reconciliation Advisory Committee, co-chaired by Grand Chief Ed John and myself. It has a profoundly important mandate to provide guidance and advice to the Law Society on justice issues affecting Indigenous people in British Columbia, including those issues highlighted in the Truth and Reconciliation Commission's report and recommendations. This work, both provincially and nationally, cannot be accomplished without the hearts and minds of the legal profession, and I encourage all members to add their voice to this effort.

The Law Society continued its support for Access to Justice BC this year, and approved a joint three-year funding and support arrangement together with the Law Foundation. The Honourable Robert Bauman,

Chief Justice of British Columbia, chairs this action group consisting of a network of organizations and individuals committed to justice-system improvement. The committee decided this year to place its initial focus on family law and drafted guidelines aimed at promoting specific actions that will bring measurable outcomes. The Law Society is an important participant in this collaborative effort.

Legal aid in this province is in crisis, and the discussions about it have, for many years, been frustrating and disappointing. The Benchers unanimously decided this year to create a Legal Aid Task Force to add its voice in grappling with this crisis. The task force, co-chaired by incoming Second Vice-President Nancy Merrill, QC and Richard Peck, QC, will bring a mandate to the Benchers that will serve as a specific basis for our strategic plan

*continued...*

## President's Message *...continued*

going forward. Legal aid, to be sure, is a long-standing frustration, but that frustration cannot, and must not, defeat the commitment of the Law Society to press these important issues.

The Rule of Law and Lawyer Independence Advisory Committee has determined it is our obligation as a profession to speak to issues that are assaultive of our justice system. In September this year, the Law Society welcomed the federal government's public consultation on national security by reiterating our concern that several aspects of the new security legislation do not appropriately balance protection of public safety with the rights and freedoms guaranteed to all Canadians. It is important that we engage the public and the profession on matters that potentially threaten the rule of law, and that the public understand why we have the rule of law, and the consequences of unwarranted intrusion upon it. I encourage members to consider engaging with the Rule of Law and Lawyer Independence Advisory Committee through email or its Twitter account.

Children are by far the most vulnerable in our society, and for far too long their interests have gone unrepresented in family law and child protection matters. In 2016 the Law Society was among the funding partners behind a two-year pilot project to create a Children's Lawyer Office for British Columbia. We are proud to support the efforts of Law Foundation Executive Director Wayne Robertson, QC, in this initiative, which will provide direct legal services to children and youth in the province.

Early in 2016 our Law Firm Regulation Task Force, led by chair and incoming president Herman Van Ommen, QC, toured the province and met with our members concerning a new, early intervention approach to lawyer regulation. It has been described as demonstrating, once again, that BC is a leader in innovative proactive approaches to regulation. The participation of lawyers has provided invaluable input, and we invite your continued participation and insight.

I feel I would be remiss if I did not mention a memorable presentation delivered to Benchers in 2016 by Derek LaCroix, QC, executive director of the Lawyers Assistance Program. Derek has inspired many in our profession to reach out their hands to help our brothers and sisters at the bar who find themselves in difficulty. The Law Society funds and unconditionally supports the LAP, and I urge all members to consider volunteering by giving your name to Derek as someone to call. You will find you can change a life.

Beginning in January 2017, Herman Van Ommen, QC will lead the Benchers as president concerning these important initiatives. He will be ably supported by Miriam Kresivo, QC as first vice-president, Nancy Merrill, QC as second vice-president, Chief Executive Officer Tim McGee, QC and the incredibly gifted and committed staff at the Law Society. The Law Society can make a difference in our justice system, but only with you, the bar of this province. It has been a pleasure and an honour to serve you.



**David Crossin, QC**  
*President*

## Strategic Plan Progress

The Law Society's strategic plan focuses on issues directly aligned with our primary responsibility under the *Legal Profession Act*, to protect the public interest in the administration of justice. The goals, strategies and initiatives set out in our three-year strategic plan are in addition to our core regulatory programs, such as discipline, credentials and practice standards. The overall operation of these programs is the foundation of the Law Society and is essential to fulfilling our mandate.

### MORE INFORMATION

[2015-2017 Law Society Strategic Plan](#)

### STRATEGIC GOAL 1: The public will have better access to justice

#### Continue work on initiatives for advancement of women and minorities, including through the Justicia Program and the Aboriginal Lawyers Mentorship Program

The Justicia model policies and best practice resources are now available on the Law Society's website, online modules to promote the materials are being developed, and outreach is now underway to encourage smaller and regional firms to adopt and implement them. The Law Society continues to administer the Aboriginal Lawyers Mentoring Program to support Aboriginal lawyers.

#### Evaluate the Manitoba Family Justice Program and determine if it is a viable model for improving access to family law legal services in British Columbia

The Access to Legal Services Advisory Committee determined that the Manitoba Family Justice Program was not viable to duplicate in BC. It preferred a proposal by Mediate BC to set up a roster to match family law mediators with lawyers prepared to provide unbundled independent legal advice to participants in mediation. The Mediate BC proposal received \$60,000 and the project is being developed.

#### Examine the Law Society's role in connection with the advancement and support of Justice Access Centres (JACs)

Courthouse Libraries and the Ministry of the Attorney General are exploring the potential for libraries throughout BC to act as "hubs" that will connect to the JACs via technology. This approach is consistent with the concept identified by the Access to Legal Services Advisory Committee in prior years of establishing community based "franchises" of the JAC model. The committee remains available for input from Courthouse Libraries and the Ministry as to whether there is anything the Law Society can do to facilitate the expansion of JACs in this manner.

#### Examine the Law Society's position on legal aid

The Legal Aid Task Force was created, a mandate was approved, and the task force has met on a number of occasions. A draft vision and discussion paper were prepared by the task force, which formed the basis of discussion at a colloquium on legal aid organized by the task force and held on November 26, 2016. The colloquium was attended by senior levels of government, the courts and invited members of the profession. The task force will review the feedback and will provide a final report early in 2017.

## Strategic Plan Progress *...continued*

### STRATEGIC GOAL 2: The Law Society will continue to be an innovative and effective professional regulatory body

#### Improve the admission, education and continuing competence of students and lawyers

The Lawyer Education Advisory Committee evaluated the current admission program, and recommended a response to a proposal concerning national assessments circulated by the Federation of Law Societies of Canada. The committee's report and recommendations were presented and approved at the March 2016 Benchers' meeting.

#### Examine Practice Standards initiatives to improve the competence of lawyers by maximizing the use of existing and new data sources to identify at-risk lawyers and by creating Practice Standards protocols for remediating high risk lawyers

Evidence has been assembled that examines the impact of remediation and its duration, and the effectiveness of remediation in reducing lawyer complaints and increasing competence. A task force was created to review the data gathered and to make recommendations concerning its use. It began its work in early 2017.

#### Continue the Law Firm Regulation Task Force and the work currently underway to develop a framework for the regulation of law firms

A consultation paper and survey were prepared and undertaken by the Law Firm Regulation Task Force, which consulted with the profession in several cities around the province in February 2016. The Task Force incorporated feedback received during the consultation process together with its research and analysis and presented an interim report to the Benchers in November 2016. Further consultations on the proposals described in the interim report will take place in early in 2017 with a view to presenting a final report by the Fall of 2017 at the latest.

#### Respond to the calls to action in the Report of the Truth and Reconciliation Committee, 2015

A steering committee was created early in 2016 to assist in determining how best to engage in appropriate consultation with Indigenous communities and representatives and to assist in developing the agenda and substantive program for the Benchers' 2016 retreat that took place in early June. Following the retreat, the Truth and Reconciliation Advisory Committee was created, and terms of reference for the committee were established in the Fall of 2016.

### STRATEGIC GOAL 3: The public will have greater confidence in the administration of justice and the rule of law

#### Increase public awareness of the importance of the rule of law and the proper administration of justice and develop communications strategies for engaging the profession, legal service users, and the public in general justice issues

The Rule of Law and Lawyer Independence Advisory Committee proposed an annual evening lecture series on rule of law topics to begin in 2017, which was approved by the Benchers in July. Work on this initiative is underway.

#### Identify strategies to express a public voice on the justice system, including public forums

The Rule of Law and Lawyer Independence Advisory Committee prepared its first public comment, a commentary for *The Advocate*, on the issues that pervasive surveillance raised for lawyers. It also wrote several articles that were published on the Law Society website and in the *Benchers' Bulletin*. The committee has also developed a Twitter account through which it identifies rule of law issues on which it wishes to comment more publicly.

## Benchers

The Benchers are responsible for the Law Society Rules, the *Code of Professional Conduct for British Columbia* and governance policies, and also govern and administer the affairs of the Society. Benchers serve two-year terms and can be re-elected or reappointed for a maximum of eight years. The president is the chief elected officer of the Law Society and serves a one-year term.



**Row 1 (Front), Left To Right:**

**FIRST VICE-PRESIDENT**  
**Herman Van Ommen, QC**  
*(Vancouver County)*

**PRESIDENT**  
**David Crossin, QC**  
*(Vancouver County)*

**SECOND VICE-PRESIDENT**  
**Miriam Kresivo, QC**  
*(Vancouver County)*

Nancy G. Merrill, QC  
*(Nanaimo County)*

**CEO**  
**Timothy E. McGee, QC**

**Row 2, Left To Right:**

Pinder K. Cheema, QC  
*(Victoria County)*

Lee Ongman  
*(Cariboo County)*

Satwinder Bains  
*(Appointed Bencher)*

Tony Wilson, QC  
*(Vancouver County)*

Christopher McPherson  
*(Westminster County)*

Daniel Smith  
*(Appointed Bencher)*

**Row 3, Left To Right:**

Sharon Matthews, QC  
*(Vancouver County)*

Brook Greenberg  
*(Vancouver County)*

Gregory A. Petrisor  
*(Cariboo County)*

Elizabeth Rowbotham  
*(Vancouver County)*

Carolynn Ryan  
*(Appointed Bencher)*

Craig A.B. Ferris, QC  
*(Vancouver County)*

Dean P.J. Lawton, QC  
*(Victoria County)*

Sarah Westwood  
*(Prince Rupert County)*

Philip Riddell  
*(Westminster County)*

Michelle Stanford  
*(Kamloops District)*

**Row 4, Left To Right:**

Jeff Campbell, QC  
*(Vancouver County)*

Jamie Maclaren  
*(Vancouver County)*

Tom Fellhauer  
*(Okanagan District)*

Claude Richmond  
*(Appointed Bencher)*

Mark Rushton  
*(Appointed Bencher)*

Martin Finch, QC  
*(Westminster County)*

Lynal E. Doerksen  
*(Kootenay County)*

**Not Pictured**

Steven McKoen  
*(Vancouver County)*

Lisa Hamilton  
*(Vancouver County)*

Maria Morellato, QC  
*(Vancouver County)*

J.S. (Woody) Hayes,  
 FCPA, FCA  
*(Appointed Bencher)*

## Appointed Benchers

Public representation at the Bencher table is an integral part of ensuring the voice of the public is heard in the governance of the Law Society. To this end, the provincial government appoints six members of the public who are not lawyers, to serve as Law Society Benchers. Appointed Benchers participate fully in Bencher meetings, Law Society committees and task forces, and discipline and credentials hearings.

Following is a statement from the Appointed Benchers about the Law Society's 2016 operations:

In July the Benchers established a permanent Truth and Reconciliation Advisory Committee, which will guide the Law Society on justice issues affecting Indigenous people in the province. This year the Benchers also approved the recommendations of a review of the admission program, ensuring the program will continue to meet the Law Society's high standards for entry to the profession. Improving access to justice remains a top priority, and in December 2016 the Law Society announced funding and support for Access to Justice BC, an important initiative that brings together stakeholders from across the justice sector to enhance access to justice for all British Columbians.

These are just a few of the highlights among accomplishments in 2016. We look forward to continuing to bring our unique perspectives to these and other issues in 2017.



**Front, Left To Right:**

**Daniel Smith** is a citizen of the Laich Kwil Tach Nation, member of the Campbell River Indian Band on Vancouver Island and former Chief Negotiator for the Hamatla Treaty Society.

**Satwinder Bains** is a professor at the University of the Fraser Valley and the director of the Centre for Indo-Canadian Studies.

**Carolynn Ryan, CHRP**, has held various roles since joining WorkSafeBC in 1993, including Director of Divisional Human Resource Operations and Director of Labour Relations.

**Back, Left To Right:**

**Mark Rushton** is a former editor and publisher with more than 25 years in the community newspaper industry.

**Claude Richmond** is a former Speaker of the legislative assembly and the former member of the legislative assembly for the Kamloops riding.

Not Pictured:

**J.S. (Woody) Hayes, FCPA, FCA**, is a founding partner of Hayes Stewart Little & Company, Chartered Professional Accountants, and a former president of the Institute of Chartered Accountants.



## Committees and Task Forces

Committees and task forces are comprised of Benchers and lawyers from various parts of BC, all of whom volunteer their time to the Law Society.



**Lee Ongman**

*Chair*

- Act and Rules Committee
- Practice Standards Committee



**Satwinder Bains**

*Chair*

- Complainants' Review Committee
- Equity and Diversity Advisory Committee



**Lynal Doerksen**

*Chair*

- Credentials Committee
- Unauthorized Practice Committee

### Committees

#### Act and Rules

Recommends to Benchers amendments to the *Legal Profession Act* and Law Society Rules.

#### BENCHERS

Lee Ongman (*Chair*)  
Lynal Doerksen (*Vice-Chair*)  
Thomas Fellhauer  
Martin Finch, QC

#### STAFF CONTACT

Jeff Hoskins, QC

#### Complainants' Review

Reviews the case files of complainants who are dissatisfied with dismissal of their complaints following a review by Law Society staff.

#### BENCHERS

Satwinder Bains (*Chair*)  
Sarah Westwood (*Vice-Chair*)  
J.S. (Woody) Hayes, FCPA, FCA  
Herman Van Ommen, QC

#### NON-BENCHERS

Julie Lamb  
Amrik Narang

#### STAFF CONTACT

Gurprit Copland

#### Credentials

Oversees the enrolment, education, examination and call to the bar of articulated students, the transfer of lawyers to BC and the reinstatement of former lawyers.

#### BENCHERS

Lynal Doerksen (*Chair*)  
Martin Finch, QC (*Vice-Chair*)  
Satwinder Bains  
Jeff Campbell, QC  
Lisa Hamilton  
Phil Riddell  
Elizabeth Rowbotham  
Carolynn Ryan

#### NON-BENCHERS

Stacy Kuiack

#### STAFF CONTACT

Lesley Small

#### Discipline

Reviews opinions concerning lawyers or articulated students which are referred by Law Society staff, the Complainants' Review Committee or the Practice Standards Committee and determines appropriate disciplinary outcomes, if any.

#### BENCHERS

Miriam Kresivo, QC (*Chair*)  
Claude Richmond (*Vice-Chair*)  
David Crossin, QC  
Brook Greenberg  
Christopher McPherson  
Tony Wilson, QC

#### NON-BENCHERS

Tracey Cohen, QC  
Jeevyn Dhaliwal

#### STAFF CONTACT

Deborah Armour

#### Ethics

Identifies current professional responsibility issues and makes recommendations on changes to the *Code of Professional Conduct for British Columbia* for consideration by the Benchers.

#### BENCHERS

Nancy Merrill, QC (*Chair*)  
Thomas Fellhauer (*Vice-Chair*)  
Pinder Cheema, QC  
Craig Ferris, QC  
Steven McKoen  
Greg Petrisor  
Maria Morellato, QC  
Daniel Smith  
Gavin Hume, QC, Life Bencher

#### NON-BENCHERS

Greg Delbigio, QC

#### STAFF CONTACT

Lance Cooke

#### Executive

Provides direction and oversight for the strategic and operational planning of the Law Society and develops agendas for Bencher meetings to ensure that the Benchers exercise their oversight, regulatory and policy development responsibilities.

#### BENCHERS

David Crossin, QC (*Chair*)  
Herman Van Ommen, QC (*Vice-Chair*)  
Satwinder Bains  
Lynal Doerksen  
Craig Ferris, QC  
Miriam Kresivo, QC  
Nancy Merrill, QC

#### STAFF CONTACT

Renee Collins

#### Finance and Audit

Provides oversight over the financial affairs of the Law Society, makes recommendations on annual fees, reviews annual budgets and periodically reviews financial and investment results. Oversees the external audit process and provides oversight over the internal controls and enterprise risk management of the Law Society.

#### BENCHERS

Miriam Kresivo, QC (*Chair*)  
Craig Ferris, QC (*Vice-Chair*)  
David Crossin, QC  
Thomas Fellhauer  
J.S. (Woody) Hayes, FCPA, FCA  
Sharon Matthews, QC  
Herman Van Ommen, QC  
Peter Lloyd, FCPA, FCA, Life Bencher

#### NON-BENCHERS

Peter Kelly  
Bill Maclagan, QC

#### STAFF CONTACT

Janette McPhee

#### Governance

Assesses the Law Society's current governance structure and practices to identify any areas for improvement.

#### BENCHERS

Herman Van Ommen, QC (*Chair*)  
Pinder Cheema, QC  
Lisa Hamilton  
Dean Lawton, QC  
Steven McKoen  
Elizabeth Rowbotham  
Carolynn Ryan

#### STAFF CONTACTS

Adam Whitcombe  
Renee Collins

## Committees and Task Forces *...continued*



**Miriam Kresivo, QC**  
*Chair*  
 • Discipline Committee  
 • Finance and Audit Committee



**Nancy G. Merrill, QC**  
*Chair*  
 • Ethics Committee  
 • Legal Aid Task Force



**David Crossin, QC**  
*Chair*  
 • Executive Committee  
 • Appointments Subcommittee  
 • Litigation Subcommittee  
*Co-Chair*  
 • Truth and Reconciliation Advisory Committee  
*Vice-Chair*  
 • Legal Services Regulatory Framework Task Force



**Herman Van Ommen, QC**  
*Chair*  
 • Governance Committee  
 • Access to Legal Services Advisory Committee  
 • Law Firm Regulation Task Force

## Committees *...continued*

### Practice Standards

Reviews information about lawyers who may have competency-related problems and, when appropriate, orders investigations.

**BENCHERS**  
 Lee Ongman (*Chair*)  
 Dean Lawton, QC (*Vice-Chair*)  
 J. S. (Woody) Hayes, FCPA, FCA  
 Jamie MacLaren  
 Sharon Matthews, QC  
 Mark Rushton  
 Michelle Stanford  
 Sarah Westwood

**NON-BENCHER**  
 Lisa Martz  
 Mark Skorah, QC

**STAFF CONTACT**  
 Kensi Gounden

### Unauthorized Practice

Considers and makes policy decisions with respect to the unauthorized practice of law and the relevant provisions of the *Legal Profession Act*.

**BENCHERS**  
 Lynal Doerksen (*Chair*)  
 Elizabeth Rowbotham (*Vice-Chair*)  
 Brook Greenberg  
 Greg Petrisor  
 Phil Riddell  
 Carolynn Ryan

**NON-BENCHER**  
 Margaret Sasges, QC

**STAFF CONTACT**  
 Michael Kleisinger

## Subcommittees

### Appointments

Provides advice and guidance to the Executive Committee, the Benchers and the President for managing the Law Society's appointment of directors and governors to the boards of more than 20 organizations.

**BENCHERS**  
 David Crossin, QC (*Chair*)  
 Miriam Kresivo, QC  
 Herman Van Ommen, QC

**STAFF CONTACT**  
 Renee Collins

### Litigation

Provides guidance to staff on litigation matters and determines which matters should come before the Executive Committee.

**BENCHERS**  
 David Crossin, QC (*Chair*)  
 Miriam Kresivo, QC  
 Herman Van Ommen, QC

**STAFF CONTACT**  
 Deborah Armour

## Advisory Committees

### Access to Legal Services

Monitors developments on issues affecting access to legal services and reports those developments to the Benchers.

**BENCHERS**  
 Herman Van Ommen, QC (*Chair*)  
 Martin Finch, QC (*Vice-Chair*)  
 Nancy Merrill, QC  
 Mark Rushton

**NON-BENCHERS**  
 Kelly Connell  
 Claire Hunter  
 Raymond Phillips, QC

**STAFF CONTACT**  
 Doug Munro

### Equity and Diversity

Reports to the Benchers on issues affecting equity and diversity in the legal profession and the justice system and assists Benchers with priority planning.

**BENCHERS**  
 Maria Morellato, QC (*Chair*)  
 Satwinder Bains (*Vice-Chair*)  
 Jamie MacLaren  
 Sharon Matthews, QC  
 Christopher McPherson  
 Michelle Stanford  
 Daniel Smith

**NON-BENCHERS**  
 Daniele Poulin  
 Elizabeth Vogt, QC

**STAFF CONTACT**  
 Andrea Hilland

### Lawyer Education

Monitors developments on issues affecting lawyer education in BC and reports to the Benchers about those developments.

**BENCHERS**  
 Tony Wilson, QC (*Chair*)  
 Sarah Westwood (*Vice-Chair*)  
 Pinder Cheema, QC  
 Dean Lawton, QC  
 Jamie MacLaren

**NON-BENCHER**  
 Micah Rankin

**STAFF CONTACT**  
 Alan Treleven

### Rule of Law and Lawyer Independence

Monitors issues and legislation affecting the rule of law and the independence and self-governance of the legal profession and reports on those matters to the Benchers.

**BENCHERS**  
 Craig Ferris, QC (*Chair*)  
 Lee Ongman (*Vice-Chair*)  
 Jeff Campbell, QC  
 Miriam Kresivo, QC  
 Mark Rushton  
 Tony Wilson, QC  
 Leon Getz, QC, Life Bencher  
 Jan Lindsay, QC, Life Bencher

**NON-BENCHERS**  
 Jon Festinger, QC

**STAFF CONTACT**  
 Michael Lucas

## Committees and Task Forces *...continued*



**Tony Wilson**  
*Chair*  
• Lawyer Education Advisory Committee



**Craig Ferris, QC**  
*Chair*  
• Rule of Law and Lawyer Independence Advisory Committee



**Grand Chief Ed John**  
*Co-Chair*  
• Truth and Reconciliation Advisory Committee



**Art Vertlieb, QC  
Life Bencher**  
*Chair*  
• Legal Services Regulatory Framework Task Force

## Advisory Committees

*...continued*

### Truth and Reconciliation

Provides guidance to the Law Society on legal issues affecting Indigenous people in the province; advises the Benchers on priority planning and develops related recommendations and initiatives.

David Crossin, QC (*Chair*)  
Grand Chief Ed John (*Chair*)

**BENCHERS**  
Dean Lawton, QC  
Lee Ongman  
Daniel Smith  
Herman Van Ommen, QC

**NON-BENCHERS**  
John Borrows  
Judge Len Marchand  
Michael McDonald  
Ardith Walkem

**STAFF CONTACT**  
Andrea Hilland

## Task Forces

### Law Firm Regulation

Recommends to the Benchers a framework for the regulation of law firms resulting from a 2012 amendment to the *Legal Profession Act* giving the Law Society authority to regulate law firms in addition to regulating individual lawyers.

**BENCHERS**  
Herman Van Ommen, QC (*Chair*)  
Martin Finch, QC  
Sharon Matthews, QC  
Peter Lloyd, FCPA, FCA, Life Bencher

**NON-BENCHERS**  
Jan Christiansen  
Lori Mathison  
Angela Westmacott, QC  
Henry Wood, QC

**STAFF CONTACT**  
Michael Lucas

### Legal Aid

Develops a principled vision for the Law Society concerning publicly funded legal aid and identifies ways to enhance Law Society leadership in legal aid.

**BENCHERS**  
Nancy Merrill, QC (*Chair*)  
Pinder Cheema, QC  
Sarah Westwood  
Richard Peck, QC (Life Bencher)

**NON-BENCHERS**  
Tom Christensen  
Hon. Lance Finch, QC  
Janet Winteringham, QC  
Patricia Stark

**STAFF CONTACTS**  
Michael Lucas  
Doug Munro

### Legal Services

#### Regulatory Framework

Recommends to the Benchers a regulatory framework by which other existing providers of legal services, or new stand-alone groups who are neither lawyers nor notaries, could provide credentialed and regulated legal services in the public interest.

**BENCHERS**  
Art Vertlieb, QC (*Chair*)  
David Crossin, QC (*Vice-Chair*)  
Satwinder Bains  
Lee Ongman

**NON-BENCHERS**  
Karey Brooks  
Nancy Carter  
Dean Crawford  
Jeevyn Dhaliwal  
Carmen Marolla  
Wayne Robertson, QC  
Ken Sherk

**STAFF CONTACTS**  
Michael Lucas  
Doug Munro

## CEO's Message



*We achieved an aggregate success rating of 83 per cent on the key performance measures in 2016, including unprecedented levels of public satisfaction with the timeliness, thoroughness and fairness of our complaints handling system. A full report on the key performance measures is set out in this report.*

There are two fundamental measures of performance for the Law Society each year. The first is progress in achieving the objectives set out in the strategic plan and the second is meeting our key performance measures.

In 2016 there was significant success on both these fronts. Most notable under the strategic plan was the creation of the Truth and Reconciliation Advisory Committee and the Legal Aid Task Force, and the province-wide consultative work of the Law Firm Regulation Task Force. Each of these strategic initiatives is groundbreaking for the Law Society and has the potential to be transformative for the profession and the justice system. The challenges of enhancing access to affordable legal services for British Columbians remains a key part of the strategic plan, and while we have not yet secured the legislative amendments necessary to create new classes of legal service providers, that goal remains a priority. A full report on the strategic plan is set out in this 2016 Report on Performance and these initiatives are highlighted in the President's Message.

We achieved an aggregate success rating of 83 per cent on the key performance measures in 2016, including unprecedented levels of public satisfaction with the timeliness, thoroughness and fairness of our complaints handling system. A full report on the key performance measures is set out in this report.

But 2016 was not a year without its challenges in regulation. We continued to see a trend toward greater complexity in our complaints investigations and cases and thus significant demand on our resources to meet that challenge. To address this trend we undertook a detailed counsel resourcing assessment, which led to increased funding for this work coupled with changes in how we utilize the skills and capacity of internal and external counsel to be more cost effective. While we continued to see a high compliance level overall among

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## CEO's Message *...continued*

firms in the trust accounting area, we also experienced a slight increase in referrals to our professional conduct group for breaches of a more serious nature. The goal of the program continued to be assisting and supporting firms with compliance while being alert to issues that require a regulatory response to protect the public interest.

In the Lawyers Insurance Fund the frequency of insurance reports was down year on year in 2016 although the value of reported claims increased. This suggests an incremental shift in the size and complexity of malpractice claims against lawyers. This did not impact the overall performance of the Lawyers Insurance Fund, and an independent third party audit report in 2016 noted the program continues to operate at a high level and in a cost effective manner.

We also continued in 2016 to invest in the skills and engagement of our most important resource: our dedicated staff. An organization-wide Skills Enrichment Program significantly raised the bar on the computer and technological skill level of every employee.

Innovation in technology was front and centre for management and staff in 2016. A complete redesign of the Law Society's website was undertaken, which will lead to a fresh new look with better search tools, content prioritization and location and other user-friendly features. The use of social media also continued to grow as a Law Society communications medium in 2016, with a 19 per cent increase year on year of those following the Law Society on Twitter and the creation of a new dedicated Twitter account for the Rule of Law and Lawyer Independence Advisory Committee. We also conducted the first Bencher election with the option for electronic voting, and the platform performed flawlessly. This new convenient and more cost-effective platform will now be employed for all future Bencher elections and the annual general meeting.

I am blessed to work with a skilled and engaged management team and talented committed staff. Our annual employee survey tells us that our staff are motivated and inspired by the Law Society's mandate and this shows in the quality of their work. I would like to thank all of my colleagues for their many contributions.

One of the reasons the Law Society is thriving as an organization is because of the tremendous commitment of time and expertise given by the Benchers and the hundreds of volunteers we engage across a wide range of Law Society business. On behalf of all the staff, I would like to acknowledge and thank you for all that you do. I would also like to specifically acknowledge and thank David Crossin, QC for his distinctive brand of passionate leadership on issues that are fundamental to justice and also for his support and friendship as Law Society president in 2016.

I look forward to working with our new president, Herman Van Ommen, QC and all the Benchers and staff in 2017 as we continue to set and maintain high standards for regulation of the profession in the public interest.



**Timothy E. McGee, QC**  
*Chief Executive Officer and Executive Director*

## Key Performance Measures

Key performance measures provide the Law Society with a means of objectively quantifying and demonstrating to the public how well we are fulfilling our mandate.

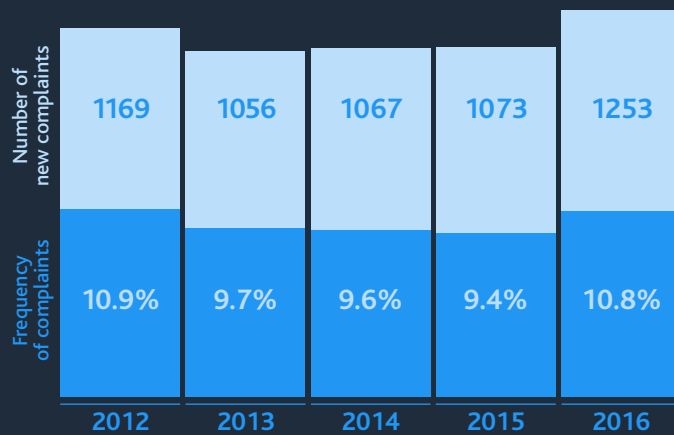
Most of our goals were achieved this year. The key performance measures that did not meet our targets provide an opportunity to reassess and make improvements where necessary.

### Bellwether Measures

The two bellwether measures are indicators of long-term trends that are important to our regulatory processes.

#### FREQUENCY OF COMPLAINTS

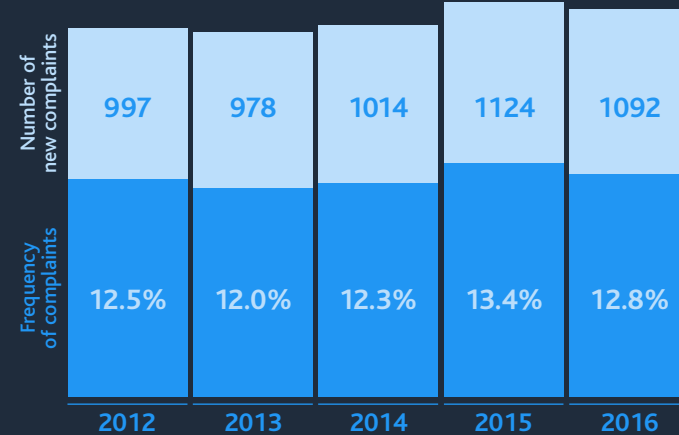
Measuring the frequency of complaints provides some indication of the extent to which proactive steps result in fewer complaints, thereby protecting the public.



*Frequency of complaints = the number of complaints about lawyers divided by the median number of practising lawyers.*

#### FREQUENCY OF INSURANCE REPORTS

The frequency of insurance reports is some indication of the degree to which those in private practice recognize and report that the legal services delivered may have failed to meet acceptable standards.



*Frequency of insurance reports = number of insurance reports divided by the median number of insured lawyers.*

## Key Performance Measures *...continued*

### Professional Conduct and Discipline

#### CORE FUNCTION

Handle complaints about lawyers in a fair, effective and timely manner and maintain a regulatory process that is consistent, thorough and transparent.

#### PERFORMANCE RESULTS

**84%** of complainants were satisfied with timeliness in the handling of their complaints; and

**74%** would recommend the complaint process to someone else.

Exceeded our goals of 75 per cent and 60 per cent respectively

**83%** of complainants expressed satisfaction with the fairness of the process; and

**78%** expressed satisfaction with the thoroughness with which complaints were managed.

Exceeded the target for both of 65 per cent

**97%** of complainants were satisfied with the courtesy extended to them.

Exceeded the target of 90 per cent

#### 📍 MORE INFORMATION

2016 Complaints results  
Complaints and discipline process

### Law Society Complainants' Review Committee and BC Ombudsperson

#### CORE FUNCTION

Consider requests from people unhappy with their complaints about lawyers being dismissed by the Law Society following investigations.

In 2016, both of these oversight groups found the Law Society's complaint-handling processes and procedures appropriate.

#### PERFORMANCE RESULTS

**38** complaints were considered by the Complainants' Review Committee. The committee resolved to take no further action on all files on the basis that the staff assessments were appropriate in the circumstances.

Compared to 43 complaints in 2015

**8** enquiries were received from the BC Ombudsperson concerning our complaint investigation process. Seven of those were closed satisfactorily and one remained open at year-end.

Compared to three enquiries received in 2015

#### 📍 MORE INFORMATION

Complainants' Review Committee  
BC Ombudsperson

### Admissions and Credentials

#### CORE FUNCTION

Ensure that new and transferring lawyers are properly qualified and of good character before practising law in BC and that current lawyers are registered and meet continuing professional development requirements.

#### PERFORMANCE RESULTS

**87%** of students achieved an initial pass in the Professional Legal Training Course.

Exceeded our goal of 85 per cent

**3.9** The students' rating of the value of the Professional Legal Training Course on a five-point scale, where a rating of one was lowest and five was highest.

Exceeded our target of an average of 3.5 or higher

**3.6** The articling principals' rating of the value of the Professional Legal Training Course.

Exceeded our target average of 3.5

**3.9** The rating from articled students on the preparatory value of the articling experience, based on a five-point scale, where a rating of one was lowest and five was highest.

**4.5** The rating from articling principals on the preparatory value of the articling experience.

Both exceeded our target average of 3.5

#### 📍 MORE INFORMATION

Professional Legal Training Course  
Articling program  
Admission to the profession  
Continuing Professional Development program

## Key Performance Measures *...continued*

### Practice Standards

#### CORE FUNCTION

Address issues of lawyer competence by providing online educational courses and practice management resources, conducting practice reviews of lawyers whose competence is in question, and recommending and monitoring remedial programs.

#### PERFORMANCE RESULTS

**91%** of the lawyers who completed their referral to the Practice Standards program demonstrated an improvement in competency; and

**91%\*** of the referrals were completed efficiently, indicating the effectiveness of the remedial programs.

*\*The one lawyer who did not complete their referral at an efficiency rating of three or higher (out of four) is no longer in practice.*

Both exceeded our goals of at least 66 per cent

Percentage of lawyers surveyed who rate these online practice resources at three or higher on a five-point scale:

<b>100%</b>	Practice Refresher Course
<b>83%</b>	Succession and Emergency Planning Assistance
<b>89%</b>	Bookkeeper Support Program
<b>72%</b>	Practice Locums Program
<b>98%</b>	Small Firm Practice Course

Three of the five exceeded our target of 85 per cent

#### 📄 MORE INFORMATION

[Practice Standards](#)

### Practice Advice

#### CORE FUNCTION

Assist the legal profession to serve the public effectively by providing advice and support to lawyers on ethical and practice management issues.

#### PERFORMANCE RESULTS

**89%** of lawyers who responded to a survey rated timeliness of response at three or higher on a five-point scale.

Below our target of 90 per cent

**91%** of the lawyers rated quality of advice at three or higher.

Exceeded our target of 90 per cent

**91%** of the lawyers rated quality of resources to which they were referred at three or higher.

Exceeded our target of 90 per cent

**90%** of the lawyers were satisfied overall with the program.

Met our target of 90 per cent

#### 📄 MORE INFORMATION

[Practice resources](#)  
[Practice advisors](#)

*The Law Society also provides BC law firms with the services of an Equity Ombudsperson. Lawyers, articled students or other staff who may be experiencing harassment or inequity in a legal workplace may contact the Equity Ombudsperson for confidential support.*

### Custodianships

#### CORE FUNCTION

Ensure practice coverage, including providing cost-effective custodianships, when a lawyer cannot continue his or her practice due to illness, death or disciplinary action.

#### PERFORMANCE RESULTS

**27.5** months to complete custodianships due to death or disability issues.

Above the historical average of 24 months

**84** months to complete custodianships arising from disciplinary action.\*

*\*Only one custodianship was discharged, and it was unusually long and complex.*

Above the historical average of 48 months

**100%** of clients surveyed were satisfied with the way their matters were handled by the custodian.

Exceeded our target of 90 per cent

#### 📄 MORE INFORMATION

[Custodianships](#)



## Key Performance Measures *...continued*

### Trust Assurance

#### CORE FUNCTION

Ensure that law firms comply with Law Society Rules regarding proper handling of clients' trust funds and trust accounting records.

#### PERFORMANCE RESULTS

**10%** of the lawyers audited were referred to Professional Conduct.

Compared to eight per cent in 2015

**6** suspensions were issued by the Trust Assurance program.

Compared to seven suspensions in 2015

**91%** of lawyers filed a self-report trust report, based on the last completed trust reporting year. The remaining lawyers were required to file an accountant's report.

The same percentage as the previous year

#### **i** MORE INFORMATION

[Trust Assurance program](#)

### Lawyers Insurance Fund

#### CORE FUNCTION

Ensure clients are reasonably compensated if a lawyer is negligent or misappropriates trust funds.

#### PERFORMANCE RESULTS

**100%** of meritorious insurance claims were settled with the consent of the claimant or paid after judgment, and no claimant sued the Lawyers Insurance Fund directly for compensation for an unrecovered loss.

**96%** of the lawyers represented by the Lawyers Insurance Fund gave the program high marks of four or five on a five-point scale.

Met the target of 90 per cent

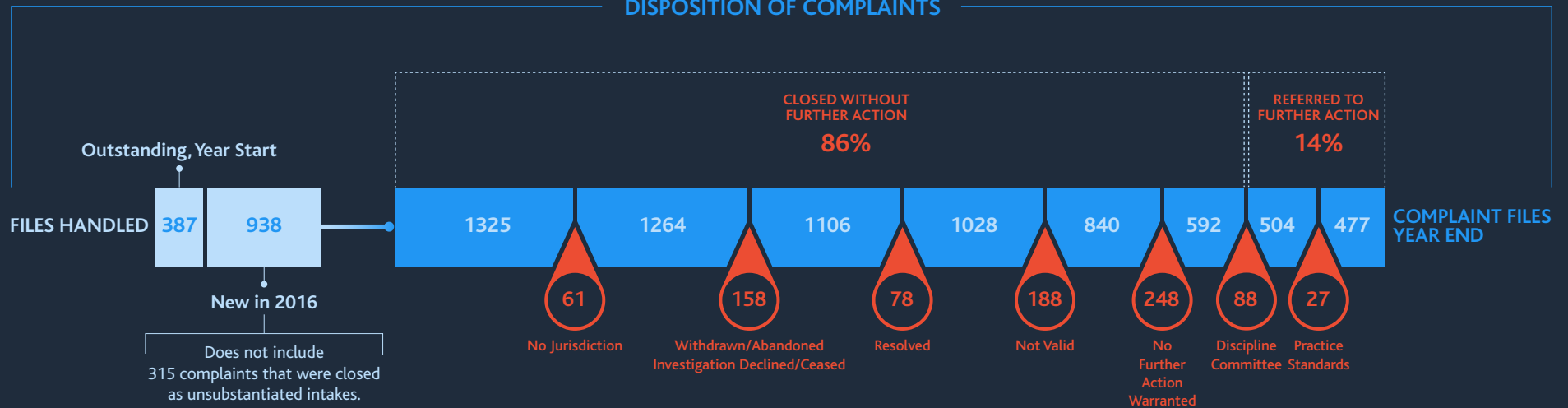
Third-party auditors Carter Hampton and Lester Lee found that "the entire insurance program is operating in a cost-effective manner, balancing extremely well both the public interest and the interest of the Law Society insured membership."

#### **i** MORE INFORMATION

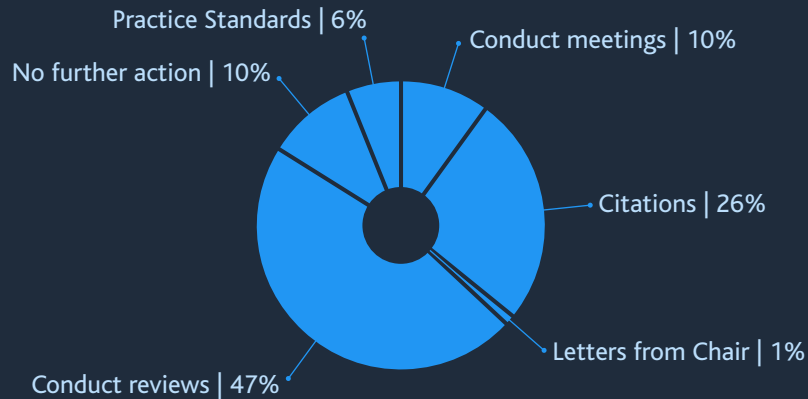
[Lawyers Insurance Fund](#)

# 2016 Complaints Results

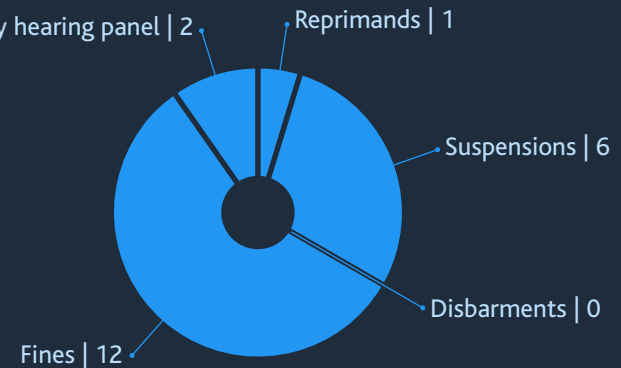
## DISPOSITION OF COMPLAINTS



## DISCIPLINE COMMITTEE DISPOSITIONS



## CITATION OUTCOMES

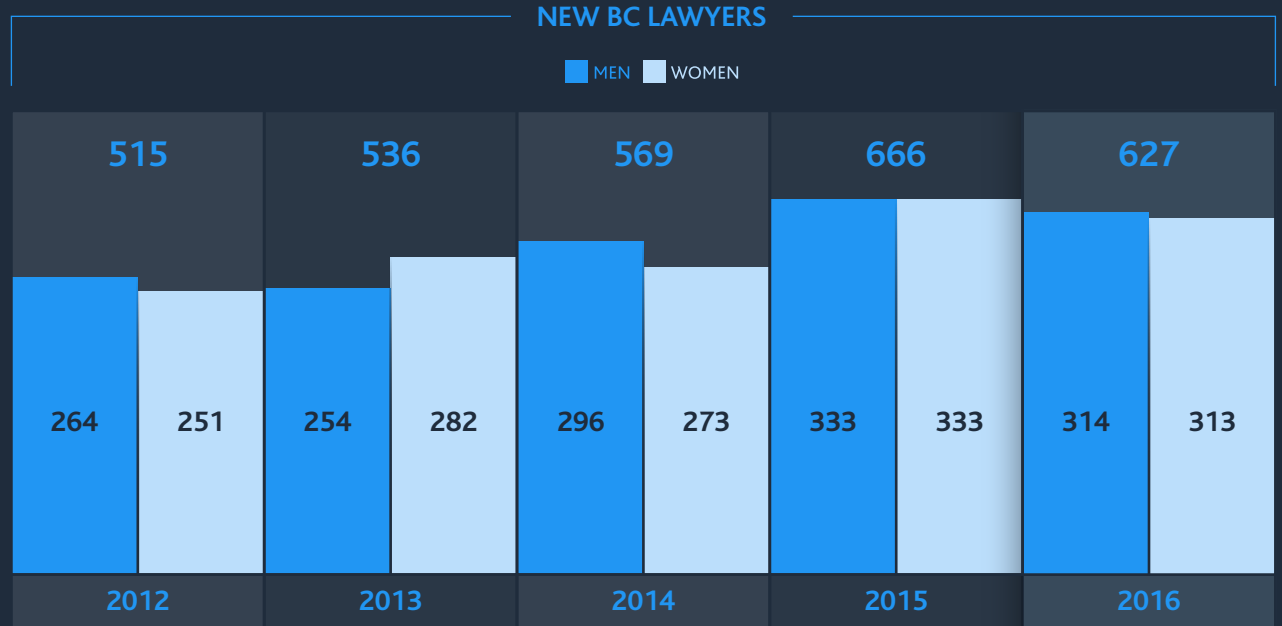


[MORE INFORMATION](#)

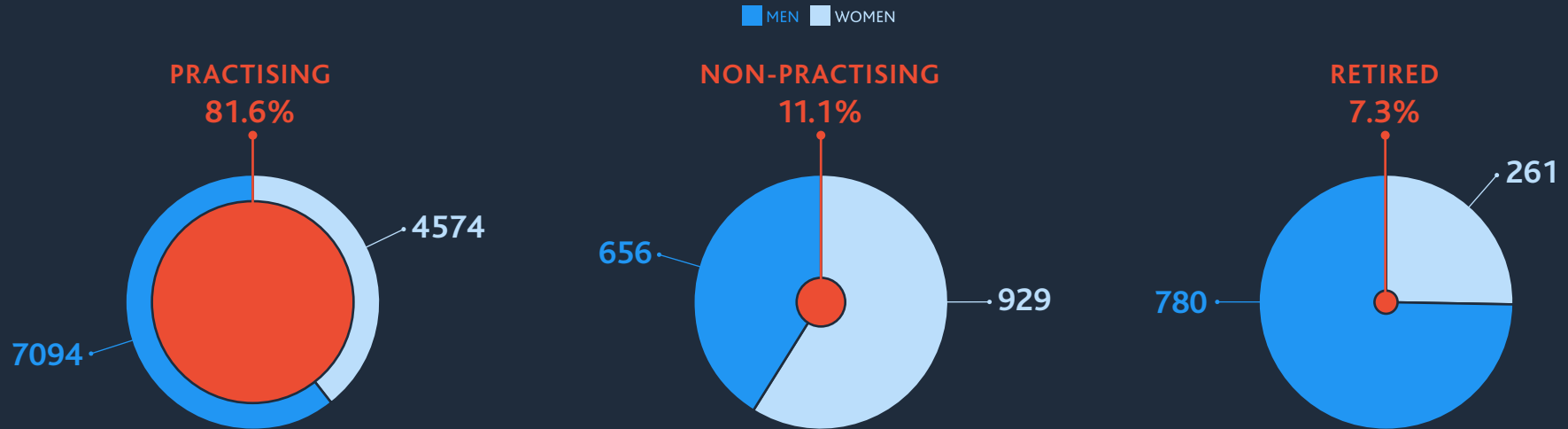
Complaints and discipline process

## Legal Profession in BC

Our statistics show trends that may influence the delivery of legal services by BC lawyers in the future. Law Society programs such as Justicia and Aboriginal Lawyers Mentorship and the Rural Education and Access to Lawyers initiative (a joint contribution with the Canadian Bar Association, BC Branch) are designed to address disparities related to age, gender and geography.

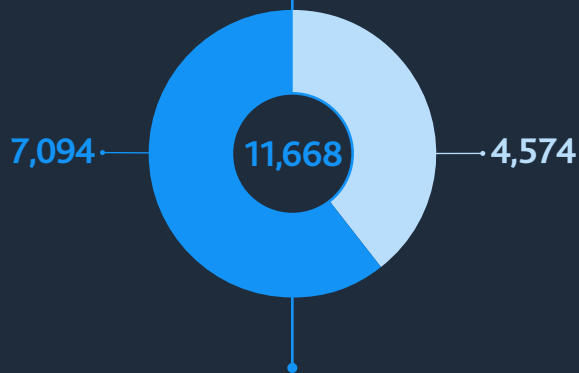
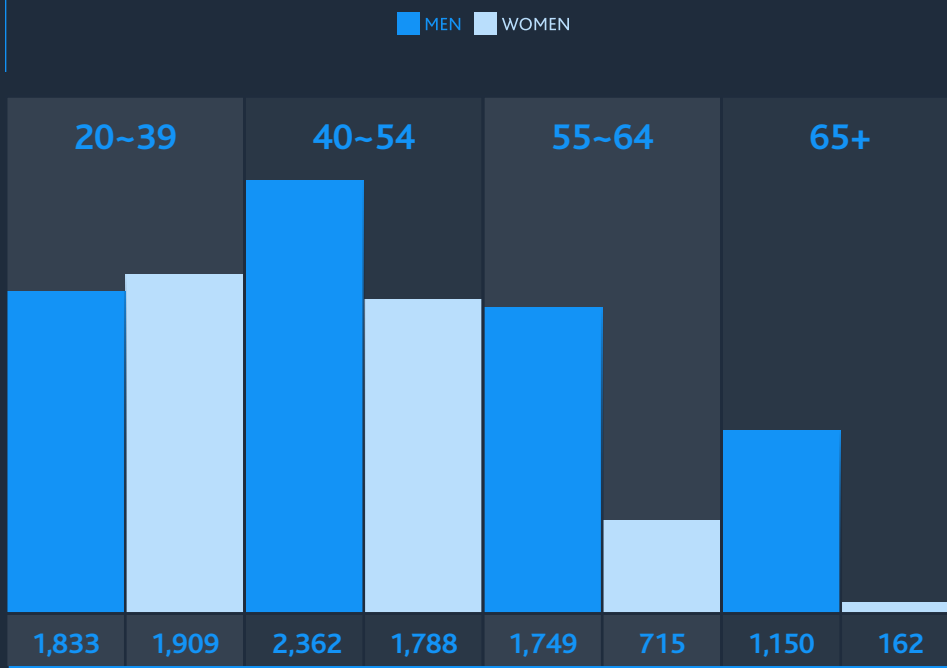


### STATUS OF LAWYERS REGISTERED WITH THE LAW SOCIETY



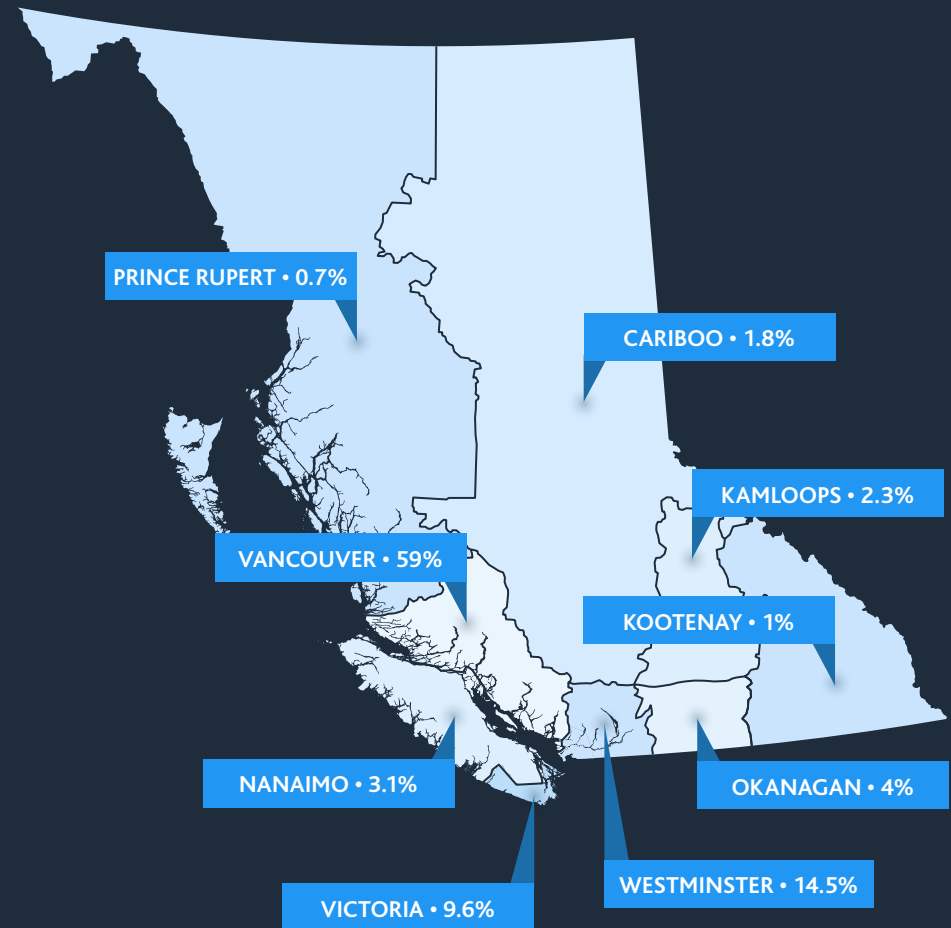
# Legal Profession in BC *...continued*

AGE DEMOGRAPHIC OF PRACTISING BC LAWYERS



TOTAL PRACTISING LAWYERS IN 2016

PRACTISING LAWYERS BY ELECTORAL DISTRICT



## Legal Profession in BC *...continued*

### AREAS OF LEGAL PRACTICE IN BC

<b>Civil litigation</b> ( <i>corporate, commercial, personal injury</i> )	<b>31.6%</b>
<b>Corporate</b> ( <i>commercial, financial transactions, taxation</i> )	<b>21.6%</b>
<b>Administrative</b> ( <i>labour, immigration and other regulatory tribunals</i> )	<b>10.3%</b>
<b>Family</b> ( <i>divorce, division of assets, child custody</i> )	<b>11.2%</b>
<b>Real estate</b> ( <i>commercial, residential</i> )	<b>8.9%</b>
<b>Criminal</b> ( <i>prosecution, defence</i> )	<b>6.7%</b>
<b>Wills and estates</b> ( <i>estate planning, probate</i> )	<b>5.9%</b>
<b>Other</b> ( <i>intellectual property, mediation, arbitration</i> )	<b>3.9%</b>

## Hearing Panel Pools

The hearing panel pools demonstrate the Law Society's commitment to maintaining public confidence and transparency.

Lawyers and members of the public from around the province volunteer to be part of the Law Society's hearing panel pools. Panel members are selected, based on established criteria, from a public (non-lawyer) pool and a lawyer (non-Bencher) pool to help adjudicate all discipline and credentials hearings.

### Members of the Public

Donald Amos, *Sidney*  
 Dr. Gail Bellward, *Vancouver*  
 Glenys Blackadder, *Victoria*  
 Paula Cayley, *Lions Bay*  
 Dennis Day, *Quilchena*  
 Carol Gibson, *Vancouver*  
 Dan Goodleaf, *Vancouver*  
 John Lane, *Cobble Hill*  
 Linda Michaluk, *North Sannich*  
 Laura Nashman, *Victoria*  
 Lance Ollenberger, *Fort St. John*  
 June Preston, *Victoria*  
 Graeme Roberts, *Brentwood Bay*  
 Lois Serwa, *Kelowna*  
 Thelma Siglos, *New Westminster*  
 Robert Smith, *Surrey*

### Non-Bencher Lawyers

Jasmin Ahmad, *Vancouver*  
 Ralston Alexander, QC, *Victoria*  
 Joost Blom, QC, *Vancouver*  
 James Dorsey, QC, *North Vancouver*  
 Gillian Dougans, *Kelowna*  
 William Everett, QC, *Vancouver*  
 Carol W. Hickman, QC, *New Westminster*  
 John Hogg, QC, *Kamloops*  
 Gavin Hume, QC, *Vancouver*  
 David Layton, QC, *Vancouver*  
 Bruce LeRose, QC, *Trail*  
 Richard Lindsay, QC, *Vancouver*  
 Shona Moore, QC, *Vancouver*  
 Carol Roberts, *Vancouver*  
 Donald Silversides, QC, *Prince Rupert*  
 William Sundhu, *Kamloops*  
 John Waddell, QC, *Victoria*  
 Peter Warner, QC, *Peachland*  
 Sandra Weafer, *Vancouver*

## Life Benchers

Benchers who have served for four terms or have served as president of the Law Society are recognized with the title Life Bencher.

The Honourable Peter J. Millward, QC	(1965-1975)	The Honourable Ujjal Dosanjh, QC	(1995-2000)	Gordon Turriff, QC	(2002-2009)
The Honourable Mary F. Southin, QC	(1971-1980)	Karl F. Warner, QC	(1994-2000)	Terence E. La Liberté, QC	(2000-2001, 2004-2009)
Norman Severide, QC	(1974-1981)	Richard S. Margetts, QC	(1995-2001)	James D. Vilvang, QC	(2002-2009)
H. Allan Hope, QC	(1974-1982)	Gerald J. Lecovin, QC	(1994-2001)	David A. Zacks, QC	(2002-2009)
The Honourable Thomas R. Braidwood, QC	(1973-1975; 1979-1985)	Emily M. Reid, QC	(1994-2001)	The Honourable Judge William F.M. Jackson	(2003-2009)
The Honourable Bruce I. Cohen, QC	(1978-1986)	Jane S. Shackell, QC	(1994-2001)	Patrick Kelly	(2002-2010)
Marvin R.V. Storrow, QC	(1980-1987)	Ann Howard	(1992-2002)	Dr. Maelor Vallance	(2002-2010)
R. Paul Beckmann, QC	(1980-1989)	Marjorie Martin, MSW	(1992-2002)	G. Glen Ridgway, QC	(2002-2010)
Robert M. Dick, QC	(1983-1991)	Richard C. Gibbs, QC	(1996-2002)	Gavin Hume, QC	(2004-2011)
The Honourable Mr. Justice Peter Leask	(1984-1992)	Howard R. Berge, QC	(1992-2003)	Joost Blom, QC	(2004-2011)
John M. Hogg, QC	(1984-1993)	Russell S. Tretiak, QC	(1992-2003)	Carol W. Hickman, QC	(2004-2011)
P. Michael Bolton, QC	(1985-1993)	Robert D. Diebolt, QC	(1996-2003)	Bruce A. LeRose, QC	(2004-2012)
The Honourable Mr. Justice Robert T.C. Johnston	(1986-1994)	G. Ronald Toews, QC	(1996-2003)	Art Vertlieb, QC	(2004-2013)
Gary L.F. Somers, QC*	(1984-1995)	Gerald J. Kambeitz, QC	(1996-2003)	Rita C. Andreone, QC	(2006-2013)
The Honourable Mr. Justice Grant D. Burnyeat	(1988-1995)	William J. Sullivan, QC	(1997-2003)	Kathryn Berge, QC	(2006-2013)
Donald A. Silversides, QC	(1984-1995)	Master Peter J. Keighley	(1996-2004)	Leon Getz, QC	(2006-2013)
James M. MacIntyre, QC	(1986-1995)	William M. Everett, QC	(1998-2004)	Thelma O'Grady	(2006-2013)
Alan E. Vanderburgh, QC	(1989-1995)	Ralston S. Alexander, QC	(1999-2005)	David Renwick, QC	(2006-2013)
Karen F. Nordlinger, QC	(1988-1996)	Patricia L. Schmit, QC	(1998-2005)	Richard Stewart, QC	(2006-2013)
Richard C.C. Peck, QC	(1988-1997)	Master Robert W. McDiarmid	(1998-2006)	Jan Lindsay, QC	(2006-2014)
Leonard T. Doust, QC	(1990-1997)	Anna K. Fung, QC	(1998-2007)	Kenneth M. Walker, QC	(2007-2015)
William M. Trotter, QC	(1990-1997)	Ian Donaldson, QC	(2000-2007)	Peter B. Lloyd, FCPA, FCA	(2008-2015)
Trudi L. Brown, QC	(1992-1998)	June Preston, MSW	(2001-2008)	David W. Mossop, QC	(2008-2015)
Warren T. Wilson, QC	(1991-1999)	John J.L. Hunter, QC	(2002-2008)	Haydn Acheson	(2008-2015)

\*The Law Society was saddened by the passing of Life Bencher Gary L.F. Somers, QC in July 2016

The dates in parentheses represent years of service as a Bencher.