PRESIDENT’S VIEW
Admission standards and the national landscape / 2

CEO’S PERSPECTIVE
Proposed changes will improve access to legal services / 4

NEWS
SCC decision on the Proceeds of Crime (Money Laundering) and Terrorist Financing Act / 3
Revision and consolidation of Law Society Rules / 5
Essay contest for high school students on the Magna Carta / 7
Thanks to our 2014 volunteers / 8

PRACTICE
Practice watch: Acting for a client with dementia / 13
Practice tips: Dealing with Cryptowall ransomware / 17

CONDUCT & DISCIPLINE
Conduct reviews / 20
Credentials hearing / 21
Discipline digest / 22

FEATURE
Taking steps to make justice more accessible / 10
Admission standards and the national landscape

by Kenneth M. Walker, QC

WELL, 2015 LOOKS to be an interesting year. Perhaps not as interesting as last year, but still … interesting. The Law Society has just approved an ambitious strategic plan for the next three years, through which we hope to improve access to justice and assist the public with a better understanding of the importance of the rule of law and the administration of justice. But the strategic initiative I would like to talk about here is our intent to improve the Admission Program, including the education and continuing competence of students.

The program we have had in place for over 30 years now has three major elements: find an articling position; successfully complete the 10-week in-house PLTC program; and successfully complete nine months of articling with a principal.

Since its inception, our program has served us well. We have a right to be proud of the hard work of our PLTC instructors and the many, many volunteers who have devoted their time over the years to help educate future lawyers. And like each of the law societies across the country, we believe our program is the “best.” However, the programs vary dramatically from law society to law society. So much so that the Competition Bureau was moved to refer to them as “east of us”) have standardized a bar admission program that is mainly online and only requires students to meet in person for skills training for three weeks in total.

Ontario has gone a different route. Law school graduates seeking admission to the bar in Ontario now have two ways to gain admission to the profession:

1. The traditional articling program, which requires students to work for 10 consecutive months with an approved articling principal.

   The public expects that new lawyers will be competent. We must continue to meet that expectation. It is time to evaluate, improve and modernize our program with a view to national standards.

2. The Law Practice Program, which consists of a four-month training course and a four-month work placement.

   In addition, students from both streams must pass the self-study open-book Barrister Examination and a self-study open-book Solicitor Examination.

   In November 2013, Ontario approved yet another option for fulfilling the experiential training component of its licensing requirements. Graduates of the Integrated Practice Curriculum offered by Lakehead University will only need to pass the licensing examinations and satisfy the good character requirement to complete the Lawyer Licensing Process and be called to the Bar in Ontario.
The existence of different bar admission programs across the country and the differences among those programs is highlighted now that we have mobility across the country. Under the National Mobility Agreement, lawyers may practise for up to 100 days a year in any other province and can transfer between jurisdictions with ease. I am very proud of the work done by Gavin Hume, QC and others in standardizing a code of conduct across the country, resulting in the adoption of the *Code of Professional Conduct* here. The Federation of Law Societies of Canada is currently working on developing national standards for admission to the legal profession. That work is ongoing. All of which shows that we must think nationally and move towards some standard admission requirements.

The public expects that new lawyers will be competent. We must continue to meet that expectation. It is time to evaluate, improve and modernize our program with a view to national standards.

Some things we might do:
1. I have heard from first-time principals that they could use some help with how to be a principal. More information about the role and responsibilities for first time principals might assist.
2. In 2013, we have increased the types of work articled students could do. We can do more. Students are a great resource to help those with limited resources.
3. I was reading today it will not be long before a robot will be the driver of the car. I am sure that the legal profession needs to utilize technology better.

Students are a great resource here, and we could make the use of technology a greater part of our education program.

I’m sure there are many more ideas we could bring to bear on improving our bar admission program, and I’d be happy to hear any you may have.

I have been talking regularly to students in Kamloops during the eight years I have been a Bencher. I have found all of them to be smart, interested and enthusiastic. During 2015, I plan to visit as many county bar association meetings as I can, and I hope to talk to the students around the province. They are the future of our profession, and we owe it to them to provide the best possible preparation for practice that we can.

We will talk again.

---

**Supreme Court decisions regarding TWU’s proposed law school**

ON MARCH 18, the Supreme Court of BC released decisions in two interlocutory proceedings regarding the proposed law school at Trinity Western University. *Loke v. British Columbia (Minister of Advanced Education)* was dismissed as moot, as the Minister’s decision challenged by the petitioner has been changed. As a result, the Law Society’s applications, to be added as a party or intervener in the *Loke* proceeding and to have *TWU v. The Law Society of BC* heard at the same time as *Loke*, were dismissed.

More information on matters related to TWU’s proposed law school can be found on the Law Society’s website.

---

**SCC decision on the Proceedings of Crime (Money Laundering) and Terrorist Financing Act**

ON FEBRUARY 13, the Supreme Court of Canada released its decision in *Attorney General of Canada v. Federation of Law Societies of Canada* on the applicability of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* and its regulations to members of the legal profession. The court held that the regulation of the legal profession by Canada’s law societies provided an effective and constitutional anti-money laundering and terrorist financing regime. This decision protects the public against government interference in the confidential relationship between a lawyer and a client.

The Court recognized that, as a principle of fundamental justice, the state cannot impose duties on lawyers that undermine their duty of commitment to their clients’ causes. Moreover, the maintenance of solicitor-client privilege is integral to the public’s confidence in the administration of justice. The Law Society has rules requiring legal professionals to identify their clients, as well as cash transaction rules. These rules ensure lawyers have clear obligations that protect against money laundering and terrorist financing.

In making this decision, the court accepted that adequate client identification and record-keeping practices were already in place by virtue of the law societies’ regulation of their members, and held that all legal professionals are exempt from the legislation.

The Law Society of BC is pleased with this decision. This lengthy debate began in British Columbia 15 years ago, and throughout the process the Law Society worked with the Federation, the Canadian Bar Association, the Barreau Du Quebec, and the Chambre des notaires du Quebec to bring this important matter to a successful and just conclusion.
CEO’S PERSPECTIVE

Proposed changes will improve access to legal services

by Timothy E. McGee, QC

THE YEAR IS well underway, and much is happening at the Law Society.

First, we have a new President, Ken Walker, QC. He and I meet regularly, and we have been busy on a number of Law Society initiatives. Ken has been a Bencher for eight years, and his experience and depth of knowledge on a wide range of issues is serving us well.

Our new President was officially sworn in at the first Bencher meeting of 2015, which took place in January, and it was there that the Benchers also reinforced their commitment to serving the public by adopting the new Strategic Plan for the next three years. In it, there are three main goals: the public will have better access to legal services; the public will be well served by an innovative and effective Law Society; and the public will have greater confidence in the rule of law and the administration of justice.

In keeping with the goals set out in the Strategic Plan, the Law Society is currently laying the groundwork for legislative amendments to the Legal Profession Act that would permit us to establish new classes of legal service providers to engage in providing legal services, set the credentialing requirements for such individuals, and regulate their legal practice. The amendment was recommended by the Legal Services Regulatory Framework Task Force and adopted by the Benchers last December. This followed Bencher approval in 2013 of the recommendations of a previous task force – the Legal Services Providers Task Force – that the Law Society develop 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.

For much of 2014, the members of the Legal Services Regulatory Framework Task Force were busy – conducting consultations, and engaging in extensive research in order to produce its report outlining its recommendations. The feature story on page 10 explains the task force’s work, and gives further insight into why the Law Society is seeking these legislative amendments.

Our goal is to begin developing the regulatory and credentialing framework that will ultimately broaden the field of legal providers, ensuring more alternatives for accessing legal services in British Columbia.

and regulate their legal practice. The amendment was recommended by the Legal Services Regulatory Framework Task Force and adopted by the Benchers last December. This followed Bencher approval in 2013 of the recommendations of a previous task force – the Legal Service Providers Task Force – that the Law Society develop 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.

For much of 2014, the members of the Legal Services Regulatory Framework Task Force were busy – conducting consultations, and engaging in extensive research in order to produce its report outlining its recommendations. The feature story on page 10 explains the task force’s work, and gives further insight into why the Law Society is seeking these legislative amendments.

Our goal is to begin developing the regulatory and credentialing framework that will ultimately broaden the field of legal providers, ensuring more alternatives for accessing legal services in British Columbia.

Media and the Law Workshop

More than 50 members of the media attended the annual Law and the Media Workshop on February 11. Co-sponsored by the Jack Webster Foundation, this workshop helps educate the media on potential legal issues in reporting stories and builds relationships between the Law Society and journalists. Feedback was extremely positive, and journalists left better prepared to face the legal challenges that may lie ahead.