

# **The Law Society of British Columbia**

## **Bencher Position Description**

### **Role**

A Bencher is one of 31 elected and appointed Benchers of the Law Society who act collectively as the directors of the Law Society and regulators of the legal profession and individually as adjudicators in connection with lawyer admission and conduct and as advisors to individual lawyers. A Bencher fulfills each of these roles so as to promote and protect the interests of the public.

### **Duties and Responsibilities**

A Bencher participates in Bencher meetings so as to ensure that the Law Society acts in the public interest and encouraging full examination of all issues and solutions, and emphasizing collective rather than individual decisions and actions, and pro-activity rather than reactivity.

A Bencher participates on committees, task forces and in regulatory proceedings as appointed.

A Bencher assists in maintaining positive relations among the Benchers, staff, members, the public and other stakeholders in the administration of justice.

A Bencher avoids any situation or circumstance that involves a potential or actual conflict of interest or the appearance of conflict of interest relating to Bencher responsibilities.

The Benchers collectively govern and administer the affairs of the Law Society and take any action considered necessary for the promotion, protection, interest or welfare of the Law Society.

The Benchers collectively establish committees and may authorize a committee to do any act or to exercise any jurisdiction except the exercise of Bencher rule-making authority.

The Benchers collectively make rules for the governing of the society, lawyers, law firms, articled students and applicants, and for the carrying out of this Act.

The Benchers collectively set fees and special assessments to be paid by lawyers and applicants for admission.

The Benchers collectively make rules authorizing an investigation into the conduct of a law firm or the conduct or competence of a lawyer, former lawyer or articulated student.

The Benchers collectively make rules requiring lawyers to maintain professional liability and trust protection insurance, establish an insurance fund and the Benchers may establish and operate a professional liability insurance program.

The Benchers collectively establish standards of financial responsibility relating to the integrity and financial viability of the professional practice of a lawyer or law firm.

The Benchers collectively make rules providing for the appointment and composition of panels and the practice and procedure for proceedings before panels.

The Benchers are collectively responsible for Bencher process and performance and for ensuring the Benchers adopt and practice good governance.

## **Election, Appointment and Term**

Elections for the office of Bencher in all districts are held on November 15 of each odd-numbered year and an election in the district represented by the President is held on November 15 of each even-numbered year.

Benchers are elected from 9 electoral districts for a total of 25 elected Benchers.

An elected Bencher holds office for 2 years beginning on January 1 following his or her election and an appointed Bencher holds office beginning on the date that the appointment is effective and ends on January 1 of the next even-numbered year or until a successor is appointed.

The Lieutenant Governor in Council may appoint up to 6 persons to be benchers known as appointed Benchers and a bencher appointed under this section is not eligible to hold the position of President, First Vice-President or Second Vice-President.

At the next regular Bencher meeting attended by a Bencher after being elected or appointed as a Bencher, the Bencher must take the oath of office in the following form:

*I, [name] do swear or solemnly affirm that:*

*I will abide by the Legal Profession Act, the Law Society Rules and the Code of Professional Conduct, and I will faithfully discharge the duties of a Bencher, according to the best of my ability; and*

*I will uphold the objects of the Law Society and ensure that I am guided by the public interest in the performance of my duties.*

A Bencher is ineligible to be elected or appointed as a Bencher if at the conclusion of the Bencher's term of office, he or she will have served as a Bencher for more than 7 years, whether consecutive or not, or the Bencher has been elected Second Vice-President-elect.

A Bencher who is ineligible for further election or appointment as a Bencher is a Life Bencher on leaving office.

## **Evaluation**

Bencher performance will be evaluated collectively at least once a year as provided for in the Bencher governance policies.